

4219

2015-2016 Regular Sessions

I N S E N A T E

March 11, 2015

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to the added requirement of a motor vehicle accident prevention course for driving while under the influence of alcohol or drugs violations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 1199 of the vehicle and traffic law, as added by
2 section 1 of part E of chapter 59 of the laws of 2004, is amended to
3 read as follows:
4 S 1199. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT
5 PREVENTION COURSE REQUIREMENT. 1. In addition to any fines, fees,
6 penalties and surcharges authorized by law, any person convicted of a
7 violation of any subdivision of section eleven hundred ninety-two of
8 this article, or any person found to have refused a chemical test in
9 accordance with section eleven hundred ninety-four of this article not
10 arising out of the same incident as a conviction for a violation of any
11 of the provisions of section eleven hundred ninety-two of this article,
12 shall become liable to the department for payment of a driver responsi-
13 bility assessment as provided in this section AND FOR COMPLETION OF A
14 MOTOR VEHICLE ACCIDENT PREVENTION COURSE APPROVED PURSUANT TO ARTICLE
15 TWELVE-B OR TWELVE-C OF THIS CHAPTER WITHIN SIX MONTHS OF NOTICE BY THE
16 COMMISSIONER OF THE OBLIGATION TO COMPLETE SUCH COURSE; PROVIDED, HOWEV-
17 ER, THAT COMPLETION OF SUCH COURSE PURSUANT TO THIS SECTION SHALL NOT
18 ENTITLE SUCH INDIVIDUAL TO A POINT REDUCTION OR INSURANCE PREMIUM
19 REDUCTION PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF THE
20 INSURANCE LAW.
21 2. The amount of the driver responsibility assessment under this
22 section shall be two hundred fifty dollars per year for a three-year
23 period.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 3. Upon receipt of evidence that a person is liable for the driver
2 responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE
3 required by this section, the commissioner shall notify such person by
4 first class mail to the address of such person on file with the depart-
5 ment or at the current address provided by the United States postal
6 service of the amount of such assessment, the time and manner of making
7 required payments, THE REQUIREMENT OF COMPLETING A MOTOR VEHICLE ACCI-
8 DENT PREVENTION COURSE, and that failure to make payment OR COMPLETE
9 SUCH COURSE shall result in the suspension of his or her driver's
10 license or privilege of obtaining a driver's license.

11 4. If a person shall fail to pay any driver responsibility assessment
12 OR COMPLETE A MOTOR VEHICLE ACCIDENT PREVENTION COURSE as provided in
13 this section, the commissioner shall suspend such person's driver's
14 license or privilege of obtaining a license. Such suspension shall
15 remain in effect until any and all outstanding driver responsibility
16 assessments have been paid in full AND SUCH PERSON HAS PROVIDED PROOF OF
17 COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE.

18 5. The provisions of this section shall also be applicable to any
19 person convicted of any violation of section forty-nine-a of the naviga-
20 tion law, any person convicted of a violation of section 25.24 of the
21 parks, recreation and historic preservation law, or any person found to
22 have refused a chemical test in accordance with the applicable
23 provisions of either the navigation law or the parks, recreation and
24 historic preservation law not arising out of the same incident as such
25 conviction.

26 S 2. Subdivision 4 of section 503 of the vehicle and traffic law, as
27 added by section 2 of part E of chapter 59 of the laws of 2004, para-
28 graph (f) as amended by section 2 of part W of chapter 59 of the laws of
29 2014, is amended to read as follows:

30 4. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT
31 PREVENTION COURSE REQUIREMENT. (a) Any person who accumulates six or
32 more points on his or her driving record for acts committed within an
33 eighteen month period shall become liable to the department for payment
34 of a driver responsibility assessment AND FOR COMPLETION OF A MOTOR
35 VEHICLE ACCIDENT PREVENTION COURSE APPROVED PURSUANT TO ARTICLE TWELVE-B
36 OR TWELVE-C OF THIS CHAPTER WITHIN SIX MONTHS OF NOTICE BY THE COMMIS-
37 SIONER OF THE OBLIGATION TO COMPLETE SUCH COURSE as provided in this
38 subdivision.

39 (b) The amount of the driver responsibility assessment under this
40 section shall be one hundred dollars per year for a three-year period
41 for the first six points on a driver's record and an additional twenty-
42 five dollars per year for each additional point on such driver's record.

43 (c) Upon receipt of evidence that a person is liable for the driver
44 responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE
45 required by this subdivision, the commissioner shall notify such person
46 by first class mail to the address of such person on file with the
47 department or at the current address provided by the United States
48 postal service of the amount of such assessment, the time and manner of
49 making required payments, THE REQUIREMENT OF COMPLETING A MOTOR VEHICLE
50 ACCIDENT PREVENTION COURSE, and that failure to make payment OR COMPLETE
51 SUCH COURSE shall result in the suspension of his or her driver's
52 license or privilege of obtaining a driver's license.

53 (d) If a person shall fail to pay any driver responsibility assessment
54 OR COMPLETE A MOTOR VEHICLE ACCIDENT PREVENTION COURSE as provided in
55 this subdivision, the commissioner shall suspend such person's driver's
56 license or privilege of obtaining a license. Such suspension shall

1 remain in effect until any and all outstanding driver responsibility
2 assessments have been paid in full AND SUCH PERSON HAS PROVIDED PROOF OF
3 COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE.

4 (e) Any completion of a motor vehicle accident prevention course
5 approved pursuant to article twelve-B OR TWELVE-C of this chapter shall
6 not serve to reduce the calculation of points OR THE REDUCTION OF AN
7 INSURANCE PREMIUM PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF
8 THE INSURANCE LAW on a person's driving record for the purposes of this
9 section.

10 (f) Notwithstanding any other provision of law to the contrary,
11 commencing April first, two thousand six and ending March thirty-first,
12 two thousand fourteen, in each year, the first forty million seven
13 hundred thousand dollars of fees collected pursuant to this subdivision
14 and section eleven hundred ninety-nine of this chapter, in the aggre-
15 gate, shall be paid to the state comptroller who shall deposit such
16 money in the state treasury pursuant to section one hundred twenty-one
17 of the state finance law to the credit of the general fund. Any such
18 fees collected in excess of such amount shall be paid to the credit of
19 the comptroller on account of the dedicated highway and bridge trust
20 fund established pursuant to section eighty-nine-b of the state finance
21 law. Commencing April first, two thousand fourteen and for each such
22 fiscal year thereafter, any such fees collected pursuant to this subdi-
23 vision and section eleven hundred ninety-nine of this chapter shall be
24 paid to the credit of the comptroller on account of the dedicated high-
25 way and bridge trust fund established pursuant to section eighty-nine-b
26 of the state finance law.

27 S 3. Subsection (a) of section 2336 of the insurance law, as amended
28 by chapter 751 of the laws of 2005, is amended to read as follows:

29 (a) Any schedule of rates or rating plan for motor vehicle liability
30 and collision insurance submitted to the superintendent shall provide
31 for an appropriate reduction in premium charges for any insured for a
32 three year period after successfully completing a motor vehicle accident
33 prevention course, known as the national safety council's defensive
34 driving course, or any driver improvement course approved by the depart-
35 ment of motor vehicles as being equivalent to the national safety coun-
36 cil's defensive driving course, provided that, except as provided in
37 article twelve-C of the vehicle and traffic law, there shall be no
38 reduction in premiums for a self instruction defensive driving course or
39 a course which does not provide for actual classroom instruction for a
40 minimum number of hours as determined by the department of motor vehi-
41 cles. Such reduction in premium charges shall be subsequently modified
42 to the extent appropriate, based upon analysis of loss experience
43 statistics and other relevant factors. All such accident prevention
44 courses shall be monitored by the department of motor vehicles and shall
45 include components of instruction in "Road Rage" awareness and in "Work
46 Zone Safety" awareness as defined by the commissioner of motor vehicles.
47 The provisions of this section shall not apply to A MOTOR VEHICLE ACCI-
48 DENT PREVENTION COURSE COMPLETED PURSUANT TO SECTION FIVE HUNDRED THREE
49 OR ELEVEN HUNDRED NINETY-NINE OF THE VEHICLE AND TRAFFIC LAW OR attend-
50 ance at a program pursuant to article twenty-one of the vehicle and
51 traffic law as a result of any traffic infraction.

52 S 4. Subsection (a) of section 2336 of the insurance law, as amended
53 by chapter 585 of the laws of 2002, is amended to read as follows:

54 (a) Any schedule of rates or rating plan for motor vehicle liability
55 and collision insurance submitted to the superintendent shall provide
56 for an appropriate reduction in premium charges for any insured for a

1 three year period after successfully completing a motor vehicle accident
2 prevention course, known as the national safety council's defensive
3 driving course, or any driver improvement course approved by the depart-
4 ment of motor vehicles as being equivalent to the national safety coun-
5 cil's defensive driving course, provided that in either event there
6 shall be no reduction in premiums for a self instruction defensive driv-
7 ing course or a course which does not provide for actual classroom
8 instruction for a minimum number of hours as determined by the depart-
9 ment of motor vehicles. Such reduction in premium charges shall be
10 subsequently modified to the extent appropriate, based upon analysis of
11 loss experience statistics and other relevant factors. All such accident
12 prevention courses shall be monitored by the department of motor vehi-
13 cles and shall include components of instruction in "Road Rage" aware-
14 ness and in "Work Zone Safety" awareness as defined by the commissioner
15 of motor vehicles. The provisions of this section shall not apply to A
16 MOTOR VEHICLE ACCIDENT PREVENTION COURSE COMPLETED PURSUANT TO SECTION
17 FIVE HUNDRED THREE OR ELEVEN HUNDRED NINETY-NINE OF THE VEHICLE AND
18 TRAFFIC LAW OR attendance at a program pursuant to article twenty-one of
19 the vehicle and traffic law as a result of any traffic infraction.
20 S 5. This act shall take effect on the one hundred eightieth day after
21 it shall have become a law; provided that the amendments to subsection
22 (a) of section 2336 of the insurance law, made by section three of this
23 act, shall not affect the expiration and repeal of such subdivision and
24 shall be deemed repealed therewith, when upon such date section four of
25 this act shall take effect.