

# STATE OF NEW YORK

9942--A

## IN ASSEMBLY

February 27, 2018

Introduced by M. of A. MOSLEY -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to adding a bicycle and pedestrian safety component to the pre-licensing driver's education course

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (i) of paragraph (a) and paragraphs (b) and  
2 (d) of subdivision 4 of section 502 of the vehicle and traffic law, as  
3 amended by chapter 355 of the laws of 2017, are amended and a new para-  
4 graph (c-4) is added to read as follows:

5 (i) Upon submission of an application for a driver's license, the  
6 applicant shall be required to take and pass a test, or submit evidence  
7 of passage of a test, with respect to the laws relating to traffic, the  
8 laws relating to driving while ability is impaired and while intoxicat-  
9 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"  
10 awareness and "Motorcycle Safety" awareness as defined by the commis-  
11 sioner, the law relating to exercising due care to avoid colliding with  
12 a parked, stopped or standing authorized emergency vehicle or hazard  
13 vehicle pursuant to section eleven hundred forty-four-a of this chapter,  
14 the ability to read and comprehend traffic signs and symbols and such  
15 other matters as the commissioner may prescribe, and to satisfactorily  
16 complete a course prescribed by the commissioner of not less than four  
17 hours and not more than five hours, consisting of classroom driver  
18 training and highway safety instruction or the equivalent thereof. Such  
19 test shall include one or more questions concerning bicycle and pedes-  
20 trian safety. Such test shall include at least seven written questions  
21 concerning the effects of consumption of alcohol or drugs on the ability  
22 of a person to operate a motor vehicle and the legal and financial  
23 consequences resulting from violations of section eleven hundred nine-  
24 ty-two of this chapter, prohibiting the operation of a motor vehicle  
25 while under the influence of alcohol or drugs. Such test shall include  
26 one or more written questions concerning the devastating effects of

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

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1 "Road Rage" on the ability of a person to operate a motor vehicle and  
2 the legal and financial consequences resulting from assaulting, threat-  
3 ening or interfering with the lawful conduct of another person legally  
4 using the roadway. Such test shall include one or more questions  
5 concerning the potential dangers to persons and equipment resulting from  
6 the unsafe operation of a motor vehicle in a work zone. Such test may  
7 include one or more questions concerning motorcycle safety. Such test  
8 may include one or more questions concerning the law for exercising due  
9 care to avoid colliding with a parked, stopped or standing vehicle  
10 pursuant to section eleven hundred forty-four-a of this chapter. Such  
11 test shall be administered by the commissioner. The commissioner shall  
12 cause the applicant to take a vision test and a test for color blind-  
13 ness. Upon passage of the vision test, the application may be accepted  
14 and the application fee shall be payable.

15 (b) Upon successful completion of the requirements set forth in para-  
16 graph (a) of this subdivision which shall include an alcohol and drug  
17 education component as described in paragraph (c) of this subdivision, a  
18 "Road Rage" awareness component as described in paragraph (c-1) of this  
19 subdivision ~~[and]~~, a "Work Zone Safety" awareness component as described  
20 in paragraph (c-2) of this subdivision, ~~[and]~~ a "Motorcycle Safety"  
21 awareness component as described in paragraph (c-3) of this subdivision  
22 and a "bicycle and pedestrian safety" component as described in para-  
23 graph (c-4) of this subdivision the commissioner shall cause the appli-  
24 cant to take a road test in a representative vehicle of a type  
25 prescribed by the commissioner which shall be appropriate to the type of  
26 license for which application is made, except that the commissioner may  
27 waive the road test requirements for certain classes of applicants. The  
28 commissioner shall have the power to establish a program to allow  
29 persons other than employees of the department to conduct road tests in  
30 representative vehicles when such tests are required for applicants to  
31 obtain a class A, B or C license. If she chooses to do so, she shall set  
32 forth her reasons in writing and conduct a public hearing on the matter.  
33 She shall only establish such a program after holding the public hear-  
34 ing.

35 (c-4) "Bicycle and pedestrian safety" component. (i) The commissioner  
36 shall provide in the pre-licensing course, set forth in paragraph (b) of  
37 this subdivision, a mandatory component in "bicycle and pedestrian safe-  
38 ty" education as a prerequisite for obtaining a license to operate a  
39 motor vehicle. The purpose of the component is to educate prospective  
40 licensees on the potential dangers to pedestrians, bicyclists, in-line  
41 skaters, scooter riders, skateboarders and other non-motorized vehicles  
42 created by motor vehicles.

43 (ii) The commissioner shall establish a curriculum for the "bicycle  
44 and pedestrian safety" component which shall include but not be limited  
45 to: safely passing a cyclist on the road, special considerations while  
46 driving in urban areas, bicycle lanes as defined in section one hundred  
47 two-a of this chapter and other roadway designs employed in New York  
48 state for the safety of pedestrians and cyclists, how to navigate an  
49 intersection with pedestrians and cyclists, exiting a vehicle without  
50 endangering pedestrians and cyclists, the requirement that drivers exer-  
51 cise due care to avoid collision with a bicyclist or pedestrian on the  
52 road pursuant to section eleven hundred forty-six of this chapter.

53 (iii) In developing such curriculum, the commissioner shall consult  
54 with the commissioner of transportation, the commissioner of transporta-  
55 tion of the city of New York and bicycle and pedestrian advocates.

(d) The commissioner shall make available for distribution upon registration at each location where the pre-licensing course will be given, instructional handbooks outlining the content of the entire curriculum of the pre-licensing course including the information required to be included in the course pursuant to paragraphs (c), (c-1), (c-2) ~~[and]~~, (c-3) and (c-4) of this subdivision. The commissioner shall also provide for the additional training of the instructors necessary for the competent instruction of the alcohol and drug education, "Road Rage" awareness, "Work Zone Safety" awareness ~~[and]~~, "Motorcycle Safety" awareness, and "bicycle and pedestrian safety" subject matters of the pre-licensing course.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that if chapter 355 of the laws of 2017 shall not take effect on or before such date then section one of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2017, takes effect.