

STATE OF NEW YORK

9942

IN ASSEMBLY

February 27, 2018

Introduced by M. of A. MOSLEY -- read once and referred to the Committee on Transportation

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:

Section 1. Subparagraph (i) of paragraph (a) and paragraphs (b) and (d) of subdivision 4 of section 502 of the vehicle and traffic law, subparagraph (i) of paragraph (a) as amended by chapter 97 of the laws of 2016 and paragraphs (b) and (d) as amended by chapter 585 of the laws of 2002, are amended and a new paragraph (c-3) is added to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", or "Work Zone Safety" awareness as defined by the commissioner, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols, bicycle and pedestrian safety and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the abil-

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

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ity of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter. Such test shall include one or more questions concerning bicycle and pedestrian safety. Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision ~~and~~, a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, and a "bicycle and pedestrian safety" component as described in paragraph (c-3) of this subdivision, the commissioner shall cause the applicant to take a road test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. The commissioner shall have the power to establish a program to allow persons other than employees of the department to conduct road tests in representative vehicles when such tests are required for applicants to obtain a class A, B or C license. If she chooses to do so, she shall set forth her reasons in writing and conduct a public hearing on the matter. She shall only establish such a program after holding the public hearing.

(c-3) "Bicycle and pedestrian safety" component. (i) The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision, a mandatory component in "bicycle and pedestrian safety" education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the potential dangers to pedestrians, bicyclists, in-line skaters, scooter riders, skateboarders and other non-motorized vehicles created by motor vehicles.

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

(iii) In developing such curriculum, the commissioner shall consult with the commissioner of transportation, the commissioner of transportation 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

1 of the pre-licensing course including the information required to be
2 included in the course pursuant to paragraphs (c), (c-1) [~~and~~], (c-2)
3 and (c-3) of this subdivision. The commissioner shall also provide for
4 the additional training of the instructors necessary for the competent
5 instruction of the alcohol and drug education [~~and~~], "Road Rage" aware-
6 ness [~~and~~], "Work Zone Safety" awareness and "bicycle and pedestrian
7 safety" subject matters of the pre-licensing course.

8 § 2. Subparagraph (i) of paragraph (a) and paragraphs (b) and (d) of
9 subdivision 4 of section 502 of the vehicle and traffic law, as amended
10 by chapter 355 of the laws of 2017, are amended and a new paragraph
11 (c-4) is added to read as follows:

12 (i) Upon submission of an application for a driver's license, the
13 applicant shall be required to take and pass a test, or submit evidence
14 of passage of a test, with respect to the laws relating to traffic, the
15 laws relating to driving while ability is impaired and while intoxicat-
16 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"
17 awareness and "Motorcycle Safety" awareness as defined by the commis-
18 sioner, the law relating to exercising due care to avoid colliding with
19 a parked, stopped or standing authorized emergency vehicle or hazard
20 vehicle pursuant to section eleven hundred forty-four-a of this chapter,
21 the ability to read and comprehend traffic signs and symbols, bicycle
22 and pedestrian safety, and such other matters as the commissioner may
23 prescribe, and to satisfactorily complete a course prescribed by the
24 commissioner of not less than four hours and not more than five hours,
25 consisting of classroom driver training and highway safety instruction
26 or the equivalent thereof. Such test shall include at least seven writ-
27 ten questions concerning the effects of consumption of alcohol or drugs
28 on the ability of a person to operate a motor vehicle and the legal and
29 financial consequences resulting from violations of section eleven
30 hundred ninety-two of this chapter, prohibiting the operation of a motor
31 vehicle while under the influence of alcohol or drugs. Such test shall
32 include one or more written questions concerning the devastating effects
33 of "Road Rage" on the ability of a person to operate a motor vehicle and
34 the legal and financial consequences resulting from assaulting, threat-
35 ening or interfering with the lawful conduct of another person legally
36 using the roadway. Such test shall include one or more questions
37 concerning the potential dangers to persons and equipment resulting from
38 the unsafe operation of a motor vehicle in a work zone. Such test may
39 include one or more questions concerning motorcycle safety. Such test
40 may include one or more questions concerning the law for exercising due
41 care to avoid colliding with a parked, stopped or standing vehicle
42 pursuant to section eleven hundred forty-four-a of this chapter. Such
43 test may include one or more questions concerning bicycle and pedestrian
44 safety. Such test shall be administered by the commissioner. The commis-
45 sioner shall cause the applicant to take a vision test and a test for
46 color blindness. Upon passage of the vision test, the application may be
47 accepted and the application fee shall be payable.

48 (b) Upon successful completion of the requirements set forth in para-
49 graph (a) of this subdivision which shall include an alcohol and drug
50 education component as described in paragraph (c) of this subdivision, a
51 "Road Rage" awareness component as described in paragraph (c-1) of this
52 subdivision and a "Work Zone Safety" awareness component as described in
53 paragraph (c-2) of this subdivision, [~~and~~] a "Motorcycle Safety" aware-
54 ness component as described in paragraph (c-3) of this subdivision, and
55 a "bicycle and pedestrian safety" component as described in paragraph
56 (c-4) of this subdivision, the commissioner shall cause the applicant to

1 take a road test in a representative vehicle of a type prescribed by the
2 commissioner which shall be appropriate to the type of license for which
3 application is made, except that the commissioner may waive the road
4 test requirements for certain classes of applicants. The commissioner
5 shall have the power to establish a program to allow persons other than
6 employees of the department to conduct road tests in representative
7 vehicles when such tests are required for applicants to obtain a class
8 A, B or C license. If she chooses to do so, she shall set forth her
9 reasons in writing and conduct a public hearing on the matter. She shall
10 only establish such a program after holding the public hearing.

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

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

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

32 (d) The commissioner shall make available for distribution upon regis-
33 tration at each location where the pre-licensing course will be given,
34 instructional handbooks outlining the content of the entire curriculum
35 of the pre-licensing course including the information required to be
36 included in the course pursuant to paragraphs (c), (c-1), (c-2) [and],
37 (c-3) and (c-4) of this subdivision. The commissioner shall also provide
38 for the additional training of the instructors necessary for the compe-
39 tent instruction of the alcohol and drug education, "Road Rage" aware-
40 ness, "Work Zone Safety" awareness and "Motorcycle Safety" awareness and
41 "bicycle and pedestrian safety" subject matters of the pre-licensing
42 course.

43 § 3. This act shall take effect on the ninetieth day after it shall
44 have become a law; provided that the amendments made to section 502 of
45 the vehicle and traffic law made by section two of this act shall take
46 effect on the same date and in the same manner as chapter 355 of the
47 laws of 2017, takes effect.