

STATE OF NEW YORK

5379--A

2017-2018 Regular Sessions

IN SENATE

March 23, 2017

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed 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 and the insurance law, in relation to instruction concerning traffic stops

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) of subdivision 4 of
2 section 502 of the vehicle and traffic law, as amended by chapter 97 of
3 the laws of 2016, is amended to read as follows:

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

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

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1 Such test shall include one or more written questions concerning the
2 devastating effects of "Road Rage" on the ability of a person to operate
3 a motor vehicle and the legal and financial consequences resulting from
4 assaulting, threatening or interfering with the lawful conduct of another
5 person legally using the roadway. Such test shall include one or more
6 questions concerning the potential dangers to persons and equipment
7 resulting from the unsafe operation of a motor vehicle in a work zone.
8 Such test may include one or more questions concerning the law for exercising
9 due care to avoid colliding with a parked, stopped or standing
10 vehicle pursuant to section eleven hundred forty-four-a of this chapter.

11 Such test shall include one or more questions concerning the responsibilities of a driver when stopped by a law enforcement officer. Such
12 test shall be administered by the commissioner. The commissioner shall
13 cause the applicant to take a vision test and a test for color blindness.
14 Upon passage of the vision test, the application may be accepted
15 and the application fee shall be payable.

17 § 2. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502
18 of the vehicle and traffic law, as amended by chapter 355 of the laws of
19 2017, is amended to read as follows:

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

1 the vision test, the application may be accepted and the application fee
2 shall be payable.

3 § 3. Paragraph (b) of subdivision 4 of section 502 of the vehicle and
4 traffic law, as amended by chapter 585 of the laws of 2002, is amended
5 to read as follows:

6 (b) Upon successful completion of the requirements set forth in para-
7 graph (a) of this subdivision which shall include an alcohol and drug
8 education component as described in paragraph (c) of this subdivision, a
9 "Road Rage" awareness component as described in paragraph (c-1) of this
10 subdivision ~~and~~ a "Work Zone Safety" awareness component as described
11 in paragraph (c-2) of this subdivision and a traffic stop instruction
12 component as described in paragraph (c-4) of this subdivision, the
13 commissioner shall cause the applicant to take a road test in a repre-
14 sentative vehicle of a type prescribed by the commissioner which shall
15 be appropriate to the type of license for which application is made,
16 except that the commissioner may waive the road test requirements for
17 certain classes of applicants. The commissioner shall have the power to
18 establish a program to allow persons other than employees of the depart-
19 ment to conduct road tests in representative vehicles when such tests
20 are required for applicants to obtain a class A, B or C license. If she
21 chooses to do so, she shall set forth her reasons in writing and conduct
22 a public hearing on the matter. She shall only establish such a program
23 after holding the public hearing.

24 § 4. Paragraph (b) of subdivision 4 of section 502 of the vehicle and
25 traffic law, as amended by chapter 355 of the laws of 2017, is amended
26 to read as follows:

27 (b) Upon successful completion of the requirements set forth in para-
28 graph (a) of this subdivision which shall include an alcohol and drug
29 education component as described in paragraph (c) of this subdivision, a
30 "Road Rage" awareness component as described in paragraph (c-1) of this
31 subdivision and a "Work Zone Safety" awareness component as described in
32 paragraph (c-2) of this subdivision, and a "Motorcycle Safety" awareness
33 component as described in paragraph (c-3) of this subdivision, and a
34 traffic stop instruction component as described in paragraph (c-4) of
35 this subdivision, the commissioner shall cause the applicant to take a
36 road test in a representative vehicle of a type prescribed by the
37 commissioner which shall be appropriate to the type of license for which
38 application is made, except that the commissioner may waive the road
39 test requirements for certain classes of applicants. The commissioner
40 shall have the power to establish a program to allow persons other than
41 employees of the department to conduct road tests in representative
42 vehicles when such tests are required for applicants to obtain a class
43 A, B or C license. If she chooses to do so, she shall set forth her
44 reasons in writing and conduct a public hearing on the matter. She shall
45 only establish such a program after holding the public hearing.

46 § 5. Subdivision 4 of section 502 of the vehicle and traffic law is
47 amended by adding a new paragraph (c-4) to read as follows:

48 (c-4) Traffic stop instruction component. (i) The commissioner shall
49 provide in the pre-licensing course, set forth in paragraph (b) of this
50 subdivision, a mandatory component in traffic stop instruction as a
51 prerequisite for obtaining a license to operate a motor vehicle. The
52 purpose of this component is to educate prospective licensees on his or
53 her responsibilities when stopped by a law enforcement officer.

54 (ii) The commissioner shall establish a curriculum for the traffic
55 stop instruction component which shall include but not be limited to:
56 instruction describing appropriate actions to be taken by drivers during

traffic stops and appropriate interactions with law-enforcement officers who initiate traffic stops. The curriculum shall also explain a driver's responsibilities when stopped by a law enforcement officer, including pulling to the far right side of the road when being stopped; turning off the motor vehicle's engine and radio; avoiding sudden movements and keeping the driver's hands in plain view of the officer.

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

(a) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that, except as provided in article twelve-C of the vehicle and traffic law, there shall be no reduction in premiums for a self instruction defensive driving course or a course which does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness ~~and~~, in "Work Zone Safety" awareness and in traffic stops as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

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

(a) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that in either event there shall be no reduction in premiums for a self instruction defensive driving course or a course which does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness ~~and~~, in "Work Zone Safety" awareness and in traffic stops as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

§ 8. This act shall take effect immediately; provided that: (a) the amendments made to section 502 of the vehicle and traffic law by sections two and four of this act shall take effect on the same date and in the same manner as chapter 355 of the laws of 2017, takes effect; and

1 (b) the amendments to subsection (a) of section 2336 of the insurance
2 law, made by section six of this act, shall not affect the expiration
3 and reversion of such subsection and shall be deemed repealed therewith,
4 when upon such date section seven of this act shall take effect.