STATE OF NEW YORK

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2019-2020 Regular Sessions

IN ASSEMBLY

May 23, 2019

Introduced by M. of A. ORTIZ, D'URSO, CRUZ, COLTON, JEAN-PIERRE, SAYEGH, FRONTUS, JAFFEE, GOTTFRIED, SIMON, DenDEKKER, SMULLEN, DeSTEFANO, MANKTELOW, LAWRENCE, McDONOUGH, B. MILLER, PICHARDO -- Multi-Sponsored by -- M. of A. GALEF -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- 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 requiring instruction in pedestrian and bicyclist safety as part of the drivers pre-licensing course

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

Section 1. Paragraphs (a), (b) and (d) of subdivision 4 of section 502 of the vehicle and traffic law, paragraph (a) as amended by chapter 585 of the laws of 2002, subparagraph (i) of paragraph (a) and paragraphs (b) and (d) as amended by chapter 513 of the laws of 2019, are amended and a new paragraph (c-5) is added to read as follows:

(a) (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", "Work Zone Safety" awareness [~~and~~], "Motorcycle Safety" awareness **and "Pedestrian and Bicyclist Safety" awareness** as defined by the commissioner, "School Bus Safety" awareness, 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 and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not

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

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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 ability 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 motorcycle safety. 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 may include one or more questions concerning school bus safety. **Such test shall include one or more questions concerning how to safely pass a bicyclist on the road and one or more questions concerning the dangers of motor vehicles to bicyclists and pedestrians and one or more questions concerning the law for exercising due care to avoid colliding with a bicyclist, pedestrian or domestic animal pursuant to section eleven hundred forty-six of this chapter.** 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.

(ii) The commissioner shall promulgate rules and regulations establishing eligibility standards for the taking and passing of knowledge tests in other than written form.

(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, a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision, [~~and~~] a "School Bus Safety" awareness component as described in paragraph (c-4) of this subdivision**, and a "Pedestrian and Bicyclist Safety" awareness component as described in paragraph (c-5) 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-5) "Pedestrian and Bicyclist Safety" awareness component. (i) The commissioner shall provide in the pre-licensing course, set forth in

paragraph (b) of this subdivision, a mandatory component in "Pedestrian and Bicyclist Safety" awareness 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, and other non-motorized vehicles created by motor vehicles.

(ii) The curriculum shall include, but shall not be limited to, an overview of traffic laws governing motor vehicle operators' duty to exercise due care with respect to pedestrians and bicyclists, including but not limited to understanding bicyclists' and pedestrians' needs and reduced visibility, respecting bicyclists' and pedestrians' rights of way, safe operation near bicyclists and pedestrians, including children and blind, deaf, elderly and disabled pedestrians, bicycle lanes as defined in section one hundred two-a of this chapter, safely overtaking a bicycle, the dangers of distracted driving, driving at appropriate reduced speeds when special hazards exist with respect to pedestrians or other weather or highway conditions, safely turning, stopping, standing, and parking, motor vehicle operators' obligations to comply with article twenty-two of this chapter, and traffic control devices and markings related to bicyclists and pedestrians.

(iii) In developing such curriculum, the commissioner shall consult with the commissioner of transportation, the superintendent of the state police, the commissioners of transportation and police of the city of New York, medical professionals and bicycle and pedestrian safety 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), (c-3) [~~and~~], (c-4) and (c-5) 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, "Motorcycle Safety" awareness [~~and~~], "School Bus Safety" awareness and "Pedestrian and Bicyclist Safety" awareness subject matters of the pre-licensing course.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that if chapter 513 of the laws of 2019 shall not have taken 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 2019 takes effect.