STATE OF NEW YORK

1082--A

Cal. No. 52

2019-2020 Regular Sessions

IN SENATE

January 10, 2019

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

Section 1. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 355 of the laws of 2017, is amended 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", "Work Zone Safety" awareness and "Motorcycle 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**, the responsibilities of a driver when stopped by a law enforcement officer** 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

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

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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 shall include one or more questions concerning the responsibilities of a driver when stopped by a law enforcement officer.** 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.

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

(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 "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision**, and a traffic stop instruction component as described in paragraph (c-4) 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.

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

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

(ii) The commissioner shall establish a curriculum for the traffic stop instruction component which shall include but not be limited to: 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 moving the vehicle onto the shoulder of the highway or, where the high-

way has no shoulder, an area adjacent to the highway where the vehicle can safely be stopped during a traffic stop; turning off the motor vehicle's engine and radio; avoiding sudden movements and keeping the driver's hands in plain view of the officer. The commissioner is authorized to collaborate with the division of state police and non-profit organizations focusing on defending or promoting civil liberties and any other agencies or organizations she or he deems necessary in establishing the curriculum.

§ 4. 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.

§ 5. 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.

§ 6. This act shall take effect one year after it shall have become a law; provided that the amendments to subsection (a) of section 2336 of

the insurance law, made by section four of this act, shall not affect the expiration and reversion of such subsection and shall be deemed repealed therewith, when upon such date section five of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.