STATE OF NEW YORK

3965

2019-2020 Regular Sessions

IN SENATE

February 22, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing a pre-licensing course internet program; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The vehicle and traffic law is amended by adding a new article 12-D to read as follows:

ARTICLE 12-D

PRE-LICENSING COURSE INTERNET PILOT PROGRAM

Section 399-p. Pre-licensing course internet pilot program.
399-q. Application.
399-r. Regulations and fees.
399-s. Pilot program scope and duration.
399-t. Report by commissioner.

§ 399-p. Pre-licensing course internet pilot program. The commissioner shall establish, by regulation, a comprehensive pilot program to allow use of the internet, for the administration and completion of an approved pre-licensing course, which shall be deemed the equivalent of the course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter.

§ 399-q. Application. An applicant for participation in the pilot program established pursuant to this article shall be an approved sponsor of an internet accident prevention course, pursuant to article twelve-C of this title, prior to the effective date of this article. In order to be approved for participation in such pilot program, the course must comply with provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application. Such fee shall not exceed seven thousand five hundred dollars, which shall be deposited in the dedicated

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

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highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

§ 399-r. Regulations and fees. 1. The commissioner is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this article and to insure that the internet pilot program, as approved by the commissioner, can validate: student identity at registration and throughout the course; participation throughout the course; that time the requirements are met; and successful completion of the course. Provided, however, that any rules and regulations promulgated pursuant to this article shall not stipulate any particular location for delivery of a pre-licensing course or limit the time of day during which such course may be taken.

2. The commissioner is authorized to impose a fee upon each pre-licensing course sponsoring agency approved to deliver such course, which shall not exceed eight dollars for each student who completes such course, and which shall be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

3. The commissioner is hereby authorized to promulgate and adopt on an emergency basis regulations necessary for the implementation of this section.

§ 399-s. Pilot program scope and duration. The commissioner shall conduct a pilot program designed to evaluate utilizing the internet for delivering an approved pre-licensing course, which shall be deemed the equivalent of the course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter, by permitting qualified applicants to participate in the pilot program for a period of five years.

§ 399-t. Report by commissioner. Within five years of the establishment and implementation of this article, the commissioner shall report to the governor, the temporary president of the senate and the speaker of the assembly on the pre-licensing course internet pilot program and its results. Such reports shall include recommendations as to the future use of internet as an effective way, in addition to classroom presentation, to deliver to the public approved pre-licensing courses, and qualifications for participants in such approved internet delivered programs.

§ 2. Paragraph (h) of subdivision 4 of section 502 of the vehicle and traffic law, as added by section 1 of part L of chapter 59 of the laws of 2009, is amended to read as follows:

(h) Course completion certificate fee. The fee for a course completion certificate provided by the department to an entity that is approved by the commissioner to offer the pre-licensing course, required by this subdivision, for issuance by such entity to students upon their completion of such pre-licensing course shall be one dollar. Such fee shall be paid by such entity and shall not be charged to a person who takes the course in any manner. The provisions of this paragraph shall not apply to a pre-licensing course established pursuant to article twelve-D of this chapter.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed five years after the date that the pre-licensing course internet pilot program is established and implemented by the commissioner of motor vehicles pursuant to article 12-D of the vehicle and traffic law, as added by section one of this act; provided that any rules and regulations necessary to implement the provisions of this act on its effec-

tive date are authorized and directed to be completed on or before such date; and provided, further, that the commissioner of motor vehicles shall notify the legislative bill drafting commission of the date he or she establishes and implements the pre-licensing course internet pilot program pursuant to article 12-D of the vehicle and traffic law, as added by section one of this act, in order that such commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.