

# STATE OF NEW YORK

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4580--C

2019-2020 Regular Sessions

## IN SENATE

March 15, 2019

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Introduced by Sen. KENNEDY -- 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 -- again amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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 the operation of a three-wheeled vehicle

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

1 Section 1. Subparagraphs (iv) and (vii) of paragraph (a) of subdivi-  
2 sion 2 of section 501 of the vehicle and traffic law, subparagraph (iv)  
3 as amended by chapter 339 of the laws of 2005, subparagraph (vii) as  
4 added by chapter 173 of the laws of 1990, are amended to read as  
5 follows:  
6 (iv) Class D. Such license shall be valid to operate any passenger or  
7 limited use automobile or any truck with a GVWR of not more than twen-  
8 ty-six thousand pounds or any such vehicle towing a vehicle with a GVWR  
9 of not more than ten thousand pounds, or any such vehicle towing another  
10 vehicle with a GVWR of more than ten thousand pounds provided such  
11 combination of vehicles has a GCWR of not more than twenty-six thousand  
12 pounds, or any personal use vehicle with a GVWR of not more than twen-  
13 ty-six thousand pounds or any such vehicle towing a vehicle with a GVWR  
14 of not more than ten thousand pounds, except it shall not be valid to  
15 operate a tractor, a motorcycle other than a class B or C limited use  
16 motorcycle, a vehicle used to transport passengers for hire or for which  
17 a hazardous materials endorsement is required, or a vehicle defined as a  
18 bus in subdivision one of section five hundred nine-a of this title.

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

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1 Such license also shall be valid to operate a three-wheeled motor vehi-  
2 cle that has a steering wheel and seating which does not require the  
3 operator to straddle or sit astride, is equipped with safety belts for  
4 all occupants and is manufactured to comply with federal motor vehicle  
5 safety standards for motorcycles including, but not limited to, 49  
6 C.F.R. part 571.

7 (vii) Class M. Such license shall be valid to operate any motorcycle,  
8 or any motorcycle, other than a limited use motorcycle, towing a trail-  
9 er. Such license also shall be valid to operate a three-wheeled motor  
10 vehicle that has a steering wheel and seating which does not require the  
11 operator to straddle or sit astride, is equipped with safety belts for  
12 all occupants and is manufactured to comply with federal motor vehicle  
13 safety standards for motorcycles including, but not limited to, 49  
14 C.F.R. part 571.

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

18 (b) Upon successful completion of the requirements set forth in para-  
19 graph (a) of this subdivision which shall include an alcohol and drug  
20 education component as described in paragraph (c) of this subdivision, a  
21 "Road Rage" awareness component as described in paragraph (c-1) of this  
22 subdivision and a "Work Zone Safety" awareness component as described in  
23 paragraph (c-2) of this subdivision, and a "Motorcycle Safety" awareness  
24 component as described in paragraph (c-3) of this subdivision the  
25 commissioner shall cause the applicant to take a road test in a repre-  
26 sentative vehicle of a type prescribed by the commissioner which shall  
27 be appropriate to the type of license for which application is made,  
28 except that the commissioner may waive the road test requirements for  
29 certain classes of applicants. Provided, however, that the term "repre-  
30 sentative vehicle" shall not include a three-wheeled motor vehicle that  
31 has a steering wheel and seating which does not require the operator to  
32 straddle or sit astride, is equipped with safety belts for all occupants  
33 and is manufactured to comply with federal motor vehicle safety stand-  
34 ards for motorcycles including, but not limited to, 49 C.F.R. part 571.

35 The commissioner shall have the power to establish a program to allow  
36 persons other than employees of the department to conduct road tests in  
37 representative vehicles when such tests are required for applicants to  
38 obtain a class A, B or C license. If she chooses to do so, she shall set  
39 forth her reasons in writing and conduct a public hearing on the matter.  
40 She shall only establish such a program after holding the public hear-  
41 ing.

42 § 3. Paragraph (b) of subdivision 4 of section 502 of the vehicle and  
43 traffic law, as amended by chapter 513 of the laws of 2019, is amended  
44 to read as follows:

45 (b) Upon successful completion of the requirements set forth in para-  
46 graph (a) of this subdivision which shall include an alcohol and drug  
47 education component as described in paragraph (c) of this subdivision, a  
48 "Road Rage" awareness component as described in paragraph (c-1) of this  
49 subdivision and a "Work Zone Safety" awareness component as described in  
50 paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness  
51 component as described in paragraph (c-3) of this subdivision, and a  
52 "School Bus Safety" awareness component as described in paragraph (c-4)  
53 of this subdivision the commissioner shall cause the applicant to take a  
54 road test in a representative vehicle of a type prescribed by the  
55 commissioner which shall be appropriate to the type of license for which  
56 application is made, except that the commissioner may waive the road

1 test requirements for certain classes of applicants. Provided, however,  
2 that the term "representative vehicle" shall not include a three-wheeled  
3 motor vehicle that has a steering wheel and seating which does not  
4 require the operator to straddle or sit astride, is equipped with safety  
5 belts for all occupants and is manufactured to comply with federal motor  
6 vehicle safety standards for motorcycles including, but not limited to,  
7 49 C.F.R. part 571. The commissioner shall have the power to establish a  
8 program to allow persons other than employees of the department to  
9 conduct road tests in representative vehicles when such tests are  
10 required for applicants to obtain a class A, B or C license. If she  
11 chooses to do so, she shall set forth her reasons in writing and conduct  
12 a public hearing on the matter. She shall only establish such a program  
13 after holding the public hearing.

14 § 4. This act shall take effect immediately; provided, however, that  
15 if chapter 513 of the laws of 2019 shall not have taken effect on or  
16 before such date then section three of this act shall take effect on the  
17 same date and in the same manner as such chapter of the laws of 2019,  
18 takes effect.