

# STATE OF NEW YORK

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5228--A

2019-2020 Regular Sessions

## IN SENATE

April 17, 2019

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Introduced by Sen. GOUNARDES -- 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, 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:

1 Section 1. Paragraphs (a), (b) and (d) of subdivision 4 of section 502  
2 of the vehicle and traffic law, paragraph (a) as amended by chapter 585  
3 of the laws of 2002, subparagraph (i) of paragraph (a) and paragraphs  
4 (b) and (d) as amended by chapter 355 of the laws of 2017, are amended  
5 and a new paragraph (c-4) is added to read as follows:  
6 (a) (i) Upon submission of an application for a driver's license, the  
7 applicant shall be required to take and pass a test, or submit evidence  
8 of passage of a test, with respect to the laws relating to traffic, the  
9 laws relating to driving while ability is impaired and while intoxicat-  
10 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"  
11 awareness [~~and~~], "Motorcycle Safety" awareness and "Pedestrian and Bicy-  
12 clist Safety" awareness as defined by the commissioner, the law relating  
13 to exercising due care to avoid colliding with a parked, stopped or  
14 standing authorized emergency vehicle or hazard vehicle pursuant to  
15 section eleven hundred forty-four-a of this chapter, the ability to read  
16 and comprehend traffic signs and symbols and such other matters as the  
17 commissioner may prescribe, and to satisfactorily complete a course  
18 prescribed by the commissioner of not less than four hours and not more  
19 than five hours, consisting of classroom driver training and highway  
20 safety instruction or the equivalent thereof. Such test shall include at  
21 least seven written questions concerning the effects of consumption of  
22 alcohol or drugs on the ability of a person to operate a motor vehicle

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

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1 and the legal and financial consequences resulting from violations of  
2 section eleven hundred ninety-two of this chapter, prohibiting the oper-  
3 ation of a motor vehicle while under the influence of alcohol or drugs.  
4 Such test shall include one or more written questions concerning the  
5 devastating effects of "Road Rage" on the ability of a person to operate  
6 a motor vehicle and the legal and financial consequences resulting from  
7 assaulting, threatening or interfering with the lawful conduct of anoth-  
8 er person legally using the roadway. Such test shall include one or more  
9 questions concerning the potential dangers to persons and equipment  
10 resulting from the unsafe operation of a motor vehicle in a work zone.  
11 Such test may include one or more questions concerning motorcycle safe-  
12 ty. Such test may include one or more questions concerning the law for  
13 exercising due care to avoid colliding with a parked, stopped or stand-  
14 ing vehicle pursuant to section eleven hundred forty-four-a of this  
15 chapter. Such test shall include one or more questions concerning how  
16 to safely pass a bicyclist on the road and one or more questions  
17 concerning the dangers of motorists to bicyclists and pedestrians. Such  
18 test shall be administered by the commissioner. The commissioner shall  
19 cause the applicant to take a vision test and a test for color blind-  
20 ness. Upon passage of the vision test, the application may be accepted  
21 and the application fee shall be payable.

22 (ii) The commissioner shall promulgate rules and regulations estab-  
23 lishing eligibility standards for the taking and passing of knowledge  
24 tests in other than written form.

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

45 (c-4) "Pedestrian and Bicyclist Safety" awareness component. (i) The  
46 commissioner shall provide in the pre-licensing course, set forth in  
47 paragraph (b) of this subdivision, a mandatory component in "Pedestrian  
48 and Bicyclist Safety" awareness education as a prerequisite for obtain-  
49 ing a license to operate a motor vehicle. The purpose of the component  
50 is to educate prospective licensees on the potential dangers to pedes-  
51 trians, bicyclists, and other non-motorized vehicles created by motor  
52 vehicles. The curriculum shall include components on how to safely pass  
53 a bicyclist on the road, bicycle lanes as defined in section one hundred  
54 two-a of this chapter, exiting a vehicle without endangering pedestrians  
55 and bicyclists, how to navigate an intersection with pedestrians and  
56 bicyclists, and the dangers of motorists to bicyclists and pedestrians.

1 (ii) In developing such curriculum, the commissioner shall consult with  
2 the commissioner of transportation, the commissioner of transportation  
3 of the city of New York and bicycle and pedestrian advocates.

4 (d) The commissioner shall make available for distribution upon regis-  
5 tration at each location where the pre-licensing course will be given,  
6 instructional handbooks outlining the content of the entire curriculum  
7 of the pre-licensing course including the information required to be  
8 included in the course pursuant to paragraphs (c), (c-1), (c-2) [~~and~~],  
9 (c-3) and (c-4) of this subdivision. The commissioner shall also provide  
10 for the additional training of the instructors necessary for the compe-  
11 tent instruction of the alcohol and drug education, "Road Rage" aware-  
12 ness, "Work Zone Safety" awareness [~~and~~], "Motorcycle Safety" awareness  
13 and "Pedestrian and Bicyclist Safety" awareness subject matters of the  
14 pre-licensing course.

15 § 2. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law.