

STATE OF NEW YORK

5228--C

Cal. No. 498

2019-2020 Regular Sessions

IN SENATE

April 17, 2019

Introduced by Sens. GOUNARDES, MAY, MYRIE, RAMOS -- 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 -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to 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, 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 513 of the laws of 2019, are amended
5 and a new paragraph (c-5) 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, "School Bus
13 Safety" awareness, the law relating to exercising due care to avoid
14 colliding with a parked, stopped or standing authorized emergency vehi-

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

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cle 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 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

1 a public hearing on the matter. She shall only establish such a program
2 after holding the public hearing.

3 (c-5) "Pedestrian and Bicyclist Safety" awareness component. (i) The
4 commissioner shall provide in the pre-licensing course, set forth in
5 paragraph (b) of this subdivision, a mandatory component in "Pedestrian
6 and Bicyclist Safety" awareness education as a prerequisite for obtain-
7 ing a license to operate a motor vehicle. The purpose of the component
8 is to educate prospective licensees on the potential dangers to pedes-
9 trians, bicyclists, and other non-motorized vehicles created by motor
10 vehicles.

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

25 (iii) In developing such curriculum, the commissioner shall consult
26 with the commissioner of transportation, the superintendent of the state
27 police, the commissioners of transportation and police of the city of
28 New York, medical professionals and bicycle and pedestrian safety advo-
29 cates.

30 (d) The commissioner shall make available for distribution upon regis-
31 tration at each location where the pre-licensing course will be given,
32 instructional handbooks outlining the content of the entire curriculum
33 of the pre-licensing course including the information required to be
34 included in the course pursuant to paragraphs (c), (c-1), (c-2), (c-3)
35 ~~[and]~~, (c-4) and (c-5) of this subdivision. The commissioner shall also
36 provide for the additional training of the instructors necessary for the
37 competent instruction of the alcohol and drug education, "Road Rage"
38 awareness, "Work Zone Safety" awareness, "Motorcycle Safety" awareness
39 ~~[and]~~, "School Bus Safety" awareness and "Pedestrian and Bicyclist Safe-
40 ty" awareness subject matters of the pre-licensing course.

41 § 2. This act shall take effect on the one hundred eightieth day after
42 it shall have become a law; provided, however, that if chapter 513 of
43 the laws of 2019 shall not have taken effect on or before such date then
44 section one of this act shall take effect on the same date and in the
45 same manner as such chapter of the laws of 2019 takes effect.