

# STATE OF NEW YORK

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5885

2019-2020 Regular Sessions

## IN ASSEMBLY

February 20, 2019

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Introduced by M. of A. MOSLEY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to adding a bicycle and pedestrian safety component to the pre-licensing driver's education course

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

1 Section 1. Subparagraph (i) of paragraph (a) and paragraphs (b) and  
2 (d) of subdivision 4 of section 502 of the vehicle and traffic law, as  
3 amended by chapter 355 of the laws of 2017, are amended and a new para-  
4 graph (c-4) is added to read as follows:

5 (i) Upon submission of an application for a driver's license, the  
6 applicant shall be required to take and pass a test, or submit evidence  
7 of passage of a test, with respect to the laws relating to traffic, the  
8 laws relating to driving while ability is impaired and while intoxicat-  
9 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"  
10 awareness and "Motorcycle Safety" awareness as defined by the commis-  
11 sioner, the law relating to exercising due care to avoid colliding with  
12 a parked, stopped or standing authorized emergency vehicle or hazard  
13 vehicle pursuant to section eleven hundred forty-four-a of this chapter,  
14 the ability to read and comprehend traffic signs and symbols and such  
15 other matters as the commissioner may prescribe, and to satisfactorily  
16 complete a course prescribed by the commissioner of not less than four  
17 hours and not more than five hours, consisting of classroom driver  
18 training and highway safety instruction or the equivalent thereof. Such  
19 test shall include one or more questions concerning bicycle and pedes-  
20 trian safety. Such test shall include at least seven written questions  
21 concerning the effects of consumption of alcohol or drugs on the ability  
22 of a person to operate a motor vehicle and the legal and financial  
23 consequences resulting from violations of section eleven hundred nine-  
24 ty-two of this chapter, prohibiting the operation of a motor vehicle

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

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1 while under the influence of alcohol or drugs. Such test shall include  
2 one or more written questions concerning the devastating effects of  
3 "Road Rage" on the ability of a person to operate a motor vehicle and  
4 the legal and financial consequences resulting from assaulting, threat-  
5 ening or interfering with the lawful conduct of another person legally  
6 using the roadway. Such test shall include one or more questions  
7 concerning the potential dangers to persons and equipment resulting from  
8 the unsafe operation of a motor vehicle in a work zone. Such test may  
9 include one or more questions concerning motorcycle safety. Such test  
10 may include one or more questions concerning the law for exercising due  
11 care to avoid colliding with a parked, stopped or standing vehicle  
12 pursuant to section eleven hundred forty-four-a of this chapter. Such  
13 test shall be administered by the commissioner. The commissioner shall  
14 cause the applicant to take a vision test and a test for color blind-  
15 ness. Upon passage of the vision test, the application may be accepted  
16 and the application fee shall be payable.

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

37 (c-4) "Bicycle and pedestrian safety" component. (i) The commissioner  
38 shall provide in the pre-licensing course, set forth in paragraph (b) of  
39 this subdivision, a mandatory component in "bicycle and pedestrian safe-  
40 ty" education as a prerequisite for obtaining a license to operate a  
41 motor vehicle. The purpose of the component is to educate prospective  
42 licensees on the potential dangers to pedestrians, bicyclists, in-line  
43 skaters, scooter riders, skateboarders and other non-motorized vehicles  
44 created by motor vehicles.

45 (ii) The commissioner shall establish a curriculum for the "bicycle  
46 and pedestrian safety" component which shall include but not be limited  
47 to: safely passing a cyclist on the road, special considerations while  
48 driving in urban areas, bicycle lanes as defined in section one hundred  
49 two-a of this chapter and other roadway designs employed in New York  
50 state for the safety of pedestrians and cyclists, how to navigate an  
51 intersection with pedestrians and cyclists, exiting a vehicle without  
52 endangering pedestrians and cyclists, the requirement that drivers exer-  
53 cise due care to avoid collision with a bicyclist or pedestrian on the  
54 road pursuant to section eleven hundred forty-six of this chapter.

1 (iii) In developing such curriculum, the commissioner shall consult  
2 with the commissioner of transportation, the commissioner of transporta-  
3 tion 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 "bicycle and pedestrian safety" subject matters of the pre-licensing  
14 course.

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