

STATE OF NEW YORK

1082

2019-2020 Regular Sessions

IN SENATE

January 10, 2019

Introduced by Sen. PERSAUD -- 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 and the insurance law, in relation to instruction concerning traffic stops

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) of subdivision 4 of
2 section 502 of the vehicle and traffic law, as amended by chapter 355 of
3 the laws of 2017, is amended to read as follows:

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

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

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1 on the ability of a person to operate a motor vehicle and the legal and
2 financial consequences resulting from assaulting, threatening or inter-
3 fering with the lawful conduct of another person legally using the road-
4 way. Such test shall include one or more questions concerning the poten-
5 tial dangers to persons and equipment resulting from the unsafe
6 operation of a motor vehicle in a work zone. Such test may include one
7 or more questions concerning motorcycle safety. Such test may include
8 one or more questions concerning the law for exercising due care to
9 avoid colliding with a parked, stopped or standing vehicle pursuant to
10 section eleven hundred forty-four-a of this chapter. Such test shall
11 include one or more questions concerning the responsibilities of a driv-
12 er when stopped by a law enforcement officer. Such test shall be admin-
13 istered by the commissioner. The commissioner shall cause the applicant
14 to take a vision test and a test for color blindness. Upon passage of
15 the vision test, the application may be accepted and the application fee
16 shall be payable.

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

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

39 § 3. Subdivision 4 of section 502 of the vehicle and traffic law is
40 amended by adding a new paragraph (c-4) to read as follows:

41 (c-4) Traffic stop instruction component. (i) The commissioner shall
42 provide in the pre-licensing course, set forth in paragraph (b) of this
43 subdivision, a mandatory component in traffic stop instruction as a
44 prerequisite for obtaining a license to operate a motor vehicle. The
45 purpose of this component is to educate prospective licensees on his or
46 her responsibilities when stopped by a law enforcement officer.

47 (ii) The commissioner shall establish a curriculum for the traffic
48 stop instruction component which shall include but not be limited to:
49 instruction describing appropriate actions to be taken by drivers during
50 traffic stops and appropriate interactions with law enforcement officers
51 who initiate traffic stops. The curriculum shall also explain a driver's
52 responsibilities when stopped by a law enforcement officer, including
53 pulling to the far right side of the road when being stopped; turning
54 off the motor vehicle's engine and radio; avoiding sudden movements and
55 keeping the driver's hands in plain view of the officer.

1 § 4. Subsection (a) of section 2336 of the insurance law, as amended
2 by chapter 751 of the laws of 2005, is amended to read as follows:

3 (a) Any schedule of rates or rating plan for motor vehicle liability
4 and collision insurance submitted to the superintendent shall provide
5 for an appropriate reduction in premium charges for any insured for a
6 three year period after successfully completing a motor vehicle accident
7 prevention course, known as the national safety council's defensive
8 driving course, or any driver improvement course approved by the depart-
9 ment of motor vehicles as being equivalent to the national safety coun-
10 cil's defensive driving course, provided that, except as provided in
11 article twelve-C of the vehicle and traffic law, there shall be no
12 reduction in premiums for a self instruction defensive driving course or
13 a course which does not provide for actual classroom instruction for a
14 minimum number of hours as determined by the department of motor vehi-
15 cles. Such reduction in premium charges shall be subsequently modified
16 to the extent appropriate, based upon analysis of loss experience
17 statistics and other relevant factors. All such accident prevention
18 courses shall be monitored by the department of motor vehicles and shall
19 include components of instruction in "Road Rage" awareness [~~and~~], in
20 "Work Zone Safety" awareness and in traffic stops as defined by the
21 commissioner of motor vehicles. The provisions of this section shall not
22 apply to attendance at a program pursuant to article twenty-one of the
23 vehicle and traffic law as a result of any traffic infraction.

24 § 5. Subsection (a) of section 2336 of the insurance law, as amended
25 by chapter 585 of the laws of 2002, is amended to read as follows:

26 (a) Any schedule of rates or rating plan for motor vehicle liability
27 and collision insurance submitted to the superintendent shall provide
28 for an appropriate reduction in premium charges for any insured for a
29 three year period after successfully completing a motor vehicle accident
30 prevention course, known as the national safety council's defensive
31 driving course, or any driver improvement course approved by the depart-
32 ment of motor vehicles as being equivalent to the national safety coun-
33 cil's defensive driving course, provided that in either event there
34 shall be no reduction in premiums for a self instruction defensive driv-
35 ing course or a course which does not provide for actual classroom
36 instruction for a minimum number of hours as determined by the depart-
37 ment of motor vehicles. Such reduction in premium charges shall be
38 subsequently modified to the extent appropriate, based upon analysis of
39 loss experience statistics and other relevant factors. All such accident
40 prevention courses shall be monitored by the department of motor vehi-
41 cles and shall include components of instruction in "Road Rage" aware-
42 ness [~~and~~], in "Work Zone Safety" awareness and in traffic stops as
43 defined by the commissioner of motor vehicles. The provisions of this
44 section shall not apply to attendance at a program pursuant to article
45 twenty-one of the vehicle and traffic law as a result of any traffic
46 infraction.

47 § 6. This act shall take effect immediately; provided that the amend-
48 ments to subsection (a) of section 2336 of the insurance law, made by
49 section four of this act, shall not affect the expiration and reversion
50 of such subsection and shall be deemed repealed therewith, when upon
51 such date section five of this act shall take effect.