

# STATE OF NEW YORK

3965

2019-2020 Regular Sessions

## IN SENATE

February 22, 2019

Introduced by Sen. KENNEDY -- 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, in relation to establishing a pre-licensing course internet program; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 article 12-D to read as follows:

### ARTICLE 12-D

#### PRE-LICENSING COURSE INTERNET PILOT PROGRAM

5 Section 399-p. Pre-licensing course internet pilot program.

6 399-q. Application.

7 399-r. Regulations and fees.

8 399-s. Pilot program scope and duration.

9 399-t. Report by commissioner.

10 § 399-p. Pre-licensing course internet pilot program. The commissioner  
11 shall establish, by regulation, a comprehensive pilot program to allow  
12 use of the internet, for the administration and completion of an  
13 approved pre-licensing course, which shall be deemed the equivalent of  
14 the course required by subparagraph (i) of paragraph (a) of subdivision  
15 four of section five hundred two of this chapter.

16 § 399-q. Application. An applicant for participation in the pilot  
17 program established pursuant to this article shall be an approved spon-  
18 sor of an internet accident prevention course, pursuant to article  
19 twelve-C of this title, prior to the effective date of this article. In  
20 order to be approved for participation in such pilot program, the course  
21 must comply with provisions of law, rules and regulations applicable  
22 thereto. The commissioner may, in his or her discretion, impose a fee  
23 for the submission of each application. Such fee shall not exceed seven  
24 thousand five hundred dollars, which shall be deposited in the dedicated

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

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1 highway and bridge trust fund established pursuant to section eighty-  
2 nine-b of the state finance law.

3 § 399-r. Regulations and fees. 1. The commissioner is authorized and  
4 directed to promulgate any rules and regulations necessary to implement  
5 the provisions of this article and to insure that the internet pilot  
6 program, as approved by the commissioner, can validate: student identity  
7 at registration and throughout the course; participation throughout the  
8 course; that time the requirements are met; and successful completion of  
9 the course. Provided, however, that any rules and regulations promulgat-  
10 ed pursuant to this article shall not stipulate any particular location  
11 for delivery of a pre-licensing course or limit the time of day during  
12 which such course may be taken.

13 2. The commissioner is authorized to impose a fee upon each pre-li-  
14 censing course sponsoring agency approved to deliver such course, which  
15 shall not exceed eight dollars for each student who completes such  
16 course, and which shall be deposited in the dedicated highway and bridge  
17 trust fund established pursuant to section eighty-nine-b of the state  
18 finance law.

19 3. The commissioner is hereby authorized to promulgate and adopt on an  
20 emergency basis regulations necessary for the implementation of this  
21 section.

22 § 399-s. Pilot program scope and duration. The commissioner shall  
23 conduct a pilot program designed to evaluate utilizing the internet for  
24 delivering an approved pre-licensing course, which shall be deemed the  
25 equivalent of the course required by subparagraph (i) of paragraph (a)  
26 of subdivision four of section five hundred two of this chapter, by  
27 permitting qualified applicants to participate in the pilot program for  
28 a period of five years.

29 § 399-t. Report by commissioner. Within five years of the establish-  
30 ment and implementation of this article, the commissioner shall report  
31 to the governor, the temporary president of the senate and the speaker  
32 of the assembly on the pre-licensing course internet pilot program and  
33 its results. Such reports shall include recommendations as to the future  
34 use of internet as an effective way, in addition to classroom presenta-  
35 tion, to deliver to the public approved pre-licensing courses, and qual-  
36 ifications for participants in such approved internet delivered  
37 programs.

38 § 2. Paragraph (h) of subdivision 4 of section 502 of the vehicle and  
39 traffic law, as added by section 1 of part L of chapter 59 of the laws  
40 of 2009, is amended to read as follows:

41 (h) Course completion certificate fee. The fee for a course completion  
42 certificate provided by the department to an entity that is approved by  
43 the commissioner to offer the pre-licensing course, required by this  
44 subdivision, for issuance by such entity to students upon their  
45 completion of such pre-licensing course shall be one dollar. Such fee  
46 shall be paid by such entity and shall not be charged to a person who  
47 takes the course in any manner. The provisions of this paragraph shall  
48 not apply to a pre-licensing course established pursuant to article  
49 twelve-D of this chapter.

50 § 3. This act shall take effect on the one hundred eightieth day after  
51 it shall have become a law and shall expire and be deemed repealed five  
52 years after the date that the pre-licensing course internet pilot  
53 program is established and implemented by the commissioner of motor  
54 vehicles pursuant to article 12-D of the vehicle and traffic law, as  
55 added by section one of this act; provided that any rules and regu-  
56 lations necessary to implement the provisions of this act on its effec-

1 tive date are authorized and directed to be completed on or before such  
2 date; and provided, further, that the commissioner of motor vehicles  
3 shall notify the legislative bill drafting commission of the date he or  
4 she establishes and implements the pre-licensing course internet pilot  
5 program pursuant to article 12-D of the vehicle and traffic law, as  
6 added by section one of this act, in order that such commission may  
7 maintain an accurate and timely effective data base of the official text  
8 of the laws of the state of New York in furtherance of effecting the  
9 provisions of section 44 of the legislative law and section 70-b of the  
10 public officers law.