

# STATE OF NEW YORK

3965--A

Cal. No. 1305

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 -- committee discharged and said bill committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law and state finance 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:

3 ARTICLE 12-D

4 PRE-LICENSING COURSE INTERNET PILOT PROGRAM

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

6 399-q. Application.

7 399-r. Regulations, fees and privacy.

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 and implement a comprehensive pilot program to review  
12 and study the use of the internet for the administration and completion  
13 of an approved pre-licensing course as required by subparagraph (i) of  
14 paragraph (a) of subdivision four of section five hundred two of this  
15 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 and

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

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1 which delivers such courses to the public. In order to be approved for  
2 participation in such pilot program, the course must comply with  
3 provisions of law, rules and regulations applicable thereto. The commis-  
4 sioner may, in his or her discretion, impose a fee for the submission of  
5 each application to participate in the pilot program established pursu-  
6 ant to this article. Such fee shall not exceed seven thousand five  
7 hundred dollars which shall, excluding administrative expenses of the  
8 department, be deposited in the dedicated highway and bridge trust fund  
9 established pursuant to section eighty-nine-b of the state finance law.

10 § 399-r. Regulations, fees and privacy. 1. The commissioner is author-  
11 ized and directed to promulgate any rules and regulations necessary to  
12 implement the provisions of this article and to insure that internet  
13 delivered pre-licensing courses as approved by the commissioner and  
14 established pursuant to this article, can validate: student identity at  
15 registration and throughout the course; participation throughout the  
16 course; that time requirements are met; and successful completion of the  
17 course. Provided, however, that any rules and regulations promulgated  
18 pursuant to this article shall not stipulate any particular location for  
19 delivery of a pre-licensing course or limit the time of day during which  
20 such course may be taken.

21 2. The commissioner is authorized to impose a fee upon each internet  
22 pre-licensing course sponsoring agency approved for participation in the  
23 pilot program to deliver such course, which shall not exceed eight  
24 dollars for each student who completes such course by means of the pilot  
25 program established pursuant to this article. Such fees, excluding  
26 administrative expenses of the department, shall be deposited in the  
27 dedicated highway and bridge trust fund established pursuant to section  
28 eighty-nine-b of the state finance law.

29 3. No internet pre-licensing course sponsoring agency shall disclose  
30 or otherwise make available to any person or entity any personal infor-  
31 mation obtained by such provider about any student who registers for  
32 such course. For the purposes of this article, "personal information"  
33 shall mean information that identifies an individual, including an indi-  
34 vidual's photo image, social security number, driver identification  
35 number, name, address (but not the five-digit zip code), telephone  
36 number, and medical or disability information.

37 § 399-s. Pilot program scope and duration. The commissioner shall  
38 conduct a pilot program designed to evaluate utilizing the internet for  
39 delivering an approved pre-licensing course required by subparagraph (i)  
40 of paragraph (a) of subdivision four of section five hundred two of this  
41 chapter, by permitting qualified applicants to participate in the pilot  
42 program from June thirtieth, two thousand twenty to June thirtieth, two  
43 thousand twenty-five.

44 § 399-t. Report by commissioner. No later than June first, two thou-  
45 sand twenty-five, the commissioner shall report to the governor, the  
46 temporary president of the senate and the speaker of the assembly on the  
47 pre-licensing course internet pilot program and its results. Such report  
48 shall include recommendations as to the future use of the internet as an  
49 effective way, in addition to classroom presentation, to deliver to the  
50 public approved pre-licensing courses, and qualifications for partic-  
51 ipants in such approved internet delivered programs.

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

55 (h) Course completion certificate fee. The fee for a course completion  
56 certificate provided by the department to an entity that is approved by

1 the commissioner to offer the pre-licensing course, required by this  
2 subdivision, for issuance by such entity to students upon their  
3 completion of such pre-licensing course shall be one dollar. Such fee  
4 shall be paid by such entity and shall not be charged to a person who  
5 takes the course in any manner. The provisions of this paragraph shall  
6 not apply to a pre-licensing course established pursuant to article  
7 twelve-D of this chapter.

8 § 3. Paragraph (d) of subdivision 2 of section 502 of the vehicle and  
9 traffic law, as amended by chapter 403 of the laws of 2009, is amended  
10 to read as follows:

11 (d) An applicant for a class DJ or MJ license shall be at least  
12 sixteen years of age and such applicant must submit written consent to  
13 the issuance of such license by the applicant's parent or guardian. Upon  
14 receipt of withdrawal of such consent, any class DJ or MJ license,  
15 learner's permit or license application shall be cancelled. No class DJ  
16 or MJ license shall be issued unless the applicant presents, at the time  
17 of the road test administered pursuant to paragraph (b) of subdivision  
18 four of this section, a written certification by the applicant's parent  
19 or guardian: (i) that such applicant has operated a motor vehicle for no  
20 less than fifty hours, at least fifteen hours of which shall be after  
21 sunset, under the immediate supervision of a person as authorized pursu-  
22 ant to subparagraph (ii) of paragraph (a) or paragraph (b) of subdivi-  
23 sion five of section five hundred one of this article, a driver educa-  
24 tion teacher pursuant to section eight hundred six-a of the education  
25 law or a driving school instructor pursuant to subdivision seven-a of  
26 section three hundred ninety-four of this chapter; and (ii) if such  
27 applicant completed an internet delivered pre-licensing course approved  
28 by the commissioner pursuant to article twelve-d of this chapter, that  
29 such applicant participated throughout such course.

30 § 4. Paragraph (a) of subdivision 3 of section 89-b of the state  
31 finance law, as amended by section 7 of part UU of chapter 59 of the  
32 laws of 2018, is amended to read as follows:

33 (a) The special obligation reserve and payment account shall consist  
34 (i) of all moneys required to be deposited in the dedicated highway and  
35 bridge trust fund pursuant to the provisions of sections two hundred  
36 five, two hundred eighty-nine-e, three hundred one-j, five hundred  
37 fifteen and eleven hundred sixty-seven of the tax law, section four  
38 hundred one and article twelve-d of the vehicle and traffic law, and  
39 section thirty-one of chapter fifty-six of the laws of nineteen hundred  
40 ninety-three, (ii) all fees, fines or penalties collected by the commis-  
41 sioner of transportation and the commissioner of motor vehicles pursuant  
42 to section fifty-two, section three hundred twenty-six, section eighty-  
43 eight of the highway law, subdivision fifteen of section three hundred  
44 eighty-five of the vehicle and traffic law, section two of [~~the~~ part U1  
45 of chapter sixty-two of the laws of two thousand three [~~that amended~~  
46 ~~this paragraph~~], subdivision (d) of section three hundred four-a, para-  
47 graph one of subdivision (a) and subdivision (d) of section three  
48 hundred five, subdivision six-a of section four hundred fifteen and  
49 subdivision (g) of section twenty-one hundred twenty-five of the vehicle  
50 and traffic law, section fifteen of this chapter, excepting moneys  
51 deposited with the state on account of betterments performed pursuant to  
52 subdivision twenty-seven or subdivision thirty-five of section ten of  
53 the highway law, and section one hundred forty-five of the transporta-  
54 tion law, (iii) any moneys collected by the department of transportation  
55 for services provided pursuant to agreements entered into in accordance  
56 with section ninety-nine-r of the general municipal law, and (iv) any

1 other moneys collected therefor or credited or transferred thereto from  
2 any other fund, account or source.

3 § 5. Paragraph (a) of subdivision 3 of section 89-b of the state  
4 finance law, as amended by section 8 of part UU of chapter 59 of the  
5 laws of 2018, is amended to read as follows:

6 (a) The special obligation reserve and payment account shall consist  
7 (i) of all moneys required to be deposited in the dedicated highway and  
8 bridge trust fund pursuant to the provisions of sections two hundred  
9 eighty-nine-e, three hundred one-j, five hundred fifteen and eleven  
10 hundred sixty-seven of the tax law, section four hundred one and article  
11 twelve-d of the vehicle and traffic law, and section thirty-one of chap-  
12 ter fifty-six of the laws of nineteen hundred ninety-three, (ii) all  
13 fees, fines or penalties collected by the commissioner of transportation  
14 and the commissioner of motor vehicles pursuant to section fifty-two,  
15 section three hundred twenty-six, section eighty-eight of the highway  
16 law, subdivision fifteen of section three hundred eighty-five of the  
17 vehicle and traffic law, section fifteen of this chapter, excepting  
18 moneys deposited with the state on account of betterments performed  
19 pursuant to subdivision twenty-seven or subdivision thirty-five of  
20 section ten of the highway law, and section one hundred forty-five of  
21 the transportation law, (iii) any moneys collected by the department of  
22 transportation for services provided pursuant to agreements entered into  
23 in accordance with section ninety-nine-r of the general municipal law,  
24 and (iv) any other moneys collected therefor or credited or transferred  
25 thereto from any other fund, account or source.

26 § 6. This act shall take effect June 30, 2020 and shall expire and be  
27 deemed repealed June 30, 2025; provided, however, that the amendments to  
28 paragraph (a) of subdivision 3 of section 89-b of the state finance law  
29 made by section four of this act shall be subject to the expiration and  
30 reversion of such subdivision pursuant to section 13 of part U1 of chap-  
31 ter 62 of the laws of 2003, as amended, when upon such date the  
32 provisions of section five of this act shall take effect. Effective  
33 immediately, the addition, amendment and/or repeal of any rule or regu-  
34 lation necessary for the implementation of this act on its effective  
35 date are authorized to be made and completed on or before such effective  
36 date.