

STATE OF NEW YORK

4580--B

Cal. No. 1076

2019-2020 Regular Sessions

IN SENATE

March 15, 2019

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to the operation of a three-wheeled vehicle

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

Section 1. Subparagraphs (iv) and (vii) of paragraph (a) of subdivision 2 of section 501 of the vehicle and traffic law, subparagraph (iv) as amended by chapter 339 of the laws of 2005, subparagraph (vii) as added by chapter 173 of the laws of 1990, are amended to read as follows:

(iv) Class D. Such license shall be valid to operate any passenger or limited use automobile or any truck with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, or any such vehicle towing another vehicle with a GVWR of more than ten thousand pounds provided such combination of vehicles has a GCWR of not more than twenty-six thousand pounds, or any personal use vehicle with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, except it shall not be valid to operate a tractor, a motorcycle other than a class B or C limited use motorcycle, a vehicle used to transport passengers for hire or for which a hazardous materials endorsement is required, or a vehicle defined as a bus in subdivision one of section five hundred nine-a of this title. Such license also shall be valid to operate a three-wheeled motor vehicle that has a steering wheel and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for

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

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1 all occupants and is manufactured to comply with federal motor vehicle
2 safety standards for motorcycles including, but not limited to, 49
3 C.F.R. part 571.

4 (vii) Class M. Such license shall be valid to operate any motorcycle,
5 or any motorcycle, other than a limited use motorcycle, towing a trail-
6 er. Such license also shall be valid to operate a three-wheeled motor
7 vehicle that has a steering wheel and seating which does not require the
8 operator to straddle or sit astride, is equipped with safety belts for
9 all occupants and is manufactured to comply with federal motor vehicle
10 safety standards for motorcycles including, but not limited to, 49
11 C.F.R. part 571.

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

15 (b) Upon successful completion of the requirements set forth in para-
16 graph (a) of this subdivision which shall include an alcohol and drug
17 education component as described in paragraph (c) of this subdivision, a
18 "Road Rage" awareness component as described in paragraph (c-1) of this
19 subdivision and a "Work Zone Safety" awareness component as described in
20 paragraph (c-2) of this subdivision, and a "Motorcycle Safety" awareness
21 component as described in paragraph (c-3) of this subdivision the
22 commissioner shall cause the applicant to take a road test in a repre-
23 sentative vehicle of a type prescribed by the commissioner which shall
24 be appropriate to the type of license for which application is made,
25 except that the commissioner may waive the road test requirements for
26 certain classes of applicants. Provided, however, that the term "repre-
27 sentative vehicle" shall not include a three-wheeled motor vehicle that
28 has a steering wheel and seating which does not require the operator to
29 straddle or sit astride, is equipped with safety belts for all occupants
30 and is manufactured to comply with federal motor vehicle safety stand-
31 ards for motorcycles including, but not limited to, 49 C.F.R. part 571.
32 The commissioner shall have the power to establish a program to allow
33 persons other than employees of the department to conduct road tests in
34 representative vehicles when such tests are required for applicants to
35 obtain a class A, B or C license. If he or she chooses to do so, he or
36 she shall set forth his or her reasons in writing and conduct a public
37 hearing on the matter. [~~she~~] He or she shall only establish such a
38 program after holding the public hearing.

39 § 3. Paragraph (a) of subdivision 4 of section 1229-c of the vehicle
40 and traffic law, as amended by chapter 448 of the laws of 2015, is
41 amended to read as follows:

42 (a) "motor vehicle" shall include all motor vehicles which are
43 required by section three hundred eighty-three of this chapter or regu-
44 lation or would be required if such motor vehicle were registered in New
45 York state to be equipped by a safety belt [~~but~~], provided however, that
46 for purposes of this section, "motor vehicle" shall also include a
47 three-wheeled motor vehicle that has a steering wheel and seating which
48 does not require the operator to straddle or sit astride, is equipped
49 with safety belts for all occupants and is manufactured to comply with
50 federal motor vehicle safety standards for motorcycles, including, but
51 not limited to, 49 C.F.R. part 571. For purposes of this section, "motor
52 vehicle" shall not include those vehicles which are used as school
53 buses, as such term is defined in section one hundred forty-two of this
54 chapter and those vehicles which are authorized emergency vehicles, as
55 such term is defined in section one hundred one of this chapter,
56 provided, however, that for purposes of this section, "motor vehicle"

1 shall also include fire vehicles owned and/or operated by a fire company
2 as defined by subdivision two of section one hundred of the general
3 municipal law and ambulances owned and/or operated by a voluntary ambu-
4 lance service as defined by subdivision three of section one hundred of
5 the general municipal law;

6 § 4. Subsection (f) of section 5102 of the insurance law is amended to
7 read as follows:

8 (f) "Motor vehicle" means a motor vehicle as defined in section three
9 hundred eleven of the vehicle and traffic law and also includes fire and
10 police vehicles, as well as a three-wheeled motor vehicle that has a
11 steering wheel and seating which does not require the operator to strad-
12 dle or sit astride, is equipped with safety belts for all occupants, is
13 manufactured to comply with federal motor vehicle safety standards for
14 motorcycles including, but not limited to 49 CFR part 571, is equipped
15 with a windshield and has a full top and side enclosures capable of
16 supporting the vehicle's weight and protecting the occupants when the
17 vehicle is resting on the enclosures, and can be operated with a class D
18 driver's license. It shall not include any motor vehicle not required
19 to carry financial security pursuant to article six, eight or forty-
20 eight-A of the vehicle and traffic law or a motorcycle, as defined in
21 subsection (m) hereof.

22 § 5. This act shall take effect immediately, provided, however, that
23 section four of this act shall take effect one year after it shall have
24 become a law.