

# STATE OF NEW YORK

---

5228

2019-2020 Regular Sessions

## IN SENATE

April 17, 2019

---

Introduced by Sen. GOUNARDES -- 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 requiring instruction in pedestrian and bicyclist safety as part of the drivers pre-licensing course

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

1 Section 1. Paragraphs (a), (b) and (d) of subdivision 4 of section 502  
2 of the vehicle and traffic law, paragraph (a) as amended by chapter 585  
3 of the laws of 2002, subparagraph (i) of paragraph (a) and paragraphs  
4 (b) and (d) as amended by chapter 355 of the laws of 2017, are amended  
5 and a new paragraph (c-4) is added to read as follows:

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

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

LBD11203-01-9

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

20 (ii) The commissioner shall promulgate rules and regulations estab-  
21 lishing eligibility standards for the taking and passing of knowledge  
22 tests in other than written form.

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

43 (c-4) "Pedestrian and Bicyclist Safety" awareness component. The  
44 commissioner shall provide in the pre-licensing course, set forth in  
45 paragraph (b) of this subdivision, a mandatory component in "Pedestrian  
46 and Bicyclist Safety" awareness education as a prerequisite for obtain-  
47 ing a license to operate a motor vehicle. The purpose of the component  
48 is to educate prospective licensees on how to safely pass a bicyclist on  
49 the road, how to navigate an intersection with pedestrians and bicy-  
50 clists, and the dangers of motorists to bicyclists and pedestrians.

51 (d) The commissioner shall make available for distribution upon regis-  
52 tration at each location where the pre-licensing course will be given,  
53 instructional handbooks outlining the content of the entire curriculum  
54 of the pre-licensing course including the information required to be  
55 included in the course pursuant to paragraphs (c), (c-1), (c-2) ~~[and]~~,  
56 (c-3) and (c-4) of this subdivision. The commissioner shall also provide

1 for the additional training of the instructors necessary for the compe-  
2 tent instruction of the alcohol and drug education, "Road Rage" aware-  
3 ness, "Work Zone Safety" awareness [~~and~~], "Motorcycle Safety" aware-  
4 and "Pedestrian and Bicyclist Safety" awareness subject matters of the  
5 pre-licensing course.

6 § 2. This act shall take effect on the one hundred eightieth day after  
7 it shall have become a law.