STATE OF NEW YORK

5084--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

Introduced by M. of A. GALLAGHER, EPSTEIN, MITAYNES, SEAWRIGHT, DINOWITZ, GOTTFRIED, GALEF, MAMDANI, FAHY, McMAHON, JACKSON, FORREST, SILLITTI, KELLES, SIMON, CARROLL, GONZALEZ-ROJAS, CLARK, RAJKUMAR, OTIS, THIELE, GLICK, FRONTUS, CRUZ -- Multi-Sponsored by -- M. of A. BRAUNSTEIN -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subparagraph (i) of paragraph (a) and paragraphs (b) and (d) of subdivision 4 of section 502 of the vehicle and traffic law, subparagraph (i) of paragraph (a) and paragraph (d) as amended by chapter 513 of the laws of 2019 and paragraph (b) as amended by chapter 25 of the laws of 2022, are amended and a new paragraph (c-5) is added to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", "Work Zone Safety" awareness [~~and~~], "Motorcycle Safety" awareness **and "Pedestrian and Bicyclist Safety" awareness** as defined by the commissioner, "School Bus Safety" awareness, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols and such other matters as the commissioner may prescribe, and to

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

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satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning motorcycle safety. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter. Such test may include one or more questions concerning school bus safety. **Such test may include one or more questions concerning pedestrian and bicyclist safety.** Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision [~~and~~], a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision, [~~and~~] a "School Bus Safety" awareness component as described in paragraph (c-4) of this subdivision**, and a "Pedestrian and Bicyclist Safety" awareness component as described in paragraph (c-5) of this subdivision,** the commissioner shall cause the applicant to take a road test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. Provided, however, that the term "representative vehicle" shall not include a three-wheeled motor vehicle that has two wheels situated in the front and one wheel in the rear, has a steering mechanism and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal motor vehicle safety standards for motorcycles including, but not limited to, 49 C.F.R. part 571. The commissioner shall have the power to establish a program to allow persons other than employees of the department to conduct road tests in representative vehicles when such tests are required for applicants to obtain a class A, B or C license. If she chooses to do so, she shall set forth her reasons in writing and conduct a public hearing on the matter. She shall only establish such a program after holding the public hearing.

(c-5) "Pedestrian and Bicyclist Safety" awareness component. (i) The commissioner shall provide in the pre-licensing course, set forth in

paragraph (b) of this subdivision, a mandatory component in "Pedestrian and Bicyclist Safety" awareness education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the potential dangers to pedestrians, bicyclists, and other non-motorized vehicles.

(ii) The commissioner shall establish a curriculum for the "Pedestrian and Bicyclist Safety" awareness component which shall include but not be limited to: an overview of traffic laws governing motor vehicle operators' duty to exercise due care with respect to pedestrians and bicyclists, including but not limited to understanding pedestrians' and bicyclists' needs and reduced visibility, respecting pedestrians' and bicyclists' rights of way, safe operation near pedestrians and bicyclists, including children and blind, deaf, elderly and disabled pedestrians, bicycle lanes as defined in section one hundred two-a of this chapter, safely overtaking a pedestrian or a bicyclist, the dangers of distracted driving, driving at appropriate reduced speeds when special hazards exist with respect to pedestrians and bicyclists such as weather or highway conditions, safely turning, stopping, standing, and parking, motor vehicle operators' obligations to comply with article twenty-two of this chapter, and traffic control devices and markings, roadway designs and traffic calming measures related to pedestrians and bicyclists.

(iii) In developing such curriculum, the commissioner shall consult with the commissioner of transportation, the superintendent of the state police, the commissioners of transportation and police of the city of New York, other local law enforcement and highway safety officials, medical professionals, bicycle and pedestrian safety advocates, and any other group that the commissioner believes can contribute to a comprehensive presentation of the issue.

(d) The commissioner shall make available for distribution upon registration at each location where the pre-licensing course will be given, instructional handbooks outlining the content of the entire curriculum of the pre-licensing course including the information required to be included in the course pursuant to paragraphs (c), (c-1), (c-2), (c-3) [~~and~~], (c-4) and (c-5) of this subdivision. The commissioner shall also provide for the additional training of the instructors necessary for the competent instruction of the alcohol and drug education, "Road Rage" awareness, "Work Zone Safety" awareness, "Motorcycle Safety" awareness [~~and~~], "School Bus Safety" awareness and "Pedestrian and Bicyclist Safety" awareness subject matters of the pre-licensing course.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.