

STATE OF NEW YORK

62

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. PERSAUD -- 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 and the insurance law, in relation to instruction concerning traffic stops

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 4 of
2 section 502 of the vehicle and traffic law, as amended by chapter 513 of
3 the laws of 2019, is amended to read as follows:

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

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

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1 include one or more written questions concerning the devastating effects
2 of "Road Rage" on the ability of a person to operate a motor vehicle and
3 the legal and financial consequences resulting from assaulting, threat-
4 ening or interfering with the lawful conduct of another person legally
5 using the roadway. Such test shall include one or more questions
6 concerning the potential dangers to persons and equipment resulting from
7 the unsafe operation of a motor vehicle in a work zone. Such test may
8 include one or more questions concerning motorcycle safety. Such test
9 may include one or more questions concerning the law for exercising due
10 care to avoid colliding with a parked, stopped or standing vehicle
11 pursuant to section eleven hundred forty-four-a of this chapter. Such
12 test may include one or more questions concerning school bus safety.
13 Such test shall include one or more questions concerning the responsi-
14 bilities of a driver when stopped by a law enforcement officer. Such
15 test shall be administered by the commissioner. The commissioner shall
16 cause the applicant to take a vision test and a test for color blind-
17 ness. Upon passage of the vision test, the application may be accepted
18 and the application fee shall be payable.

19 § 2. Paragraph (b) of subdivision 4 of section 502 of the vehicle and
20 traffic law, as amended by chapter 513 of the laws of 2019, is amended
21 to read as follows:

22 (b) Upon successful completion of the requirements set forth in para-
23 graph (a) of this subdivision which shall include an alcohol and drug
24 education component as described in paragraph (c) of this subdivision, a
25 "Road Rage" awareness component as described in paragraph (c-1) of this
26 subdivision and a "Work Zone Safety" awareness component as described in
27 paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness
28 component as described in paragraph (c-3) of this subdivision, and a
29 "School Bus Safety" awareness component as described in paragraph (c-4)
30 of this subdivision, and a traffic stop instruction component as
31 described in paragraph (c-5) of this subdivision, the commissioner shall
32 cause the applicant to take a road test in a representative vehicle of a
33 type prescribed by the commissioner which shall be appropriate to the
34 type of license for which application is made, except that the commis-
35 sioner may waive the road test requirements for certain classes of
36 applicants. The commissioner shall have the power to establish a program
37 to allow persons other than employees of the department to conduct road
38 tests in representative vehicles when such tests are required for appli-
39 cants to obtain a class A, B or C license. If she chooses to do so, she
40 shall set forth her reasons in writing and conduct a public hearing on
41 the matter. She shall only establish such a program after holding the
42 public hearing.

43 § 3. Subdivision 4 of section 502 of the vehicle and traffic law is
44 amended by adding a new paragraph (c-5) to read as follows:

45 (c-5) Traffic stop instruction component. (i) The commissioner shall
46 provide in the pre-licensing course, set forth in paragraph (b) of this
47 subdivision, a mandatory component in traffic stop instruction as a
48 prerequisite for obtaining a license to operate a motor vehicle. The
49 purpose of this component is to educate prospective licensees on his or
50 her responsibilities when stopped by a law enforcement officer.

51 (ii) The commissioner shall establish a curriculum for the traffic
52 stop instruction component which shall include but not be limited to:
53 instruction describing appropriate actions to be taken by drivers during
54 traffic stops and appropriate interactions with law enforcement officers
55 who initiate traffic stops. The curriculum shall also explain a driver's
56 responsibilities when stopped by a law enforcement officer, including

1 moving the vehicle onto the shoulder of the highway or, where the high-
2 way has no shoulder, an area adjacent to the highway where the vehicle
3 can safely be stopped during a traffic stop; turning off the motor vehi-
4 cle's engine and radio; avoiding sudden movements and keeping the driv-
5 er's hands in plain view of the officer. The commissioner is authorized
6 to collaborate with the division of state police and non-profit organ-
7 izations focusing on defending or promoting civil liberties and any
8 other agencies or organizations she or he deems necessary in establish-
9 ing the curriculum.

10 § 4. Subsection (a) of section 2336 of the insurance law, as amended
11 by chapter 751 of the laws of 2005, is amended to read as follows:

12 (a) Any schedule of rates or rating plan for motor vehicle liability
13 and collision insurance submitted to the superintendent shall provide
14 for an appropriate reduction in premium charges for any insured for a
15 three year period after successfully completing a motor vehicle accident
16 prevention course, known as the national safety council's defensive
17 driving course, or any driver improvement course approved by the depart-
18 ment of motor vehicles as being equivalent to the national safety coun-
19 cil's defensive driving course, provided that, except as provided in
20 article twelve-C of the vehicle and traffic law, there shall be no
21 reduction in premiums for a self instruction defensive driving course or
22 a course which does not provide for actual classroom instruction for a
23 minimum number of hours as determined by the department of motor vehi-
24 cles. Such reduction in premium charges shall be subsequently modified
25 to the extent appropriate, based upon analysis of loss experience
26 statistics and other relevant factors. All such accident prevention
27 courses shall be monitored by the department of motor vehicles and shall
28 include components of instruction in "Road Rage" awareness [~~and~~], in
29 "Work Zone Safety" awareness and in traffic stops as defined by the
30 commissioner of motor vehicles. The provisions of this section shall not
31 apply to attendance at a program pursuant to article twenty-one of the
32 vehicle and traffic law as a result of any traffic infraction.

33 § 5. Subsection (a) of section 2336 of the insurance law, as amended
34 by chapter 585 of the laws of 2002, is amended to read as follows:

35 (a) Any schedule of rates or rating plan for motor vehicle liability
36 and collision insurance submitted to the superintendent shall provide
37 for an appropriate reduction in premium charges for any insured for a
38 three year period after successfully completing a motor vehicle accident
39 prevention course, known as the national safety council's defensive
40 driving course, or any driver improvement course approved by the depart-
41 ment of motor vehicles as being equivalent to the national safety coun-
42 cil's defensive driving course, provided that in either event there
43 shall be no reduction in premiums for a self instruction defensive driv-
44 ing course or a course which does not provide for actual classroom
45 instruction for a minimum number of hours as determined by the depart-
46 ment of motor vehicles. Such reduction in premium charges shall be
47 subsequently modified to the extent appropriate, based upon analysis of
48 loss experience statistics and other relevant factors. All such accident
49 prevention courses shall be monitored by the department of motor vehi-
50 cles and shall include components of instruction in "Road Rage" aware-
51 ness [~~and~~], in "Work Zone Safety" awareness and in traffic stops as
52 defined by the commissioner of motor vehicles. The provisions of this
53 section shall not apply to attendance at a program pursuant to article
54 twenty-one of the vehicle and traffic law as a result of any traffic
55 infraction.

1 § 6. This act shall take effect one year after it shall have become a
2 law; provided that the amendments to subsection (a) of section 2336 of
3 the insurance law, made by section four of this act shall be subject to
4 the expiration and repeal of such subsection pursuant to section 5 of
5 chapter 751 of the laws of 2005, as amended, when upon such date the
6 provisions of section five of this act shall take effect. Effective
7 immediately, the addition, amendment and/or repeal of any rule or regu-
8 lation necessary for the implementation of this act on its effective
9 date are authorized and directed to be made and completed on or before
10 such effective date.