

# STATE OF NEW YORK

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62

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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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

moving the vehicle onto the shoulder of the highway or, where the highway has no shoulder, an area adjacent to the highway where the vehicle can safely be stopped during a traffic stop; turning off the motor vehicle's engine and radio; avoiding sudden movements and keeping the driver's hands in plain view of the officer. The commissioner is authorized to collaborate with the division of state police and non-profit organizations focusing on defending or promoting civil liberties and any other agencies or organizations she or he deems necessary in establishing the curriculum.

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

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

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

(a) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that in either event there shall be no reduction in premiums for a self instruction defensive driving course or a course which does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness ~~and~~, in "Work Zone Safety" awareness and in traffic stops as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic 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.