

# STATE OF NEW YORK

7205

2021-2022 Regular Sessions

## IN SENATE

June 7, 2021

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to requiring instruction in bicycle and scooter 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 513 of the laws of 2019, are amended  
5 and a new paragraph (c-5) 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 "Bicycle and Scooter  
12 Safety" awareness as defined by the commissioner, "School Bus Safety"  
13 awareness, the law relating to exercising due care to avoid colliding  
14 with a parked, stopped or standing authorized emergency vehicle or  
15 hazard vehicle pursuant to section eleven hundred forty-four-a of this  
16 chapter, the ability to read and comprehend traffic signs and symbols  
17 and such other matters as the commissioner may prescribe, and to satis-  
18 factorily complete a course prescribed by the commissioner of not less  
19 than four hours and not more than five hours, consisting of classroom  
20 driver training and highway safety instruction or the equivalent there-  
21 of. Such test shall include at least seven written questions concerning  
22 the effects of consumption of alcohol or drugs on the ability of a  
23 person to operate a motor vehicle and the legal and financial conse-  
24 quences resulting from violations of section eleven hundred ninety-two

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

LBD08789-01-1

1 of this chapter, prohibiting the operation of a motor vehicle while  
2 under the influence of alcohol or drugs. Such test shall include one or  
3 more written questions concerning the devastating effects of "Road Rage"  
4 on the ability of a person to operate a motor vehicle and the legal and  
5 financial consequences resulting from assaulting, threatening or inter-  
6 fering with the lawful conduct of another person legally using the road-  
7 way. Such test shall include one or more questions concerning the poten-  
8 tial dangers to persons and equipment resulting from the unsafe  
9 operation of a motor vehicle in a work zone. Such test may include one  
10 or more questions concerning motorcycle safety. Such test may include  
11 one or more questions concerning the law for exercising due care to  
12 avoid colliding with a parked, stopped or standing vehicle pursuant to  
13 section eleven hundred forty-four-a of this chapter. Such test may  
14 include one or more questions concerning school bus safety. Such test  
15 shall include one or more questions concerning how to safely operate a  
16 bicycle, a bicycle with electric assist or an electric scooter on the  
17 road and one or more questions concerning the dangers of motor vehicles  
18 to bicyclists and pedestrians and one or more questions concerning the  
19 traffic laws governing bicycles, bicycles with electric assist and elec-  
20 tric scooters. Such test shall be administered by the commissioner. The  
21 commissioner shall cause the applicant to take a vision test and a test  
22 for color blindness. Upon passage of the vision test, the application  
23 may be accepted and the application fee shall be payable.

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

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

48 (c-5) "Bicycle and Scooter Safety" awareness component. (i) The  
49 commissioner shall provide in the pre-licensing course, set forth in  
50 paragraph (b) of this subdivision, a mandatory component in "Bicycle and  
51 Scooter Safety" awareness education as a prerequisite for obtaining a  
52 license to operate a motor vehicle. The purpose of the component is to  
53 educate prospective licensees on the potential dangers to pedestrians,  
54 bicyclists, and scooter operators created by motor vehicles. The purpose  
55 is also to educate bicyclists and scooter operators on their responsi-  
56 bilities to adhere to traffic laws.

1 (ii) The curriculum shall include, but shall not be limited to, an  
2 overview of traffic laws governing bicycles, bicycles with electric  
3 assist and electric scooters, the safe operation of bicycles, bicycles  
4 with electric assist and electric scooters, an overview of traffic laws  
5 governing motor vehicle operators' duty to exercise due care with  
6 respect to pedestrians and bicyclists, including but not limited to  
7 understanding bicyclists' and pedestrians' needs and reduced visibility,  
8 respecting bicyclists' and pedestrians' rights of way, safe operation  
9 near bicyclists and pedestrians, including children and blind, deaf,  
10 elderly and disabled pedestrians, bicycle lanes as defined in section  
11 one hundred two-a of this chapter, safely overtaking a bicycle, the  
12 dangers of distracted driving, driving at appropriate reduced speeds  
13 when special hazards exist with respect to pedestrians or other weather  
14 or highway conditions, safely turning, stopping, standing, and parking,  
15 motor vehicle operators' obligations to comply with article twenty-two  
16 of this chapter, and traffic control devices and markings related to  
17 bicyclists, scooter operators and pedestrians.

18 (iii) In developing such curriculum, the commissioner shall consult  
19 with the commissioner of transportation, the superintendent of the state  
20 police, the commissioners of transportation and police of the city of  
21 New York, medical professionals and bicycle and pedestrian safety advo-  
22 cates.

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

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