

STATE OF NEW YORK

5084

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

Introduced by M. of A. GALLAGHER -- read once and referred 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 Assem-
bly, 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 "Pedestrian and Bicy-
12 clist Safety" awareness as defined by the commissioner, "School Bus
13 Safety" awareness, the law relating to exercising due care to avoid
14 colliding with a parked, stopped or standing authorized emergency vehi-
15 cle or hazard vehicle pursuant to section eleven hundred forty-four-a of
16 this chapter, the ability to read and comprehend traffic signs and
17 symbols and such other matters as the commissioner may prescribe, and to
18 satisfactorily complete a course prescribed by the commissioner of not
19 less than four hours and not more than five hours, consisting of class-
20 room driver training and highway safety instruction or the equivalent
21 thereof. Such test shall include at least seven written questions
22 concerning the effects of consumption of alcohol or drugs on the ability
23 of a person to operate a motor vehicle and the legal and financial
24 consequences resulting from violations of section eleven hundred nine-

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

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

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

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

49 (c-5) "Pedestrian and Bicyclist Safety" awareness component. (i) The
50 commissioner shall provide in the pre-licensing course, set forth in
51 paragraph (b) of this subdivision, a mandatory component in "Pedestrian
52 and Bicyclist Safety" awareness education as a prerequisite for obtain-
53 ing a license to operate a motor vehicle. The purpose of the component
54 is to educate prospective licensees on the potential dangers to pedes-
55 trians, bicyclists, and other non-motorized vehicles created by motor
56 vehicles.

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

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

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

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