

# 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:

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

7 (i) Upon submission of an application for a driver's license, the  
8 applicant shall be required to take and pass a test, or submit evidence  
9 of passage of a test, with respect to the laws relating to traffic, the  
10 laws relating to driving while ability is impaired and while intoxicat-  
11 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"  
12 awareness [~~and~~], "Motorcycle Safety" awareness and "Pedestrian and Bicy-  
13 clist Safety" awareness as defined by the commissioner, "School Bus  
14 Safety" awareness, the law relating to exercising due care to avoid  
15 colliding with a parked, stopped or standing authorized emergency vehi-  
16 cle or hazard vehicle pursuant to section eleven hundred forty-four-a of  
17 this chapter, the ability to read and comprehend traffic signs and  
18 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.

LBD03118-04-2

1 satisfactorily complete a course prescribed by the commissioner of not  
2 less than four hours and not more than five hours, consisting of class-  
3 room driver training and highway safety instruction or the equivalent  
4 thereof. Such test shall include at least seven written questions  
5 concerning the effects of consumption of alcohol or drugs on the ability  
6 of a person to operate a motor vehicle and the legal and financial  
7 consequences resulting from violations of section eleven hundred nine-  
8 ty-two of this chapter, prohibiting the operation of a motor vehicle  
9 while under the influence of alcohol or drugs. Such test shall include  
10 one or more written questions concerning the devastating effects of  
11 "Road Rage" on the ability of a person to operate a motor vehicle and  
12 the legal and financial consequences resulting from assaulting, threat-  
13 ening or interfering with the lawful conduct of another person legally  
14 using the roadway. Such test shall include one or more questions  
15 concerning the potential dangers to persons and equipment resulting from  
16 the unsafe operation of a motor vehicle in a work zone. Such test may  
17 include one or more questions concerning motorcycle safety. Such test  
18 may include one or more questions concerning the law for exercising due  
19 care to avoid colliding with a parked, stopped or standing vehicle  
20 pursuant to section eleven hundred forty-four-a of this chapter. Such  
21 test may include one or more questions concerning school bus safety.  
22 Such test may include one or more questions concerning pedestrian and  
23 bicyclist safety. Such test shall be administered by the commissioner.  
24 The commissioner shall cause the applicant to take a vision test and a  
25 test for color blindness. Upon passage of the vision test, the applica-  
26 tion may be accepted and the application fee shall be payable.

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 "Pedestrian and Bicyclist Safety" awareness  
36 component as described in paragraph (c-5) of this subdivision, the  
37 commissioner shall cause the applicant to take a road test in a repre-  
38 sentative vehicle of a type prescribed by the commissioner which shall  
39 be appropriate to the type of license for which application is made,  
40 except that the commissioner may waive the road test requirements for  
41 certain classes of applicants. Provided, however, that the term "repre-  
42 sentative vehicle" shall not include a three-wheeled motor vehicle that  
43 has two wheels situated in the front and one wheel in the rear, has a  
44 steering mechanism and seating which does not require the operator to  
45 straddle or sit astride, is equipped with safety belts for all occupants  
46 and is manufactured to comply with federal motor vehicle safety stand-  
47 ards for motorcycles including, but not limited to, 49 C.F.R. part 571.  
48 The commissioner shall have the power to establish a program to allow  
49 persons other than employees of the department to conduct road tests in  
50 representative vehicles when such tests are required for applicants to  
51 obtain a class A, B or C license. If she chooses to do so, she shall set  
52 forth her reasons in writing and conduct a public hearing on the matter.  
53 She shall only establish such a program after holding the public hear-  
54 ing.

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

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

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

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

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

41 § 2. This act shall take effect on the one hundred eightieth day after  
42 it shall have become a law. Effective immediately, the addition, amend-  
43 ment and/or repeal of any rule or regulation necessary for the implemen-  
44 tation of this act on its effective date are authorized to be made and  
45 completed on or before such effective date.