

# STATE OF NEW YORK

1078

2021-2022 Regular Sessions

## IN SENATE

January 6, 2021

Introduced by Sens. GOUNARDES, BIAGGI, MAY, MYRIE, RAMOS -- 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, 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. 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

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

LBD03118-01-1

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

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

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

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

1 trians, bicyclists, and other non-motorized vehicles created by motor  
2 vehicles.

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

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

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

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