

# STATE OF NEW YORK

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6438

2021-2022 Regular Sessions

## IN SENATE

April 28, 2021

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Introduced by Sen. WEIK -- 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  
25 include one or more written questions concerning the devastating effects

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

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1 of "Road Rage" on the ability of a person to operate a motor vehicle and  
2 the legal and financial consequences resulting from assaulting, threat-  
3 ening or interfering with the lawful conduct of another person legally  
4 using the roadway. Such test shall include one or more questions  
5 concerning the potential dangers to persons and equipment resulting from  
6 the unsafe operation of a motor vehicle in a work zone. Such test may  
7 include one or more questions concerning motorcycle safety. Such test  
8 may include one or more questions concerning the law for exercising due  
9 care to avoid colliding with a parked, stopped or standing vehicle  
10 pursuant to section eleven hundred forty-four-a of this chapter. Such  
11 test may include one or more questions concerning school bus safety.  
12 Such test shall include one or more questions concerning the responsi-  
13 bilities of a driver when stopped by a law enforcement officer. Such  
14 test shall be administered by the commissioner. The commissioner shall  
15 cause the applicant to take a vision test and a test for color blind-  
16 ness. Upon passage of the vision test, the application may be accepted  
17 and the application fee shall be payable.

18 § 2. Paragraph (b) of subdivision 4 of section 502 of the vehicle and  
19 traffic law, as amended by chapter 513 of the laws of 2019, is amended  
20 to read as follows:

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

42 § 3. Subdivision 4 of section 502 of the vehicle and traffic law is  
43 amended by adding a new paragraph (c-5) to read as follows:

44 (c-5) Traffic stop instruction component. (i) The commissioner shall  
45 provide in the pre-licensing course, set forth in paragraph (b) of this  
46 subdivision, a mandatory component in traffic stop instruction as a  
47 prerequisite for obtaining a license to operate a motor vehicle. The  
48 purpose of this component is to educate prospective licensees on his or  
49 her responsibilities when stopped by a law enforcement officer.

50 (ii) The commissioner shall establish a curriculum for the traffic  
51 stop instruction component which shall include but not be limited to:  
52 instruction describing appropriate actions to be taken by drivers during  
53 traffic stops and appropriate interactions with law enforcement officers  
54 who initiate traffic stops. The curriculum shall also explain a driver's  
55 responsibilities when stopped by a law enforcement officer, including  
56 moving the vehicle onto the shoulder of the highway or, where the high-

1 way has no shoulder, an area adjacent to the highway where the vehicle  
2 can safely be stopped during a traffic stop; turning off the motor vehi-  
3 cle's engine and radio; avoiding sudden movements and keeping the driv-  
4 er's hands in plain view of the officer. The commissioner is authorized  
5 to collaborate with the division of state police and non-profit organ-  
6 izations focusing on defending or promoting civil liberties and any  
7 other agencies or organizations she or he deems necessary in establish-  
8 ing the curriculum. Such curriculum shall be updated at least annually.

9 § 4. Paragraph 1 of subsection (a) of section 2336 of the insurance  
10 law, as amended by section 3 of chapter 4 of the laws of 2021, is  
11 amended to read as follows:

12 (1) Any schedule of rates or rating plan for motor vehicle liability  
13 and collision insurance submitted to the superintendent shall provide  
14 for an actuarially appropriate reduction in premium charges for any  
15 insured for a three year period after successfully completing a motor  
16 vehicle accident prevention course, known as the national safety coun-  
17 cil's defensive driving course, or any driver improvement course  
18 approved by the department of motor vehicles as being equivalent to the  
19 national safety council's defensive driving course, provided that,  
20 except as provided in article twelve-C of the vehicle and traffic law,  
21 there shall be no reduction in premiums for a self-instruction defensive  
22 driving course or a course that does not provide for actual classroom  
23 instruction for a minimum number of hours as determined by the depart-  
24 ment of motor vehicles. Such reduction in premium charges shall be  
25 subsequently modified to the extent appropriate, based upon analysis of  
26 loss experience statistics and other relevant factors. All such accident  
27 prevention courses shall be monitored by the department of motor vehi-  
28 cles and shall include components of instruction in "Road Rage" aware-  
29 ness ~~[and],~~ in "Work Zone Safety" awareness and in traffic stops, as  
30 defined by the commissioner of motor vehicles. The provisions of this  
31 section shall not apply to attendance at a program pursuant to article  
32 twenty-one of the vehicle and traffic law as a result of any traffic  
33 infraction.

34 § 5. Paragraph 1 of subsection (a) of section 2336 of the insurance  
35 law, as amended by section 4 of chapter 4 of the laws of 2021, is  
36 amended to read as follows:

37 (1) Any schedule of rates or rating plan for motor vehicle liability  
38 and collision insurance submitted to the superintendent shall provide  
39 for an actuarially appropriate reduction in premium charges for any  
40 insured for a three year period after successfully completing a motor  
41 vehicle accident prevention course, known as the national safety coun-  
42 cil's defensive driving course, or any driver improvement course  
43 approved by the department of motor vehicles as being equivalent to the  
44 national safety council's defensive driving course, provided that in  
45 either event there shall be no reduction in premiums for a self-instruc-  
46 tion defensive driving course or a course that does not provide for  
47 actual classroom instruction for a minimum number of hours as determined  
48 by the department of motor vehicles. Such reduction in premium charges  
49 shall be subsequently modified to the extent appropriate, based upon  
50 analysis of loss experience statistics and other relevant factors. All  
51 such accident prevention courses shall be monitored by the department of  
52 motor vehicles and shall include components of instruction in "Road  
53 Rage" awareness ~~[and],~~ in "Work Zone Safety" awareness and in traffic  
54 stops, as defined by the commissioner of motor vehicles. The provisions  
55 of this section shall not apply to attendance at a program pursuant to

1 article twenty-one of the vehicle and traffic law as a result of any  
2 traffic infraction.

3 § 6. Subdivision 6 of section 502 of the vehicle and traffic law is  
4 amended by adding a new paragraph (a-1) to read as follows:

5 (a-1) Notwithstanding paragraph (a) of this subdivision, a license  
6 shall not be renewed until such time as the applicant completes an  
7 updated traffic stop instruction course with the most recently issued  
8 course instructional materials developed pursuant to paragraph (c-5) of  
9 subdivision four of this section. Such course may be offered in an  
10 interactive video or other electronic means as part of an applicant's  
11 online renewal application.

12 § 7. This act shall take effect one year after it shall have become a  
13 law; provided that the amendments to paragraph (1) of subsection (a) of  
14 section 2336 of the insurance law, made by section four of this act  
15 shall be subject to the expiration and repeal of such subsection pursu-  
16 ant to section 5 of chapter 751 of the laws of 2005, as amended, when  
17 upon such date the provisions of section five of this act shall take  
18 effect. Effective immediately, the addition, amendment and/or repeal of  
19 any rule or regulation necessary for the implementation of this act on  
20 its effective date are authorized and directed to be made and completed  
21 on or before such effective date.