STATE OF NEW YORK

10120--A

IN ASSEMBLY

May 6, 2024

Introduced by M. of A. DeSTEFANO -- read once and referred to the Committee on Transportation -- 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 establishing "Elijah's law"; and directing the commissioner of the department of motor vehicles to conduct a study analyzing the operation and use of certain vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as "Elijah's law".

§ 2. Paragraph (c) of subdivision 2 of section 502 of the vehicle and traffic law, as amended by chapter 215 of the laws of 2010, is amended to read as follows:

(c) An applicant for a class D or M license shall be at least eighteen years of age[~~, except that an application shall be accepted if the applicant is at least seventeen years of age and submits~~]. An applicant for a class M license must submit acceptable proof of at least ten hours experience operating a motorcycle under the supervision of a driving school instructor or other motorcycle safety driving course instructor approved by the department. An applicant for a class M license must also submit proof of completion of the New York safety council's defensive driving course, the motorcycle safety foundation's motorcycle basic rider course or a similar course approved by the state education department and the commissioner. All applicants must submit acceptable proof of successful completion of a driver education course, approved by the state education department and the commissioner, and proof of completion of the minimum hours of supervised driving as required in paragraph (d) of this subdivision.

§ 3. Paragraph (d) of subdivision 2 of section 502 of the vehicle and traffic law, as amended by chapter 368 of the laws of 2019, is amended to read as follows:

(d) An applicant for a class DJ or MJ license shall be at least sixteen years of age and such applicant must submit written consent to

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

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the issuance of such license by the applicant's parent or guardian. Upon receipt of withdrawal of such consent, any class DJ or MJ license, learner's permit or license application shall be cancelled. No class DJ or MJ license shall be issued unless the applicant presents, at the time of the road test administered pursuant to paragraph (b) of subdivision four of this section, a written certification by the applicant's parent or guardian: (i) that such applicant has operated a motor vehicle for no less than fifty hours, at least fifteen hours of which shall be after sunset, under the immediate supervision of a person as authorized pursuant to subparagraph (ii) of paragraph (a) or paragraph (b) of subdivision five of section five hundred one of this article, a driver education teacher pursuant to section eight hundred six-a of the education law or a driving school instructor pursuant to subdivision seven-a of section three hundred ninety-four of this chapter; and (ii) if such applicant completed an internet delivered pre-licensing course approved by the commissioner pursuant to article [~~twelve-d~~] twelve-D of this chapter, that such applicant participated throughout such course. An applicant for a class MJ license must also submit proof of completion of the New York safety council's defensive driving course, the motorcycle safety foundation's motorcycle basic rider course or a similar course approved by the state education department and the commissioner. An applicant for an MJ license shall be required to submit acceptable proof of at least fifteen hours experience operating a motorcycle under the supervision of a driving school instructor or other motorcycle safety driving course instructor approved by the department.

§ 4. Paragraph (d) of subdivision 2 of section 502 of the vehicle and traffic law, as amended by chapter 403 of the laws of 2009, is amended to read as follows:

(d) An applicant for a class DJ or MJ license shall be at least sixteen years of age and such applicant must submit written consent to the issuance of such license by the applicant's parent or guardian. Upon receipt of withdrawal of such consent, any class DJ or MJ license, learner's permit or license application shall be cancelled. No class DJ or MJ license shall be issued unless the applicant presents, at the time of the road test administered pursuant to paragraph (b) of subdivision four of this section, a written certification by the applicant's parent or guardian that such applicant has operated a motor vehicle for no less than fifty hours, at least fifteen hours of which shall be after sunset, under the immediate supervision of a person as authorized pursuant to subparagraph (ii) of paragraph (a) or paragraph (b) of subdivision five of section five hundred one of this article, a driver education teacher pursuant to section eight hundred six-a of the education law or a driving school instructor pursuant to subdivision seven-a of section three hundred ninety-four of this chapter. An applicant for a class MJ license must also submit proof of completion of the New York safety council's defensive driving course, the motorcycle safety foundation's motorcycle basic rider course or a similar course approved by the state education department and the commissioner. An applicant for an MJ license shall be required to submit acceptable proof of at least fifteen hours experience operating a motorcycle under the supervision of a driving school instructor or other motorcycle safety driving course instructor approved by the department.

§ 5. 1. The commissioner of the department of motor vehicles shall conduct a study analyzing the operation and use of standard motorcycles, heavy motorcycles, mopeds, other light motorcycles, electric bikes in

classes 1, 2, 3 and 4 and electric and non-electric powered scooters. Such study shall examine:

a. The prevalence of ownership and use of all such vehicles in the state; and

b. The incidents and trends of violations of traffic laws and crashes involving all such vehicles.

2. The commissioner shall make a report of the findings of such study, including any recommendations. Such recommendations may include, but not be limited to:

a. Increased safety education course requirements for permit and license applications for operation of the vehicles studied;

b. Increased age restrictions in operation of any of such types of vehicles; and

c. The implementation or enhancement of safety gear requirements for operation of all such vehicles.

3. The commissioner's recommendations and a report on such study shall be provided to the governor, the speaker of the assembly, and the temporary president of the senate within six months of the effective date of this act.

§ 6. This act shall take effect on the thirtieth day after it shall have become a law; provided that the amendments to paragraph (d) of subdivision 2 of section 502 of the vehicle and traffic law made by section three of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 3 of chapter 368 of the laws of 2019, as amended, when upon such date the provisions of section four of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.