

STATE OF NEW YORK

2426

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sen. PERSAUD -- 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 379 of
3 the laws of 2022, 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, "Motorcycle Safety" awareness and "Pedestrian and Bicyclist
10 Safety" awareness as defined by the commissioner, "School Bus Safety"
11 awareness, the law relating to exercising due care to avoid colliding
12 with a parked, stopped or standing authorized emergency vehicle or
13 hazard vehicle pursuant to section eleven hundred forty-four-a of this
14 chapter, the ability to read and comprehend traffic signs and symbols,
15 the responsibilities of a driver when stopped by a law enforcement offi-
16 cer and such other matters as the commissioner may prescribe, and to
17 satisfactorily complete a course prescribed by the commissioner of not
18 less than four hours and not more than five hours, consisting of class-
19 room driver training and highway safety instruction or the equivalent
20 thereof. Such test shall include at least seven written questions
21 concerning the effects of consumption of alcohol or drugs on the ability
22 of a person to operate a motor vehicle and the legal and financial
23 consequences resulting from violations of section eleven hundred nine-
24 ty-two of this chapter, prohibiting the operation of a motor vehicle
25 while under the influence of alcohol or drugs. Such test shall include

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

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

20 § 2. Paragraph (b) of subdivision 4 of section 502 of the vehicle and
21 traffic law, as amended by chapter 379 of the laws of 2022, is amended
22 to read as follows:

23 (b) Upon successful completion of the requirements set forth in para-
24 graph (a) of this subdivision which shall include an alcohol and drug
25 education component as described in paragraph (c) of this subdivision, a
26 "Road Rage" awareness component as described in paragraph (c-1) of this
27 subdivision, a "Work Zone Safety" awareness component as described in
28 paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness
29 component as described in paragraph (c-3) of this subdivision, a "School
30 Bus Safety" awareness component as described in paragraph (c-4) of this
31 subdivision, ~~and~~ a "Pedestrian and Bicyclist Safety" awareness compo-
32 nent as described in paragraph (c-5) of this subdivision, and a traffic
33 stop instruction component as described in paragraph (c-6) of this
34 subdivision, the commissioner shall cause the applicant to take a road
35 test in a representative vehicle of a type prescribed by the commission-
36 er which shall be appropriate to the type of license for which applica-
37 tion is made, except that the commissioner may waive the road test
38 requirements for certain classes of applicants. Provided, however, that
39 the term "representative vehicle" shall not include a three-wheeled
40 motor vehicle that has two wheels situated in the front and one wheel in
41 the rear, has a steering mechanism and seating which does not require
42 the operator to straddle or sit astride, is equipped with safety belts
43 for all occupants and is manufactured to comply with federal motor vehi-
44 cle safety standards for motorcycles including, but not limited to, 49
45 C.F.R. part 571. The commissioner shall have the power to establish a
46 program to allow persons other than employees of the department to
47 conduct road tests in representative vehicles when such tests are
48 required for applicants to obtain a class A, B or C license. If she
49 chooses to do so, she shall set forth her reasons in writing and conduct
50 a public hearing on the matter. She shall only establish such a program
51 after holding the public hearing.

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

54 (c-6) Traffic stop instruction component. (i) The commissioner shall
55 provide in the pre-licensing course, set forth in paragraph (b) of this
56 subdivision, a mandatory component in traffic stop instruction as a

prerequisite for obtaining a license to operate a motor vehicle. The purpose of this component is to educate prospective licensees on his or her responsibilities when stopped by a law enforcement officer.

(ii) The commissioner shall establish a curriculum for the traffic stop instruction component which shall include but not be limited to: instruction describing appropriate actions to be taken by drivers during traffic stops and appropriate interactions with law enforcement officers who initiate traffic stops. The curriculum shall also explain a driver's responsibilities when stopped by a law enforcement officer, including moving the vehicle onto the shoulder of the highway or, where the highway has no shoulder, an area adjacent to the highway where the vehicle can safely be stopped during a traffic stop; turning off the motor vehicle's engine and radio; avoiding sudden movements and keeping the driver's hands in plain view of the officer. The commissioner is authorized to collaborate with the division of state police and non-profit organizations focusing on defending or promoting civil liberties and any other agencies or organizations she or he deems necessary in establishing the curriculum.

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

(1) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an actuarially appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that, except as provided in article twelve-C of the vehicle and traffic law, there shall be no reduction in premiums for a self-instruction defensive driving course or a course that does not provide for actual classroom instruction for a minimum number of hours as determined by the department of motor vehicles. Such reduction in premium charges shall be subsequently modified to the extent appropriate, based upon analysis of loss experience statistics and other relevant factors. All such accident prevention courses shall be monitored by the department of motor vehicles and shall include components of instruction in "Road Rage" awareness ~~and~~ in "Work Zone Safety" awareness, and in traffic stops as defined by the commissioner of motor vehicles. The provisions of this section shall not apply to attendance at a program pursuant to article twenty-one of the vehicle and traffic law as a result of any traffic infraction.

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

(1) Any schedule of rates or rating plan for motor vehicle liability and collision insurance submitted to the superintendent shall provide for an actuarially appropriate reduction in premium charges for any insured for a three year period after successfully completing a motor vehicle accident prevention course, known as the national safety council's defensive driving course, or any driver improvement course approved by the department of motor vehicles as being equivalent to the national safety council's defensive driving course, provided that in either event there shall be no reduction in premiums for a self-instruction defensive driving course or a course that does not provide for

1 actual classroom instruction for a minimum number of hours as determined
2 by the department of motor vehicles. Such reduction in premium charges
3 shall be subsequently modified to the extent appropriate, based upon
4 analysis of loss experience statistics and other relevant factors. All
5 such accident prevention courses shall be monitored by the department of
6 motor vehicles and shall include components of instruction in "Road
7 Rage" awareness [~~and~~], in "Work Zone Safety" awareness and in traffic
8 stops as defined by the commissioner of motor vehicles. The provisions
9 of this section shall not apply to attendance at a program pursuant to
10 article twenty-one of the vehicle and traffic law as a result of any
11 traffic infraction.

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