STATE OF NEW YORK

5191

2023-2024 Regular Sessions

IN SENATE

February 27, 2023

Introduced by Sen. SANDERS -- 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, the education law and the insurance law, in relation to requiring a uniform curriculum for accident prevention courses; to repeal certain provisions of the vehicle and traffic law relating thereto; and providing for the repeal of certain provisions of the vehicle and traffic law upon expiration thereof

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 "Davina's driver accountability law".

§ 2. Section 399-c of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

§ 399-c. Approval by the commissioner. **1.** The commissioner must approve an accident prevention course before any person attending and successfully completing such course may qualify to receive mandatory insurance reduction benefits in accordance with subsection (a) of section two thousand three hundred thirty-six of the insurance law. The commissioner shall base the decision to approve a course upon the requirements set forth in this article and any additional requirements as the commissioner deems necessary.

2. (a) (i) Notwithstanding any contrary provision of subdivision one of this section, the commissioner shall, no later than one year after the effective date of this subdivision, establish a uniform and comprehensive accident prevention course curriculum for use by all sponsoring agencies, delivery agencies and instructors in the state.

(ii) Such uniform curriculum shall include the latest safety techniques and instructional materials, and, in addition to any and all instruction required for completion of the national safety council's defensive driving course, shall include intensive and rigorous instruc-

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

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tion in all relevant provisions of title seven of this chapter and such other subject matter as the commissioner shall deem necessary to ensure that such course is effective in increasing driver safety and preventing and/or reducing motor vehicle accidents.

(iii) Such uniform curriculum shall require at least three hundred twenty minutes of instruction with a certified instructor present; provided, however, that such requirement shall not be applicable to a program approved pursuant to rule or regulation authorizing the delivery of courses by internet or other remote technology. Nothing in this subdivision shall prevent the use of audio/visual aids as part of the course presentation.

(b) Beginning ninety days after the initial adoption of the course curriculum pursuant to this subdivision and thereafter, no person shall qualify to receive mandatory insurance reduction benefits in accordance with subsection (a) of section two thousand three hundred thirty-six of the insurance law unless such person shall have attended and successfully completed the accident prevention course approved pursuant to the provisions of this subdivision; provided, however, that the commissioner may, in cooperation with the commissioner of education, promulgate rules or regulations authorizing the administration and completion of the course remotely using the internet or other available technology.

§ 3. Section 399-c of the vehicle and traffic law is REPEALED and a new section 399-c is added to read as follows:

§ 399-c. Uniform course curriculum; establishment. 1. The commissioner shall establish a uniform accident prevention course curriculum for use by all sponsoring agencies, delivery agencies and instructors in the state as provided herein.

(a) Such uniform curriculum shall include the latest safety techniques and instructional materials, and, in addition to any and all instruction required for completion of the national safety council's defensive driving course, shall include intensive and rigorous instruction in all relevant provisions of title seven of this chapter and such other subject matter as the commissioner shall deem necessary to ensure that such course is effective in increasing driver safety and the prevention and reduction of motor vehicle accidents.

(b) Such uniform curriculum shall require at least three hundred twenty minutes of instruction with a certified instructor present; provided, however, that such requirement shall not be applicable to a program approved pursuant to rule or regulation promulgated pursuant to paragraph (d) of this subdivision authorizing the delivery of courses by internet or other remote technology. Nothing in this section shall prevent the use of audio/visual aids as part of the course presentation prescribed by the commissioner.

(c) In addition to the requirements of paragraphs (a) and (b) of this subdivision, the commissioner, in cooperation with the commissioner of education, shall:

(i) Establish the minimum qualifications of all managers and instructors participating in the delivery of the course.

(ii) Develop a uniform instructor's manual and student workbooks and/or manuals for use by course participants.

(iii) Develop a uniform completion certificate which is designed to prevent and is capable of preventing fraud and forgery for the purpose of verifying course completion for submission to insurance companies.

(d) The commissioner may promulgate rules and regulations authorizing the administration and completion of the course using the internet or other remote technology in cooperation with the commissioner of educa-

tion in accordance with subdivision three of section eight hundred six-a of the education law, provided that any such technology is capable of validating: student identity at registration and throughout the course; participation throughout the course; that the time requirements are met; and successful completion of the course.

2. (a) The commissioner shall consult with the commissioner of education to ensure that the curriculum and course materials are up-to-date and provide effective instruction to course participants and shall regularly review and revise such curriculum as the commissioner deems necessary.

(b) Beginning two years after adoption of the initial curriculum and biennially thereafter, the commissioner, in cooperation with the commissioner of education, shall re-evaluate such curriculum and make such revisions as the commissioner deems necessary to accomplish the purposes of this article. The commissioner shall approve such curriculum no later than ninety days following the biennial re-evaluation required pursuant to this paragraph and shall notify all approved sponsoring agencies in accordance with such rules and regulations as the commissioner shall have promulgated for such purpose.

3. No person shall qualify to receive mandatory insurance reduction benefits pursuant to subsection (a) of section two thousand three hundred thirty-six of the insurance law unless such person shall have attended and successfully completed the uniform accident prevention course curriculum established pursuant to this section.

§ 4. Section 399-a of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

§ 399-a. Statement of purpose. The purposes of this article are to further highway safety by preserving the quality and efficacy of the accident prevention course programs. These purposes will be accomplished by establishing strict criteria for initial and continual course [~~sponsorship~~] approval.

§ 5. Subdivisions 1, 2, 3 and 4 of section 399-b of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, are amended to read as follows:

1. "Sponsoring agency" shall mean an organization which [~~owns a~~] sponsors the motor vehicle accident prevention course approved by the commissioner in accordance with section three hundred ninety-nine-c of this article.

2. "Delivery agency" shall mean an organization which conducts [~~a sponsoring agency's~~] the approved motor vehicle accident prevention course on behalf of a sponsoring agency.

3. "Instructor" shall mean an individual employed by a delivery agency to teach [~~an~~] the approved accident prevention course.

4. "Accident prevention course" or "course" shall mean the accident prevention course curriculum or specialized course curriculum which has been approved by the commissioner in accordance with section three hundred-ninety-nine-c of this article.

§ 6. Section 399-d of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

§ 399-d. Application for approval; sponsoring agency. 1. An agency or organization seeking approval as a motor vehicle accident prevention course sponsoring agency shall apply to the commissioner for approval. Such applications shall be made in writing and on forms prescribed by the commissioner. The application shall include at a minimum: [~~the title or name of the course,~~] the name of the organization submitting the application, [~~proof of course ownership, and~~] the names and addresses of

all owners, officers, and directors of the agency or organization, and such other information or material as the commissioner may prescribe. An application shall not be considered to be complete until all information and material required by this chapter and by regulation of the commissioner has been submitted.

2. The commissioner shall either approve or deny an application for [~~course~~] approval **as a sponsoring agency** no later than ninety days following submission of a completed application. In the event the commissioner takes no action on an application after ninety days following submission of a completed application, the application shall be deemed denied.

3. The commissioner is authorized to suspend or revoke approval of a sponsoring agency should the commissioner find that the sponsoring agency, its delivery agency or its instructors have been found to be in violation of any applicable laws or regulations.

§ 7. Section 399-e of the vehicle and traffic law is REPEALED.

§ 8. Section 399-g of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

§ 399-g. Regulations. The commissioner shall promulgate such rules and regulations as are necessary to effectuate the provisions of this article. In addition to any requirements expressly authorized by this article, such regulations may include but not be limited to requirements and standards with respect to: delivery agencies and instructors; classroom facilities; suspension or revocation of approval; appeal of suspension or revocation; **establishment of a uniform course curriculum pursuant to section three hundred ninety-nine-c of this article;** course administration and advertising; monitoring of courses and instructors; and reevaluation of course effectiveness pursuant to **section three hundred ninety-nine-c and** section three hundred ninety-nine-f of this article.

§ 9. Section 806-a of the education law is amended by adding a new subdivision 3 to read as follows:

3. The commissioner shall assist the commissioner of motor vehicles with the development of the uniform accident prevention course curriculum required pursuant to section three hundred ninety-nine-c of the vehicle and traffic law, and each biennial re-evaluation thereof, to ensure that such curriculum and course materials are up-to-date and provide effective instruction for course participants. Such assistance shall include, but not be limited to, maintaining consistency with driver education courses established pursuant to this section and evaluation of instruction methods, including remote instruction.

§ 10. Section 305 of the education law is amended by adding a new subdivision 60 to read as follows:

60. The commissioner shall cooperate with the commissioner of motor vehicles with the development and adoption of the uniform accident prevention course curriculum required pursuant to section three hundred ninety-nine-c of the vehicle and traffic law, and the biennial re-evaluation thereof, to ensure that such curriculum and course materials are up-to-date and provide effective instruction for course participants as provided in subdivision three of section eight hundred six-a of this chapter.

§ 11. Paragraph 1 of subsection (a) of section 2336 of the insurance law, as amended by section 3 of 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~~] **pursuant to the provisions article twelve-B of the vehicle and traffic law**, 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 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.

§ 12. Paragraph 1 of subsection (a) of section 2336 of the insurance law, as amended by section 4 of 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~~] **pursuant to the provisions of article twelve-B of the vehicle and traffic law**, 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 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 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.

§ 13. This act shall take effect immediately; provided, however that the amendments to section 399-c of the vehicle and traffic law made by section two of this act shall expire and be deemed repealed one year after it shall have become a law, when upon such date the provisions of sections three, four, five, six, seven and eleven of this act shall take effect; and provided further that the amendments to paragraph 1 of subsection (a) of section 2336 of the insurance law made by section eleven of this act shall be subject to the expiration and reversion of such subsection when upon such date the provisions of section twelve of this act shall take effect.