

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:

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

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

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

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

24 (d) An applicant for a class DJ or MJ license shall be at least
25 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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1 the issuance of such license by the applicant's parent or guardian. Upon
2 receipt of withdrawal of such consent, any class DJ or MJ license,
3 learner's permit or license application shall be cancelled. No class DJ
4 or MJ license shall be issued unless the applicant presents, at the time
5 of the road test administered pursuant to paragraph (b) of subdivision
6 four of this section, a written certification by the applicant's parent
7 or guardian: (i) that such applicant has operated a motor vehicle for no
8 less than fifty hours, at least fifteen hours of which shall be after
9 sunset, under the immediate supervision of a person as authorized pursu-
10 ant to subparagraph (ii) of paragraph (a) or paragraph (b) of subdivi-
11 sion five of section five hundred one of this article, a driver educa-
12 tion teacher pursuant to section eight hundred six-a of the education
13 law or a driving school instructor pursuant to subdivision seven-a of
14 section three hundred ninety-four of this chapter; and (ii) if such
15 applicant completed an internet delivered pre-licensing course approved
16 by the commissioner pursuant to article [~~twelve-d~~] twelve-D of this
17 chapter, that such applicant participated throughout such course. An
18 applicant for a class MJ license must also submit proof of completion of
19 the New York safety council's defensive driving course, the motorcycle
20 safety foundation's motorcycle basic rider course or a similar course
21 approved by the state education department and the commissioner. An
22 applicant for an MJ license shall be required to submit acceptable proof
23 of at least fifteen hours experience operating a motorcycle under the
24 supervision of a driving school instructor or other motorcycle safety
25 driving course instructor approved by the department.

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

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

53 § 5. 1. The commissioner of the department of motor vehicles shall
54 conduct a study analyzing the operation and use of standard motorcycles,
55 heavy motorcycles, mopeds, other light motorcycles, electric bikes in

1 classes 1, 2, 3 and 4 and electric and non-electric powered scooters.
2 Such study shall examine:
3 a. The prevalence of ownership and use of all such vehicles in the
4 state; and
5 b. The incidents and trends of violations of traffic laws and crashes
6 involving all such vehicles.
7 2. The commissioner shall make a report of the findings of such study,
8 including any recommendations. Such recommendations may include, but not
9 be limited to:
10 a. Increased safety education course requirements for permit and
11 license applications for operation of the vehicles studied;
12 b. Increased age restrictions in operation of any of such types of
13 vehicles; and
14 c. The implementation or enhancement of safety gear requirements for
15 operation of all such vehicles.
16 3. The commissioner's recommendations and a report on such study shall
17 be provided to the governor, the speaker of the assembly, and the tempo-
18 rary president of the senate within six months of the effective date of
19 this act.
20 § 6. This act shall take effect on the thirtieth day after it shall
21 have become a law; provided that the amendments to paragraph (d) of
22 subdivision 2 of section 502 of the vehicle and traffic law made by
23 section three of this act shall be subject to the expiration and rever-
24 sion of such paragraph pursuant to section 3 of chapter 368 of the laws
25 of 2019, as amended, when upon such date the provisions of section four
26 of this act shall take effect. Effective immediately, the addition,
27 amendment and/or repeal of any rule or regulation necessary for the
28 implementation of this act on its effective date are authorized to be
29 made and completed on or before such effective date.