PRE-LICENSING COURSE INSTRUCTOR'S MANUAL

A Syllabus Prepared by the New York State Department of Motor Vehicles

MV-277 (4/20)

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FOREWORD

The goals of New York State's comprehensive statewide highway safety program are to prevent motor vehicle crashes, save lives, and reduce the severity of injuries suffered in crashes. Enforcement of the Vehicle and Traffic Law in conjunction with public information and education continue to be the cornerstones of New York's highway safety program.

The Department of Motor Vehicles uses the Pre-Licensing Course curriculum as one means to address these goals, and is committed to educating new drivers by providing them with information to help them drive safely. For many students, the DMV Pre-Licensing Course provides their only opportunity to be personally instructed about the New York State Vehicle and Traffic Law, the basic "rules of the road", safe driving principles, defensive driving techniques, and information about the effects of alcohol, drugs, and other current highway safety concerns.

By actively participating in, and completing, this Pre-Licensing Course, students will learn safe driving skills and have the potential to improve their driving behavior by learning to share the road courteously and safely. This may reduce the higher incidence of traffic violations and crashes incurred by new drivers, thus decreasing the risks for all users of the state's roadways.

There are places in the manual where the instructor and participants are directed to other sources (including websites) for the most current information. It is strongly suggested that the instructor make use of these references as this will help provide the most up-to-date information to the participants.

Much information about safety, forms, and licensing requirements can be found at the Department of Motor Vehicles website www.dmv.ny.gov and at the Governor's Traffic Safety Committee website www.safeny.ny.gov. Please visit both sites for additional information to enhance your lectures. As an instructor of the NYS DMV Pre-Licensing Course, you can have a significant positive impact on the driving habits of our state's future drivers.

PRE-LICENSING COURSE OVERVIEW

MISSION STATEMENT

The Pre-Licensing Course educates New York State's new drivers by promoting safe, courteous, defensive and alcohol/drug-free driving.

OVERALL OBJECTIVES

The objectives of the Pre-Licensing Course are to:

- Define and recognize driving as a mental, physical and social task that involves the interaction of the operator, the environment and the vehicles.
- Recognize the importance of protecting motor vehicle occupants from possible injury or death by using all occupant protection devices.
- Teach the rules-of-the-road, emphasizing those that promote safe driving.
- Identify factors such as fatigue, alcohol, and other drugs that can impair a driver's ability to operate a motor vehicle.
- Recognize dangerous drivers and driving situations and learn how to react safely.
- Understand the influence a driver's state of mind can have on their behavior, and how this affects their actions while driving.

MANUAL OVERVIEW

The Pre-Licensing Course Instructor's Manual represents a minimum of four hours of instruction. The information in Appendix A adds content which the instructor must include in the presentation.

The Manual contains several appendices that may be helpful to the instructor:

1. Recent Laws and Highway Safety Concerns (Appendix A) contains information about new laws and safety concerns. **This content must be included in the Instructor's presentation of the course so that new motorists will be aware of the importance of these topics**;

2. Tips to help instructors prepare for and conduct classes;

3. Procedures to use when filling out and maintaining required records;

4. NYS Vehicle and Traffic Law and Department of Motor Vehicles' regulations which govern the Course;

The Pre-Licensing Course is designed to provide information necessary for safe driving. *It is not to help prospective drivers pass the road test*. Using the Pre-Licensing Course to provide information on how to take a road test is prohibited, and deprives new motorists of critical information they need to develop as a safe driver. Students should be referred to DMV's website at www.dmv.ny.gov/driver-license/prepare-your-road-test for more information, or consult with a driving school at a time other than when the Pre-Licensing Course is being conducted.

This Instructor's Manual is structured to ensure that the course is uniformly offered across the state while allowing each instructor flexibility in their individual presentations. It's designed to provide instructors with varied ways to achieve course objectives. We hope you find it helpful and easy to use.

HOW TO USE THE INSTRUCTOR'S MANUAL

EACH OF THE SIX (6) UNITS OF THE MANUAL CONTAINS THE FOLLOWING SECTIONS TO ASSIST THE INSTRUCTOR THROUGH THE CURRICULUM:

Overview

The Overview is a brief synopsis, including objectives, of the unit. It is intended as a "guide" and not to be used word-for-word as your introduction to each unit. The instructor is required to develop their own lesson plan for delivering the course to ensure that all required content is covered.

Instructor Objectives

The Instructor's Objectives are designed to help instructors plan their presentation. Instructors should attempt to meet all of them. Instructors should strive to have students meet these objectives regardless of the activities and exercises used by the instructor.

Student Objectives

Student Objectives are knowledge and behaviorally based. Instructors should encourage students to participate in the classroom discussions and activities as evidence of student involvement and learning.

Session Content

Background material (i.e., Unit Content) related to the objectives appears below the Student Objective. Instructors should include some, if not all, of this information in their lesson. Please read this section prior to planning or conducting a class.

Activities

The Activity, or Activities, included in each session relate to the Student Objective and Unit Content on the preceding page. Instructors may use these activities or choose their own that support the specific objective and unit content. To promote student participation in the class, instructors should continually ask questions. Instructors may use the questions listed or use their own that support the unit's objectives and content.

Media and Video Content

Media, including video content, may be used when appropriate. It is up to the course provider to select, obtain, and utilize media content that supports the topic being discussed. Total media time must not exceed one hour. The course provider is responsible for selecting and obtaining appropriate media for use in their presentation of the Pre-Licensing Course.

Note: References in this manual to using a chalkboard are intended as suggestions only. Instructors are permitted and encouraged to use alternate visual aids, such as magnetic boards and computer-generated displays.

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

OVERVIEW

The purpose of the Pre-Licensing Course is to help the new driver:

- become aware of a driver's responsibilities,
- understand the "rules-of-the-road",
- use safe driving concepts and crash avoidance techniques,
- understand why it's necessary to use occupant protection devices to protect themselves and their passengers from possible injury,
- recognize the risk of driving when sleepy (fatigued) or under the influence of alcohol or other drugs.
- Learn about current safety concerns and laws (as identified in Appendix A)

INSTRUCTOR OBJECTIVES

The instructor shall:

1. Establish a positive learning environment,
2. Welcome students and make everyone feel comfortable,
3. Describe course procedures and general housekeeping details, including location of rest rooms and emergency exits
4. Invite and encourage student participation,
5. Present the rationale and mission of the course,
6. Describe the overall content of the course.

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

STUDENT OBJECTIVE

The students will be welcomed to the class, receive classroom orientation information, and become actively involved in the discussion format of the Pre-Licensing Course.

SESSION CONTENT

We will conduct class by using a discussion format which follows these general guidelines:

- We'll respect other students' opinions and pay attention when another student is talking.
- Only one person will speak at a time.
- Everyone will have a chance to talk or ask questions, as time allows.
- Raise your hand and be called on before talking to avoid interrupting others.
- Look at the person you're speaking to.

A discussion format allows us to hear what everyone in the class believes about driving and sharing the highways with other drivers, a variety of vehicles and pedestrians. It also allows us to discover what beliefs we have in common with one another and discuss if those beliefs are consistent with safe driving practices.

To make it easier for us to relax and get to know one another, we'll use name tags throughout the class.

Please make every effort to keep an open mind and not be judgmental during the classroom activities and discussions. Remember, each of us is entitled to our own opinions and often we can learn from one another.

Finally, you'll inform them of what they must do to successfully get a Pre-Licensing Course Completion Certificate (form MV-278).

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

ACTIVITIES

The Instructor:

- Give a general welcome to the students.
- Introduce yourself to the students. Wear a prominently displayed name tag and/or put your name on a chalkboard, whiteboard or flipchart.
- Give out name tags or name tents with marking pens to the students. Students write their first name, or name that they would like to be called during the course.
- Discuss "housekeeping" information such as identifying the location of the restroom, emergency exits, telephones, food areas and any other important information.
- Present the general requirements and procedures for the class, including the length of the class, break times, and dismissal times. Mention that the course completion certificates will be issued at the completion of the course.
- Explain why students need to be involved in the class and participate in the classroom exercises throughout the course.
- Explain how a "discussion" format works, and that you will be asking questions.
- Have everyone get acquainted by asking some of the questions listed below:
  - What is your name?
  - Where are you from?
  - How much driving experience have you had so far?
  - What kind of vehicle(s) have you driven?
  - If you could have any vehicle you wanted, what kind do you see yourself driving?

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

STUDENT OBJECTIVE

The students will receive information about the Pre-Licensing Course Completion Certificate (MV-278), and will be provided with an overview of certain topics that are required by law to be taught in the Pre-Licensing Course.

SESSION CONTENT

The Pre-Licensing Course Completion Certificate (MV-278) will be given to the student at the completion of the course. This certificate is needed when scheduling a road test. A valid MV-278 must be presented along with a Learner's Permit to the Department of Motor Vehicles when the student appears for the road test. The MV-278 certificate is valid for one year from the date of issuance. It is not renewable. If lost, a duplicate MV-278 can be obtained from the school the student attended.

The sections of the law included below reflect the topics that must be covered in this course (these sections of law are included in Appendix E).

Vehicle and Traffic Law, Section 502(4) (a), (b), (c), (c-1), (c-2), (d), (e), (f), (g), (h).

4. Examinations. (a) (i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", "Work Zone Safety" awareness and "Motorcycle Safety" awareness as defined by the commissioner, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning motorcycle safety. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter. Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

(ii) The commissioner shall promulgate rules and regulations establishing eligibility standards for the taking and passing of knowledge tests in other than written form.

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision and a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, and a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision the commissioner shall cause the applicant to take a road test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. The commissioner shall have the power to establish a program to allow persons other than employees of the department to conduct road tests in representative vehicles when such tests are required for applicants to obtain a class A, B or C license. If she chooses to do so, she shall set forth her reasons in writing and conduct a public hearing on the matter. She shall only establish such a program after holding the public hearing.

(c) Alcohol and drug education component. The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision a mandatory component in alcohol and drug education of not less than two hours as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the effects that ingestion of alcohol and other drugs have on a person's ability to operate a motor vehicle. The commissioner shall establish a curriculum for the alcohol and drug education component which shall include but not be limited to: instruction describing the hazards of driving while impaired or intoxicated; the penalties for alcohol related motor vehicle violations including sanctions set forth in the penal law that apply to homicides and assaults arising out of the operation of a motor vehicle while intoxicated and those sanctions set forth in the vehicle and traffic law relating to driving while intoxicated; and the medical, biological and physiological effects of the consumption of alcohol and their impact on the operation of a motor vehicle.

(c-1) "Road Rage" awareness component. The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision a mandatory component in "Road Rage" awareness education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the effects that the development and expression of "Road Rage", as defined by the commissioner, have on a person's ability to operate a motor vehicle. The commissioner shall establish a curriculum for the "Road Rage" component which shall include but not be limited to: instruction describing the hazards of driving and exiting the vehicle while under the influence of "Road Rage"; the penalties for "Road Rage"-related motor vehicle or other violations including sanctions set forth in the penal law that apply to homicides and assaults arising out of the operation of a motor vehicle while expressing "Road Rage", and any sanctions set forth in law relating to driving while under the influence of "Road Rage"; and the medical, biological and physiological effects of the development and expression of "Road Rage", and their impact on the operation of a motor vehicle. The commissioner is charged with the responsibility for defining the term "Road Rage", as used in this paragraph, in consultation with law enforcement personnel, medical professionals, representatives of the court system, highway safety officials, and any other group that the commissioner believes can contribute to a comprehensive statement of the issue.

(c-2) "Work Zone Safety" awareness component. (i) The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision, a mandatory component in "Work Zone Safety" awareness education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the potential dangers to construction workers, construction equipment operators and operators of motor vehicles in a highway work zone. For the purposes of this paragraph, the term "work zone" shall include "work area" as defined by section one hundred sixty of this chapter, and "restricted highway" as authorized in section sixteen hundred twenty-five of this chapter.

(ii) The commissioner shall establish a curriculum for the "Work Zone Safety" component which shall include but not be limited to: instruction describing the potential hazards of driving through a work zone, whether or not work, maintenance or other related construction is being undertaken therein, and information on the provisions of law relating to driving within a work zone and sanctions for violations of such provisions, including speeding in a work zone.

(iii) In developing such curriculum, the commissioner shall consult with the commissioner of transportation, the superintendent of the state police, representatives of the highway construction industry, representatives of highway construction workers, highway safety officials, and any other group that the commissioner believes can contribute to a comprehensive presentation of the issue.

(c-3) "Motorcycle Safety" awareness component. The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision, a mandatory component in "Motorcycle Safety" awareness education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the potential dangers to persons operating motorcycles on the roadway.

(d) The commissioner shall make available for distribution upon registration at each location where the pre-licensing course will be given, instructional handbooks outlining the content of the entire curriculum of the pre-licensing course including the information required to be included in the course pursuant to paragraphs (c), (c-1), (c-2) and (c-3) of this subdivision. The commissioner shall also provide for the additional training of the instructors necessary for the competent instruction of the alcohol and drug education, "Road Rage" awareness, "Work Zone Safety" awareness and "Motorcycle Safety" awareness subject matters of the pre-licensing course.

(e) The commissioner shall make available to each applicant for a commercial driver's license instructional handbooks outlining the requirements necessary to qualify for such license, and containing a discussion of the offenses which will result in disqualification from operating a commercial motor vehicle as defined in section five hundred one-a of this chapter. Such handbooks shall be available in both English and Spanish language versions.

(f) The commissioner shall promulgate such rules and regulations as are necessary to carry out the provisions of this section.

(g) The commissioner may, in his discretion, waive the requirement for passage of a test with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated and the ability to read and comprehend traffic signs and symbols, and the requirement for completion of the course set forth in paragraph (a) of this subdivision for applicants who hold a valid or renewable driver's license issued by another jurisdiction or the United States government.

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

(h) Course completion certificate fee. The fee for a course completion certificate provided by the department to an entity that is approved by the commissioner to offer the pre-licensing course, required by this subdivision, for issuance by such entity to students upon their completion of such pre-licensing course shall be one dollar. Such fee shall be paid by such entity and shall not be charged to a person who takes the course in any manner.

ACTIVITIES

- Describe the Pre-Licensing Course Completion Certificate (MV-278).
- Read excerpts of Vehicle and Traffic Law, Section 502(4) which refer to the requirements of the Pre-Licensing Course.
- Describe the learning strategies to be used in the class, such as large and small group discussions, activities, brief lectures, charts, printed materials, audio visual materials, homework and others.
- Distribute a course outline to the students, write it on chalkboard, whiteboard or display it on a flipchart or poster.
- Explain and discuss the topics listed on the course outline.
- Ask students if there are any other topics that they would like to see covered.
- Ask students:
  - What have you heard about the Pre-Licensing course?
  - What do you think will happen in the course?
  - What are you hoping to learn?

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

STUDENT OBJECTIVE

The students accept the mission of the Pre-Licensing Course, identify the major topics of the course, and list at least three goals.

SESSION CONTENT

The mission of the Pre-Licensing Course is as follows:

The Pre-Licensing Course is a program designed to educate New York State's new drivers by promoting safe, courteous, defensive, and alcohol/drug free driving.

The Course Goals are as follows:

- To reduce injuries, crashes, traffic violations and property damage.
- To help students become responsible drivers.
- To learn about the dangers of fatigue, distractions, alcohol and other drugs on driving ability.
- To develop a positive attitude toward safe and defensive driving.
- To encourage and promote safety belt and child safety seat use.
- To learn how to fit safely into the transportation system with other highway users.
- To familiarize students with the "rules-of-the-road."
- To teach new drivers to show courtesy to others when they are driving.

It is not unusual that students have different expectations for this course. However, it is important that, working together, course goals are met.

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

ACTIVITIES

- Distribute the Mission Statement to class, write on chalkboard, whiteboard or flipchart or display it where everyone can see it.

- Have students offer ideas and list their responses on the board or flipchart for the following questions:

  - Why are you here?

  - Why does New York State require new drivers to participate in a pre-licensing course?

  - How do you feel you can benefit from this course?

  - Do you understand and can you agree with the Mission Statement?

  - What do you think we will be discussing during this course?

  - What do you see as the major themes in the course?

  - Why are alcohol, drugs and driving such a major component of the course?

  - How does fatigue or drowsiness affect your driving?

  - Why is it important to know the “rules-of-the-road”?

  - How can distractions affect your driving?

UNIT I: INTRODUCTION TO THE PRE-LICENSING COURSE

STUDENT OBJECTIVE
The students will gain an understanding of the rules for Learner Permit holders and the probationary period for new drivers.

SESSION CONTENT

Rules for Learner Permit Holders

A learner permit holder may never drive:

- Unless accompanied by a supervising driver at least age 21 who has a license valid for operating the vehicle you are driving.
- In a DMV road test area.
- On any street within a park in New York City, or any bridge or tunnel under the jurisdiction of the Triborough Bridge and Tunnel Authority.
- On the Cross County, Hutchinson River, Saw Mill River, or Taconic State parkways in Westchester County.
- Refer students to Drivers Manual and DMV's website for regional restrictions in their area.

Probationary Period for Newly Licensed Drivers

- Any driver's license, including a license obtained after a revocation, is considered probationary for six months following the date of issuance. This does not include class DJ or MJ licenses. Refer to the section titled "Limitations on Junior Drivers" found in Unit IV of this manual for information about this topic.
- While on probation, a conviction for any of the following will result in the license being suspended for 60 days:
    - speeding;
    - reckless driving;
    - following too closely;
    - participating in a speed contest;
    - use of mobile telephone (such as a cellular phone);
    - use of portable electronic device (such as a smartphone, GPS or MP3 player); or
    - two other traffic violations

  When the suspension ends, there will be a second six-month probation period.
- A conviction for one of the above violations, or two other moving violations during this second probation period, will result in the license being revoked for at least six months. When the revocation ends, the motorist will have to reapply to DMV, and if relicensed, will serve another six-month probation period.

In addition to the penalties listed, a motorist may be subject to a Driver Responsibility Assessment. The DRA is imposed when a motorist:

- accumulates six or more points on their driving record within an 18-month period, and/or
- is convicted of any alcohol or drug-related driving offense, or
- refuses to submit to a chemical test.

This will be covered in more detail in Unit V.

ACTIVITIES

- Questions to ask:
  - What happens after a 60-day suspension of a probationary license?
  - Name some areas where permit holders may not drive.

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

OVERVIEW

Being a safe driver begins with an understanding of the Vehicle and Traffic Law. Drivers cannot act as isolated individuals on our highways. Drivers share the road with other vehicles and pedestrians.

The purpose of the Highway Transportation System (HTS) is to move goods and people efficiently, economically and safely. Efforts are continually being made to improve the System by modifying its individual components:

- the environment
- the vehicle
- the driver.

- The environment has been improved by standardization of traffic controls and laws, and by the construction of limited access highways.

- Vehicles have more safety devices, which lessen the risk of injury and death.

- Improved licensing procedures, driver safety programs, and stricter legislation for chronic offenders have all been designed to help the driver.

- HOWEVER, the driver remains the most important component of the Highway Transportation System.

INSTRUCTOR OBJECTIVES

The instructor shall:

1. Question the students on why they drive and why others drive.

2. Discuss how driving is a social task.

3. Lead an activity on the Highway Transportation System and its components.

4. Diagram and discuss safe driver characteristics.

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

STUDENT OBJECTIVE

The students will discuss two reasons why driving can be considered a social activity.

SESSION CONTENT

Any activity involving the interaction of two or more people can be referred to as a social activity. These activities are usually governed by written or unwritten rules designed to protect everyone. Ice skating is a social activity in the entertainment system; driving is a social activity in the highway transportation system.

For example, to ice skate, one needs the proper equipment (skates), the proper environment (a large flat area of ice), and skaters (people with the know-how to operate in the system). To drive, you need the same three basic parts: the equipment (vehicle), the environment (roads, etc.), and the drivers (people with the know-how to operate in the system).

Social activities are based on trust: trust that others know the rules as you do, and that everyone will follow the rules. No person is expected to use poor equipment that may damage the ice or road and cause another to fall or crash. If another skater or driver does not know, understand, or follow the accepted rules of behavior in that system, crashes may occur.

In skating as well as in driving, the following rules of behavior apply:

- Maintain a comfortable space around yourself. (Don't violate my space!)
- Avoid collisions, (Don't endanger me or damage my property!)
- Signal your intentions. (Let me know before you cross my path, especially if you will interfere with my "right of way!")

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

ACTIVITIES

- Have students form two groups and stand against opposite sides of the room, facing each other. Have them walk towards each other. Have them note common courtesies or conflicts as students pass one another with or without colliding.

- Select a few students and ask them to leave the room and re-enter a few seconds later. Ask the rest of the class to note the absence of colliding as they exit and enter the room. Ask why didn't people bump into each other.

- Ask the following questions:

  - Is driving a social activity? Why?

  - What would it be like to use the roads without rules?

  - Are there rules for the social activity of driving? What are they? Where are they recorded?

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

STUDENT OBJECTIVE

The students will identify the three basic parts of the Highway Transportation System (HTS), and

1. identify several components of each part,
2. discuss the interrelation of the parts,
3. determine if each part is controllable or uncontrollable.

SESSION CONTENT

There are many parts to each component of the HTS. The environment is composed of the road, the weather, other motor vehicles, bicycles, pedestrians, surrounding obstacles, visibility and lighting conditions. Vehicles differ by type, age and condition. Drivers also vary in many ways, such as age, sex and fitness levels. While no driver can control weather or the actions of other drivers, each driver can control his or her own behavior.

Driving is based on trust and being able to predict the actions of others. A person trusts that their car will perform as planned, the road will be in good shape, the weather will be manageable and other drivers will drive safely. A sudden failure of one vehicle, a change in the weather or traffic density, or the failure of a driver to obey traffic laws, can greatly increase the likelihood of a collision.

The most important part of the HTS is you, the driver. Drivers are responsible for over 90 percent of all collisions, while the other parts of the HTS are responsible for the remainder. The driver is the least predictable component. However, he or she is the only component that can react to changing conditions.

NOTE: Instructors should highlight the role played by others in the HTS. This includes pedestrians, especially children, the elderly, and those physically or hearing impaired.

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

ACTIVITIES

- Divide the class into 3 groups (a large class can be divided into 6 groups). Groups will be assigned one traffic component, and will identify as many parts of the HTS as possible. Group recorders will write down their responses and present them to the class.

- Show the class a model of the traffic system represented by a circle divided into three unlabeled parts. Use student responses to label the diagram.

- Ask the following questions:

  - What are the three basic parts of the HTS?

  - Which part is the least predictable?

  - Which part of the HTS is most important? Why?

  - Which part of the HTS is the most difficult to control? Why?

  - How does the driver affect the other parts of the HTS?

  - Which part of the HTS causes the most crashes?

  - Which part of the HTS is best able to compensate for changes in the other parts?

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

STUDENT OBJECTIVE

The students will understand and discuss the characteristics of a safe driver.

SESSION CONTENT

To be a safe driver, each motorist must have the following characteristics:

Physical fitness - the ability to use their body to operate the vehicle.

Mental fitness - the ability to properly react to the information drivers receive from their senses.

Driving skills - developed by behind-the-wheel experience.

Knowledge - continually acquiring information a driver can use to safely operate a vehicle.

Good driving habits - combinations of skillful driving actions a driver has practiced so frequently that they have become second nature, and are performed automatically.

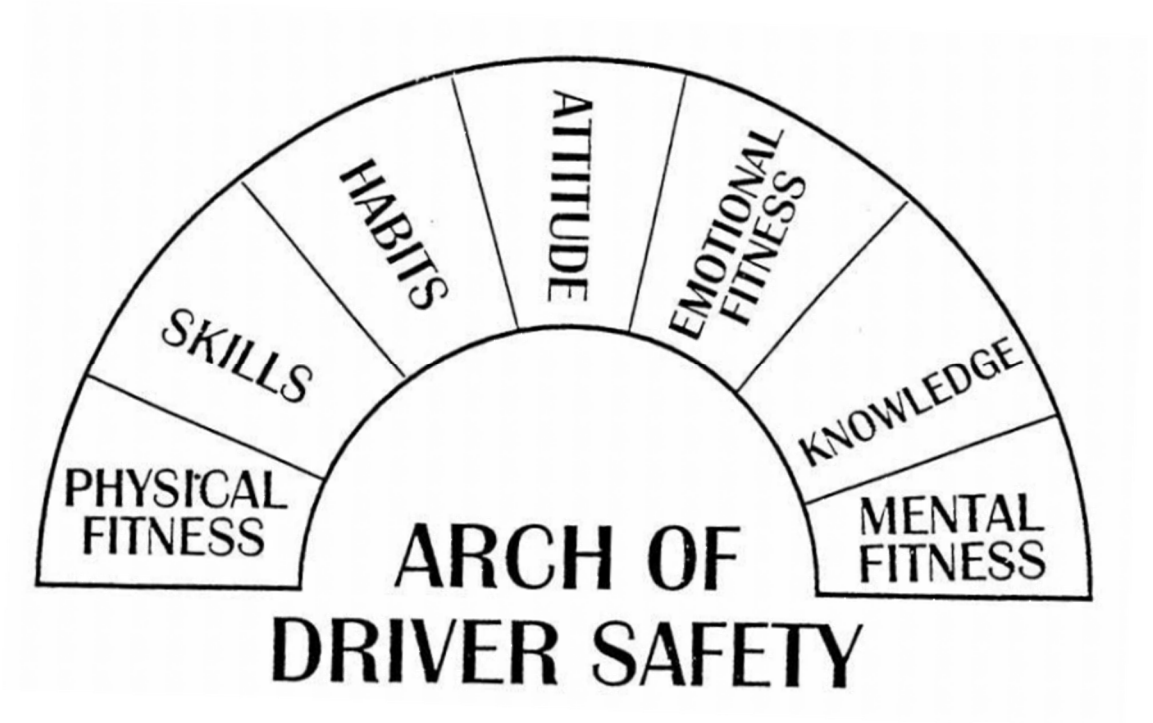
Emotional fitness - the ability to control the effects of one's feelings on driver performance.

Courteous attitude - being considerate of others and not driving in an aggressive or reckless manner.

UNIT II: THE TASK OF DRIVING WITHIN THE HIGHWAY TRANSPORTATION SYSTEM

ACTIVITIES

- Draw the arch on a chalkboard, whiteboard or post it on a flipchart. Fill in arch and discuss each characteristic.
- Ask the following questions:
  - What does it take to be a safe driver?
  - What does "impaired driving" mean?
  - How do our habits affect our driving?
  - What does it mean to be physically fit to drive?
    ...emotionally fit to drive?
  - Can you be emotionally fit to drive sometimes and not at other times? Explain.
  - What are some skills a person must have to drive safely?
  - How does a driver's attitude affect his or her driving?



UNIT III: DRIVER HABITS AND SKILLS

OVERVIEW

Safe driving is dependent upon learning good skills and practicing good habits. A driving habit is an action taken regularly. An example of this is wearing a safety belt. A driving skill is the ability to use your knowledge effectively and readily. An example of a good driving skill is practicing the "three-second" rule to maintain a safe distance while following behind another vehicle.

INSTRUCTOR OBJECTIVES

The instructor shall discuss:

1. Defensive driving, blind spots, and the importance of always wearing safety belts.
2. The five steps of the "Space Cushion System" of driving, and communicating with other drivers.
3. The decision-making process.
4. The rules of the road, and sharing the road with other highway users.
5. The correct procedures for driving in intersections, making turns, and changing lanes.
6. Driving on expressways, one-way streets, and backing a vehicle.
7. Proper driving techniques when passing a vehicle or being passed, and how to react to a school bus in operation.
8. Traffic signs, traffic lights, pavement markings, and traffic officers.
9. Work zone safety, the hazards that may be encountered, and strategies for driving safely through the work zone.
10. Poor driving behaviors and how to avoid them.
11. Reaction time, stopping distance, and covering the brake.
12. Hydroplaning and recovering from a skid.
13. How to safely share the road with other highway users.
14. The dangers associated with drowsiness and fatigue when driving, and ways to maintain attention and awareness while driving.
15. Requirements of the safety belt law, common myths, and child safety seat use.
16. Hazards of large vehicles and how to share the road safely with them.
17. Requirements of the laws regarding use of cell phones and handheld electronic devices, and other driving distractions.

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

The students will define and discuss defensive driving and blind spots.

SESSION CONTENT

Defensive driving may be defined as driving to prevent crashes, driving carefully, making allowances for other drivers and allowing for changes in the highway environment.

Crash prevention and crash avoidance are achieved by:

1. Using your senses and developing good perceptual skills,
2. Making correct decisions and acting accordingly,
3. Driving carefully to minimize errors,
4. Making allowances for the lack of skills or bad attitudes of other drivers,
5. Allowing for changing weather and road conditions or the actions of pedestrians and other drivers,
6. Conceding the right of way when necessary to prevent a crash,
7. Recognizing a crash-producing situation far enough in advance to prevent it,
8. Always wearing a seat belt, to keep the driver behind the wheel where they can best control the vehicle.

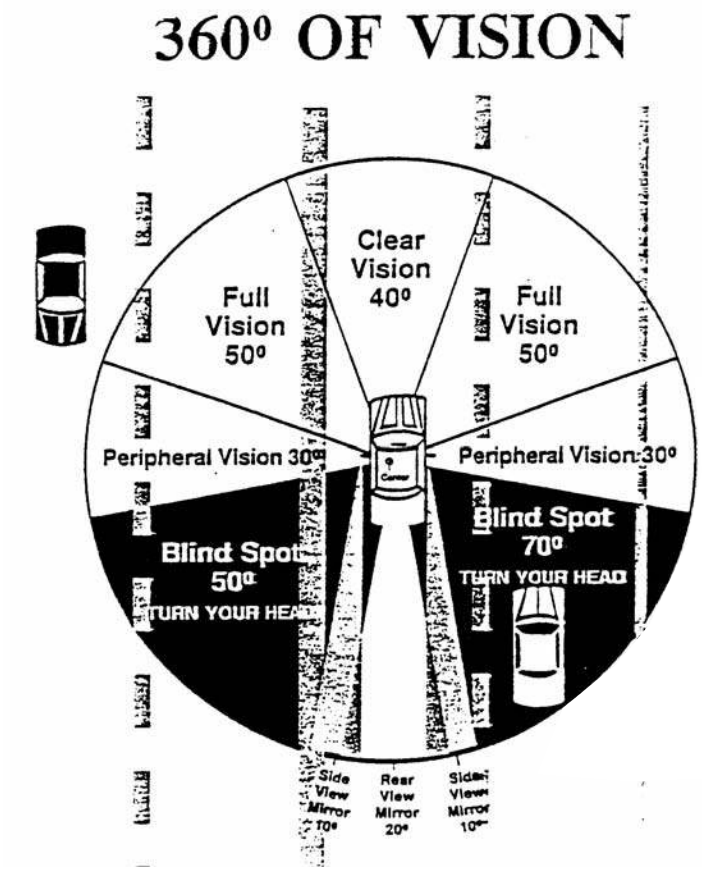
To act appropriately in a given situation, the driver must first see the hazard. Sometimes, however, a driver's vision is blocked or impaired causing a blind spot. When using side and rearview mirrors, two very significant blind spots for drivers occur on the left and right sides of the vehicle in the area of the vehicle's rear quarter. A driver must turn his or her head to make sure there is nothing in the blind spot before moving the vehicle. All mirrors have blind spots.

Seeing a hazardous situation is not enough if there is no recognition or perception that the objects, or situations pose a threat. Perception, then, is understanding the implications of what is seen.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Conduct a discussion about defensive driving and what this means to the driver.
- Move a pencil close to the eye (within an inch or two; not the sharpened end!) to show how a large blind spot can be created by a small object.
- Questions to ask:
  - Are actions of other drivers predictable?
  - A key component of defensive driving is avoidance. What are some examples of defensive driving behavior?
  - What is a blind spot?
  - Could a bicyclist, motorcyclist or pedestrian be hidden in the blind spot? Could a van, a bus or a tractor trailer?
  - What is the difference between seeing something and perceiving it as a risk?



UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will list and describe the five steps of the "Space Cushion System" of driving and describe at least three ways for drivers to communicate with other highway users.

SESSION CONTENT

All drivers need to use their vision to see the traffic scene, and to search for any conflicts or potential collisions. Drivers must see not merely what they expect to see, but what is actually there. For example, crashes between two-wheeled vehicles and cars are often due to the driver not "seeing" the motorcyclist or bicyclist. Another example is an automobile driver who travels over a railroad crossing every day without ever seeing a train; eventually the driver may stop looking for a train. The defensive driver is always prepared for something unexpected to happen.

One system of defensive driving advocates maintaining a cushion of space between your vehicle and other roadway users. The "**space cushion system**" of driving follows these five steps:

1. Look far ahead and be alert to potential hazards (If visibility is less than ideal, you may need to slow down to allow yourself more reaction time and stopping distance. For example, on a clear day you might be able to see a ¼ mile (1320 feet) ahead, whereas on a foggy day you might see only 100 feet ahead).
2. Get the big picture (see everything on both sides of the highway).
3. Keep your eyes moving (use scanning techniques).
4. Leave yourself an out (plan where you will steer or leave room to stop).
5. Make sure other highway users see you (always use directional signals when changing lanes or turning and make eye contact when possible).

Practicing these steps and maintaining a safe following distance will give you the space and time you need to react to most emergency situations.

By communicating your intentions to others, you can let them know what you plan to do. You can communicate your intentions to other highway users in many ways. The most common way to indicate your intentions to other drivers is by using your directional signals. You can also use your horn in a potential emergency situation. By using these devices, you communicate with other drivers, thus making your own moves more predictable. You can also use hand signals, lane positioning of your vehicle, headlights and eye contact to communicate with others. In addition, slow-moving or disabled vehicles may use emergency flashers (also known as hazard lights or four-way flashers) to warn other drivers.

Obeying traffic laws about signaling is a way of making your own actions more predictable so that other drivers can better anticipate your intentions. Many vehicles today have daytime running lights. If your vehicle does not have daytime running lights you may choose to use your headlights during daylight hours to make your vehicle more obvious to other highway users. Be careful to avoid doing anything that may confuse or misinform others.

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ACTIVITIES

- Relate driver communication to how we communicate in other social activities.
- Discuss ways drivers communicate with other highway users.
- Questions to ask:
  - What does “space cushion driving” mean?
  - What are the five steps of “space cushion driving”?
  - What assumptions do we make from other drivers’ cues?
  - Are they valid assumptions?
  - List other highway users.
  - How can you influence the behavior of other highway users?
  - How does proper or improper communication affect the predictability of driver actions?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will discuss how decisions are made and describe the SEE SM strategy.

SESSION CONTENT

Drivers can improve their decision making with the Motorcycle Safety Foundation's SEE SM strategy: a three-step process used to help analyze the surroundings, anticipate potential problems, and make appropriate judgments, applying them correctly in varied driving situations.

- **S**earch
- **E**valuate
- **E**xecute

Search

Search aggressively ahead, to the sides, and behind, to identify factors that could cause increased risks and to avoid potential hazards before they arise. How assertively you search, and how much time and space you have, can eliminate or reduce dangerous situations. Searching provides valuable information to help you make good driving decisions. Check your mirrors frequently and use head checks to monitor blind spots. Focus even more on finding potential escape routes in or around intersections (especially intersections with limited visibility), shopping areas and school or construction zones.

Search for factors such as:

- **Oncoming traffic** that may turn left in front of you
- **Traffic** coming from the left and the right
- **Traffic** approaching from behind
- **Hazardous** road conditions

Be especially alert in areas with limited visibility. Visually busy surroundings could hide you from others.

Evaluate

Think about how hazards can interact to create risks for you. Anticipate potential problems and have a plan to reduce risks. Evaluate potential problems and make plans in your mind to deal with things that might happen. Don't think of evaluating as 'guessing', think of it as 'reading' the situation to minimize risks of collisions.

Some hazards to watch for are:

- **Road and surface characteristics** – potholes, guardrails, bridges, location of telephone poles, streetlights and trees
- **Traffic control devices** – Look for traffic signals, including regulatory signs, warning signs and pavement markings, to help you evaluate circumstances ahead
- **Other vehicles and pedestrians** – Other vehicles and pedestrians may move into your path and increase the likelihood of a crash

Execute

Carry out your decision to minimize risks.

To create more space and minimize harm from any hazard:

- **Communicate** your presence and your intentions with directional signals, lights and/or your horn
- **Adjust your speed** by accelerating, stopping, or slowing
- **Adjust your position** and/or direction by changing lanes if necessary

An example of SEE℠:

A motorist sees a bicyclist traveling on the same side of the road and going in the same direction. Knowing that bicyclists may swerve into the roadway to avoid hazards, the driver scans the surroundings, gets ready to brake if necessary, and moves to the left portion of the lane or changes lanes as a precaution.

Remind the students:
Driving requires your full attention.

ACTIVITIES

- To demonstrate decision-making, toss a plastic golf ball to a student. Then toss 5 to 6 plastic golf balls to a student. This demonstrates the difference between simple reaction and complex reaction.
- Facing the class, demonstrate proper eye movement (scanning).
- Questions to ask:
  - How are decisions made?
  - Why are some decisions harder to make than others?
  - What are the steps in the SEE℠ process? Discuss each one.
  - What would happen if you drove with your eyes fixed just on the car ahead of you?
  - Where should you be looking while driving?
  - What special hazards can you expect when approaching a driveway in a residential neighborhood? a driveway in the country? a business area?
  - What do drivers do that interfere with their driving?
  - Can you spot drivers who are doing these other activities? How?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

The students will begin to identify and discuss some of the basic rules of the road.

SESSION CONTENT

Here are the right-of-way rules:

1. A driver approaching an intersection must yield the right of way to traffic already lawfully using the intersection.

2. If a driver approaching from the opposite direction reaches an intersection at about the same time you do, the driver turning left must yield to approaching traffic going straight or turning right.

3. At intersections not controlled by signs or signals, or where two or more drivers stop at STOP signs at the same time and they are at right angles to one another, the driver on the left must yield the right of way to the driver on the right.

4. A vehicle entering a roadway from a driveway, alley, private road or any other place that is not a roadway must stop and yield the right of way to traffic on the roadway, and to pedestrians.

5. Drivers must yield to pedestrians who are legally using marked or unmarked crosswalks.

6. A driver may not enter an intersection if the traffic ahead is backed up and it is impossible to get all the way through the intersection. The driver should wait until traffic ahead clears, to avoid blocking the intersection.

7. A driver entering a traffic circle, sometimes called a rotary or roundabout, must yield the right of way to drivers already in the circle.

8. Drivers must pull over and stop for an emergency vehicle, even if it is approaching from the opposite direction.

9. Drivers must stop their vehicle before reaching a school bus displaying red "cross-over" lights, and may proceed only when signaled by a police officer or the school bus driver, or until the bus resumes motion, or the "cross-over" lights are turned off.

10. If you have the right-of-way, do not think of it as a complete right. Be prepared to yield the right-of-way to other highway users. To wait a few seconds for another driver is far better than to risk a crash.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Diagram an intersection on the chalkboard, whiteboard or use another visual aid such as a magnetic board with cars to demonstrate right of way.

- Diagram a school bus on the road, and discuss where other drivers are to stop.

- Questions to ask:

  - You are stopped at a stop sign, and you plan to go straight through the intersection. A driver on the intersecting road has stopped at a stop sign on your right, and is also going to go straight. Who must yield the right of way?

  - You are coming out of a parking lot, and you plan to turn right onto the street. A vehicle is approaching from your left. Who must stop and wait?

  - You are stopped at a red light. A pedestrian steps into the crosswalk, and then the light turns green. Do you have to wait for the pedestrian to cross?

  - If two drivers enter an intersection from opposite directions at the same time, one going straight, the other turning left, which must yield the right of way?

  - If you enter an intersection to make a left turn, but oncoming traffic prevents you from making the turn right away, what should you do?

  - What must you do if you are entering a road from a driveway?

  - You are facing a green light, but traffic on the other side of the intersection would keep you from going all the way through the intersection. May you enter the intersection?

  - Does a vehicle about to enter a traffic circle or rotary have the right of way over vehicles already in the circle?

  - What should you do if you hear a siren nearby, but you can't see where the emergency vehicle is?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will identify and discuss the driving procedures to follow regarding intersections, turns, and lane changes.

SESSION CONTENT

The majority of crashes occur at intersections. Some drivers do not know or may not practice safe driving habits/skills at intersections. Below are some important rules to know and follow.

1. Stop signs and red lights. Drivers must come to a full stop before entering a crosswalk, and yield the right of way to vehicles and pedestrians in the intersection. Proceed only when it is both safe and legal.

2. Right turn on red. If right on red is not permitted, a sign stating that will be located on the right side of the road; sometimes an additional sign is next to the traffic light. (Please note, Right on Red is prohibited in cities with a population of one million or more.) When turning right on red is permitted, drivers who make a right turn on red must stop completely and follow the rules stated in #1.

3. Arrow traffic light. The arrow designates lane position; the color tells a driver what to do.

4. Lane positioning. Vehicle placement puts you in a position to execute a maneuver and helps communicate your intentions to others. For example, if you're going to make a left turn from a one-way street, you are to position your vehicle in the furthest left lane. When making a right turn, ideally, you should place your vehicle three to five feet from the right curb.

5. Left turn from a middle lane. Many roads now have a middle lane, which is to be used for making a left turn. This lane was created to enable traffic to continue unimpeded, by permitting a driver to place the vehicle in the middle lane while waiting for a gap in traffic to make a left turn.

Remind the students:

Lane changing requires the use of signals and a turn of your head to check the blind spots. Also, when turning, expand your scanning for pedestrians, bicyclists, or other potential hazards about to cross or enter your path.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Ask the students to list the different steps for making a turn.
- Draw an intersection on the chalkboard or whiteboard and discuss the different types of turns with the class.
- Draw a 4-lane road and ask students how they should make lane changes.
- Questions to ask:
  - How do you make a proper left turn?
  - What is the correct way to make a right turn when facing a red light?
  - When waiting at a traffic light with a left arrow facing you, what are you to do?
  - When the light turns green with a red left arrow facing you, what are you to do?
  - Where should you position your car for a left turn on a two-lane road? a four-lane road? a road with a center lane?
  - When making a lane change, list other highway users who could be hidden from view because of the blind spot.
  - How far before a turn must you signal?
  - When preparing for a right turn, should you stay as close to the center of the lane as possible?
  - Where should you position your vehicle when preparing to make a left turn from a two-way roadway into a one-way roadway?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will identify and discuss driving on an expressway, a one-way street and backing a vehicle.

SESSION CONTENT

An expressway entrance ramp is typically used for accelerating to the proper speed, unless there is a stop sign, yield sign or traffic light on the ramp. After entering the expressway, you must execute a proper lane change to blend in with traffic.

It's important that you allow enough space between your vehicle and other vehicles when entering or exiting a highway, or when changing lanes. Under ideal conditions, you should merge only when you can maintain a space cushion of at least 2 seconds between your vehicle and the vehicle in front of you, AND at least 2 second between your vehicle and the vehicle behind you. In other than ideal conditions, such as heavy rain or snow, you will need to allow additional space between you and the other vehicles.

Exit ramps are used for slowing down. Unless the exit ramp is short, do not apply the brakes while still on the expressway. Once you are on the exit ramp, slow down.

Most drivers spend the least amount of their driving time on one-way streets. Identifying them is essential. Besides the "one-way" sign, other indicators that you're on a one-way street are the presence of regulations signs facing you on the left, and parked cars on both sides of the street all facing the same way.

To back up a vehicle safely, you need to shift into reverse, turn your head and look directly in the path the car will travel, and turn the steering wheel in the direction you want the vehicle to go. Glancing to the side and into the mirrors is helpful to assure that there is nothing in your way. Other vehicle equipment may also be helpful, i.e. rearview cameras and sensors. However, these should not replace turning your head to look in the direction you are traveling.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Ask students how they should:

  1. Properly use expressways,

  2. Back up a vehicle,

  3. Use/recognize one-way streets.

- Diagram an intersection or use a magnetic board with cars to properly demonstrate the correct way to use entrance and exit ramps on expressways.

- Incorporate discussion on driving techniques with the SEE℠ technique of decision making.

- Questions to ask:

  - What is the proper way to exit and enter an expressway?

  - Which way do you move the steering wheel of a car if you want to back up to the right?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will understand how to pass other vehicles, be passed by other vehicles, and react to a school bus in operation.

SESSION CONTENT

When passing other vehicles, or changing lanes to avoid hazards, do so with caution and only when necessary. You may not exceed the speed limit to pass another vehicle. Use directional or hand signals, as the law requires, at least 100 feet before making a lane change. Never pass a vehicle which has stopped at a crosswalk to allow a pedestrian to cross.

Passing on the Left: The left lane is usually used for passing other vehicles. That's why it is often called the "passing lane." However, you may **NOT** pass a vehicle on the left if:

- Your lane has a solid yellow center line.
- You cannot safely return to the right lane before reaching a solid yellow center line for the right lane.
- You cannot safely return to the right lane before any approaching vehicle comes within 200 feet of you.
- You are approaching a curve or the crest of a hill on a two-way road and cannot see around or over it.
- You are within 100 feet of a railroad crossing a bridge, tunnel or viaduct on a two-way roadway.
- Passing will interfere with oncoming traffic.

Passing on the Right: You should usually pass other vehicles on the left, but passing on the right is allowed in certain situations. You **MAY pass** on the right:

- When a vehicle ahead is making a left turn.
- When you are driving on a one-way road that is marked for two or more lanes or is wide enough for two or more lanes, and passing is not restricted by signs.

UNIT III: DRIVER HABITS AND SKILLS

Being Passed: If another vehicle passes you on the left, slow down slightly and stay to the right. When the vehicle has safely passed, and is well ahead of you, resume your normal speed. If you find that many vehicles are passing you on the right, you should move into the "slower" right lane and allow them to pass you on the left.

School Buses: When a school bus stops and flashes its red light(s), traffic approaching from either direction must stop before reaching the bus. You should stop at least 20 feet away from the bus. You must stop for a school bus even if it is on the opposite side of a divided highway.

ACTIVITIES

- Questions to ask:
  - In most situations, on which side should you pass another vehicle going in the same direction?
  - What should you do before passing another vehicle?
  - What should you see in your rearview mirror before attempting to return to the right lane after passing a vehicle on the left?
  - In what situations may you pass a vehicle on the right?
  - When may you pass a vehicle stopped at a crosswalk to allow a pedestrian to cross?
  - What action should you take when another vehicle passes you on the left?
  - What do flashing red lights on a school bus mean?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will know and recognize traffic signs.

SESSION CONTENT

Signs

Traffic signs tell you about traffic rules, special hazards, where you are, how to get where you're going and where services are available. The color of traffic signs gives clues to the type of information they provide:

1. STOP Sign (Red, with white letters.) Come to a full stop, yield the right of way to vehicles and pedestrians in or approaching the intersection. Go when it is safe. You must come to a full stop before the stop line, if there is one.

2. YIELD Signs (Red and white, with red letters). Slow down as you approach the intersection. Prepare to stop and yield the right of way to vehicles and pedestrians in or approaching the intersection. You must come to a full stop at a YIELD sign if traffic conditions require it. Approach with caution and be prepared to stop: otherwise, proceed with care.

3. REGULATION Signs (White, with black and/or red letters or symbols.) These signs give you information about rules for traffic direction, lane use, turning, speed, parking, and other special requirements.

4. WARNING Signs (Yellow, with black letters or symbols.) You are approaching an especially hazardous location or a place where there is a special rule. Be especially cautious when you see a warning sign.

5. RAILROAD CROSSING (Yellow with black letters "RR" and "X" symbol.) There is a railroad crossing ahead. You should use caution, and you may have to stop. Most buses and some trucks must stop at railroad crossings even when a train is not approaching and warning lights are not activated.

6. WORK AREA Signs (Orange, with black letters or symbols.) People are working on or near the roadway, and traffic may be controlled by a flag person. A work area speed limit of 35 MPH may be posted.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Questions to ask:
  - What is the usual color of a warning sign?
  - What color is a destination sign?
  - What must you do at a STOP sign?
  - What color is a railroad warning sign?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will discuss and understand the meaning of various traffic lights.

SESSION CONTENT

Traffic Signals

Traffic lights are usually red, yellow and green from top to bottom, or left to right. At some intersections, there are single red, yellow or green lights. Some traffic lights are steady, others flash. Some are circular, and some are arrows. Here are what various traffic lights mean:

STEADY RED: Stop. Do not go until the light is green.

Unless prohibited, you may make a:

- right turn on red, or
- left turn on red ONLY from a one-way street to another one-way street.

Before you make any turn on red, you must come to a full stop and yield the right of way to oncoming traffic and pedestrians.

You may not make a turn at a red light if there is a NO TURN ON RED sign posted, or if another sign, signal or pavement marking prohibits the turn. Also, turning on a red light is not allowed in New York City unless a sign is posted permitting it. The driver of a school bus carrying pupils may not turn on any red light. Always watch for pedestrians in the crosswalks when turning on red.

FLASHING RED: Means the same as a STOP sign: Stop, yield the right of way, and go when it is safe.

RED ARROW: Do not go in the direction of the arrow until the red arrow goes out and a green light or arrow goes on. A right or left on red turn is not permitted at a red arrow.

STEADY YELLOW: The light is changing from green to red. Be ready to stop.

FLASHING YELLOW: Drive with caution.

YELLOW ARROW: The protection of a green arrow is ending. Be prepared to stop.

STEADY GREEN: Go, but yield the right of way to other traffic.

GREEN ARROW: You may go in the direction of the arrow, but you must yield the right of way to other traffic at the intersection as required by law.

Note: State law requires that if the traffic lights or controls are out of service or malfunctioning when you approach an intersection, you must come to a stop as you would for a stop sign. You must then proceed according to the rules of right of way, unless you are directed to proceed by a traffic officer.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Questions to ask:
  - What would you do when facing each of the following:
    (1) a steady yellow light
    (2) a flashing yellow light
    (3) a steady red light with a green arrow pointing left
    (4) a flashing red light

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will know and recognize pavement markings and traffic officers.

Pavement Markings

Lines and symbols on the roadway divide lanes and tell you when you may pass other vehicles or change lanes, which lanes to use for turns, and where you must stop for signs or traffic signals.

Single broken line: You may pass other vehicles or change lanes if you can do so safely and not interfere with traffic.

Solid line with broken line: If you're on the side with the solid line, you may not pass other vehicles or cross the line except to make a left turn into a driveway. If you're on the side with the broken line, you may pass if it is safe to do so, and will not interfere with traffic.

Double solid lines: You may not pass, or change lanes

Single solid line: You may pass other vehicles or change lanes, but you should do so only if obstructions in the road make it necessary, or traffic conditions require it.

Stop and Crosswalk Lines: When required to stop because of a sign or light, you must stop before reaching the stop line, if there is one, or the crosswalk.

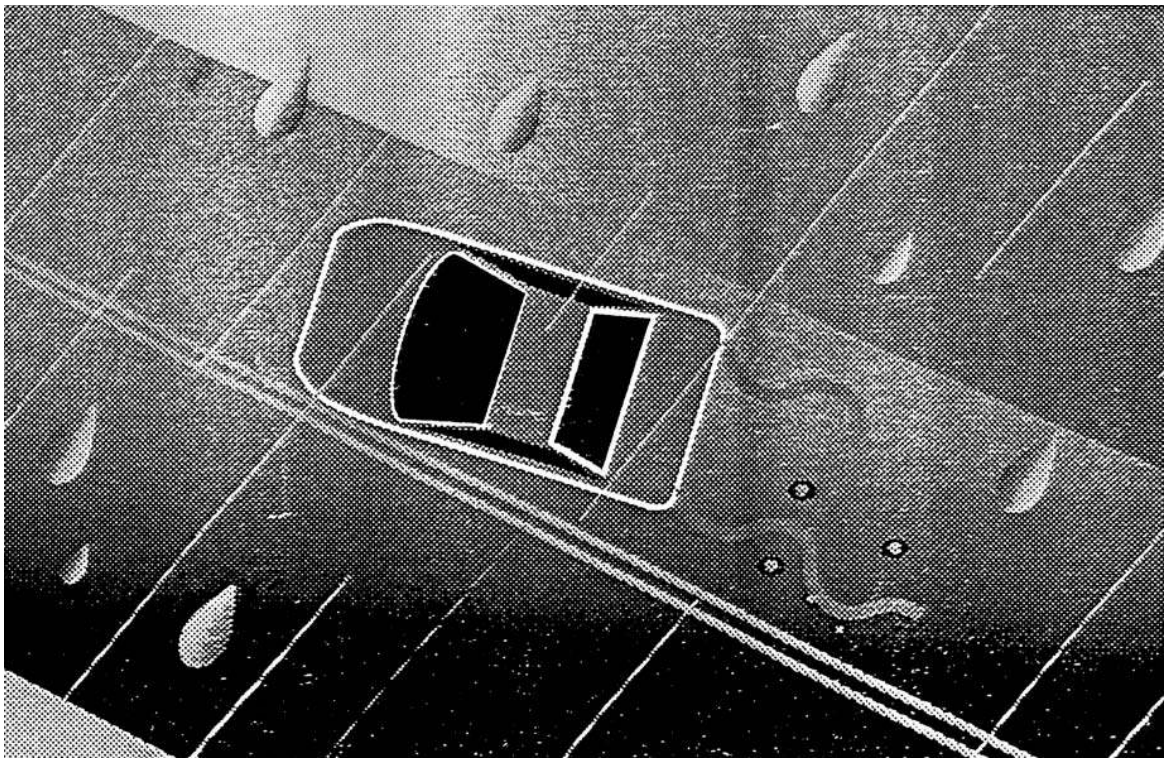
Traffic Officers

Directions given by traffic officers take precedence over signs, signals or pavement markings. Among those authorized to direct traffic are police officers, peace officers (such as on-duty auxiliary or fire police), and highway work area flag persons.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Questions to ask:
  - What does it mean if an edge line slants in toward the center of the road?
  - What do each of these types of lines mean: single broken, single solid, double solid, solid and broken together?
  - If an intersection has crosswalk lines but no STOP line, where would you stop for a red light at that intersection?
  - What type of pavement marking is used to show you which lane you must use for a turn?
  - Which of the following must you obey over the other three: steady red light, flashing red light, STOP sign, police officer?



UNIT III: DRIVER HABITS AND SKILLS

WORK ZONE SAFETY

STUDENT OBJECTIVE

Students will be able to define a work zone and be able to identify the hazards a highway work zone presents. Students will be able to discuss strategies for driving safely through a work zone

SESSION CONTENT

Work zone is defined in the Vehicle and Traffic Law (Section 160) as, "That part of the highway being used or occupied for the conduct of highway work, within which workers, vehicles, equipment, materials, supplies, excavations or other obstructions are present."

Some facts about road work zones:

- As states and the federal government focus on rebuilding/refurbishing the highway system in the post-interstate era, more work zones will be set up each year; more work zones mean more risk of accidents and deaths (669 people died nationally in work zones in the year 2014, per the US Department of Transportation)
- The most common crash in a highway work zone is the rear-end collision (Federal Highway Administration)
- Speeding ticket fines are doubled in work zones
- Enforcement of traffic laws in work zones is maintained 24 hours a day; work zone speed limits are enforced even when no work is underway
- Traffic enforcement is enhanced in work zones because of all the potential risks and dangers

Driving situations that a motorist may encounter as a result of the establishment of a work zone:

- Lack of shoulder and/or median areas that usually serve as a buffer
- Lanes reduced in width
- Lanes merging and subsequently reduced in number
- Speed reduction
- Changing lane patterns
- Detours to unfamiliar routes
- Large construction or maintenance vehicles to the side of the road that may obstruct vision
- Highway workers standing and working near traffic
- Slow moving construction vehicles
- Drivers slowing to reduce speed and/or merging at the last possible moment
- Aggressive drivers disregarding the work zone restrictions
- Drivers not using common sense in the work zone area
- Some work zones are mobile, such as line painting and road patching operations. These zones move along the highway until the work is completed. Obey the signs until you have passed the one that states you have left the work zone.

UNIT III: DRIVER HABITS AND SKILLS

WORK ZONE SAFETY

Some suggestions for driving safely through a work zone:

- Diamond shaped orange warning signs are posted in advance of work zone areas. Pay attention to these signs!
- A "flagger ahead" warning sign may be posted as you approach the work zone. Obey the flagger's directions; a flagger has the same authority as a regulatory sign, so you can be ticketed for disobeying his/her directions
- When you see flashing arrow panels or "lane closed ahead" signs, merge as soon as possible
- Slow down as soon as the signs tell you to
- The most common crash in the highway work zone is the rear end collision, 41% in 2014, so leave plenty of space between you and the car in front of you (the 2 second rule would be best)
- Stay calm and expect the unexpected
- Observe all posted signs until you see the one that states you have left the work zone
- If you already know of the existence of a work zone, you may want to plan an alternative route

Source: U.S. Department of Transportation, Federal Highway Administration

ACTIVITIES

- Ask students to relate any dangerous experiences they have had driving through a work zone either as a passenger or student driver. What made the situation dangerous? How could the danger be reduced or eliminated?
- Distribute DMV Driver's Manuals. Refer students to the section of Chapter 4 (Traffic Controls) labeled Work Area Signs. Have students read the short section and note the shape and symbols used in work zone signs.
- Verbally quiz the class on the color and shape of work zone signs. Give an example of the type of message one might see on a work zone sign.

UNIT III: DRIVER HABITS AND SKILLS

DISTRACTED DRIVING

STUDENT OBJECTIVE

Students will list and describe bad behaviors that drivers engage in, and discuss the importance of avoiding them while driving.

SESSION CONTENT

Driving is a complex mental task that deserves your full attention. Distractions, be they visual, manual, or cognitive, can cause crashes, resulting in injury, death, or property damage. Taking your eyes off the road or hands off the steering wheel presents obvious driving risks, as do mental activities that take your mind away from driving. It is dangerous to treat the driving task too casually. As a driver, you are responsible for operating your vehicle in a safe manner.

If you drive at 55 miles per hour, your vehicle is traveling at 81.4 feet per second. To divert your attention for only a few seconds (to look at a text message, dial a telephone number, rummage through your wallet for toll money, etc.) results in your vehicle traveling hundreds of feet while your attention is elsewhere; this distance could easily be more than the length of a football field.

A driver's primary task is to safely operate the motor vehicle - this requires the driver's full attention. Drivers should avoid or at least minimize other activities while driving. With preparation and common sense, you can plan ahead and avoid unnecessary activities while driving and avoid a crash.

1. Before you drive, prepare yourself by having toll money available, a CD, or other media already loaded, GPS already programmed, sunglasses at your fingertips, etc.

2. Use optional equipment and accessories only when necessary. Some car sound systems and GPS devices can be confusing, and using them while driving can be very distracting.

3. Delegate some activities. If you have a passenger in the vehicle with you, have him or her:

   - change the radio/CD;
   - adjust climate control;
   - review map or navigational system;
   - use the cell phone or handheld electronic device.

   Remember: If the driver must use a cell phone, the driver is required to use a hands-free device.

4. Pull off the road to rummage through your CDs, chase a bee out of the car, read a map, etc.

5. Even drinking, eating, and smoking can distract your attention while driving. It's generally safer to avoid these activities while driving.

6. Postpone or delay the activity. The driving scene changes every few seconds. Don't change your radio station at an intersection, or in "tight" driving situations. Wait for a low risk situation, such as while waiting at a traffic light, or when traffic is minimal.

7. Practice good visual habits. Don't look at passengers when talking to them. Glance quickly at the radio when changing stations.

8. Keep a clear head and focus on your surroundings. Don't daydream while driving. Replaying an argument in your mind or trying to make an important personal decision while driving is dangerous.

ACTIVITIES

- Ask students what activities they've observed other drivers doing; list them on chalkboard, whiteboard or flipchart.

- Understanding distraction:

  1. Time a student typing a short text message such as "I'll have the car back by 9." Record the time.
  2. Repeat the above exercise, but this time disrupt the student while they are still texting. Record the time. Take the time texting, plus 1 ½ seconds (reaction time), then multiply the number of seconds by 59 (as in feet per second). This identifies how far they would have travelled.

  - Discuss how performing even a brief task like this text message could distract their attention from driving?

NOTE TO THE INSTRUCTOR: By performing this demonstration of Distraction with your students, you'll be able to show the students exactly how much of their attention can be drawn away from driving, and how far they may travel during that time. Further, by discussing how even "simple" tasks like texting can cause significant lapses in their attention to the road and the driving environment, this will help illustrate how dangerous texting (or other activities) while driving can be.

Helpful Links:

www.distraction.gov

www.safeny.ny.gov/phon-ndx.htm

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will understand reaction time, reaction distance, stopping distance, and covering the brake.

SESSION CONTENT

All drivers need to determine a safe following distance between vehicles. The best way to determine this distance is to stay at least two seconds behind the car immediately ahead. The formula of one car length for each ten miles per hour of speed is sometimes used to define a safe following distance. However, some people have a difficult time judging distances accurately while in a moving vehicle. These formulas apply on dry pavement under good driving conditions. You may need to double or triple your following distance if you are driving in rain, or other adverse conditions.

To practice the two-second rule, choose a stationary object on or alongside the road. When the rear bumper of the vehicle ahead of you reaches the object, begin to count "one thousand one, one thousand two." If you complete counting to "one-thousand two" before passing the stationary object, your following distance is adequate.

Reaction Time: The time it takes to recognize a situation (perception time), decide on an action, and begin to take the action.

Perception Distance: This is the distance your vehicle travels from the time your eyes see a hazard until your brain recognizes it. The perception time for an alert driver is about 3/4 second; in this time, a vehicle traveling at 55 mph will travel 60 feet.

Reaction Distance: The distance traveled from the time your brain tells your foot to move from the accelerator until your foot is actually pushing the brake pedal. An alert driver will take about 3/4 second to react, traveling another 60 feet at 55 mph.

Reaction time of an alert driver will be about 1½ seconds, during which a vehicle moving at 55 mph will travel 120 feet.

Stopping Distance = *Perception Distance + Reaction Distance + Braking Distance*

Braking Distance: The distance it takes to stop once the brakes are put on. This distance varies with speed, type and condition of vehicle, and road conditions. A typical car traveling at 55 mph on a dry road would take about 140 feet to stop.

Stopping Distance includes the number of feet the vehicle travels during reaction time (before you hit the brakes), plus how many feet it actually takes to stop the car. In the example, above for an alert driver on dry roads, the Stopping Distance is about 260 feet. At 65 mph, the stopping distance would be about 340 feet, more than the length of a football field.

Remember to keep your eyes moving as you drive and glance to either side every few seconds to help shorten stopping distance.

The practice of covering the brake is accomplished by placing your foot just above the brake pedal. This is done to shorten one's reaction time, which might be necessary in situations such as approaching children playing near the road or approaching a stale green light. A stale green light is one that is green when you first see it, and may turn to caution (yellow) at any time.

UNIT III: DRIVER HABITS AND SKILLS

Speeding influences vision, stopping distance, and crash survival as:

- peripheral vision decreases
- stopping distance increases
- the force of impact increases
- chances of survival decrease

ACTIVITIES

- Hold a dollar bill vertically. Have student hold their thumb and index finger 1/4 inch apart below the bill. Release bill without warning. Student attempts to grasp it as soon as it is released; most people fail to grasp it.

- Have students list situations where covering the brake is beneficial.

- Questions to ask:

  - What is reaction time?

  - What is reaction distance?

  - What is stopping distance?

  - What is braking distance?

  - What habits can you develop that can help decrease your stopping distance?

  - What are the benefits of covering the brake?

  - Explain the two-second rule.

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will understand and explain hydroplaning, how to prevent it, and how to handle a skid.

SESSION CONTENT

Roads are at their slickest during the first five to ten minutes of a rainfall. This occurs because the water mixes with surface dirt and oil to form a slippery film, greatly reducing the ability of your tires to grip the road. At speeds as low as 35 mph, the tires of a vehicle will begin to skim along the wet surface of the road, much like a water-skier zipping across the surface of a lake. The tires may completely lose contact with the road and be riding on a thin film of water. This is called hydroplaning. Hydroplaning is very dangerous because it severely limits your ability to control your car. Good tires with deep tread help prevent hydroplaning. To reduce the chance of hydroplaning always have properly inflated tires, reduce speed by about one-third when driving on wet roadways, and avoid driving through standing water.

To avoid skids, brake early, carefully, and gently on roads that are wet, snowy or icy. You should always be aware of what type of brakes the vehicle you are driving is equipped with. Most cars come equipped with an anti-lock braking system (ABS). A driver should not pump the brakes when the car has ABS; the brakes in cars with ABS automatically pump themselves. You must use steady, firm brake pressure if you are in a skid. If your vehicle does not have ABS, pump your brakes in slow steady strokes when in a skid. Allow the wheels to keep rolling. If they start to lock up, ease off the brake pedal. As you slow down, you may also want to shift into a lower gear. (More information about ABS and other vehicle safety systems can be found in Appendix A.)

Although front-wheel drive and four-wheel drive vehicles generally handle better than rear-wheel drive vehicles in ice and snow, they do not have flawless traction and skids can occur without warning. The best approaches to recover from a skid are the same for both front- and rear-wheel drive vehicles.

If your *rear wheels* start to skid:

- Turn the steering wheel in the direction the vehicle is trying to go. If your rear wheels are sliding left, steer left. If they're sliding right, steer right.
- If your rear wheels start sliding the other way as you recover, ease the steering wheel toward that side. You might have to steer left and right a few times to get your vehicle completely under control.
- If your vehicle has ABS, keep your foot on the brake pedal with even pressure.
- If your vehicle does not have ABS, pump the pedal gently, pumping more rapidly only as your car slows down. Braking hard with non-anti-lock brakes will make the skid worse.

If your *front wheels* start to skid:

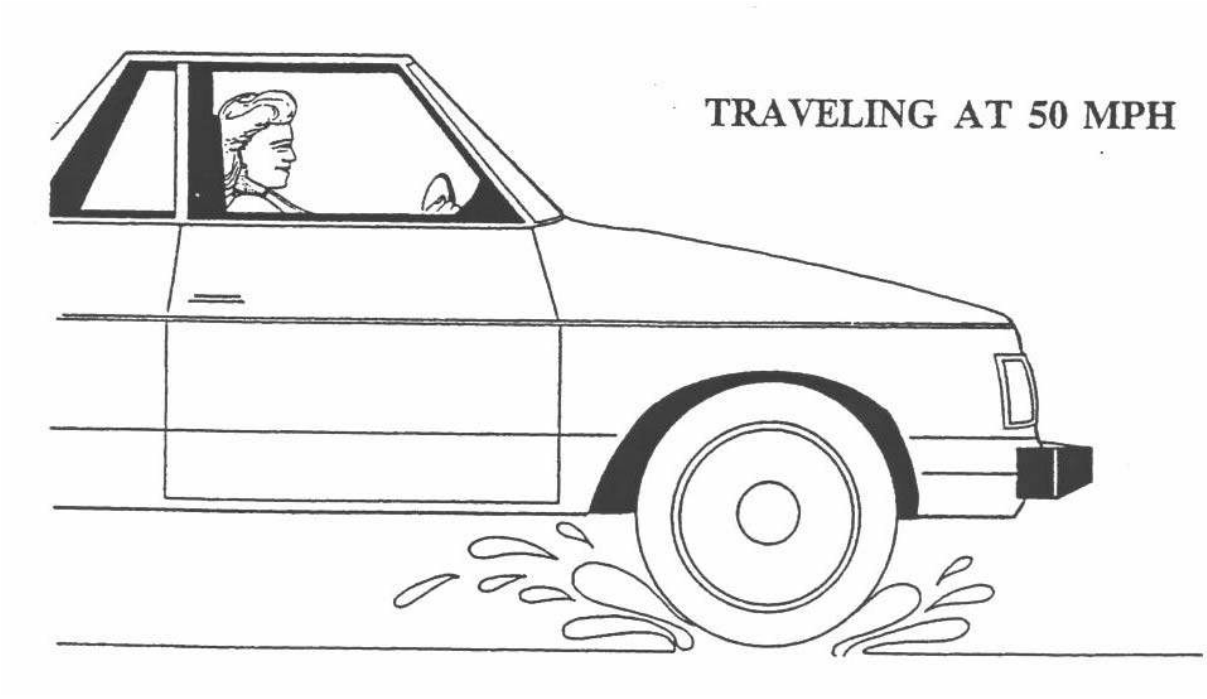
- Take your foot off the accelerator and shift to neutral or push in the clutch, but do not immediately try to steer.
- As the wheels skid sideways they will slow the vehicle and traction will return. As it does, steer in the direction you want to go. Then put the transmission in drive or release the clutch, and accelerate gently.

UNIT III: DRIVER HABITS AND SKILLS

Note: When sleet, freezing rain and snow start to fall, remember that bridges, ramps and overpasses are likely to freeze first, and that slippery spots may remain after road crews have cleared the highways.

ACTIVITIES

- Diagram a wheel on the chalkboard or whiteboard and illustrate how hydroplaning occurs.
- Diagram a car on the chalkboard or whiteboard and demonstrate how the wheels are to be turned if in a skid.
- Questions:
  - What is hydroplaning?
  - What do you do if you get into a skid?
  - When the temperature drops, what parts of the roadways may freeze first?



UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will describe other highway users and how to safely share the road with them.

SESSION CONTENT

Pedestrians are the highway users most at risk. Be especially watchful when making a right turn; pedestrians legally crossing at intersections always have the right of way. Of all pedestrians, children are the least predictable and hardest to see. Take extra care to look out for children, especially near schools, bus stops, playgrounds, parks, and behind parked cars on the road.

Bicyclists and moped users have the right to share the road with vehicles, traveling in the same direction. Like pedestrians, bicyclists are difficult to spot and have little protection. Approach bicyclists with extreme caution. Give them room and perhaps slow down when passing; air pressure from a quickly passing vehicle can throw a bicyclist off balance. You must yield the right of way to a bicyclist.

Motorcyclists also share problems faced by bicyclists: lower visibility, less stability and less protection. It is often hard to judge how far away a motorcycle is or how fast it is going. Many car and motorcycle crashes occur when the car driver turns left in front of a motorcyclist after misjudging the cyclist's speed or distance and how long it will take the motorcyclist to brake. A motorcyclist has the right to the full use of a lane and may change position within a lane to get a clearer view of traffic and avoid hazards.

Farm vehicles, construction equipment and vehicles drawn by animals must display the official slow-moving vehicle emblem of New York State at the rear of the vehicle. Use caution when approaching a slow-moving vehicle and be sure it is safe before passing.

Horseback riders are to ride single file near the right curb or road edge. The law requires you to use care when approaching a horse; it is illegal to sound your horn when approaching or passing a horse.

Large vehicles, such as tractor trailers, buses and large trucks, should not be followed so closely that the driver can't see you in the rearview mirrors, or your view of the road ahead is blocked. It takes longer to pass a big truck or bus on level pavement than it does to pass another car. When going downhill, a large vehicle is likely to go faster, requiring even more time for you to pass it. However, large vehicles may be easier to pass when going uphill, where they lose speed. Pay close attention to a large vehicle's turn signals. Trucks and buses may make wide right turns, leaving an open space to their right. To avoid a crash, don't pass a truck or bus on the right if there is a possibility it might turn right. If a truck is backing into a loading area and blocking the roadway, wait until the driver backs off the road before proceeding. Leave space when you stop at a light or sign behind a truck or bus, especially when facing uphill; it may roll back slightly when starting.

Disabled vehicles can be a hazard. You may encounter one on any roadway, often where and when you least expect them. Disabled vehicles will often have their emergency flashers on, to warn other traffic of the potential hazards.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Direct students who seek more information on bicycles to read the New York State Driver's Manual chapter on "Sharing The Road." The Driver's Manual is available at motor vehicle offices and on DMV's website.

- Students can be put into groups of three to four and given five minutes to discuss and list the various special problems associated with sharing the road with others.

- Discuss importance of sharing the road and share examples of common child bicyclist injury situations.

- Discuss in-line skaters often using roadways and the potential hazards. For more information about in-line skating, direct students to read the "Sharing the Road Safely" (C-77) brochure, which is available on our website at www.safeny.ny.gov/media/share-road.htm.

- Questions to ask:

  - Name some others who share the road with automobiles. Put their response on a chalkboard, whiteboard or flipchart, then ask them...

  - What special hazards do they present?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

The students will discuss and understand the dangers associated with fatigue and drowsiness.

SESSION CONTENT

Temporary impairments, such as those caused by illness, injury, distractions, and alcohol or other drugs, can be extremely detrimental to driving. However, the danger produced by driver drowsiness is far greater than is generally recognized.

The likelihood of falling asleep at the wheel is more common than most people realize. One out of five drivers admit to falling asleep at the wheel at least once. Many other sleepy drivers who deny falling asleep at the wheel may, nonetheless, have had microsleeps while driving. (Microsleep occurs when a drowsy driver is overtaken by involuntary "naps" that last four to five seconds.) The NHTSA estimates that 100,000 reported crashes annually are the result of drowsiness.

Many drivers don't realize that they have no voluntary control over whether they fall asleep. They also don't realize that they cannot predict when they are about to fall asleep. In a test situation, nearly 80% of drivers thought that they could predict when they were about to fall asleep behind the wheel; they were proven wrong. The mistaken idea that a motorist can predict when he or she is about to fall asleep creates a false sense of security in the sleepy driver.

Even if the sleepy driver does not actually fall asleep, driving ability is seriously impaired by drowsiness in the following ways:

1. Visual misperception: The driver misinterprets what he or she sees on the road.
2. Increased reaction time: The driver responds more slowly to changing road or vehicle conditions.
3. Decreased attention span and reduced information processing: The driver has difficulty concentrating on the road and vehicle conditions and has a diminished ability to process that information to make appropriate driver decisions.
4. Diminished judgment: The driver has an increased likelihood of making decisions based on poor judgment, such as attempting risky maneuvers like passing other vehicles without fully surveying the situation.
5. Impaired problem-solving ability: The driver has less ability to get out of dangerous situations.
6. Decreased ability to control the vehicle: The driver may tend to have less control of the vehicle, such as allowing it to drift from lane to lane.

ACTIVITIES

- Ask for examples of drivers they know of who have fallen asleep while driving.
- Questions to ask:
  - Do you know anyone who has fallen asleep while driving? What happened?
  - Have you ever fallen asleep when you didn't even know you were tired? ---In school? ---watching television? ---doing homework? When did you realize that you'd been sleeping? How long were you asleep?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

Students will list three ways to avoid drowsiness before driving and three ways to maintain a high attention and awareness level while driving.

SESSION CONTENT

STAYING AWAKE -- Before you drive:

- Be realistic -- rather than trying to cover a long distance in one shot, plan on stopping for a short rest or an overnight stay.

- Avoid alcohol and other drugs -- even one drink will make a slightly tired person drowsier. Avoid medicines, such as allergy pills, that induce drowsiness.

- Travel rested -- get plenty of rest before your trip.

- Respect your body clock -- if you drive when you normally sleep, you're fighting your body's natural rhythm. Avoid this, or make plans to rest along the way.

STAYING AWAKE -- On the road:

- Nap -- a short rest may be an effective remedy to drowsiness. Find a safe place such as a lit parking lot of an open restaurant or store, or a designated "rest stop."

- Stay stimulated -- listen to the radio (a talk show may keep you more alert than music), open a window, chew gum.

- Share the ride -- a travel partner can keep you awake with conversation and give you a break from driving.

- Take a walk -- get out at a rest stop just to take a quick walk to the rest room or stroll around for five minutes. Even a short break is helpful.

- Drink caffeine -- but remember that the effects begin to wear off in an hour or so.

- Recognize the warning signs -- if your eyes get droopy, your head nods down, your sight begins to diminish, your attention to the driving tasks wanders, or you can't stop yawning, you are at risk.

- Deterioration of your driving -- if you drift back and forth in your driving lane, inadvertently tailgate other vehicles, or misread traffic signs, you are at risk.

More information about fatigued driving can be found on the Governor's Traffic Safety Committee website at www.safeny.ny.gov.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Ask for examples of ways to avoid drowsiness prior to driving.
- Ask for examples of ways to stay alert and fresh while driving.
- Questions to ask:

  - What causes driver drowsiness?
  - What causes driver inattention?
  - If you were going to go on a 400-mile vacation in two days, what should you do to avoid drowsiness and fatigue before you drive?
  - How can you prepare yourself to avoid drowsiness and inattention while driving?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

The students will understand the requirements of the New York State safety belt law (Vehicle & Traffic Law 1229-c) and the rationale for having the law.

SESSION CONTENT

Around the world, more than 40 countries and provinces have enacted mandatory seat belt laws. Statistics on Australia, one of the first to institute such a law in 1970, show that 95 percent of people regularly wear safety belts. Sweden and Great Britain have 90-95 percent seat belt use. Fatalities dropped by about 50 percent in these countries.

New York State law requires that all drivers and front seat passengers of motor vehicles operated in New York State (including those registered elsewhere) must wear safety belts. Children under age four must ride in federally approved child safety seats; however, if the child weighs more than 40 pounds, s/he may ride in a booster seat with a lap shoulder belt. Children who are age 4 or older, but under age 8, must ride in a child restraint system appropriate to the child's height and weight. All back-seat passengers under 16 must be properly restrained, either in a child restraint system or with a seat belt. Special needs safety seats are available for children with conditions that make regular safety seats unsuitable. Parents may contact a health care provider or hospital for information about obtaining one of these.

The law carries a fine of up to $100 for the driver and front seat passengers over 16 and a fine of not less than $25 nor more than $100 to the driver for passengers under 16 for non-compliance. In addition, seeing that safety belts are in good working order is now a part of the annual inspection of automobiles registered in New York State.

When used correctly, the Center for Disease Control reports child safety seats reduce the risk of death by 71% for infants and by 54% for toddlers 1 to 4 years of age. Proper use of a child restraint is also effective in preventing minor injuries. It is critical that any child seat be appropriate for the child, and is placed correctly. For example, rear-facing infant seat should not be placed in the front seat of a vehicle equipped with a passenger side air bag. Review the instructions in the owner's manual before securing a seat in a car with automatic seat belts.

Drivers may be issued summonses if they or any of their passengers under 16 do not obey the law. Passengers age 16 and older may be ticketed if they do not comply. Furthermore, a jury could reduce the amount of recovery in any lawsuit for injuries and losses an individual incurred in a crash where the person was not wearing a safety belt.

Certain vehicles are exempt from the safety belt law. These include taxis, liveries, and all 1964 and older model vehicles and buses. School bus drivers have been required to wear safety belts since 1969; all new school buses must be equipped with passenger belts. Local school districts decide if using safety belts by passengers is to be voluntary or mandatory.

UNIT III: DRIVER HABITS AND SKILLS

Belt systems are designed to contact the strongest part of the person's body, the hips and shoulders, to avoid crushing fragile internal organs.

- The lap belt must be worn as low as possible, not up on the soft, vulnerable abdomen.

- Shoulder belts should be worn over the shoulder. Tucking the belt under the arm closest to the door could cause the rib cage to be crushed during impact, affecting the heart and lungs.

- Belts reduce the effects of crash forces by spreading these forces over a large area of the body. This is why belts and harness straps are wide and should not be used when twisted or rolled.

ACTIVITIES

- Distribute copies of New York State's safety belt law.

- Explain the importance of proper use of safety belts using appropriate literature.

- Review statistics which illustrate the reduction in death and injury resulting from safety belt use.

- Questions to ask:

  - What do you think about New York's safety belt law?

  - Is the safety belt law a good idea?

  - What are the benefits of wearing safety belts?

  - Who in the automobile is responsible for wearing safety belts, the driver or passenger? Who is ticketed?

  - Do you know anyone who refuses to wear belts? What are their reasons for not wearing them? Are these reasons valid?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

The students will identify at least three common myths about safety belt and child safety seats use.

SESSION CONTENT

Nearly all the states have mandatory safety belt laws. Safety belt use in those states has risen to 79% or more. These states have also seen a significant decline in automobile fatalities and injuries. Some of the reasons safety belts work are:

1. They keep occupants in the car; it's five times more dangerous to be ejected.

2. They keep children from moving about in the vehicle and, thereby, being a distraction to the driver.

3. They prevent rear passengers from being thrown against the front seat occupants and each other.

4. They prevent front seat occupants from colliding with the dashboard or windshield (the "second collision").

5. They keep the driver in the seat behind the wheel so he or she is in a better position to control the automobile.

Common myths or excuses for avoiding safety belt and child safety seats use are <u>not valid</u>. For example:

1. <u>Safety belts are unnecessary for short trips or low speeds.</u>

   Not true. Eighty percent of all crashes occur at speeds of less than 50 miles per hour. Three out of four fatal crashes occur within 25 miles of home.

2. <u>Safety belts are uncomfortable.</u>

   Adjustments can be made by automobile dealers or auto body shops. Certain accessories make it easier for those who have problems. These include extenders, comfort clips, and locking slips. Motorists should consult their owner's manual for information on how to properly adjust their safety belts and child safety seats.

3. A person may be trapped in a car in cases of submersion in water or fire.

   You are better off wearing a safety belt at all times in a car. With the safety belt on, you are more likely to be unhurt, alert and capable of escaping quickly. Although less than one-half of one percent of all injury-producing crashes involve fire or submersion, wearing a safety belt may keep you from being knocked unconscious, thereby increasing your chances of getting out of a burning or submerged car.

ACTIVITIES

- Questions to ask:
  - Do you know anyone who has been “saved by the belt?”
  - Can you explain some common misunderstandings or myths about safety belt use?
  - Now, what do you think of the safety belt law?
  - What is considered the “second collision”?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

The students will be able to identify the hazards presented by large vehicles, their unique circumstances and how to share the road safely with them.

SESSION CONTENT

In more than 60% of all fatal crashes involving autos and big trucks, police report that the auto driver rather than the truck driver contributed to the cause of the crash. Because trucks are so much bigger and heavier than cars, four out of five times the driver of the car, not the truck, is killed in a fatal car-truck crash. However, many of these crashes could be avoided if motorists knew about truck (and bus) limitations, and how to steer clear of unsafe situations involving large vehicles.

Remember trucks and buses are not simply big cars. The bigger they are:

- The bigger their blind spots
- The longer it takes them to stop,
- The more room they need to maneuver,
- The longer it takes an auto to pass them.

Blind Spots

Unlike cars, trucks and buses have deep blind spots directly behind them. Trucks also have much larger blind spots on both sides than cars do. Tractors with long hoods may also have a blind spot of up to 20 feet directly in front of the vehicle.

- **Rear Blind Spots**
  If you stay in the rear blind spot of a large vehicle, you increase the possibility of an accident. The truck or bus driver cannot see your auto, and your view of the traffic will be cut off.

- **Side Blind Spots**
  Trucks and buses have much larger blind spots on both sides than cars do. If you drive in these blind spots for any length of time, you can't be seen by the truck driver. Even if the truck driver knows you are there, remaining alongside a large vehicle may hamper the driver's ability to evade a dangerous situation.

Stopping Distance

Large vehicles, especially tractor-trailers, take considerably longer to stop than a car traveling at the same speed. The difference comes primarily from brake lag, which is unique to trucks. Air brakes, which transmit braking power from the tractor to the trailer, are subject to a lag that can add many feet to stopping distance. A good strategy is to leave plenty of space between your car and the truck. If you are driving in front of a truck, indicate your intention to turn or change lanes early. Avoid sudden moves.

UNIT III: DRIVER HABITS AND SKILLS

Maneuverability

Large vehicles are not designed to be as maneuverable as cars. They take longer to stop and to accelerate, and because of their size, they often need to swing wide to make their turns.

You can reduce the likelihood of a collision with a large vehicle if you:

- Don't cut abruptly in front of a large vehicle. If exiting, take a few extra seconds to slow down and exit behind it. If passing, don't pull in front of the truck unless you can see the entire front of the truck in your rearview mirror.

- Don't linger beside a truck because you may not be visible to the driver in the wide area he needs for maneuvering a turn.

- Pay close attention to a large vehicle's turn signals. Because trucks and buses make wide right turns, they need to swing to the left before turning right -- make sure you know which way the vehicle is turning by observing turn signals.

Passing

Passing a large vehicle, especially a combination vehicle, takes longer and requires more space than passing a car. On a two-way road, leave yourself more time and space when passing a large vehicle. Make sure you can see the entire front of the truck before returning to this lane after passing.

Remember that on an upgrade or steep hill, a truck usually loses speed. Get the big picture: look far ahead when driving; know in advance when you are approaching an incline so that you are prepared to pass any large vehicle ahead of you. When going downhill, a large vehicle is likely to go faster, requiring more time for you to pass.

Backing Up

Never pass close behind a large vehicle that is backing up. Often a truck driver has no choice but to temporarily block a road to back into a loading area. Be patient! It is far better to wait until the truck has completed its backing maneuver than to try to pass. If you try to pass in this situation, it is likely that you will enter one of the truck's blind spots, thus making you invisible to the truck driver and increasing the chance of a crash.

Approaching a Truck or Bus

Don't underestimate the size and speed of an approaching tractor-trailer or other large vehicle. Because of their size, they will often appear to be traveling at a slower speed than they really are. When driving on an undivided highway, it is best to move as far to the right as possible, as soon as possible, to avoid a sideswipe from an approaching tractor-trailer or other large vehicle. Remember that the truck will often reach you sooner than you expect!

Stopping Behind a Truck or Bus

Always leave space when you stop behind a truck or bus at a traffic light or stop sign, especially when facing uphill. The truck or bus may roll back slightly when starting.

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Questions to be asked:
  - How do the blind spots surrounding a large commercial vehicle differ from the blind spots surrounding a car?
  - How does the stopping distance of a large vehicle with air brakes compare with the stopping distance of a car?
  - After passing a large vehicle, what should you be sure of before returning to the lane in which the large vehicle is traveling?
  - What is the best strategy to follow when approaching a large vehicle that is backing up into a loading area?

UNIT III: DRIVER HABITS AND SKILLS

STUDENT OBJECTIVE

The students will learn and discuss the requirements of the New York State laws regarding cell phone use (Vehicle & Traffic Law §1225-c) and use of a portable electronic device while driving (Vehicle & Traffic Law section §1225-d, which includes the text messaging ban), and be able to list other driving distractions.

SESSION CONTENT

The danger associated with the use of cell phones or portable electronic devices while driving is an important issue in traffic safety. According to the National Highway Safety Administration (NHTSA), at any given moment, 1 out of 10 motorists in the U.S. is using a phone while driving.

According to a report issued by the Center For Disease Control, "…nearly one-third of all U.S. drivers 18 to 64 years old read or send text or email messages while driving. Reading or sending text or email messages while driving and other distracted driving behaviors lead to more than 420,000 injuries and more than 3,100 deaths every year in the United States." (Mobile Device Use While Driving – United States and Seven European Countries, 2011. *Morbidity and Mortality Weekly Report, March 15, 2013.*)

New York was the first state to enact a law that bans the use of hand-held cell phones while driving. This law also includes use of any portable electronic device which includes but is not limited to:

- any hand-held mobile telephone (a wireless telephone device);
- personal digital assistant;
- handheld device with mobile data access, (a.k.a. "smart phone");
- laptop computer;
- pager;
- broadband personal communication device;
- two-way messaging device;
- electronic game; or
- portable computing device.

The statute defines "using" as holding a mobile telephone to or in the immediate proximity of the user's ear and holding a portable electronic device for any type of use such as viewing, taking or transmitting images, playing games or composing, sending reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messaging, or other electronic data.

Texting and related uses of portable electronic devices is one of the most frequent causes of distracted driving and has become a dangerous epidemic on our highways. **Simply put, distracted driving kills.** Distraction occurs any time you take your eyes off the road, your hands off the steering wheel, or divert your attention from the business of driving. These actions distract you from your primary task at hand which is driving. Texting is the most alarming distraction because it involves taking your hands off the wheel, taking your eyes off the road and taking your mind off of driving.

UNIT III: DRIVER HABITS AND SKILLS

The current law now includes all of the following:

- No person shall operate a motor vehicle upon a public highway while using a mobile phone
- A person holding a mobile phone in the immediate proximity of his or her ear is presumed to be engaging in a call
- A person holding a portable electronic device in a conspicuous manner while driving is presumed to be using such device
- These rules do not apply to calling an emergency response operator in a case of an emergency situation, such as police, fire department etc., and
- Additionally, these rules do not apply to emergency personnel
- A violation of this part is a traffic infraction and punishable by a fine and 5 points on your driver license record
- Conviction of a first-time offense of this violation is a traffic infraction and punishable by a fine of not less than $50 (fifty dollars) nor more than $200 (two hundred dollars); multiple offenses committed within 18 months are punishable by a fine ranging from $50 to $450 (four hundred fifty dollars).

The law defines the following:

- (a) "A portable electronic device" is any hand-held mobile telephone (a wireless telephone device) personal digital assistant, handheld device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device
- (b) "Using" means holding a mobile telephone to or in the immediate proximity of the user's ear and holding a portable electronic device for any type of use such as viewing, taking or transmitting images, playing games or composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messaging, or other electronic data

The National Highway Traffic Safety Administration (NHTSA) reports that, in 2015, 10% of fatal crashes, 15% of injury crashes, and 14% of all police-reported motor vehicle traffic crashes were reported as distraction-affected crashes.

Much more information on this topic can be found at the following websites:
Department of Motor Vehicles: www.dmv.ny.gov
Governor's Traffic Safety Committee: www.safeny.ny.gov

UNIT III: DRIVER HABITS AND SKILLS

ACTIVITIES

- Show examples of a cell phone and a hands-free cell phone. Show the difference between the two.
- Bring in articles from the local newspaper about collisions that involved drivers that were distracted by the use of a cell phone or other similar factors.
- Identify a situation where it would be legal to use a cell phone while driving.
- Make a list by asking students to name ways drivers can be distracted.
- Discuss if, by using a hands-free phone, distractions are eliminated, reduced, unchanged, or increased? Why?

QUESTIONS FOR DISCUSSION

- Have you been in a car where the driver was talking on a cell phone, was texting, or was **using other portable electronic devices**? Using a GPS? How did you feel while the conversation was going on?
- Is the ban on using portable electronic devices while driving a good idea? Why? Why not?
- Does anyone know the consequences for using portable electronic devices (including cell phones or smart phones) while driving?
- What percentage of cell phone owners use their phones while driving?
- Has your attention ever been diverted from a task you were trying to do? What happened as a result?

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

OVERVIEW

The actions of drivers are responsible for most of the risks we face in the HTS. Those actions relate mostly to the state of mind of the driver. Perceptions, values, life pressures, life styles, etc., influence our decision making and actions when we use streets and highways.

Feelings and attitudes influence our driving behavior. Fatigue, or the use of alcohol or other drugs, can alter those factors in such a way that our actions may not be easily predicted. We need to be aware of our feelings and attitudes, and the ways they can affect our actions while driving.

Most of our driving experiences will likely be acceptable and uneventful, as long as each driver acts in a responsible way. However, the dynamics of dealing with our own internal forces, combined with those of other highway users can lead to many potential risks. We each have a personal challenge and responsibility to be mentally prepared to handle the risks of driving.

INSTRUCTOR OBJECTIVES

The instructor shall:

1. Lead discussion about the various mental factors that comprise our feelings and attitudes, and how they influence our decisions and actions as drivers.

2. Discuss the influence of fatigue and the use of alcohol and other drugs on the mental task of driving.

3. Identify and discuss the types of risks involved in driving decisions, and the potential outcome of those decisions.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

The students will identify at least three examples of feelings, and explain how these feelings can affect our actions while driving.

SESSION CONTENT

Feelings are a basic part of our daily experience. Each of us has a variety of feelings every day, and sometimes we have more than one feeling at the same time. Feelings are generally a short-term experience. However, they can vary in duration and intensity depending on the circumstances.

Though we do not always openly express the feelings we have, they do influence the way we think and behave. For example, if one driver does something to make another driver angry, there may be a temptation to retaliate. If a person is unusually happy about something, there is a high likelihood of being distracted to the point of ignoring the driving task. We need to become aware of the ways that feelings come into play while we drive. There could be serious consequences if we allow our feelings to command the way we drive.

Certain things can accentuate or subdue our feelings, leading us to overreact or underreact to a situation. Things happening around us may make us more excitable or may distract us. For example, consuming alcohol reduces our inhibitions, which compels some people to show their feelings.

Dealing with feelings is an important component of the mental task of driving, even before we get on the road. It is important to recognize when a feeling, or feelings, may be acted out and negatively influence our actions as drivers. There are ways to deal with those feelings before they lead to irresponsible actions.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

ACTIVITIES

- Poll the class for a definition of feelings. List examples on chalkboard or whiteboard.
- Questions to ask:
  - What is a feeling?
  - What are some examples of feelings?
  - What situations can accentuate feelings? Lessen feelings?
  - Can using alcohol or other drugs affect our feelings? Give examples.
  - In what ways can feelings positively or negatively affect the way we act? As drivers and pedestrians?
- As a fun learning activity, distribute a copy of the feelings described at the end of the next session.
- Questions to ask:
  - Identify those feelings that would most likely affect our driving in a negative way. In a positive way.
  - Can any of these feelings potentially affect our actions in both a negative and a positive way?
  - Do any of these pictures identify feelings that you have had while driving? How did those feelings affect you?
  - Lead discussion about what can be done to avoid allowing our feelings to contribute to risks in the HTS.
- Questions to ask:
  - Are there ways to know when our feelings might become a problem with our driving?

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

The students will identify examples of attitudes, and discuss how they influence our actions as drivers.

SESSION CONTENT

Our feelings are continuously changing. We can experience happiness, anger, frustration, fear, anxiety, and a variety of other feelings in the same day. Attitudes, on the other hand, are much more constant. They provide us with a sense of mental balance and perspective, hopefully helping to keep our feelings under control.

Attitudes are a part of what we believe and value. They help us make sense of the world around us, and influence the way we act. A person who believes drinking and driving is wrong will do whatever possible to avoid making that mistake. That attitude may also influence the way they deal with friends who run the risk of drinking and driving. Some people have a "don't care" attitude about the safety of other drivers. Those people will likely behave on the streets and highways in ways that pose risks to all of us.

In most instances, we share similar attitudes about safe driving with other drivers. The majority of us generally believe that there are real possibilities of getting hurt, so we trust that most drivers will act in a way to avoid that outcome. There are others that have a very different attitude about the same possibility of getting hurt. They believe "it can't happen to me, it only happens to others." Even when they do have a crash, that attitude may be so strong that they will insist that someone else is at fault. Sometimes having an attitude different from others can put a great deal of pressure on a person to act against what they believe is right. If all your friends are doing something you disagree with, they may work very hard to pressure you to go against what you believe and join in.

Our attitudes filter the way we view things. If a person lacks the proper attitude, the mental picture they get about a situation may lead them to misinterpret information and take inappropriate action. A driver lacking a proper attitude about obeying rules might approach a yellow traffic light and see it as a need to accelerate rather than the intended warning to prepare to stop.

It is important to become aware of our attitudes as well as the positive and negative influence they can have on our actions on the road.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

ACTIVITIES

- Poll the class for examples of attitudes. List examples on chalkboard or whiteboard.
- Questions to ask:
  - What is an attitude?
  - Are feelings and attitudes connected in any way?
  - In what ways do feelings and attitudes differ?
- Discuss how attitudes can affect the way we act.
- Questions to ask:
  - Do attitudes affect the way we view and understand things?

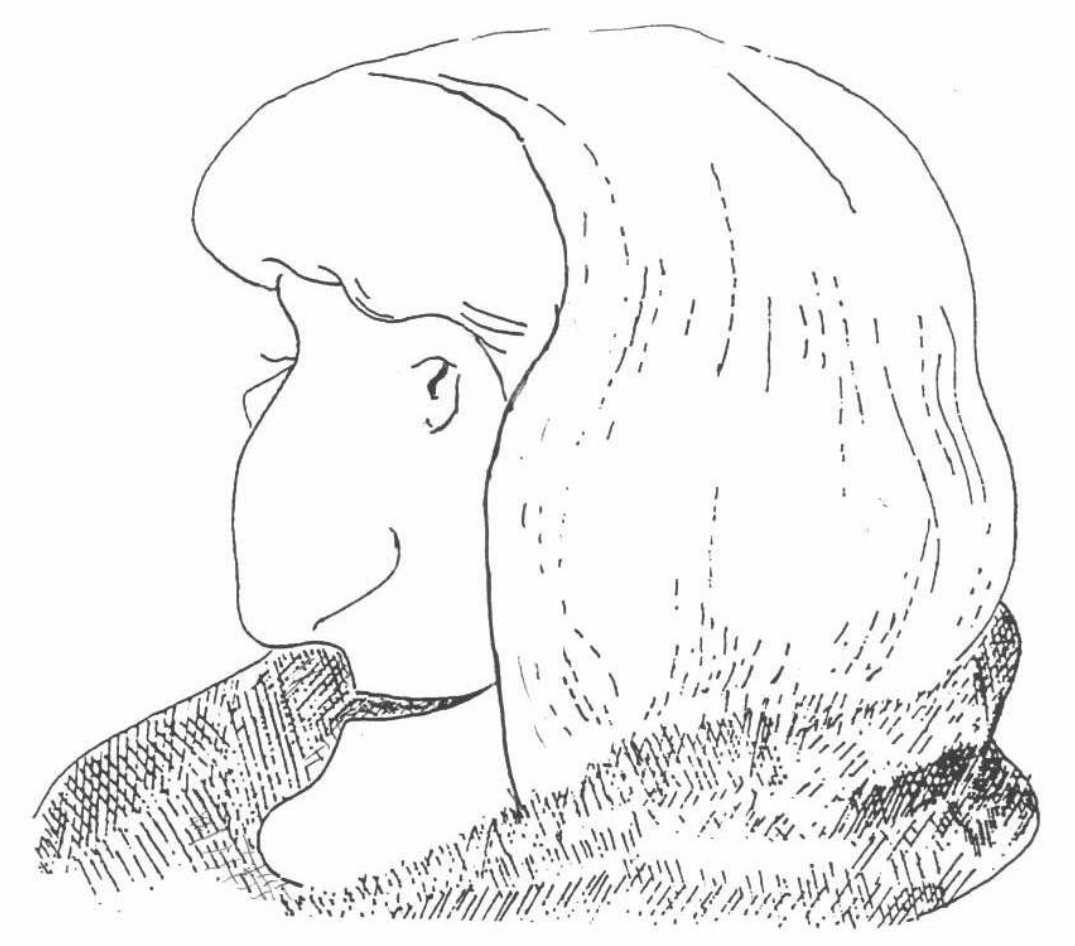
Suggestion: Following initial discussion, allow each student to briefly view the "two face" picture on the next page. Ask who saw an old woman, and who saw a young woman.

What do our different interpretations of this picture tell us?

- Referring to the student-generated list of attitudes, in what ways can these attitudes influence our actions?
- What are some positive and negative outcomes of interacting with people who have attitudes similar to our own? Interacting with people with different attitudes?
- Can the attitudes of friends put pressure on us to act in ways contrary to our own attitude about something? How should we react?
- Can we tell when someone else needs to adjust their attitude about driving?
- Are there ways we can know that we need to adjust our own attitude about driving?
- Can we change other people's attitudes? Can we change our own attitudes?

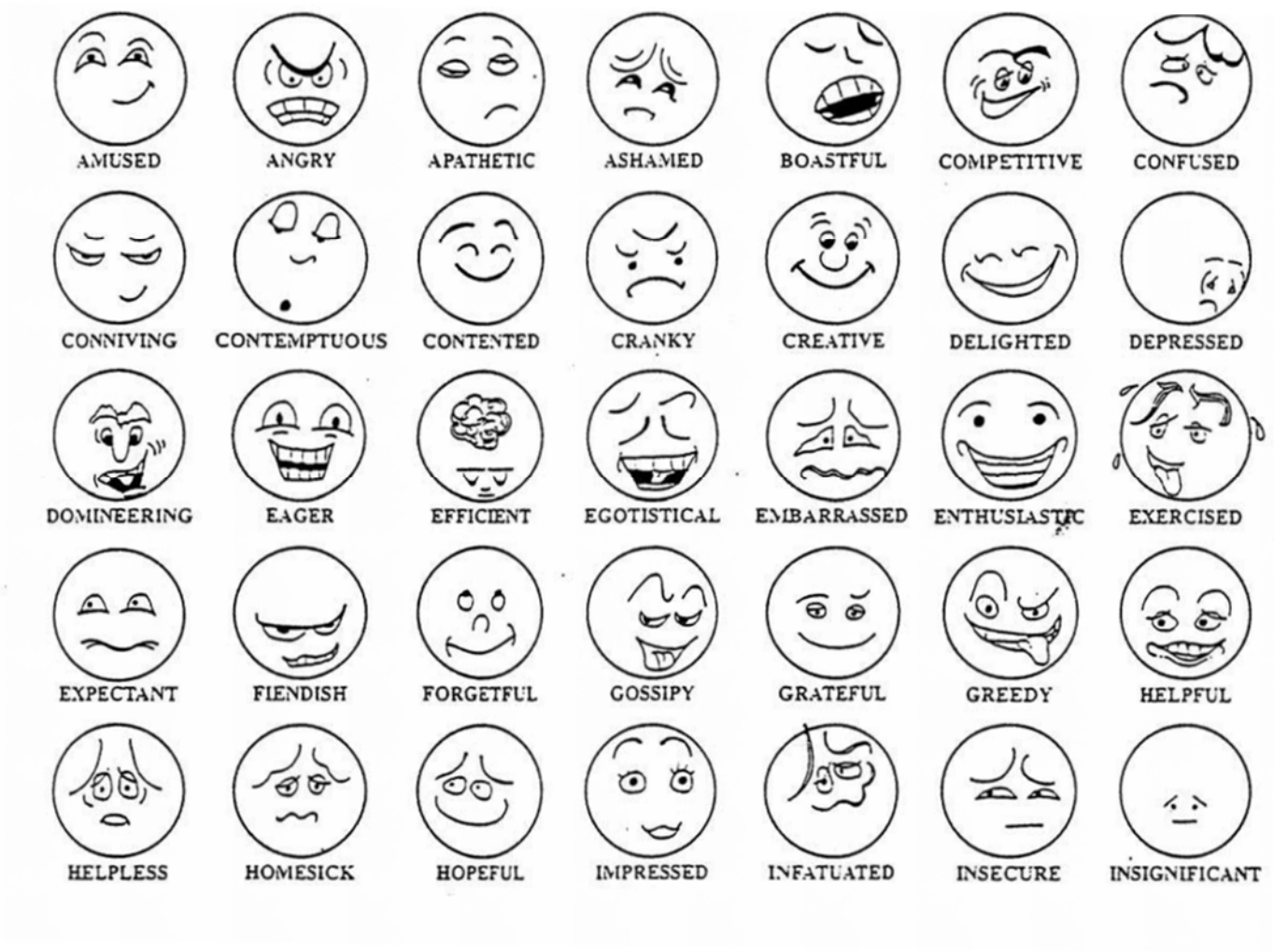
UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

What do you see in this picture?



UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

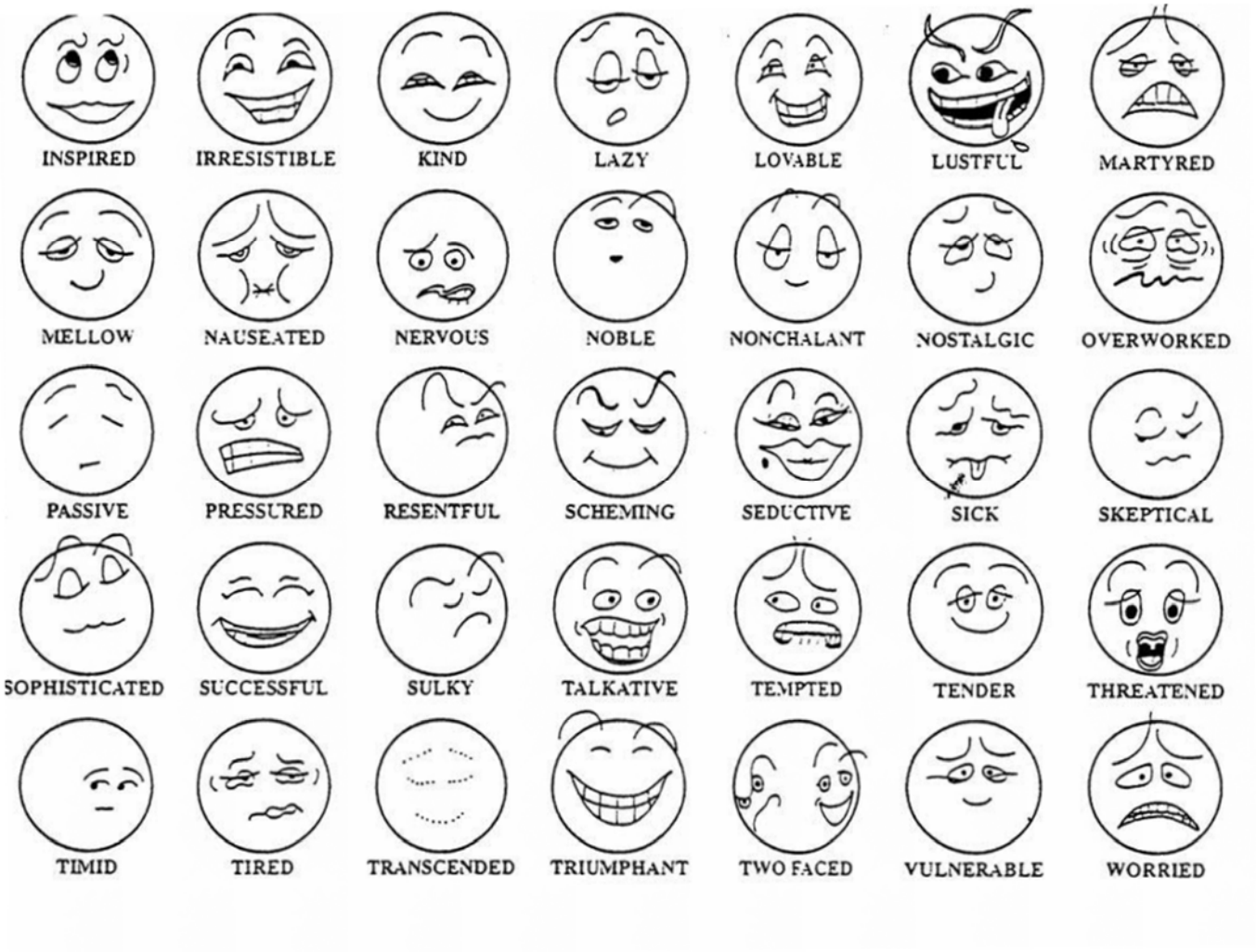
Expressions of Various Feelings



NOTE: While not a complete listing of feelings that one could possess, these 70 different expressions can help in a discussion about feelings.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

Expressions of Various Feelings (continued)



NOTE: Instructors are encouraged to ask the class for other expressions of feelings.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

The students will define calculated risk and impulsive risk.

SESSION CONTENT

A risk is the chance of suffering some kind of loss, damage, or injury when we do things, regardless of what might be gained by what we do. Most of the things we do involve some degree of risk. This is particularly true of our activities while we function in the HTS. We can categorize risks into two categories, impulsive risks and calculated risks.

Impulsive risks generally occur when a driver acts hastily and without much thought about the consequences. Accelerating through a yellow light as it's about to turn to red is an example of impulsive risk taking. It is doubtful that the driver in that situation will give much thought to anything other than beating the light. The result of this impulsive behavior is unpredictable. Other drivers at the scene will have little opportunity to evaluate the situation in time for adjustments they might have to make.

Calculated risks are much different. The driver acts only after sizing up a situation. A person traveling on a snowy day decides to continue driving at a certain speed after considering the many conditions related to the weather. This person made a calculated choice to drive at a certain speed to reach a destination on time in spite of the hazards. The chance of a mishap remains, and may actually increase. However, the situation is less likely to get out of control than with the impulsive driver, because the driver gains an awareness of what the situation demands and is better prepared to make a change if needed.

There is no way to completely avoid risk. However, being impulsive seldom leads to appropriate actions. It only leads the driver to take actions with unpredictable outcomes. It is important to be continuously vigilant in surveying the driving situation to avoid or reduce risks. This will optimize the chances of successfully operating in the HTS.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

ACTIVITIES

- Ask the students to define risk.

  Suggestion: Using ideas offered by the students, agree to one definition and write that definition on the chalkboard or whiteboard.

- Discuss how feelings and attitudes relate to the kinds of risks we take.

- Questions to ask:

  - What non-driving risks do you take during the course of a normal day?
  - What are some risks taken by people while they drive?
  - Are all risks the same? In what ways do they differ?
  - How would you define calculated risk? Impulsive risks?
  - In what ways are they different?
  - In what ways do our feelings and attitudes relate to calculated and impulsive risks?

  Suggestion: You may want to use information, lists, or handouts from the presentation about feelings and emotions to encourage discussion.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

The students will learn about the Graduated Driver Licensing law and special limitations placed upon junior drivers (drivers under the age of 18 without a driver education MV-285 Student Certification of Completion). Please note: the information in this section pertains to 16- and 17-year-old drivers.

SESSION CONTENT

Junior Drivers and Graduated Driver Licensing

Young driver statistics:

- Motor vehicle crashes are the leading cause of death for young drivers (drivers ages 16-24).
- Drivers ages 16-20 are overrepresented in crashes; 4**%** of the licensed drivers in New York are ages 16-20, but 8**%** of the drivers involved in crashes in 2015 were in this age group.
- The younger the driver, the more likely he or she is to crash. Crash rates of 16 and 17 year-old drivers are 35% higher than that of 18 to 20 year old drivers, and 62% higher than 21 to 24 year olds.

Key risk factors for teens:

- Immaturity;
- Inexperience and lack of driving skills;
- Judgment and decision making ability is not fully developed;
- Risky driving behaviors (speeding, distracted driving, impaired driving).

"Driver Inattention/Distraction"(15%), "Unsafe speed" (12.5%), "Failure to Yield Right of Way" (14%), "Following Too Closely" (16%) and "Driver Inexperience" (6.5%) were the most frequently cited contributing factors for drivers ages 16-20 involved in fatal and personal injury crashes in New York State in 2015.

Source: Institute for Traffic Safety Management & Research

To address these issues, the Graduated Driver Licensing law (GDL) was developed. GDL gradually introduces young drivers to unrestricted driving privileges through three stages: junior permit, junior license, and senior (unrestricted) license. Each stage includes specific components and restrictions, and requires junior drivers to meet certain standards before advancing to the next stage. Most states have some form of three-stage GDL system.

Source: National Highway Traffic Safety Administration

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

New York's Graduated Driver Licensing law took effect on September 1, 2003. On February 22, 2010 significant changes were made to New York's GDL in order to strengthen the law and closely align the provisions of the law with nationally recommended standards.

General restrictions apply for all junior permit and junior license holders (junior drivers). There are also specific regional restrictions in place for junior drivers depending on the area in the state he/she is **driving in**. These rules pertain to the time of day the junior driver is allowed to drive, when a supervising driver is required, and who may act as a supervising driver.

More than any other reason, young people are involved in crashes because they are inexperienced or lack the awareness of other drivers. They are unable to identify risk or improperly react to hazards when behind the wheel. High prevalence of contributing factors like speed and distracted driving increase the problem by giving young drivers less time to react. Examples:

- **They know that the sharp turn ahead means you should slow down but they don't account for the road surface being slippery or dangerous in adverse conditions. They don't have the experience to identify that the conditions present a high risk.**

- **Many inexperienced drivers will overcorrect or oversteer when presented with a hazardous situation**.

We use the word "crash" rather than "accident" when referring to these events because accident implies an event beyond the driver's control, however many of the events involving young drivers result from completely avoidable factors like the ones mentioned above.

By imposing both general and **regional restrictions** for young drivers, GDL addresses the most hazardous driving situations. Limits on nighttime driving and passengers, and a supervised driving requirement which includes 15 hours of driving after sunset, are all methods for allowing young drivers to gain experience in a safe and controlled environment before experiencing these high-risk situations on their own.

- **Nighttime driving is especially risky for young, inexperienced drivers, with the most severe junior driver involved crashes occurring after 9pm. Reduced visibility and increased glare add to the challenges faced by inexperienced drivers, emphasizing the importance of gaining experience after dark under proper supervision, (15 hours of supervised driving after sunset). Failure to follow the GDL nighttime restriction could expose a young driver to significant risk, beyond the possibility of sanctions on the license.**
- **Passengers are one of the most dangerous forms of distractions for teen drivers. With each passenger, the likelihood of being involved in a fatal or personal injury crash goes up significantly. With two or more passengers, the risk can be as much as three times greater than when driving alone. Research indicates that crash risk is increased when passengers are of a similar age as the young driver, particularly male peers. Young drivers should understand the importance of being "good passengers" when they are riding in a vehicle. They should make every effort to stay quiet and not distract the driver.**

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

- **Driving is like any other activity that has to be learned. It takes years of practice before a person has gained experience and becomes comfortable behind the wheel. The following are all examples of other activities that require practice before they are mastered:**

  - *Swimming – "Did you learn to swim by jumping in the deep end?"*
  - *Sports (Baseball/Football) -- "Could you win the big game without practice?"*
  - *Video Games – "Could you beat "the boss" if you didn't know the buttons?"*
  - *Theater – "Would you skip right to opening night without rehearsing?"*
  - *Final Exams – "Would you take your final exam at the beginning of the year?"*
  - *Musical Instrument – "Could you just pick up an (instrument) and play it well?"*

The 50 hours of supervised driving, with 15 hours required at night (after sunset), is a way for young drivers to experience a variety of situations under the supervision of a parent or guardian, and learn how to correctly respond to these situations.

General Restrictions for Junior Drivers

- Parental consent is required for clients applying for a junior permit or junior license (Class DJ or MJ) ***unless*** the driver is 18.
- A junior driver must have **six months** of **valid permit status*** from the date the permit is issued to the date of the road test.
  **Any time period in which the junior permit has been suspended or revoked shall not be counted in determining the length of time that the junior permit has been valid.*
- When supervision is required under the law, the only passenger allowed in the front seat is the supervising driver.
- A junior driver cannot operate a vehicle with more than ***one passenger*** under the age of 21 **unless** the passengers are members of the junior driver's immediate family **or** if the supervising driver is the junior driver's licensed parent, guardian, person "in loco parentis," driver education teacher, or driving school instructor.
- The junior driver and every passenger must wear a **seat belt**; one seat belt per person. All children under age four must ride in **federally-approved child safety seats**.
- When a junior permit holder takes the road test they must present to the license examiner a completed ***Certification of Supervised Driving*** (form MV-262). With this statement, the junior driver's parent or guardian certifies that the junior driver has completed at least **50 hours of practice** with a **proper supervising driver**, with at least **15 hours at night** (after sunset).

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

Please note, junior permit holders ***may not*** drive:

- ***At any time*** on any street within a park in New York City, or any bridge or tunnel under the jurisdiction of the Triborough Bridge and Tunnel Authority.
- ***At any time*** on the Cross County, Hutchinson River, Saw Mill River or Taconic State Parkways in Westchester County.
- ***At any time*** in a DMV road test area.
- ***At any time*** without a **proper supervising driver** or in violation of the restrictions specific to the **geographical region** the junior permit holder is driving in.

Penalties for Traffic Violations as a Junior Driver

A junior permit or junior license will be ***suspended for 60 days*** if a junior driver is:

- convicted of any two moving violations during their probation period.
- found guilty of committing a single, more serious violation (as listed below) during the probation period.

If, however, the junior driver is found guilty of committing a single "use of a mobile telephone/ use of portable electronic device" violation during the probation period, their license will be ***suspended for 120 days.***

A junior permit or junior license will be ***revoked for 60 days*** if a junior driver, after having his/her license/permit/privileges restored from a suspension or revocation, is:

- convicted of any two moving violations during their probation period.
- found guilty of committing a single, more serious violation (as listed below) during the probation period.

If, however, the junior driver is found guilty of committing a single "use of a mobile telephone/ use of portable electronic device" violation during the probation period, their license will be ***revoked for 1 year.***

A "serious traffic violation" is generally a violation that carries three or more **driver violation points**. Some examples are:

- speeding;
- reckless driving;
- following too closely;
- participating in a speed contest;
- use of mobile telephone (such as a cellular phone);
- use of portable electronic device (such as a smartphone, GPS or MP3 player); or
- two other traffic violations.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

ACTIVITIES

- Print **forms** and **geographical restrictions** as reference material/handouts.
- List on a chalkboard, flip chart or white board the risk factors for young drivers.
- What are some risky behaviors you have seen drivers engage in?
- How would you respond if you were riding in a car with a driver who was engaging in risky behavior (speeding, reckless driving, impaired driving)?
- What is the difference between a crash and an accident?
- What is the nighttime driving restriction for the area of the state the junior drivers in the class will be driving in? Why is nighttime driving riskier than driving in the daytime?
- Why is the passenger restriction important? What does it mean to be a "good passenger?"
- Why is supervised practice driving important?
- How many hours of supervised driving are required before you can take your road test? Who can certify these hours have been completed? How many hours must be completed at night (after sunset)?
- How many months of valid permit status are required before a junior driver can schedule a road test?
- How many non-family passengers are allowed in a car driven by a junior license holder?
- What is considered a "serious traffic violation?"

Helpful Links:

http://dmv.ny.gov/younger-driver/younger-driver-resources

http://dmv.ny.gov/younger-driver/graduated-license-law-and-restrictions-drivers-under-18

http://dmv.ny.gov/more-info/safety-restraints

http://dmv.ny.gov/tickets/about-nys-driver-point-system

http://www.nhtsa.gov

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

Students will be able to identify road rage and explain the effects that the expression of road rage has on a person's ability to operate a motor vehicle.

SESSION CONTENT

Road rage definition:

Road rage is an emotional state of anger or hostility, resulting from an incident involving the use of a motor vehicle, which escalates into violent criminal acts, or threats or attempts of violent acts. Road rage may include provocative behavior intended to intimidate or harass others or instill fear in them.

Aggressive driving is not road rage. However, aggressive driving can escalate into road rage. Aggressive driving generally involves traffic infractions (such as speeding or passing a stop sign) while road rage generally involves crimes.

Road Rage contributes to violent and dangerous driving conditions.

The following behaviors constitute road rage:

- Driver behaviors -- yelling, cursing, excessive horn honking, rude or obscene gestures and threats which may lead to:

- Vehicular actions -- cutting off, extremely close tailgating, blocking maneuvers, pursuing or chasing, running another vehicle off the road, deliberate ramming or bumping of another vehicle which may lead to:

- Actions outside the vehicle -- exiting the vehicle to threaten, frighten, attack, fight and hurt another motorist, pedestrian, cyclist etc.

ACTIVITIES

- Have students explain the differences between aggressive driving behavior and road rage behavior.

- List on the chalkboard, whiteboard or flip chart the behaviors that constitute road rage behavior.

- Have students explain how road rage behavior contributes to a dangerous driving environment.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

Students will be able to identify strategies for avoiding road rage.

SESSION CONTENT

Tips to avoid becoming a target of road rage behavior:

- Don't make obscene gestures
- Don't abuse your horn
- Don't block the passing lane
- Don't block the right-hand turn lane
- Don't tailgate
- Don't stop in the road to have a chat with another driver or a pedestrian
- Use signals when switching lanes
- Don't take other driver's mistakes personally
- Avoid eye contact with the driver trying to engage you
- Smile, be courteous, and avoid conflict at all costs
- Do not exit the vehicle to argue with or otherwise engage another motorist or pedestrian

(Source-AAA Foundation for Traffic Safety)

ACTIVITIES

Have students discuss personal experiences with road rage behavior and how they managed to avoid becoming engaged as targets or victims. List strategies for avoiding road rage.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

Students will be able to describe some of the medical, biological and physiological effects of the development and expression of aggressive behavior and road rage, and identify strategies for reducing stress.

SESSION CONTENT

Aggressive drivers:

- Under stress, aggressive drivers have different physical reactions than other drivers; they respond to a stressful situation with physiological responses associated with hostility. (Source: Applied Psychophysiology and Biofeedback)
- People who tend to engage in aggressive or hostile acts when driving are more affected by mood than other drivers. Being in a bad mood appears to have an adverse effect on driving behavior and this effect appears to be most pronounced among unsafe drivers. *(Source: AAA Foundation study)*

Average drivers:

- Blood pressure rises among average drivers experiencing the emotion of rage
- Facial muscles tighten while experiencing anger or rage

The average driver can reduce road rage potential by reducing stress while driving.

Suggestions for reducing stress:

- Leave yourself plenty of time to get to your destination
- Listen to soothing music in your car
- Make sure your car is regularly serviced and in good condition
- Make your vehicle a more comfortable place, if possible

(Source: AAA Foundation for Traffic Safety)

ACTIVITIES

What works for you? Have the group discuss how they manage to reduce stress while driving. List ideas and suggestions for reducing stress.

Discuss the biological and physiological changes that may occur as a result of the development of rage or hostile behavior.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

Students will be able to explain that road rage can lead to felony charges and convictions which carry prison sentences under the Penal Law and revocation of their driver license under the Vehicle and Traffic Law.

SESSION CONTENT

For the driving behaviors that we have associated with road rage, the following charges and penalties could result:

Under the Vehicle and Traffic Law

Reckless Driving
Section 1212 of the V&T -- "…driving which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway." Reckless Driving is a misdemeanor and carries a penalty of 5 points.

Under the Penal Law

Criminally negligent homicide
Section 125.10 of Penal Law -- "A person is guilty of criminally negligent homicide, when with criminal negligence, he causes the death of another person." (In the case of road rage this would result through the use of a motor vehicle)
This is a class E felony. Maximum sentence is 4 years imprisonment.

Assault in the first degree
Section 120.10 of the Penal Law -- "A person is guilty of assault in the first degree when
1. with intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument (in this case a motor vehicle) or
2. under circumstances evincing a depraved indifference to human life, he recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to another person."
This is a class B violent felony. Maximum sentence is 25 years imprisonment.

Assault in the second degree
Section 120.05 of the Penal Law – "A person is guilty of assault in the second degree when

1. With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person; or
2. With intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument.", .

Assault in the second degree is a class D violent felony with a maximum sentence of 7 years imprisonment.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

Assault in the third degree

Section 120.00 of the Penal Law – "A person is guilty of assault in the third degree when

1. With intent to cause physical injury to another person, he causes such injury to such person or to a third person; or
2. He recklessly causes physical injury to another person; or
3. With criminal negligence, he causes physical injury to another person by means of a deadly weapon or a dangerous instrument."

Assault in the third degree is a class A misdemeanor with a maximum sentence of 1 year imprisonment.

Manslaughter in the first degree

Section 125.20 of the Penal Law -- "A person is guilty of manslaughter in the first degree when, with intent to cause serious physical injury to another person, he causes the death of such person or of a third person."

This is a class B violent felony. The maximum sentence is 25 years imprisonment.

Manslaughter in the second degree

Section 125.15 of the Penal Law-A person is guilty of manslaughter in the second degree when, "He recklessly causes the death of another person."

This is a class C felony. The maximum sentence is 15 years imprisonment.

For the felony convictions listed here, a fine of up to $5,000 may be levied in addition to the term of imprisonment. A felony conviction also carries a mandatory surcharge of $300 and victim assistance fee of $25.

THE VEHICLE AND TRAFFIC LAW SECTION 510 (2) also requires the revocation of the driver's license of anyone convicted of a homicide or assault arising out of the operation of a motor vehicle (or motorcycle) or criminal negligence in the operation of a motor vehicle resulting in death, whether the conviction was had in this state or elsewhere.

ACTIVITIES

A handout with the possible convictions and penalties resulting from driving under the influence of road rage would facilitate the discussion of this topic.

The class should be asked to discuss why such driving behavior could be determined to be criminal behavior and not just a traffic infraction.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

STUDENT OBJECTIVE

The students will identify and discuss how fatigue and use of alcohol and other drugs can influence feelings and attitudes.

SESSION CONTENT

Fatigue and the use of alcohol or other drugs reduces the ability of a person to safely perform the mental task of driving. They reduce the person's ability to concentrate and increase the effect of feelings and attitudes.

Two of the more immediate effects of drinking alcohol are loss of judgment and lowering of inhibitions. This happens even after consuming small amounts. Inhibitions keep feelings in check. As those inhibitions fail, feelings have a more pronounced influence on how we act. A person will get angry more quickly and to a greater extent, or allow a celebration of the moment to dominate the attention needed for driving. The expression of our attitudes can surface inappropriately, or become distorted. Any situation like that can lead to unpredictable andpainful results.

Alcohol is the most widely available and used drug. There are a wide variety of other drugs that can influence our feelings and the way we think. There are sedatives, stimulants, and hallucinogens; over-the-counter, prescription, and illicit drugs. They each have the potential to influence the degree of risk that feelings and attitudes can have on driving behavior.

Fatigue and drowsiness are more of a risk than most people realize. They not only pose the danger for a driver to lapse into sleep while at the wheel; they can lead to confusion and inappropriate expressions of feeling. A tired person might deviate from normal driving behavior with untimely agitation, outbursts, panic, etc. Acting out these emotions while driving a vehicle could put this person, and others sharing the road at the time, in danger.

UNIT IV: FEELINGS, ATTITUDES, AND TAKING RISKS

ACTIVITIES

- Ask the students for examples of how consuming alcohol can affect the influence of feelings and attitudes on driving behavior.

- Discuss the role that using drugs can have on our actions as drivers.

- Questions to ask:

  - Does alcohol affect the influence of feelings and attitudes on a driver's actions? In what ways? What kind of driving behavior would you expect?

  - Are you aware of any drug, other than alcohol, that can alter our feelings and attitudes? List examples.

  - Will that effect change our actions as drivers negatively? Positively?

  - What drugs might a person take that could influence how feelings and attitudes affect their driving? In what ways?

  - Ask the students to identify and discuss how fatigue can alter our feelings and attitudes in a way that can influence driving.

  - In what ways has fatigue affected you in performing activities required in your daily routine?

  - In what ways were your feelings and attitudes affected?

  - How would that same experience influence your actions as a driver?

  - Have you observed similar effects in others?

  - How would the combination of fatigue with alcohol or drug use alter the influence of feelings and attitudes on our driving behavior?

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

OVERVIEW

Death and injury associated with drinking and driving is a national tragedy. It's the number one contributor to the highway death toll, claiming thousands of victims every year.

Police records show that about half of all motor vehicle-related deaths involve alcohol; a driver, a passenger or someone else, such as a pedestrian, had been drinking. In most cases, these deaths are the result of someone who was drinking and driving. Nationally, over 17,000 motor vehicle-related deaths occur each year because of alcohol, and hundreds of thousands of people are injured.

INSTRUCTOR OBJECTIVES:

The instructor shall:

1. Provide a rationale for this unit.
2. Discuss the reasons why some people drink alcohol or use drugs.
3. List why some people drive after drinking alcohol or using drugs.
4. List the possible health effects caused by drinking alcohol.
5. Calculate Blood Alcohol Content (BAC).
6. Discuss chemical testing and implied consent.
7. Explain the Driver Responsibility Assessment (DRA).
8. Discuss the Zero Tolerance law.
9. Present the law regarding drinking, drug use and driving.
10. Discuss Leandra's Law.
11. Discuss penalties and the cost related to drinking, drug use and driving.
12. Discuss how alcohol and other drugs impair drivers, including how alcohol and drugs taken together can cause greater impairment than either would cause separately.
13. Discuss responsible decision-making about alcohol and other drugs.
14. Discuss alternatives to driving while impaired by alcohol or drugs.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The student will define the words “alcohol” and “drug.”

SESSION CONTENT

Alcohol is an odorless, colorless, mind altering (depressant) drug, which, when in beverage form, is contained primarily in beer, wine and distilled spirits. Generally, the amount of alcohol in beverages is as follows:

- Beer: 3.2% to 5% alcohol
- Wine coolers: 4% to 8% alcohol
- Malt liquor: 5% to 10% alcohol
- Wine: 10% to 16% alcohol
- Distilled spirits: 39% to 50% alcohol

These amounts could be greater or less depending upon the product. Most beverages containing alcohol, though typically not beer or wine, have the alcoholic proof (percentage of alcohol times two) stated on the label. For example, 80 proof liquor contains 40 percent alcohol.

Drugs come in liquid, powder, and tablet form in various strengths for countless purposes (refer to Common Drugs and Their Effects, Appendix F). A drug, broadly speaking, is any substance that, when absorbed into the body, alters normal bodily function.

ACTIVITIES

- Ask students to write the first word that comes to mind when they hear the word “drug”; lead class into discussion of alcohol as a drug.
- Ask students to define a drug. Emphasize that alcohol is a drug, which produces specific physical effects. Ask what are prescription and nonprescription drugs.
- Have students take test at the end of Unit V now, then go over the answers when the unit is finished.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will be able to describe why some people drink alcohol or consume other drugs, and then drive.

SESSION CONTENT

The following are just a few of the reasons why people drink or use drugs and drive:

1. believe risk is minimal
2. feel that “crashes only happen to others”
3. no concern for others; “I don’t care” attitude
4. should be okay if driving only a short distance
5. believe that being extra careful should compensate
6. self-destructive attitude
7. perception that alcohol and/or drugs actually enhance abilities
8. show-off attitude; “I can do it when others can’t”
9. use a minimal amount of alcohol in order to mask a drug high; this improves chances of avoiding detection at potential sobriety checkpoints
10. judgment impaired by substance
11. many drugs, including alcohol, are addictive
12. problem drinkers have developed a tolerance

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

ACTIVITIES

- Have students write three reasons why people drink or take drugs; poll class for answers.
- Discuss difference between using and misusing alcohol or other drugs.
- Explain that you are not trying to teach how to drink, use drugs, or to practice abstinence, but rather how to make low-risk decisions on drinking and drug use.
- Discuss the legal drinking age in New York State.
- Discuss the types of alcoholic beverages that some people drink.
- List on chalkboard the reasons people use to explain why they drink/take drugs and drive.

NOTE: Avoid using the phrase "drunk driver." Use the phrase "legally intoxicated driver" or "drinking driver" or "drugged driver."

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will identify and discuss at least five physical and five psychological effects caused by drinking alcohol and using drugs.

SESSION CONTENT

Alcohol-impaired drivers may display the following characteristics:

1. mild neurosis, or anxieties and phobias
2. low tolerance of tension and frustration
3. reduced inhibitions and greater risk taking
4. immaturity
5. enhanced emotions
6. inhibition of the decision-making process

The physical and psychological impairments caused by consuming one and one half to two ounces of alcohol (two beers, two glasses of wine, two shots distilled spirits) in an hour may be the following:

1. peripheral vision decreases
2. eye reaction decreases
3. visual acuity decreased by an amount comparable to wearing dark glasses at night
4. recovery time from headlight glare is longer, from 7 to 32 seconds depending upon the individual
5. complex reaction time increases 15 to 25 percent
6. judgment as to distance and speed is less accurate
7. attention to details is lacking
8. driver talks more
9. a false increase in self-confidence
10. the moral code may be temporarily decreased
11. double vision occurs
12. blurring of vision occurs
13. nystagmus (rapid involuntary oscillation of the eyes) occurs
14. night vision impaired
15. impairment of stereopsis (three-dimensional vision)
16. visual hallucinations occur
17. dizziness occurs
18. feelings of drowsiness and fatigue enhanced

Many drugs, such as depressants, have effects very similar to alcohol (refer to Common Drugs and Their Effects, in Appendix F).

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

ACTIVITIES

- Use chalkboard or whiteboard to list physical and psychological effects of using alcohol or drugs.
- What physical effects do alcohol and/or drugs have on people?
- Have entire class discuss the following questions:
  - What will reduce the effects of alcohol/drugs? Cold shower? Coffee? Time? An alternate drug?
  - Would the character of the class change if alcohol were served, or drugs were passed around?
  - How does fatigue or drowsiness alter the effects of alcohol?

Note: Alcohol also impairs pedestrians; their behavior is often unpredictable. Be particularly attentive after sporting events and near taverns.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will compute Blood Alcohol Content (BAC).

SESSION CONTENT

- Accurately measuring a person's Blood Alcohol Content (BAC) is achieved by administering a blood test, urine test, saliva test or breath test. Individuals can roughly calculate their own BAC by knowing the following facts:

- An average drink (12 ounces of beer, 5 ounces of wine, 1 ounce of distilled spirits) will produce a BAC of .020 percent in a 160-pound person (.030 percent in a 110-pound person, .015 percent in a 220-pound person).

- Once the alcohol is in the bloodstream, all people, regardless of weight, will metabolize or burn up from .015 percent to .020 percent alcohol in approximately one hour (about one drink for a 160-pound person). This can decrease with the onset of middle age.

- Alcohol takes from approximately one-quarter to three-quarters of an hour to permeate the stomach wall and enter the bloodstream.

Here is an example of the BAC of a 160-pound person who begins drinking at 5:00pm:

BEVERAGE	BAC/DRINK	TIME
12 ounces of beer	.02%	5:00-5:10pm
12 ounces of beer	+.02%	5:10-5:25pm
12 ounces of beer	+.02%	5:25-5:40pm
12 ounces of beer	+.02%	5:40-5:55pm

Approximate blood alcohol content at 6:00 equals .08 percent minus approximately .01 percent that was metabolized, and perhaps .01 percent still in stomach. Therefore, BAC is approximately .06 percent.

Approximate BAC at 6:30pm equals .08 percent minus approximately .02 percent metabolized. Therefore, BAC is approximately .06 percent.

Approximate BAC at 7:00pm equals .08 percent minus approximately .03 percent metabolized. Therefore, BAC is still approximately .05 percent.

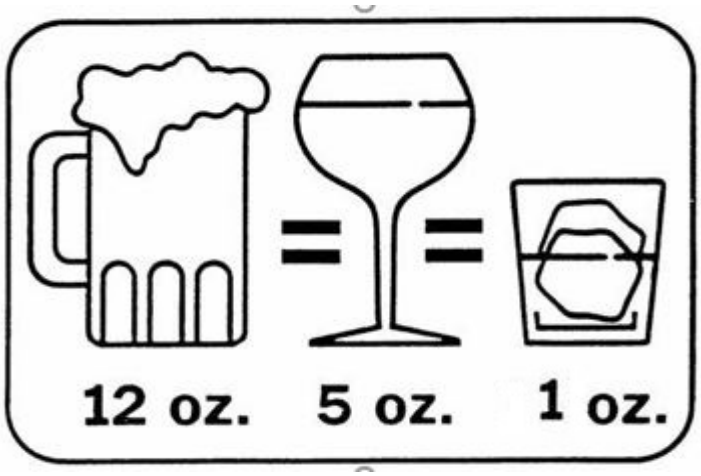
NOTE: These are estimates. There can be errors in estimating BAC. It is possible to have two people of equal weight with equal food amounts in their stomachs to have BACs that differ by .02 percent.

NOTE: Zero tolerance is defined as any measurable amount (.02 and above) of alcohol in the blood, breath or urine of a driver.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

ACTIVITIES

- Have students compute their own BAC after having consumed three beers in one hour, using their body weight.
- Have students discuss why even small amounts of alcohol impair driving abilities.
- Ask what “zero tolerance while driving” means.
- Ask how we can recognize (i.e., driving behaviors) when a person may be driving with a BAC of .08 or higher.
    - Turning with a wide radius
    - Straddling the center of the road or lane mark
    - Almost striking other objects or vehicles
    - Weaving
    - Driving on other than the designated roadway
    - Swerving
    - Slow driving (more than 10 mph below limit)
    - Stopping without cause in traffic
    - Following too closely
    - Drifting
    - Braking erratically
    - Driving into opposing traffic signals
    - Turning abruptly or illegally
    - Accelerating or decelerating rapidly
    - Driving with headlights off
    - Driving at excessive speeds
    - Windows are open in very cold weather
    - Failure to use turn signals when making a turn or changing lanes



UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will become familiar with information from Section 1194 of the Vehicle & Traffic Law regarding chemical testing and implied consent.

SESSION CONTENT

Chemical tests use blood, breath, urine or saliva to measure the alcohol and/or drug content of a person's blood. When a motorist is arrested for an alcohol or drug-related violation, the police officer may request that he or she submit to a chemical test. Under New York's "Implied Consent" law, any motorist who drives in this state is considered to have already given consent for this test.

The penalties for refusing a chemical test are in addition to penalties imposed after conviction of the alcohol or drug related traffic violation. If a motorist refuses to take the chemical test after being arrested, his or her license will be suspended at the court arraignment. The fact that the chemical test was refused may be introduced in court when the motorist is tried on the alcohol or drug-related charge. A separate, DMV hearing will be held to determine whether the chemical test was refused. If the hearing confirms that the test was refused, the motorist's license will be revoked even if he or she is found not guilty of the alcohol or other drug-related violation. In addition to the license revocation, the motorist will be required to pay a civil penalty as well as a driver responsibility assessment.

The court will also order a screening to determine whether treatment for alcoholism or substance abuse is required.

Specific information about sanctions and penalties for chemical test refusal may be found in Chapters 2 and 9 of the Driver's Manual.

ACTIVITIES

Questions to ask:

- What is a chemical test used to measure?
- Name some things that affect your Blood Alcohol Content (BAC)
- What is the BAC level in NY as evidence of intoxication?
- Name some methods to measure BAC
- What happens to a motorist who is found not guilty of an alcohol violation, but refused the chemical test?

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will understand the Driver Responsibility Assessment (DRA).

SESSION CONTENT

DRA General Information

Sections 503(4) and 1199 of the Vehicle and Traffic Law impose a Driver Responsibility Assessment (DRA) following convictions forcertain traffic violations.

This assessment is in addition to any fines, fees, penalties or surcharges that are already collected by the courts. DMV (not the courts) is responsible for collecting this assessment from motorists.

The DRA is imposed in the following circumstances:

- When a motorist is convicted of any alcohol or drug-related driving offense or of a refusal to submit to a chemical test that does not arise out of the same incident as the conviction. The assessment is $250 each year for three years.

- The DMV assigns points for conviction of some traffic violations. When a motorist accumulates six or more points on their driving record within an 18-month period, the assessment is $100 each year for three years, plus $25 for each additional point accumulated during that 18-month period.

Completing a point reduction course will not reduce the number of points for the purposes of the DRA.

DRA Suspension

If a DRA remains unpaid for a period of 45 days, driving privileges are suspended. The suspension will only be cleared upon receipt of payment.

ACTIVITIES

Discuss the impact of the DRA. Illustrate with a timeline showing 18 months before and after the conviction.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will be able to explain the Zero Tolerance law.

SESSION CONTENT

What is the "Zero Tolerance" law?

This law makes it illegal for a driver under age 21 to have consumed any alcohol. A police officer may temporarily detain you to request or administer a chemical test to determine your Blood Alcohol Content (BAC). If your BAC is .02 to .07 percent, you will be notified to appear at a DMV hearing. If the judge's finding supports the charge, the penalty is a 6-month license suspension, a $125 civil penalty, and a $100 suspension termination fee. Each additional offense will result in your license being revoked for at least one year or until age 21, whichever is longer, plus a $125 civil penalty, and a $100 license re-application fee.

NOTE: If your BAC is .05 percent or greater, the police may charge you with driving while ability impaired (DWAI) or driving while intoxicated (DWI), and may prosecute your arrest in criminal court.

§ 1192-a. Operating a motor vehicle after having consumed alcohol; under the age of twenty-one; per se.

No person under the age of twenty-one shall operate a motor vehicle after having consumed alcohol as defined in this section. For purposes of this section, a person under the age of twenty-one is deemed to have consumed alcohol only if such person has .02 of one per centum or more but not more than .07 of one per centum by weight of alcohol in the person's blood, as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article. Any person who operates a motor vehicle in violation of this section, and who is not charged with a violation of any subdivision of section eleven hundred ninety-two of this article arising out of the same incident shall be referred to the department for action in accordance with the provisions of section eleven hundred ninety-four-a of this article. Except as otherwise provided in subdivision five of section eleven hundred ninety-two of this article, this section shall not apply to a person who operates a commercial motor vehicle. Notwithstanding any provision of law to the contrary, a finding that a person under the age of twenty-one operated a motor vehicle after having consumed alcohol in violation of this section is not a judgment of conviction for a crime or any other offense.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

The Zero Tolerance law will have a direct effect on drivers under the age of 21.

Here are the major provisions of the Zero Tolerance law:

1. It is illegal for a person under age 21 to operate a vehicle with a Blood Alcohol Content (BAC) of .02 - .07%.
2. Violators must appear at a DMV hearing. If the youth is found to have committed the offense, the license is suspended for six months.
3. In addition to a license suspension, the violator must pay a $125 civil penalty and a $100 suspension termination fee before license reissuance.
4. If the youth refuses to submit to a chemical test, a DMV hearing is scheduled. If the police officer had grounds for the chemical test request, the penalties are:
    - $300 civil penalty,
    - one-year license revocation, and
    - license reapplication fee.
5. Penalties for second or subsequent offenses are:
    - consumed alcohol = six-month license revocation
    - chemical test refusal = one-year revocation or license loss to age 21, whichever is longer
6. Violation remains on youth's record for three years or until age 21, whichever is longer.
7. A finding that a youth aged 16-20 drove after consuming alcohol is considered an administrative violation and not a criminal conviction.

ACTIVITIES

- Use chalkboard or whiteboard to list the various parts of the Zero Tolerance law.
- Questions to ask:
    - Why do you think New York State passed such a law?
    - What percentage of drivers age 16 to 20 who are killed in motor vehicle crashes test positive for alcohol? (answer: a little over 26% in 2015, NHTSA)

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will be able to explain Leandra's Law.

SESSION CONTENT

Section 1192 of the NYS Vehicle and Traffic Law provides penalties when a person drives while intoxicated or while his or her ability is impaired by drugs or a combination of drugs and alcohol. In December, 2009, the Vehicle and Traffic Law, as well as NYS Penal and Executive laws, were amended to include increased penalties for a motorist who is in violation of these laws when a child 15 years of age or younger is a passenger in the vehicle. This established "Leandra's Law", named in honor of 11-year old Leandra Rosado, who was killed in an automobile crash in October, 2009 in a vehicle driven by the intoxicated mother of her friend.

What is "Leandra's Law"?

While all persons who drive while intoxicated pose a danger to others, the person who knowingly chooses to drive under the influence of alcohol or drugs with children in the car has made a conscious decision to put those children at risk of harm or death. An adult can take steps to avoid riding with an impaired driver. But a child may not have that choice, particularly when the driver is a parent or guardian.

This amendment to Section 1192 created a new aggravated driving while intoxicated offense for a person who operates a vehicle while intoxicated by alcohol, impaired by drugs, or a combination of both ***while a child who is 15 years of age or younger is a passenger in the vehicle.*** This is a class E felony (maximum sentence of up to four years). A person convicted of aggravated DWI must install and maintain an ignition interlock device. The applicable Penal Law penalties are increased by one felony class level if the operatorcauses the death of, or serious physical injury to, such child. In addition, all individuals convicted of misdemeanor offenses (§1192 (2) and (3)) will be required to install and maintain an ignition interlock device.

Here are the major provisions of Leandra's Law:

1. It is a crime to drive while intoxicated with a child in the vehicle who is 15 years of age or younger *(Child in Vehicle)*.
2. A law enforcement officer must note when a child or person other than the offender has been killed or suffered serious physical injury; or when a *Child in Vehicle* is present in the vehicle at the time of the arrest, and, when the operator of the vehicle is the parent, guardian, or custodian of such child, to make an appropriate report to the Department of Social Services.
3. Aggravated driving while intoxicated with a *Child in Vehicle* is a class E felony (maximum sentence of up to four years). In addition to any fine or imprisonment for this conviction, the court shall also sentence such person to probation or conditional discharge, a condition of which shall be the installation and maintenance of an ignition interlock device on any vehicle he or she owns or operates, for a period of at least six months. *Any person charged with aggravated driving while intoxicated with a child would be prohibited from receiving a reduced charge to a non-criminal violation*.

4. Penal Law was amended to ensure that persons convicted under Vehicle and Traffic law of driving while intoxicated and aggravated driving while intoxicated may be sentenced to the full range of penalties currently allowed for a misdemeanor or class E felony and must, additionally, be sentenced to a period of probation or conditional discharge in order to ensure the use and monitoring of ignition interlock devices.

5. Penal Law regarding vehicular assault in the first degree, a class D felony (maximum sentence up to seven years), was amended to include a person who commits the crime of vehicular assault in the second degree and causes serious physical injury to a *Child in Vehicle*.

6. Penal Law regarding aggravated vehicular assault, a class C felony (maximum sentence up to 15 years), was amended to include a person who commits the crime of vehicular assault in the second degree and engages in reckless driving and causes serious physical injury to a *Child in Vehicle*.

7. Penal Law regarding vehicular manslaughter in the first degree, a class C felony (maximum sentence up to 15 years), was amended to include a person who commits the crime of vehicular manslaughter in the second degree and causes the death of a *Child in Vehicle*.

8. Penal Law regarding aggravated vehicular homicide, a class B felony (maximum sentence up to 25 years), was amended to include a person who commits the crime of vehicular manslaughter, engages in reckless driving and causes the death of a *Child in Vehicle*.

9. Executive Law was amended to require a person who is released on parole or conditional release, following a conviction for the above-mentioned Penal Law violations or a conviction for aggravated driving while intoxicated with a *Child in Vehicle*, to install and maintain an ignition interlock device as a condition of that release.

ACTIVITIES

- Use chalkboard or whiteboard to list the various parts of Leandra's Law.
- Discuss the likelihood of having passengers in the vehicle who are age 15 or younger, and then the consequences of drinking and driving with those passengers in the vehicle.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

Students will be able to explain the New York State Vehicle and Traffic Law regarding operation of a motor vehicle while under the influence of alcohol or drugs.

SESSION CONTENT

Section 1192 of the Vehicle and Traffic Law is very explicit in relation to drinking and driving, and the penalties are quite severe. A BAC of greater than .05 percent but not more than .07 percent can be relevant evidence to determine alcohol impairment. A BAC of greater than .07 percent but less than .08 percent can be primary evidence in determining whether the ability to operate a motor vehicle was impaired. Driving a motor vehicle with a blood alcohol content (BAC) of .08 percent or greater is prima facie evidence of intoxication.

NYS Vehicle and Traffic Law §1192.
Operating a motor vehicle while under the influence of alcohol or drugs

1. Driving while ability impaired. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol.
2. Driving while intoxicated; per se. No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article.

2-a(a). Aggravated driving while intoxicated. Per se. No person shall operate a motor vehicle while such person has .18 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article.

2-a(b). Aggravated driving while intoxicated. With a child. No person shall operate a motorvehicle in violation of subdivision two, three, four or four-a of this section while a child who is fifteen years of age or less is a passenger in such motor vehicle.

3. Driving while intoxicated. No person shall operate a motor vehicle while in an intoxicated condition.
4. Driving while ability impaired by drugs. No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter.

4-a. Driving while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the combined influence of drugs or of alcohol and any drug or drugs.

5. Commercial motor vehicles; per se – level I. Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a commercial motor vehicle while such person has .04 of one per centum or more but not more than .06 of one per centum by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article; provided, however, nothing contained in this subdivision shall prohibit the imposition of a charge of a violation of subdivision one of this section, or of section eleven hundred ninety-two-a of this article where a person under the age of twenty-one operates a commercial motor vehicle where a chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article, indicates that such operator has .02 of one per centum or more but less than .04 of one per centum by weight of alcohol in such operator's blood.

6. Commercial motor vehicles; per se – level II. Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a commercial motor vehicle while such person has more than .06 of one per centum but less than .08 of one per centum by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article; provided, however, nothing contained in this subdivision shall prohibit the imposition of a charge of a violation of subdivision one of this section.

7. Where applicable. The provisions of this section shall apply upon public highways, private roads open to motor vehicle traffic and any other parking lot. For the purposes of this section "parking lot" shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more motor vehicles. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one or two family residence.

8. Effect of prior out-of-state conviction. A prior out-of-state conviction for operating a motor vehicle while under the influence of alcohol or drugs shall be deemed to be a prior conviction of a violation of this section for purposes of determining penalties imposed under this section or for purposes of any administrative action required to be taken pursuant to subdivision two of section eleven hundred ninety-three of this article; provided, however, that such conduct, had it occurred in this state, would have constituted a misdemeanor or felony violation of any of the provisions of this section. Provided, however, that if such conduct, had it occurred in this state, would have constituted a violation of any provisions of this section which are not misdemeanor or felony offenses, then such conduct shall be deemed to be a prior conviction of a violation of subdivision one of this section for purposes of determining penalties imposed under this section or for purposes of any administrative action required to be taken pursuant to subdivision two of section eleven hundred ninety-three of this article.

8-a. Effect of prior finding of having consumed alcohol. A prior finding that a person under the age of twenty-one has operated a motor vehicle after having consumed alcohol pursuant to section eleven hundred ninety-four-a of this article shall have the same effect as a prior conviction of a violation of subdivision one of this section solely for the purpose of determining the length of any license suspension or revocation required to be imposed under any provision of this article, provided that the subsequent offense is committed prior to the expiration of the retention period for such prior offense or offenses set forth in paragraph (k) of subdivision one of section two hundred one of this chapter.

9. Conviction of a different charge. A driver may be convicted of a violation of subdivision one, two or three of this section, notwithstanding that the charge laid before the court alleged a violation of subdivision two or three of this section, and regardless of whether or not such conviction is based on a plea of guilty.

10. Plea bargain limitations. (a) (i) In any case wherein the charge laid before the court alleges a violation of subdivision two, three, four or four-a of this section, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to the violation of the provisions of one of the subdivisions of this section, other than subdivision five or six, and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized; provided, however, if the district attorney, upon reviewing the available evidence, determines that the charge of a violation of this section is not warranted, such district attorney may consent, and the court may allow a disposition by plea of guilty to another charge in satisfaction of such charge; provided, however, in all such cases, the court shall set forth upon the record the basis for such disposition.

    (ii) In any case wherein the charge laid before the court alleges a violation of subdivision two, three, four or four-a of this section, no plea of guilty to subdivision one of this section shall be accepted by the court unless such plea includes as a condition thereof the requirement that the defendant attend and complete the alcohol and drug rehabilitation program established pursuant to section eleven hundred ninety-six of this article, including any assessment and treatment required thereby; provided, however, that such requirement may be waived by the court upon application of the district attorney or the defendant demonstrating that the defendant, as a condition of the plea, has been required to enter into and complete an alcohol or drug treatment program prescribed pursuant to an alcohol or substance abuse screening or assessment conducted pursuant to section eleven hundred ninety-eight-a of this article or for other good cause shown. The provisions of this subparagraph shall apply, notwithstanding any bars to participation in the alcohol and drug rehabilitation program set forth in section eleven hundred ninety-six of this article; provided, however, that nothing in this paragraph shall authorize the issuance of a conditional license unless otherwise authorized by law.

    (iii) In any case wherein the charge laid before the court alleges a violation of subdivision one of this section and the operator was under the age of twenty-one at the time of such violation, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to the violation of such subdivision; provided, however, such charge may instead be satisfied as provided in paragraph (c) of this subdivision, and, provided further that, if the district attorney, upon reviewing the available evidence, determines that the charge of a violation of subdivision one of this section is not warranted, such district attorney may consent, and the court may allow a disposition by plea of guilty to another charge in satisfaction of such charge; provided, however, in all such cases, the court shall set forth upon the record the basis for such disposition.

(b) In any case wherein the charge laid before the court alleges a violation of subdivision one or six of this section while operating a commercial motor vehicle, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to the violation of the provisions of one of the subdivisions of this section and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized; provided, however, if the district attorney upon reviewing the available evidence determines that the charge of a violation of this section is not warranted, he may consent, and the court may allow, a disposition by plea of guilty to another charge is satisfaction of such charge.

(c) Except as provided in paragraph (b) of this subdivision, in any case wherein the charge laid before the court alleges a violation of subdivision one of this section by a person who was under the age of twenty-one at the time of commission of the offense, the court, with the consent of both parties, may allow the satisfaction of such charge by the defendant's agreement to be subject to action by the commissioner pursuant to section eleven hundred ninety-four-a of this article. In any such case, the defendant shall waive the right to a hearing under section eleven hundred ninety-four-a of this article and such waiver shall have the same force and effect as a finding of a violation of section eleven hundred ninety-two-a of this article entered after a hearing conducted pursuant to such section eleven hundred ninety-four-a. The defendant shall execute such waiver in open court, and, if represented by counsel, in the presence of his attorney, on a form to be provided by the commissioner, which shall be forwarded by the court to the commissioner within ninety-six hours. To be valid, such form shall, at a minimum, contain clear and conspicuous language advising the defendant that a duly executed waiver: (i) has the same force and effect as a guilty finding following a hearing pursuant to section eleven hundred ninety-four-a of this article; (ii) shall subject the defendant to the imposition of sanctions pursuant to such section eleven hundred ninety-four-a; and (iii) may subject the defendant to increased sanctions upon a subsequent violation of this section or section eleven hundred ninety-two-a of this article. Upon receipt of a duly executed waiver pursuant to this paragraph, the commissioner shall take such administrative action and impose such sanctions as may be required by section eleven hundred ninety-four-a of this article. (d) In any case wherein the charge laid before the court alleges a violation of subdivision two-a of this section, any plea of guilty thereafter entered in satisfaction of such charge must include at least a plea of guilty to the violation of the provisions of subdivision two, two-a or three of this section, and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized; provided, however, if the district attorney, upon reviewing the available evidence, determines that the charge of a violation of this section is not warranted, such district attorney may consent and the court may allow a disposition by plea of guilty to another charge in satisfaction of such charge, provided, however, in all such cases, the court shall set forth upon the record the basis for such disposition. Provided, further, however, that no such plea shall be accepted by the court unless such plea includes as a condition thereof the requirement that the defendant attend and complete the alcohol and drug rehabilitation program established pursuant to section eleven hundred ninety-six of this article, including any assessment and treatment required thereby; provided, however, that such requirement may be waived by the court upon application of the district attorney or the defendant demonstrating that the defendant, as a condition of the plea, has been required to enter into and complete an alcohol or drug treatment program prescribed pursuant to an alcohol or substance abuse screening or assessment conducted pursuant to section eleven hundred ninety-eight-a of this article or for other good cause shown.

The provisions of this paragraph shall apply, notwithstanding any bars to participation in the alcohol and drug rehabilitation program set forth in section eleven hundred ninety-six of this article; provided, however, that nothing in this paragraph shall authorize the issuance of a conditional license unless otherwise authorized by law.

11. No person other than an operator of a commercial motor vehicle may be charged with or convicted of a violation of subdivision five or six of this section.

12. Driving while intoxicated or while ability impaired by drugs--serious physical injury or death or child in the vehicle. (a) In every case where a person is charged with a violation of subdivision two, two-a, three, four or four-a of this section, the law enforcement officer alleging such charge shall make a clear notation in the "Description of Violation" section of a simplified traffic information (i) if, arising out of the same incident, someone other than the person charged was killed or suffered serious physical injury as defined in section 10.00 of the penal law; such notation shall be in the form of a "D" if someone other than the person charged was killed and such notation shall be in the form of a "S.P.I." if someone other than the person charged suffered serious physical injury; and (ii) if a child aged fifteen years or less was present in the vehicle of the person charged with a violation of subdivision two, two-a, three, four or four-a of this section; such notation shall be in the form of "C.I.V.". Provided, however, that the failure to make such notations shall in no way affect a charge for a violation of subdivision two, two-a, three, four or four-a of this section.

    (b) Where a law enforcement officer alleges a violation of paragraph (b) of subdivision two-a of this section and the operator of the vehicle is a parent, guardian, or custodian of, or other person legally responsible for, a child aged fifteen years or less who is a passenger in such vehicle, then the officer shall report or cause a report to be made, if applicable, in accordance with title six of article six of the social services law.

NYS Vehicle and Traffic Law §1198.
Installation and operation of ignition interlock devices

1. Applicability. The provisions of this section shall apply throughout the state to each person required or otherwise ordered by a court as a condition of probation or conditional discharge to install and operate an ignition interlock device in any vehicle which he or she owns or operates.

2. Requirements. (a) In addition to any other penalties prescribed by law, the court shall require that any person who has been convicted of a violation of subdivision two, two-a or three of section eleven hundred ninety-two of this article, or any crime defined by this chapter or the penal law of which an alcohol-related violation of any provision of section eleven hundred ninety-two of this article is an essential element, to install and maintain, as a condition of probation or conditional discharge, a functioning ignition interlock device in accordance with the provisions of this section and, as applicable, in accordance with the provisions of subdivisions one and one-a of section eleven hundred ninety-three of this article; provided, however, the court may not authorize the operation of a motor vehicle by any person whose license or privilege to operate a motor vehicle has been revoked except as provided herein. For any such individual subject to a sentence of probation, installation and maintenance of such ignition interlock device shall be a condition of probation.

    (b) Nothing contained in this section shall prohibit a court, upon application by a probation department, from modifying the conditions of probation of any person convicted of any violation set forth in paragraph (a) of this subdivision prior to the effective date of this section, to require the installation and maintenance of a functioning ignition interlock device, and such person shall thereafter be subject to the provisions of this section.

(c) Nothing contained in this section shall authorize a court to sentence any person to a period of probation or conditional discharge for the purpose of subjecting such person to the provisions of this section, unless such person would have otherwise been so eligible for a sentence of probation or conditional discharge.

3. Conditions. (a) Notwithstanding any other provision of law, the commissioner may grant a post-revocation conditional license, as set forth in paragraph (b) of this subdivision, to a person who has been convicted of a violation of subdivision two, two-a or three of section eleven hundred ninety-two of this article and who has been sentenced to a period of probation or conditional discharge, provided the person has satisfied the minimum period of license revocation established by law and the commissioner has been notified that such person may operate only a motor vehicle equipped with a functioning ignition interlock device. No such request shall be made nor shall such a license be granted, however, if such person has been found by a court to have committed a violation of section five hundred eleven of this chapter during the license revocation period or deemed by a court to have violated any condition of probation or conditional discharge set forth by the court relating to the operation of a motor vehicle or the consumption of alcohol. In exercising discretion relating to the issuance of a post-revocation conditional license pursuant to this subdivision, the commissioner shall not deny such issuance based solely upon the number of convictions for violations of any subdivision of section eleven hundred ninety-two of this article committed by such person within the ten years prior to application for such license. Upon the termination of the period of probation or conditional discharge set by the court, the person may apply to the commissioner for restoration of a license or privilege to operate a motor vehicle in accordance with this chapter.

   (b) Notwithstanding any inconsistent provision of this chapter, a post-revocation conditional license granted pursuant to paragraph (a) of this subdivision shall be valid only for use by the holder thereof, (1) enroute to and from the holder's place of employment, (2) if the holder's employment requires the operation of a motor vehicle then during the hours thereof, (3) enroute to and from a class or course at an accredited school, college or university or at a state approved institution of vocational or technical training, (4) to and from court ordered probation activities, (5) to and from a motor vehicle office for the transaction of business relating to such license, (6) for a three hour consecutive daytime period, chosen by the department, on a day during which the participant is not engaged in usual employment or vocation, (7) enroute to and from a medical examination or treatment as part of a necessary medical treatment for such participant or member of the participant's household, as evidenced by a written statement to that effect from a licensed medical practitioner, (8) enroute to and from a class or an activity which is an authorized part of the alcohol and drug rehabilitation program and at which participant's attendance is required, and (9) enroute to and from a place, including a school, at which a child or children of the participant are cared for on a regular basis and which is necessary for the participant to maintain such participant's employment or enrollment at an accredited school, college or university or at a state approved institution of vocational or technical training.

   (c) The post-revocation conditional license described in this subdivision may be revoked by the commissioner for sufficient cause including but not limited to, failure to comply with the terms of the condition of probation or conditional discharge set forth by the court, conviction of any traffic offense other than one involving parking, stopping or standing or conviction of any alcohol or drug related offense, misdemeanor or felony or failure to install or maintain a court ordered ignition interlock device.

(d) Nothing contained herein shall prohibit the court from requiring, as a condition of probation or conditional discharge, the installation of a functioning ignition interlock device in any vehicle owned or operated by a person sentenced for a violation of subdivision two, two-a, or three of section eleven hundred ninety-two of this chapter, or any crime defined by this chapter or the penal law of which an alcohol-related violation of any provision of section eleven hundred ninety-two of this chapter is an essential element, if the court in its discretion, determines that such a condition is necessary to ensure the public safety. Imposition of an ignition interlock condition shall in no way limit the effect of any period of license suspension or revocation set forth by the commissioner or the court.

(e) Nothing contained herein shall prevent the court from applying any other conditions of probation or conditional discharge allowed by law, including treatment for alcohol or drug abuse, restitution and community service.

(f) The commissioner shall note on the operator's record of any person restricted pursuant to this section that, in addition to any other restrictions, conditions or limitations, such person may operate only a motor vehicle equipped with an ignition interlock device.

4. Proof of compliance and recording of condition. (a) Following imposition by the court of the use of an ignition interlock device as a condition of probation or conditional discharge it shall require the person to provide proof of compliance with this section to the court and the probation department or other monitor where such person is under probation or conditional discharge supervision. If the person fails to provide for such proof of installation, absent a finding by the court of good cause for that failure which is entered in the record, the court may revoke, modify, or terminate the person's sentence of probation or conditional discharge as provided under law. Good cause may include a finding that the person is not the owner of a motor vehicle if such person asserts under oath that such person is not the owner of any motor vehicle and that he or she will not operate any motor vehicle during the period of interlock restriction except as may be otherwise authorized pursuant to law. "Owner" shall have the same meaning as provided in section one hundred twenty-eight of this chapter.

   (b) When a court imposes the condition specified in subdivision one of this section, the court shall notify the commissioner in such manner as the commissioner may prescribe, and the commissioner shall note such condition on the operating record of the person subject to such conditions.

5. Cost, installation and maintenance. (a) The cost of installing and maintaining the ignition interlock device shall be borne by the person subject to such condition unless the court determines such person is financially unable to afford such cost whereupon such cost may be imposed pursuant to a payment plan or waived. In the event of such waiver, the cost of the device shall be borne in accordance with regulations issued under paragraph (g) of subdivision one of section eleven hundred ninety-three of this article or pursuant to such other agreement as may be entered into for provision of the device. Such cost shall be considered a fine for the purposes of subdivision five of section 420.10 of the criminal procedure law. Such cost shall not replace, but shall instead be in addition to, any fines, surcharges, or other costs imposed pursuant to this chapter or other applicable laws.

   (b) The installation and service provider of the device shall be responsible for the installation, calibration, and maintenance of such device.

6. Certification. (a) The commissioner of the department of health shall approve ignition interlock devices for installation pursuant to subdivision one of this section and shall publish a list of approved devices.

(b) After consultation with manufacturers of ignition interlock devices and the national highway traffic safety administration, the commissioner of the department of health, in consultation with the commissioner and the office of probation and correctional alternatives, shall promulgate regulations regarding standards for, and use of, ignition interlock devices. Such standards shall include provisions for setting a minimum and maximum calibration range and shall include, but not be limited to, requirements that the devices:

(1) have features that make circumventing difficult and that do not interfere with the normal or safe operation of the vehicle;

(2) work accurately and reliably in an unsupervised environment;

(3) resist tampering and give evidence if tampering is attempted;

(4) minimize inconvenience to a sober user;

(5) require a proper, deep, lung breath sample or other accurate measure of blood alcohol content equivalence;

(6) operate reliably over the range of automobile environments;

(7) correlate well with permissible levels of alcohol consumption as may be established by the sentencing court or by any provision of law; and

(8) are manufactured by a party covered by product liability insurance.

(c) The commissioner of the department of health may, in his discretion, adopt in whole or relevant part, the guidelines, rules, regulations, studies, or independent laboratory tests performed on and relied upon for the certification or approval of ignition interlock devices by other states, their agencies or commissions.

7. Use of other vehicles. (a) Any requirement of this article or the penal law that a person operate a vehicle only if it is equipped with an ignition interlock device shall apply to every motor vehicle operated by that person including, but not limited to, vehicles that are leased, rented or loaned.

(b) No person shall knowingly rent, lease, or lend a motor vehicle to a person known to have had his or her driving privilege restricted to vehicles equipped with an ignition interlock device unless the vehicle is so equipped. Any person whose driving privilege is so restricted shall notify any other person who rents, leases, or loans a motor vehicle to him or her of such driving restriction.

(c) A violation of paragraph (a) or (b) of this subdivision shall be a misdemeanor.

8. Employer vehicle. Notwithstanding the provisions of subdivision one and paragraph (d) of subdivision nine of this section, if a person is required to operate a motor vehicle owned by said person's employer in the course and scope of his or her employment, the person may operate that vehicle without installation of an approved ignition interlock device only in the course and scope of such employment and only if the employer has been notified that the person's driving privilege has been restricted under the provisions of this article or the penal law and the person whose privilege has been so restricted has provided the court and probation department with written documentation indicating the employer has knowledge of the restriction imposed and has granted permission for the person to operate the employer's vehicle without the device only for business purposes. The person shall notify the court and the probation department of his or her intention to so operate the employer's vehicle. A motor vehicle owned by a business entity which business entity is all or partly owned or controlled by a person otherwise subject to the provisions of this article or the penal law is not a motor vehicle owned by the employer for purposes of the exemption provided in this subdivision. The provisions of this subdivision shall apply only to the operation of such vehicle in the scope of such employment.

9. Circumvention of interlock device. (a) No person whose driving privilege is restricted pursuant to this article or the penal law shall request, solicit or allow any other person to blow into an ignition interlock device, or to start a motor vehicle equipped with the device, for the purpose of providing the person so restricted with an operable motor vehicle.

   (b) No person shall blow into an ignition interlock device or start a motor vehicle equipped with the device for the purpose of providing an operable motor vehicle to a person whose driving privilege is so restricted.

   (c) No person shall tamper with or circumvent an otherwise operable ignition interlock device.

   (d) No person subject to a court ordered ignition interlock device shall operate a motor vehicle without such device.

   (e) In addition to any other provisions of law, any person convicted of a violation of paragraph (a), (b), (c), or (d) of this subdivision shall be guilty of a Class A misdemeanor.

10. Warning label. The department of health shall design a warning label which the manufacturer shall affix to each ignition interlock device upon installation in the state. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is guilty of a misdemeanor and may be subject to civil liability.

Sanctions cited are as follows:

DWAI

1192(1) - Suspension for 90 days (if under 21, revocation for one year*). Second offense within 5 years (conviction date to violation date), revocation for 6 months (if under 21, revocation for one year or until age 21, whichever is longer)*.

DWI; per se.

1192(2) - Revocation for 6 months (if under 21, revocation for one year*). Second offense of 1192(2), (3), (4), or (4-a) within 10 years (conviction date to violation date), revocation for 1 year. (if under 21, revocation for one year or until age 21, whichever is longer)**

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Aggravated DWI; per se and with a child.

1192(2-a) - Revocation for 1 year (all ages). Second offense of 1192(2-a), with a prior conviction of 1192(2), (2-a), (3), (4) or (4-a) within 10 years, revocation for 18 months (if under 21, revocation for 18 months or until age 21, whichever is longer). Second offense of 1192(2), (3), (4), or (4-a) with a prior conviction for 1192(2-a) within 10 years, revocation for 18 months**.

DWI *(Not necessary for BAC to be .08%--known as "common law DWI")*

1192(3) - Revocation for 6 months (if under 21, revocation for one year or until age 21, whichever is longer)*. Second offense of 1192(2), (3), (4), or (4-a) within 10 years (conviction date to violation date), revocation for 1 year (if under 21, revocation for one year or until age 21, whichever is longer). Second offense of 1192(3) with a prior conviction for 1192(2-a) within 10 years, revocation for 18 months**.

DWAI - Drugs

1192(4) - Revocation for 6 months (if under 21, revocation for one year or until age 21, whichever is longer)*. Second offense of 1192(2), (3), (4), or (4-a) within 10 years (conviction date to violation date), revocation for 1 year (if under 21, revocation for one year or until age 21, whichever is longer). Second offense of 1192(4) with a prior conviction for 1192(2-a) within 10 years, revocation for 18 months**.

DWAI - Combined Drugs or of Drugs and Alcohol

1192(4-a) - Revocation for 6 months (if under 21, revocation for one year or until age 21, whichever is longer)*. Second offense of 1192(2), (3), (4), or (4-a) within 10 years (conviction date to violation date), revocation for 1 year (if under 21, revocation for one year or until age 21, whichever is longer). Second offense of 1192(4-a), with a prior conviction for 1192(2-a) within 10 years, revocation for 18 months**

Under 21

* A court must issue a minimum one-year revocation for a first offense of any violation of 1192 if the motorist is under 21 years of age at the time of the offense, or is adjudicated as a youthful offender.

** If under 21 and the prior conviction is for 1192(2-a), aggravated DWI, revocation is for 18 months or until age 21, whichever is longer.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Why are penalties for drinking and driving so strict?

Drinking and driving is a hazardous combination. Consider these facts:

- One third of the fatalities in NYS involve impaired or intoxicated drivers and pedestrians,
- With increased Blood Alcohol Content (BAC), crash risk increases sharply. A driver with a BAC of 0.08 is four times as likely to cause a crash as a driver who has not been drinking, while a driver with a BAC of 0.16 is 25 times as likely to do so.
- Young drinking drivers are at the highest risk of all. Drivers 20 years old or younger are almost three times as likely to be involved in alcohol related fatal crashes than other drivers.

How much can I drink before it affects my driving ability?

Any amount of drinking will begin to affect your judgment and coordination, and reduce your ability to judge distances, speeds, and angles. The degree of impairment depends on four basic factors:

- The amount you drink.
- Whether you've eaten before or while drinking (food slows absorption).
- Your body weight.
- The length of time spent drinking.

No one should consume alcohol and drive. Everyone's safe driving ability deteriorates after drinking. Some people, especially young drivers, lose their driving skills even more quickly. This is why New York State law makes it illegal for any driver or passenger to possess an alcoholic beverage with intent to consume (commonly called the "open container" law).

It is also illegal to purchase an alcoholic beverage if you are under 21 years old.

What is the quickest way to sober up?

The only way to reduce your BAC after drinking is to wait for your body to metabolize (eliminate) the alcohol – and that takes several hours. Your body metabolizes about one drink each hour. Coffee will not sober you up. Neither will a walk or a cold shower. They may make you feel more awake, but you will be just as impaired and it will be just as dangerous for you to drive.

Are license penalties the same for all age groups?

No. If you are under 21 years old your driver license will be revoked for one year if you are convicted of any alcohol-related offense that occurred in New York State, or in any other state or a province of Canada. If you commit a second such offense while you are under 21, your license will be revoked for at least one year or until you are 21, whichever is longer.

If you enroll in the Drinking Driver Program (DDP) and receive a conditional license, your license will remain in conditional status for the original full period of revocation.

Your driver license or privilege of applying for a license will also be suspended if you are found guilty of using a New York State Driver License or Non-Driver Identification Card as proof of age to illegally purchase alcoholic beverages.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

What will happen to me if I am stopped by the police?

If you are stopped by a police officer who believes you are under the influence of alcohol or drugs, you may be required to take a "field sobriety test" which may include a breath-screening test for the presence of alcohol. If you are arrested, you will be asked to take a "chemical test" for BAC. You may also be fingerprinted.

Driving While Intoxicated (DWI) is a crime. If you are convicted, you will face a substantial fine, a mandatory surcharge, license revocation, higher insurance premiums, and a possible jail sentence.

What will happen if I refuse to take the chemical test?

If you refuse a chemical test for BAC (Blood Alcohol Content), your license will be suspended at arraignment in court, and revoked for at least one year (18 months for a commercial driver) at a Department of Motor Vehicles hearing. If you are age 21 or over, and you have a second refusal within five years of a previous refusal or alcohol conviction, your license is revoked for 18 months (permanent for a commercial driver).

If you are under age 21, and you have a second refusal within five years of a previous refusal or alcohol conviction, your license is revoked for one year or until age 21, whichever is longer.

You will also be subject to a civil penalty of $500 (second offense, $750). A driver under 21 years old who refuses to take a chemical test under the Zero Tolerance Law is subject to a 1-year license revocation and a $125 civil penalty. The penalties and fines for refusing to submit to a chemical test are separate from, and in addition to, the penalties and fines for alcohol or drug-related convictions.

ACTIVITIES

- See latest edition of Vehicle and Traffic Law, Sections 1192-1195 and Sections 510 and 511, for current law. Instructor should always obtain most current information from the NYS DMV web site.
- Discuss the DWI and DWAI laws. DMV publication C-39, You and the Drinking Driving Laws, (dmv.ny.gov/brochure/c-39ddl-web.pdf), can be used to illustrate the fines, jail sentences and license actions that may result from convictions of drinking and driving. Have students discuss the costs.
- Discuss what New York has done to reduce collisions caused by drinking drivers.
- Discuss suspension and revocation periods that go along with the conviction.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

Students will discuss and be able to explain the New York State Penal Law regarding alcohol/drug related motor vehicle violations

SESSION CONTENT

In addition to the penalties for alcohol and drug related violations of the NYS Vehicle and Traffic Law, there are penalties set forth in the NYS Penal Law relating to driving while intoxicated or impaired by drugs.

Vehicular assault in the second degree

Section 120.03 of the Penal Law

A person is guilty of vehicular assault in the second degree when he or she causes serious physical injury to another person, and:

> Operates a motor vehicle in violation of Vehicle and Traffic Law §1192 subdivisions (2) driving while intoxicated, per se, (3) driving while intoxicated, 4) driving while ability impaired by drugs, or (4-a) driving while ability impaired by the combined influence of drugs or of alcohol and drugs, and as a result of such intoxication or impairment by the use of a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, operates such motor vehicle in a manner that causes such serious physical injury to such other person.

Vehicular assault in the second degree is a class E felony; maximum sentence is up to 4 years.

Vehicular assault in the first degree

Section 120.04 of the Penal Law

A person is guilty of vehicular assault in the first degree when he or she commits the crime of vehicular assault in the second degree (above) and either: commits such crime while he or she has a BAC of 0.18 or more, or does so while knowing that his or her license or privilege to drive is suspended or revoked based on a conviction of any violation of Vehicle and Traffic Law §1192, a refusal to submit to a chemical test as per §1194, or (due to Leandra's Law) while a child 15 years of age or younger is a passenger in the vehicle and the child sustains serious physical injury. (This also extends to out-of-state license suspensions/revocations that are based upon convictions that, if committed in NY, would be violations of §1192 or §1194.)

Vehicular assault in the first degree is a class D felony; maximum sentence is up to 7 years.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Aggravated vehicular assault

Section 120.04-a of the Penal Law

A person is guilty of aggravated vehicular assault when he or she engages in reckless driving as defined in §1212 of the Vehicle and Traffic Law (driving or using any vehicle in a manner which unreasonably interferes with the free and proper use of the public highway, or unreasonably endangers users of the public highway) and commits the crime of vehicular assault in the second degree while either:

(1) operating a motor vehicle with a 0.18 or greater blood alcohol content (BAC);

(2) knowing that his/her license or privilege to drive is suspended or revoked based on a conviction of any violation of Vehicle and Traffic Law §1192, or a refusal to submit to a chemical test as per §1194. (This also extends to out-of-state license suspensions/ revocations that are based upon convictions that, if committed in NY, would be violations of §1192 or §1194.);

(3) having a previous conviction for violating §1192 within the preceding ten years. (This also extends to out-of-state convictions that, if committed in NY, would be violations of §1192.); or

(4) causes serious physical injury to more than one other person; or

(5) has previously been convicted of violating any provision of this article or article one hundred twenty-five of the Penal Law involving the operation of a motor vehicle, or was convicted in any other state or jurisdiction of an offense involving the operation of a motor vehicle which, if committed in NY, would constitute such a violation; or

(6) commits such crime while operating a motor vehicle while a child who is 15 years of age or younger is a passenger in such vehicle and causes serious physical injury to such child.

If the person operating the motor vehicle caused serious physical injury or injuries while unlawfully intoxicated or impaired by the use of alcohol or a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, then it will be presumed that the person operated the motor vehicle in a manner that caused such serious physical injury or injuries, as required by this section and section 120.03 of this article.

Aggravated vehicular assault is a class C felony; maximum sentence is up to 15 years.

Criminally negligent homicide

Section 125.10 of the Penal Law

A person is guilty of criminally negligent homicide when, with criminal negligence, he causes the death of another person.

Criminally negligent homicide is a class E felony; maximum sentence is up to 4 years.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Vehicular manslaughter in the second degree

Section 125.12 of the Penal Law

A person is guilty of vehicular manslaughter in the second degree when he or she causes the death of another person:

(1) commits the crime of criminally negligent homicide and either

(2) causes the death of such other person by operation of a vehicle in violation of subdivision two, three or four of section eleven hundred ninety-two of the vehicle and traffic law…

(3) causes the death of such other person by operation of a motor vehicle with a gross vehicle weight rating of more than eighteen thousand pounds which contains flammable gas, radioactive materials or explosives in violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, and such flammable gas, radioactive materials or e explosives is the cause of such death… or by operation of an all terrain vehicle as defined in paragraph (a) of subdivision one of section twenty-two hundred eighty-one of the vehicle and traffic law in violation of subdivision two, three, or four of section eleven hundred ninety-two of the vehicle and traffic law.

*Vehicular manslaughter in the second degree is a class D felony; maximum sentence is up to 7 years***.**

Vehicular manslaughter in the first degree

Section 125.13 of the Penal Law

A person is guilty of vehicular manslaughter in the first degree when he:

(1) commits the crime of vehicular manslaughter in the second degree and

(2) commits such crime while knowing or having reason to know that:
(a) his license or his privilege of operating a motor vehicle in another state or his privilege of obtaining a license to operate a motor vehicle in another state is suspended or revoked and such suspension or revocation is based upon a conviction in such other state for an offense which would, if committed in NY, constitute a violation of any of the provisions of section eleven hundred ninety-two of the vehicle and traffic law; or

(b) his license or his privilege of operating a motor vehicle in the state or his privilege of obtaining a license issued by the commissioner of motor vehicles is suspended or revoked and such suspension or revocation is based upon either a refusal to submit to a chemical test pursuant to section eleven hundred ninety-four of the vehicle and traffic law or following a conviction for a violation of any of the provisions of section eleven hundred ninety-two of the vehicle and traffic law.

(3) has previously been convicted of violating any of the provisions of §1192 of the Vehicle and Traffic Law within the ten preceding years; a violation in any other state or jurisdiction for an offense which, if committed in New York, would constitute a violation of §1192, shall be treated as a violation of such law.

(4) causes the death of more than one other person

(5) has previously been convicted of violating any provision of this article or article 120 of this title involving the operation of a motor vehicle, or was convicted in any other state or jurisdiction of an offense involving the operation of a motor vehicle which, if committed in New York, would constitute a violation of this article or article 120; or

(6) commits such crime while operating a motor vehicle while a child who is fifteen years of age or younger is a passenger in such motor vehicle and causes the death of such child.

If it is established that the person operating such motor vehicle caused such death or deaths while unlawfully intoxicated or impaired by the use of alcohol or drugs or of alcohol and any drug or drugs, then there shall be a rebuttable presumption that, as a result of such intoxication or impairment, such person operated the motor vehicle in a manner that caused such death or deaths, as required by this section and §125.12 of this article.

Vehicular manslaughter in the first degree is a class C felony; maximum sentence is up to 15 years.

Aggravated vehicular homicide

Section 125.14 of the Penal Law

A person is guilty of aggravated vehicular homicide when he or she engages in reckless driving as defined by section 1212 of the vehicle and traffic law, and commits the crime of vehicular manslaughter in the second degree as defined in section 125.12 of the Penal Law, while:

(1) operating a motor vehicle with a 0.18 or greater blood alcohol content (BAC);

(2) knowing that his/her license or privilege to drive is suspended or revoked based on a conviction of any violation of Vehicle and Traffic Law §1192, or a refusal to submit to a chemical test as per §1194. (This also extends to out-of-state license suspensions/revocations that are based upon convictions that, if committed in NY, would be violations of §1192 or §1194.);

(3) having a previous conviction for violating §1192 within the preceding ten years. (This also extends to out-of-state convictions that, if committed in NY, would be violations of §1192.);

(4) causes the death of more than one other person;

(5) causes the death of one person and the serious physical injury of at least one other person;

(6) has previously been convicted of violating any provision of this article or article one hundred twenty of the Penal Law involving the operation of a motor vehicle, or was convicted in any other state or jurisdiction of an offense involving the operation of a motor vehicle which, if committed in NY, would constitute such a violation.; or

(7) operating a motor vehicle while a child who is fifteen years of age or younger is a passenger in such vehicle and causes the death of such child.

If the person operating the motor vehicle caused such death or deaths while unlawfully intoxicated or impaired by the use of alcohol or a drug, or by the combined influence of drugs or of alcohol and any drug or drugs, then it will be presumed that the person operated the motor vehicle in a manner that caused such death or deaths, as required by this section and section 125.12 of this article.

Aggravated vehicular homicide is a class B felony; maximum sentence is up to 25 years.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Driving while intoxicated offenses

Section 60.36 of the Penal Law

This section was added to the Penal Law to clarify that when a court is imposing a sentence for a violation of misdemeanor or felony DWI and, as a condition of the sentence, orders the installation and maintenance of an ignition interlock device, the court *may* impose any other penalty authorized pursuant to §1193 of the VTL (fine, imprisonment, license revocation).

Driving while intoxicated or aggravated driving while intoxicated offenses

Section 60.21 of the Penal Law

When a person is to be sentenced for misdemeanor or felony DWI, Penal Law §60.21 was added so that the court *may* sentence such person to a period of imprisonment as authorized by law, and *shall* sentence such person to a period of probation or conditional discharge pursuant to §65.00 of the Penal Law and *shall* order the installation and maintenance of an ignition interlock device. Such period of probation or conditional discharge shall run consecutively to any period of imprisonment and shall commence immediately upon such person's release from imprisonment.

Related Executive Law Amendment (2009)

Section 259-c of the Executive Law

Subdivision 15-a was added to provide that, where a person is serving a sentence for Vehicular Assault, Vehicular Manslaughter, Aggravated Vehicular Assault or Aggravated Vehicular Manslaughter, or for felony DWI, if such person is released on parole or conditional release, such person shall be required to install and maintain an ignition interlock device in any motor vehicle owned or operated by such person during the term of such parole or conditional release. Furthermore, the Parole Board may not authorize the operation of a motor vehicle by any person whose license or privilege to operate is revoked pursuant to law.

ACTIVITIES

The class should discuss the penalties arising from conviction of these Penal Laws.

A handout listing the convictions and associated penalties would facilitate the discussion of this topic.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will be able to discuss the high risks of using other drugs.

SESSION CONTENT

Alcohol is the most widely used and abused drug in the world. However, there are many other drugs that alter perception. There are hundreds of herbal drugs, over 300,000 over-the-counter drugs, over 35,000 prescription drugs and approximately 500 illicit drugs. Xanax is the most commonly abused tranquilizer (sedative-relaxant), Oxycontin is the most commonly abused narcotic (pain killer). The most widely used illegal drugs are:

1. marijuana
2. opiod painkillers
3. ecstasy
4. psilocybin (magic mushrooms)
5. tranquilizers
6. LSD
7. cocaine/crack

2014 Global Drug Survey

The definition of a drug is any substance taken that will produce a physiological effect when ingested or otherwise introduced into the body. The classes of drugs are stimulants, depressants, hallucinogens, narcotics and tranquilizers. They may impair judgment, slow reflexes and hamper eye-hand coordination. Marijuana is a distinct category and has properties and effects similar to depressants andstimulants.

Some types of depressants are xanax, alcohol, barbiturates, narcotics and tranquilizers. The effects of depressants are difficulty in concentration, drowsiness and extreme relaxation.

The major types of hallucinogens are LSD, Psilocybin, ecstasy, and Peyote. Hallucinogens have the effects of altering the perception of reality and causing disorientation.

Some types of stimulants are nicotine, caffeine, cocaine (crack), and amphetamines. The effects are irritability, lack of concentration, and an overestimation of abilities.

Drugs which are prescribed for pain, anxiety, blood pressure, heart disease and colds may cause drowsiness. Check with your pharmacist and/or physician.

Some over-the-counter drugs may be as dangerous as prescription and illegal drugs. For example, antihistamine contained in many cold remedies, cough medicines, allergy medications and decongestants may cause drowsiness. It is most important to read the precautions on the labels of all substances prior to using them, especially if you intend to drive.

“Potentiation” or “Synergism” are terms used to describe the combined effect of two drugs that interact differently than the sum of their individual effects. The combined effect is often unpredictable.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Tolerance is the body's ability to withstand the effects of certain drugs. As a result, the user must take greater amounts to sustain a predictable "high."

(NOTE: See "Common Drugs and Their Effects" in Appendix F)

ACTIVITIES

- Discuss warning labels on over-the-counter drugs.
- Ask the following questions and have students respond:
  - What kinds of drugs can be obtained over-the-counter?
  - Which may be harmful?
  - What category, (stimulant, depressant, or hallucinogen) is alcohol? Marijuana?
  - What are some other drugs people use?
  - Have you ever seen a warning label on an over-the-counter medication? What did it say?
  - Which of these drugs could affect your driving ability: marijuana, a cold remedy, a tranquilizer?
  - If you are taking a non-prescription drug, what should you do before driving?
  - How can alcohol used with drugs be especially dangerous -- synergism?
  - What is tolerance, and how is it developed?

NOTE: Do not moralize or be overly negative.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

STUDENT OBJECTIVE

The students will identify the need to make wise decisions daily regarding all aspects of safe driving and conclude that learning to drive is a lifelong task.

SESSION CONTENT

The decision to drink and subsequently to drive is based on two variables: THE INDIVIDUAL and THE SITUATION. Each of these variables has two categories: low risk and high risk. Simply put, a LOW RISK PERSON, in a LOW RISK SITUATION can make the decision to drink moderately; a HIGH-RISK PERSON, in a HIGH-RISK SITUATION should decide not to drink.

The decision to drive should be made ONLY when one's ability and judgment is not impaired by alcohol or other drugs. Note that there has been no "safe" level of consumption established for substances such as marijuana or cocaine.

DECISION MATRIX

INDIVIDUALS

PEOPLE WHO ARE LOW RISK:

- are in good physical health
- have no emotional disorders
- have no history of alcohol-related problems or of alcoholism in their family
- are not under stress

PEOPLE WHO ARE HIGH RISK:

- have certain physical disorders, of which they may not even be aware
- are experiencing emotional stress or disorder
- are from a family with a history of alcohol-related problems or drug addiction
- have a sensitivity to alcohol
- are women who are pregnant

Particular at-risk populations are: CHILDREN, ADOLESCENTS AND THE ELDERLY.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

SITUATIONS

SITUATIONS THAT ARE LOW RISK:

- a “safe environment,” where little judgment or physical coordination is or will be required
- where the quantity used is small enough not to cause intoxication or impairment. (There is no established safe level of consumption for substances such as marijuana or cocaine.)

SITUATIONS THAT ARE HIGH RISK:

- where judgment and physical coordination are critical
- where use averages more than two standard drinks a day
- when the quantity consumed is sufficient to cause impairment (BAC reaches .02 percent or greater)
- a time of unusual stress or emotional upheaval
- when taking medication, such as sedatives, psychoactive drugs, tranquilizers or antihistamine

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

ACTIVITIES

- Introduce "Decision Matrix." Break students into four groups and have each group answer one of the following questions:

  - Why is driving a high-risk situation?
  - Are there times or situations when the best decision is not to drink at all?
  - What are some other high-risk situations that we face in our lives?
  - How can you deal with peer pressure aimed at trying to force you to drink or use other drugs?
  - What are options to drinking and driving?

- Have students develop workable alternatives to driving, such as:

  1. taking a cab
  2. having someone else drive
  3. calling a family member or a friend
  4. making plans to sleep over
  5. taking public transportation
  6. making sure you don't ride with someone who has been drinking

- At this point, review and discuss the test questions and answers with the class. Emphasize how their answers may have changed now that they have completed the unit.

UNIT V: ALCOHOL, OTHER DRUGS AND DRIVING

Discussion Questionnaire About Alcohol

Read each statement carefully. If you believe that the statement is TRUE, circle the letter "T." If you believe the statement is FALSE, circle the letter "F." Discuss the answers as a class.

1. T F Alcohol is a drug.
2. T F Alcohol in any quantity will damage organs in the human body.
3. T F All alcoholic beverages are equally strong.
4. T F You'll get more impaired or intoxicated on vodka or gin or rum than on the same amount of whiskey.
5. T F Drunkenness and alcoholism are the same thing.
6. T F There are certain symptoms to warn people that their drinking can be leading to alcoholism.
7. T F Alcohol is a food.
8. T F In the body, alcohol is digested just as food is.
9. T F Alcoholic beverages can be fattening.
10. T F Switching drinks will make you more impaired or intoxicated than staying with one kind of alcoholic beverage.
11. T F Liquor taken straight will affect you faster than liquor mixed with water or soda in a highball.
12. T F One drink doesn't affect driving performance.
13. T F Everyone's body reacts the same way to the same amount of alcohol.
14. T F Most legal drinking/driving limits are unrealistic.
15. T F You can sober up quickly by drinking black coffee and dousing your head in cold water.
16. T F Because it is a stimulant, one drink tends to make a driver more alert.
17. T F Alcohol is the main traffic problem.
18. T F A good host never lets a guest's glass get empty.
19. T F If the parents don't drink, the children won't drink.
20. T F The time to teach kids about drinking is when they reach the legal drinking age.

UNIT VI: COURSE RECAP

OVERVIEW

In a short time, your students will become licensed drivers in New York State. Driving will provide them with new pleasures if undertaken responsibly and maturely.

However, if they do not accept responsibility for their actions, their driving experience can be unpleasant, dangerous, and costly. As drivers, we must understand the human and physical limitations imposed by the system.

The habits and attitudes of students will determine whether they become and remain safe, responsible, and sensible drivers.

INSTRUCTOR OBJECTIVES

The instructor shall:

1. Review major parts of the course.
2. Discuss responsibilities of the driver.
3. Teach that learning to drive is a continuous task.

Appendix A
Recent Laws and Highway Safety Concerns

The instructor must present and discuss all laws and topics contained in this section. DMV will update this section from time to time, so the instructor is strongly encouraged to verify that he or she is using the most recent version of this curriculum.

School Bus Safety Awareness

The New York State Vehicle and Traffic Law defines a school bus as:

- Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities or privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (NYS VTL §142)

School buses have bigger blind spots, take longer to stop, and need more room to maneuver than a standard vehicle. Buses should be treated differently than you would treat an average-sized vehicle. It is important for drivers to know how to react to a school bus in operation.

When you encounter a school bus:

- Slow down. School buses make frequent stops, so be patient and drive at a reasonable speed. Remember, in addition to picking up and dropping off students, school buses are required by law to stop at railroad crossings.
- Be alert. Always be aware of children and parents that may be waiting at a school bus stop or perhaps running to catch the bus before it departs.
- Come to a complete stop at least 20 feet away from the bus.
- Be extra careful to look around before moving your vehicle, as children may be walking in front of, behind, or on the side of school buses. Check for pedestrians - especially near schools, bus stops, playgrounds, parks, and behind parked cars.

The Governor's Traffic Safety Committee (GTSC) reports that in New York State, 2.3 million children are transported by more than 50,000 school buses annually.

- Laws protect students who are getting on and off a school bus by making it illegal for drivers to pass a school bus while the school bus is stopped for the purpose of dropping off or picking up passengers and the red lights on the school bus are flashing, regardless of the direction of approach.

Youngest Students at Risk

The NY State Education Department, Department of Pupil Transportation, states that the youngest students are most at risk.

Children ages 4 to 8 (grades K-3) are most susceptible to a school bus fatality. These children, though they represent less than 35% of the student population, were involved in 69%of the fatalities (79 out of 114). Factors that likely contribute to these statistics:

Appendix A
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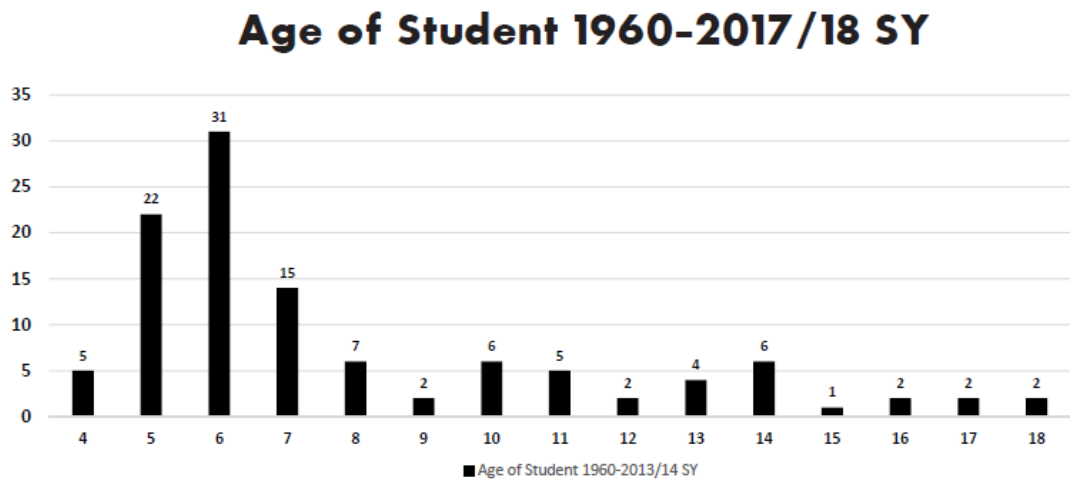
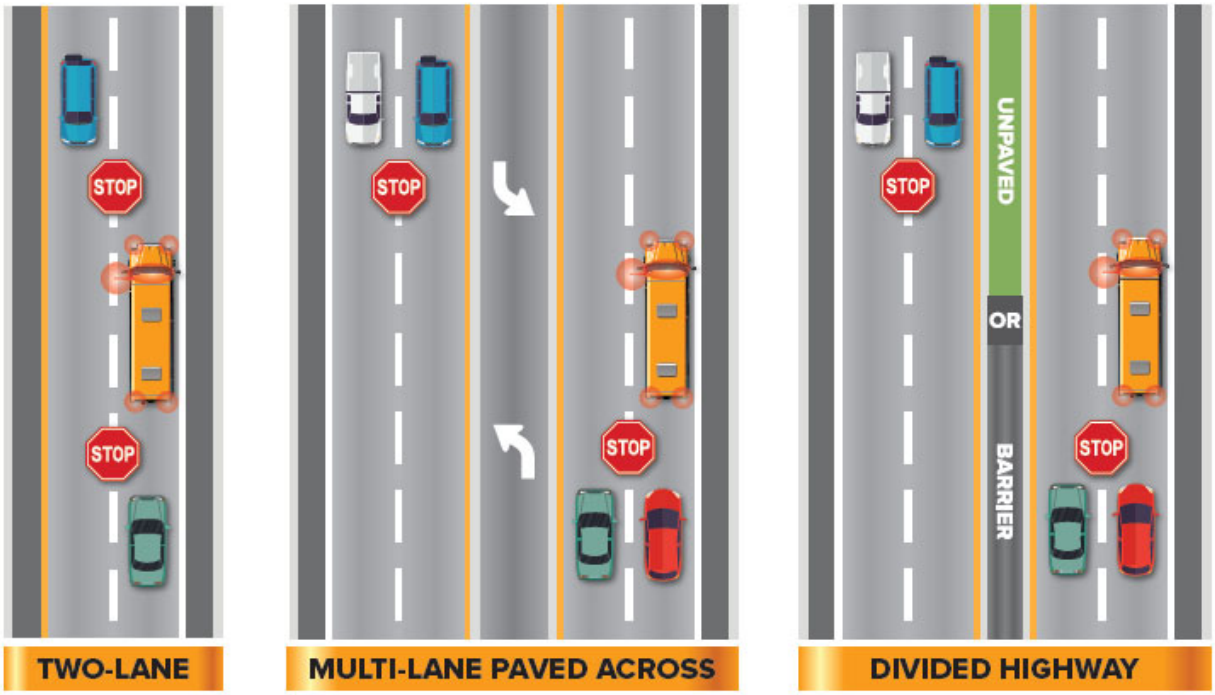
- The smaller stature of younger children makes them more difficult for bus drivers and motorists to see.
- These younger students are unable to see over or around objects such as parked cars or bushes.



Right of way

When a school bus stops and flashes its red lights, traffic approaching from either direction **must** stop before reaching the bus

- on a two-lane road,
- on multi-lane highways, and
- on divided highways.



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Recent Laws and Highway Safety Concerns

Share the Road

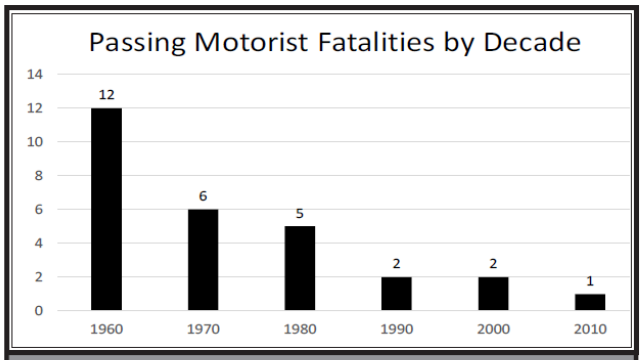
Yellow flashing lights mean the bus is preparing to stop to load or unload children. Slow down and prepare to stop your vehicle.

Red flashing lights mean the bus has stopped and children are getting on or off. Stop your vehicle and wait until the school bus resumes motion or until signaled by the driver or police officer to proceed.

Fatalities Caused by Passing Motorists

Fatal crashes involving students who were struck by passing motorists typically involved one or more of the following factors:

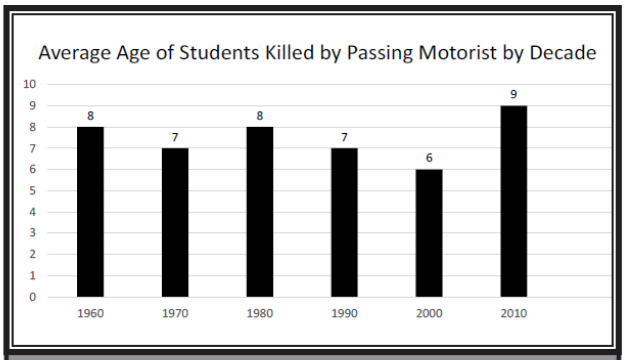
- Motorists attempted to pass the bus, claiming they didn't have time to wait.
- Motorists claimed they couldn't see the flashing lights because the lights were dirty or because sun, rain, snow, or fog blinded them.
- The bus driver waved the car through the red flashing lights, unaware a child was crossing the road at that time. Even if the bus driver waves you ahead, you should still remain vigilant and keep to slower speeds.
- The motorist, demonstrating disregard for the law and/or children's safety, did not stop for the flashing red lights.



The number of Passing Motorist fatalities has decreased steadily over the last five decades.

However, the number of close calls or near misses continues to plague the school transportation system.

- *Even when red lights are flashing, motorists sometimes pass on the left or right side of the buses that are stopped to load or unload students.*



- *Of the 27 student pedestrians who were struck and killed by a passing motorist, 4- to 8- year-olds represent 71% of the total fatalities.*
- *Over the past five decades, that number has stayed consistent.*

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Recent Laws and Highway Safety Concerns

Consequences

Vehicle Operators - There are legal and financial consequences for vehicle operators who pass a school bus while the school bus is stopped for the purpose of dropping off or picking up passengers and red lights on the school bus are flashing.

- First conviction – fine of $250-$400 and/or up to 30 days in jail
- Second conviction within 3 years – fine of $600-$750 and/or up to 180 days in jail
- Third conviction (or more) within 3 years – fine of $750-$1000 and/or up to 180 days in jail

*Five points will be added to the operator's driving record for each conviction.

Vehicle Owners - A law was passed in 2019 that authorizes school districts and municipalities to use stop-arm cameras on school buses to impose penalties on the owners of vehicles which pass a school bus while the school bus is stopped for the purpose of dropping off or picking up passengers and red lights on the school bus are flashing.

- First violation - penalty of $250
- Second violation within 18 months – penalty of $275
- Third violation (or more) within 18 months – penalty of $300

OWNER LIABILITY FOR FAILURE OF OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM (VTL 1174-A)
"Owner liability for failure of operator to stop for a school bus displaying a red visual signal and stop-arm. (a) 1. Notwithstanding any other provision of law, a county, city, town or village located within a school district ("district") is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village, in accordance with the provisions of this section. Such demonstration program shall empower such county, city, town or village to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within such county, city, town or village, on school buses owned and operated by such school district or privately owned and operated for compensation under contract with such district. Provided, however, that (a) no stationary school bus photo violation monitoring system shall be installed or operated by a county, city, town or village except on roadways under the jurisdiction of such county, city, town or village, and (b) no mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless such county, city, town or village and such district enter into an agreement for such installation and operation…."

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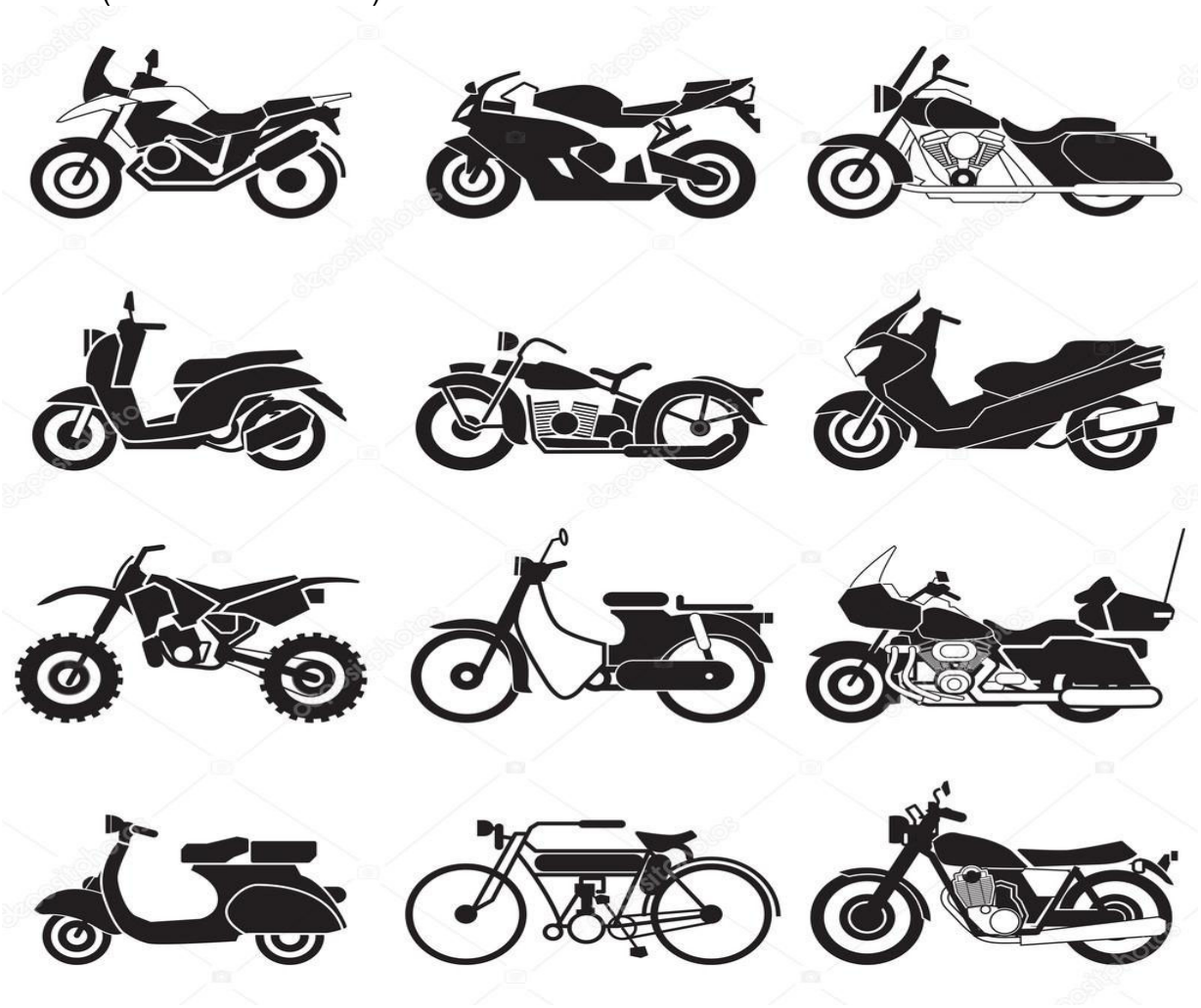
Recent Laws and Highway Safety Concerns

MOTORCYCLE AWARENESS

Vehicle and Traffic Law requires that the Pre-Licensing Course include instruction on Motorcycle Safety Awareness.

Drivers today share the road with a lot of other motorists – not all of which are driving cars or trucks. Motorcycles are common on New York roads. If there is a crash involving a motorist and a motorcyclist, the motorcyclist has a much higher chance of being seriously hurt or killed than the driver of a car. Motorcycles do not offer the rider the protections that you have with other types of vehicles. For example, motorcycles don't protect the rider with a frame around the rider. Motorcycles, (which includes scooters and mopeds), come in a variety of shapes and sizes. New York State Law defines a motorcycle as "Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor." Most motorcycles you'll see have either two or three wheels. Examples include (but are not limited to):



Motorcycles are smaller than most other vehicles on the road, which contributes to their not being seen. There are several other factors that make motorcyclists harder to see.

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- ✓ Motorcycles are narrow compared with most other vehicles on the highway. If you are approaching a motorcycle from the front or the back, the motorcycle, (which has a narrow cross-section), may be less obvious to your eye. This may make it difficult to judge how far away they are or how fast they are going.
- ✓ Motorcycles are often a "seasonal use" vehicle. Most motorcyclists ride in the Spring, Summer, and Fall – but few are on New York roads in the Winter. Because we don't see them all year, we may not actively think about them.
- ✓ Motorcycle lighting is different, and often less obvious, than other vehicles'.
    - Motorcycles in New York State are required to operate with the headlights and taillights illuminated at all times. This may help them be seen, but with so many vehicles equipped with daytime running lights (i.e. headlights that are always on – even in daylight), motorcycles don't stand out so much.
    - It's harder to see the brake lights. Because motorcycle tail lights are always on, the brake lights don't always stand out. Also, the tail lights on a motorcycle are generally smaller in size than those on other vehicles.
    - Motorcycles are equipped with a tail light and brake light, but don't have a "Center High Mount Stop Light" (CHMSL) as cars and trucks do. A CHMSL is designed to be at, or close to, eye level. Most motorcycle brake lights are mounted lower than eye level, which makes them less obvious to many motorists.
    - Turn signals on motorcycles are often close to the headlight or taillights, which can make them more difficult to see.
- ✓ Motorcyclists may not dress "conspicuously." Although many motorcyclists wear brightly colored clothing (including hi-visibility vests, jackets, and/or helmets) to be easier to see, not all motorcyclists do this.
- ✓ Motorcycles may slow down without using their brakes. Sometimes they will downshift (shift to a lower gear) or simply roll off the throttle (similar to taking your foot off the accelerator pedal), using their motor to slow them down. Unless a motorcyclist applies their brakes, the brake lights won't flash. Most new motorists expect to see the brake lights, and may be surprised when the motorcycle slows without flashing the brake lights.
- ✓ Motorcycles may appear to move faster than other vehicles. Because motorcycles are narrower and usually shorter than cars, motorcycles can appear to move faster. Motorcycles can accelerate, brake, and turn quicker than other vehicles under the right conditions. Because they appear to move quicker, they are harder to see.
- ✓ Motorcycles may be more difficult to predict than other traffic. Because motorcycles must take additional precautions when they come upon special highway surfaces, (such as loose gravel, steel deck bridges and railroad crossings), motorist need to adjust how they drive around motorcycles.
- ✓ Motorcycles are entitled to an entire lane of traffic but, because they are considerably more narrow, may not be as visible as a car. If you are overtaking a car/SUV/truck, you might not have seen the motorcycle in front of that vehicle until you're already in the passing lane. Same holds true if you are entering an expressway and don't see the motorcycle that is driving in the left portion of the lane you intend to merge into.

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- ✓ Motorcyclists may share a lane with other motorcyclists. They might be traveling in a staggered lane position (one motorcycle in each "wheel track," with one motorcycle slightly ahead of the other).

In addition to these reasons, drivers may not see motorcycles simply because they look for cars – they don't look for motorcycles. It's human nature to look for something specific. A new driver may be told to look for cars (and trucks) before going through an intersection – and that is precisely what he or she will look for. Unfortunately, not everyone thinks about motorcycles, so they don't *look for motorcycles*. A new motorist needs to train themselves to look for a multitude of hazards (including – BUT NOT LIMITED TO - trucks, buses, bicyclists, pedestrians, and motorcycles).

Drivers need to adjust how they drive around motorcycles.

- Don't tailgate, because motorcycles can often stop in a shorter distance than cars – under the right conditions.
- If it's raining, or dark, give motorcycles even more space.

Discuss ways that you can increase your awareness of motorcycles:

- Expect the unexpected!
- Actively look for motorcycles. We all tend to see what we look for, what we expect to see. Add motorcycles to that list!
- Identify what motorcycles look like. You have to know what you are looking for (research and show pictures of cruisers, sport bikes, touring bikes, and other types of motorcycles).
- Reduce distractions in your vehicle:
  - Turn off your phone!
  - Turn your music down. If your music is so loud that you can't hear anyone speaking in a normal voice, you may not be able to hear other vehicles around you (including motorcycles)
- Avoid sudden movements (such as):
  - Changing lanes
- Use technology (such as blind spot monitoring and back-up cameras) as an assist – not a crutch!
  - Motorcycles may not always be "seen" by these technologies
- Recognize that it may be harder to judge how far away a motorcycle is, or how fast it is going.
  - Motorcycles have a narrower cross-section than most other vehicles.
  - Motorcycles don't take the entire width of a lane of traffic.

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RIGHT OF WAY

Discuss important issues about Right of Way, including:

VEHICLE TURNING LEFT (VTL-1141)
"The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard."

MOVE OVER LAW (VTL-1144-a)
"(a) Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway…"

VEHICLE APPROACHING ROTARY TRAFFIC CIRCLE OR ISLAND (VTL-1145)
Except where a traffic control device directs otherwise, the driver of a vehicle approaching or about to enter a rotary traffic circle or island shall yield the right of way to any vehicle already traveling on such circle or around such island.

More and more intersections are being engineered with Traffic Circles (sometimes called Roundabouts or Rotaries).

PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS (VTL-1151)
"(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk on the roadway upon which the vehicle is traveling, except that any pedestrian crossing a roadway at a point where a pedestrian tunnel or overpass has been provided shall yield the right of way to all vehicles..."

Motorists must be aware of a pedestrian's right of way in crosswalks.

OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN (VTL-1170)
"(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

1. An audible or clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

3. A railroad train approaching within approximately one thousand five hundred feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

5. Every person convicted of a violation of this subdivision shall for a first conviction thereof be punished by a fine of not more than one hundred fifty dollars or by imprisonment for not more than fifteen days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than forty-five days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of eighteen months, such person shall be punished by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.

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(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. Every person convicted of a violation of this subdivision shall for a first conviction thereof be punished by a fine of not less than two hundred fifty dollars nor more than four hundred dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a conviction of a second violation, both of which were committed within a period of thirty months, such person shall be punished by a fine of not less than three hundred fifty dollars nor more than seven hundred fifty dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment; upon a conviction of a third or subsequent violation, all of which were committed within a period of thirty months, such person shall be punished by a fine of not less than six hundred dollars nor more than one thousand dollars or by imprisonment for not more than one hundred eighty days or by both such fine and imprisonment..."

In the last several years there have been a number of tragic collisions where motorists have failed to yield right of way at railroad crossings. The motorist always loses….

CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS (VTL-1171)

"(a) The driver of any bus carrying passengers, of any school bus, of any motor vehicle with a gross vehicle weight rating of greater than ten thousand pounds that transports division 2.3 chlorine or is a cargo tank, whether loaded or empty, used to transport hazardous materials, as defined in section five hundred one-a of this chapter, of any motor vehicle required to be marked or placarded by either the United States department of transportation or the New York state department of transportation regulations or any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, of any crawler-type tractor, steam shovel, derrick, roller, or of any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks…"

OVERTAKING AND PASSING SCHOOL BUS (VTL-1174)

"(a) The driver of a vehicle upon a public highway, street or private road upon meeting or overtaking from either direction any school bus marked and equipped as provided in subdivision twenty of section three hundred seventy-five of this chapter which has stopped on the public highway, street or private road for the purpose of receiving or discharging any passengers, or which has stopped because a school bus in front of it has stopped to receive or discharge any passengers, shall stop the vehicle before reaching such school bus when there is in operation on said school bus a red visual signal as specified in subdivision twenty of section three hundred seventy-five of this chapter and said driver shall not proceed until such school bus resumes motion, or until signaled by the driver or a police officer to proceed. For the purposes of this section, and in addition to the provisions of section one hundred thirty-four of this chapter, the term "public highway" shall mean any area used for the parking of motor vehicles or used as a driveway located on the grounds of a school or of a board of cooperative educational services facility or any area used as a means of access to and egress from such school or facility…"

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OBSTRUCTING TRAFFIC AT INTERSECTION (VTL-1175)
"When vehicular traffic is stopped on the opposite side of an intersection, no person shall drive a vehicle into such intersection, except when making a turn unless there is adequate space on the opposite side of the intersection to accommodate the vehicle he is driving notwithstanding the indication of a traffic control signal which would permit him to proceed."

OBSTRUCTING HIGHWAY-RAILROAD GRADE CROSSINGS (VTL-1176)
"No person shall drive a vehicle onto the railroad tracks at a highway-railroad grade crossing unless there is sufficient undercarriage clearance to traverse the crossing and adequate space on the opposite side of the crossing to accommodate the vehicle he and/or she is driving, notwithstanding the indication of any traffic control device which would permit him and/or her to proceed."

DISTRACTED DRIVING

Driving is a full-time responsibility. Your performance as a safe driver depends on being aware of many things: your surroundings, weather, road conditions, your vehicle's condition, other traffic, other drivers, your own physical condition (are you alert?), etc. Your safety, as well as the safety of any passengers in your vehicle, depend upon you. That is a big responsibility.

Today's society relies greatly on staying connected. Being connected is a good thing, but like so many things, there is such a thing as *too much of a good thing.* When you are operating a motor vehicle, you need to minimize anything that would interfere with your ability to concentrate on driving safely.

New York State has a number of laws that address distracted driving. Use of an electronic handheld device, for instance, can result in fines of $50 to $450 PLUS add 5 points on your driving record. "Electronic handheld devices" include (but are not limited to) handheld cell phones, tablets, computers, navigation systems, and gaming devices. The severity of these penalties underscores the danger of distracted driving. But the penalties shouldn't be the only reason to comply with the law – think about how much risk is involved in activities that distract us from driving.

Let's put some numbers to it. Let's say it takes an average of 5 seconds to read a text message. If you are driving at 60 miles per hour, and you look away from the road for 5 seconds to read that text, your vehicle will have traveled 440 feet in the time it took you to read that message. Let's put that distance in perspective:

- A football field is 360 feet long goal post to goal post. You covered that distance in 4 seconds, and you are still reading!

1. In the time it takes you to read the text, your vehicle traveled 440 feet.
2. When you look up you see a person standing in the road right in your path 150 feet ahead. *It takes a driver an average of 1 ½ seconds to recognize the hazard, and direct the body to slam on the brakes. That 1 ½ seconds adds another 132 feet to your distance traveled. Total distance traveled is now 572 feet.*
3. The average car can stop in 180 feet, under good conditions and dry pavement.
   From the time you took your eyes off the road to read the text, to the time you were able to stop your vehicle, your vehicle traveled 752 feet. That's more than the height of the towers holding up the Golden Gate Bridge.

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Questions:

1) *Were you able to stop in time to prevent hitting the person in your path?*
2) *Were you able to avoid being hit by the vehicle behind you (that wasn't expecting you to stop suddenly)?*

Anything that would interfere with your ability to focus on the business of safe driving should be avoided whenever possible.

SAFETY TECHNOLOGY DEVELOPMENTS

Today's vehicles have more safety features than ever before. Some of these features may impact how you drive. As a driver, you need to know what, (if any), features your vehicle has and how they work. The best source for this information would be the vehicle's owners' manual or the manufacturer's website. Here's a list of some of the more common features, and how they may impact your driving.

Discuss these with the class:

- **Airbags**. Airbags work in conjunction with seat belts to protect the driver/passengers in the event of a collision. The airbag inflates automatically upon impact, (under the right conditions), to create a cushion that absorbs much of the impact energy between the driver/passengers and the interior of the vehicle. The airbag then starts to deflate almost immediately. *It is crucial that the driver and passengers wear their seat belts at all times*.
- **Antilock Braking Systems (ABS)**. ABS prevents the wheels from locking under hard braking and slippery conditions, thereby helping the driver maintain steering and directional control.
- **Traction Control**. Similar to ABS, this electronically controlled system limits wheel-spin while under acceleration, thereby helping the driver maintain control and minimize skids.
- **Electronic Stability Control (ESC)**. This system helps keep the vehicle on its intended path during a turn, to avoid sliding or skidding, by applying the brakes on one or more wheels and/or reducing engine power.
- **Tire Pressure Monitor**. Monitors the air pressure in the tires, and displays an alert when one or more tire is not properly inflated.
- **Lane Departure Warnings.** Alerts the driver when it detects the vehicle is moving out of the lane without the driver using a directional signal.
- **Lane Keeping Assist.** A system that, when it detects that the vehicle is straying from its lane, will apply some input on the steering wheel to move back into the lane the vehicle was in.
- **Blind Spot Warning.** This system alerts the driver when there is another vehicle alongside of the driver's vehicle. The alerts can include a warning light, sound, or a combination of the two.
- **Forward Collision Warning**. System that alerts the driver, (often through a visual as well as audio alert), that a collision with an object in front of the vehicle is imminent.
- **Automatic Emergency Braking**. Automatically applies the brakes when it detects an impending collision with an object directly in the vehicle's path to prevent or minimize a collision.
- **Pedestrian Detection.** Alerts the driver when pedestrians are deemed to be a hazard. May work in conjunction with the brakes of the vehicle to avoid collisions with pedestrians.
- **Daytime Running Lights**. A passive system that illuminates the headlights on the vehicle at all times – even in daylight. This helps make the vehicle more visible from a distance.
- **Rearview Cameras (a.k.a. backup cameras).** When the transmission is in reverse, a rear-facing camera transmits live images of what is behind the vehicle to the driver. Most display images on a monitor in the dash or rear-view mirror.
- **Rear Cross-Traffic alert.** A system that, when the vehicle is backing up, alerts the driver when hazards approach the vehicle from the sides.

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- **Adaptive Cruise Control.** Adjusts the set speed of the cruise control when it detects other vehicles ahead that are moving more slowly to avoid collisions.
- **LATCH** (Lower Anchors and Tethers for Children). Allows for secure installation of child seats in vehicles.

What you, as a driver, must be aware of:

1. Not all vehicles are equipped with these features. You need to be familiar with your vehicle and its features.
2. These features may not always work. Depending on conditions, the system may not function well. The lens on a Rearview Camera, for example, can become obstructed by dirt or water – making it difficult to see clearly.

These systems can help you be a safer driver, but they can't replace you. It's up to you to be alert and drive defensively.

Appendix B
COURSE GUIDELINES

Classrooms must:

(1) be clean, comfortable (conducive to learning) and easily accessible to students with disabilities;

(2) seat a minimum of 10 and a maximum of 36 students comfortably. Each student must have a chair;

(3) have adequate heating and/or ventilation appropriate for the season;

(4) have adequate lighting;

(5) have shades or drapes to darken the room when audiovisual equipment is being used;

(6) have rest room facilities easily accessible to students, including those with disabilities;

(7) be free from any visible and/or audible distractions; and

(8) be inspected and approved by DMV before conducting any pre-licensing classes.

Equipment

(1) **Chalkboard, Whiteboard or Flipcharts:** minimum size for a ten-student classroom is 2' x 3'; a larger board or charts are required for a larger capacity room. All students must be able to see the board or charts without difficulty.

(2) **Audiovisual Equipment:** must be suitable for presenting materials appropriate to the pre-licensing course. This could be a projector screen (or suitable wall space), slide projector, media player, computer monitor, or other audiovisual device. Classrooms exceeding 300 square feet should have a screen of not less than 19 diagonal inches.

The instructor should eliminate all sources of distraction while using visual aids. For example, it may be necessary to put up a partition to keep noise from penetrating the classroom. A telephone may have to be disconnected when a class is in session, or a flashing neon sign may have to be turned off.

Advertising

Advertising for the Pre-Licensing Course, which is also known as the "Five-Hour Course," must not indicate a class time of less than 5 hours. This applies to all advertising, whether in print (including newspapers, magazines, telephone directories, flyers, brochures, etc.), or electronic (i.e. on the internet or via email), or any other media.

Student Inquiries

Pre-Licensing course providers should tell people who inquire about the pre-licensing course, the cost, how and when to make payments, class hours, registration time, instruction time, date(s) of class, language of instruction, registration procedures, and any other pertinent information.

Students who do not speak the language in which the course is being given should be encouraged to seek a pre-licensing class in their primary language. If this is not possible, it is recommended that the student bring a translator. Prior permission from the course provider may be required. We suggest that another student not be a translator.

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Allocating Class Time

The pre-licensing course must contain at least four hours of instruction time, NOT to include registration, breaks and administration. Vehicle and Traffic Law mandates that a minimum of two hours of the instruction time must be spent on alcohol and drug education.

A student must complete the entire course within 30 days of starting. The MV-278 certificate must reflect the date of completion.

Instructor Preparation

The success of this program depends greatly on your efforts. As the instructor, you have a great deal of influence on course content and activities. By presenting all the material and focusing on the Student Objectives of each session, you will be helping your students to become safer, more effective drivers.

Before conducting any classes, read and become familiar with the course manual. You must:

- Review the Instructor and Student Objectives.
- Study the content, and visit www.dmv.ny.gov for additional and up-to-date information.
- Review the activities and questions for each lesson; make sure you fully understand how the content relates to the objectives and questions.
- Determine in advance and obtain all the resources you will need for your instruction.
- PREPARE A LESSON PLAN OR OUTLINE TO GUIDE YOUR PRESENTATION!

Lesson Plans

A lesson plan is a written document that guides the instructor through all phases of instruction. Making and using a lesson plan accomplishes the following:

- Helps standardize instruction.
- Insures complete coverage of the subject matter.
- Gives the instructor confidence.
- Helps the instructor adhere to a time schedule.
- Helps the instructor organize the presentation of subject matter and use of media aids.

A lesson plan typically contains the following information for each unit of instruction:

Title: The title is a short heading that indicates the subject of the lesson. It should be a short clear statement which gives a mental picture of the subject matter to be presented.

Objectives: The objectives give a picture of what you desire to accomplish during instruction of this particular unit. It is a list of statements that points out the behavior expected of instructors and/or students.

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Materials: A list of instructional materials assists with the preparation and presentation of a lesson. It can include models, handouts, graphs, charts, films, videos or any other aids the instructor plans to use as part of instruction. The instructor uses this list to make certain that materials needed for teaching the lesson are in place and in good condition before the presentation begins. The list also reminds the instructor to prepare a clear and concise procedure (activity) to effectively use the materials during instruction.

Introduction: An introduction provides a brief picture of what will be covered in a specific lesson or unit. It directs the students' attention and helps them understand why they need to learn the subject matter. An outline or a few brief sentences that stress key words and ideas is the preferred approach. The introduction is the initial opportunity for the instructor to motivate the students. It should be delivered with positive emphasis and conviction.

Content: It is recommended that you outline or highlight important points of your content. It should be unnecessary to script your entire presentation.

Activities: Classroom activities are initiated by the instructor to help bind the student and instructor to a mutual course of action. They describe the methods and procedures for getting the students involved and keeping them on topic through the entire lesson. Students respond best to activities that are simple and enjoyable, and at a pace that allows them to work smoothly and comfortably to accomplish the learning objectives.

Conclusion: A few key sentences should be said to wrap up each unit. This helps to ensure that the lesson that was given was understood.

Test or Evaluation Instrument: Tests may be used to determine if subject matter is being understood, and as a method of teaching. There are at least two ways to test students: the instructor may ask thought-provoking questions or administer a written test. *NOTE: Test taking time does not count as instructional time.*

Conducting the Program

To a large extent, the success of the program will depend on the dedication and motivation of the instructor. The instructor, therefore, must be fully aware of the impact his/her actions and attitudes have on learning. The instructor's actions and attitudes can create an exciting and productive learning environment or a boring, even hostile environment in which little or no learning occurs. There is no magic formula for creating an excellent instructor. However, if instructors conscientiously adhere to the following lists of do's and don'ts, the chances of having a quality program are increased.

Do:

- read over all of the content and instructor guidelines before instructing;
- have all materials, local modifications, etc., available and documented before instructing;
- encourage all students to work on any exercises provided;
- encourage discussion (related to topics you want to discuss) by acknowledging and rewarding students' attempts at participation;
- instruct students to turn off or mute cell phones and electronic devices.

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Don't:

- be the only one to talk;
- ramble or get off the subject;
- be a "know-it-all";
- berate or otherwise embarrass students who give wrong answers (try to find some value in their response and lead them to the correct answer; at least show that you appreciate their making an attempt).

Encouraging Participation:

This manual is designed to encourage the student to become a participant in the course rather than an observer of the instructor. LECTURING OR RECITING IS NOT A SATISFACTORY WAY TO PRESENT THIS COURSE. Several techniques for encouraging and facilitating active student participation are outlined below. Instructors may use these and other techniques, including the use of eye contact. Eventually they will become a part of the instructor's "style". At the very least, the techniques serve as a reminder that the pre-licensing class is designed to have the participants assume an active role in their learning.

Open-Ended Questioning: Instructors should phrase a question so that the student is encouraged to answer with a relatively broad response rather than a single word. This approach tends to widen student-instructor contact. A closed question, on the other hand, restricts or unnecessarily limits communication. An example of an open-ended question is "What is it like riding with a driver who has been drinking excessively?" instead of "Did you ever ride with a drunk driver?"

Clarification: This technique is used to simplify what was said by using different words. When a student offers a jumbled version of a response, the instructor can use this technique to extract a clear message. For example, if a student indicates he or she is attending the class "to learn about safety, drunk drivers and not tailgating," an instructor may reply: "Good. Defensivedriving techniques and learning about the dangers of drinking and driving are two important reasons for attending this class." This practice helps the instructor keep the class properlyfocused while acknowledging the student's contributions.

Reflection: Reflection is the technique of restating a student's feelings. The instructor summarizes the student's emotional reaction, thus helping everyone to appreciate the student's response. For example, if a student said, "My friend was bombed and I could feel my palms sweating as he weaved down the road," you might reply, "You were very frightened."

Silence: It is not unusual for instructors to dread any pause in verbal communication. Several seconds of silence is sometimes awkward. When properly used, however, it can encourage students to speak up or continue speaking. Instructors should not interrupt or speak too quickly. Give the class a chance to respond to your questions; don't answer your own questions.

Small Group Activities: Participants can learn from each other. In small groups, participants can solve a problem or determine a course of action.

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COURSE GUIDELINES

Case Studies: In case studies, students are presented with a situation and asked to analyze it. In their analysis, they identify what went wrong and what could have been done differently. In doing this, participants also identify and discuss the very objectives being taught.

Humor: Humor in the classroom serves the purpose of relaxing the class and generating a feeling that the students will not be intimidated. It helps the students become more receptive and makes the subject matter more palatable. However, care must be exercised to avoid using excessive humor. The danger in using excessive humor is that the line between education and entertainment will be crossed, resulting in a loss of credibility regarding the material. Also, humor should not be used to hurt feelings.

Selecting Instructional Materials

Instructional materials should always be previewed by the instructor. Some questions to consider in selecting these materials include:

(1) Does the material fit into an overall program plan; does it fill a specific need in the plan?

(2) Is it appropriate for the age and level of understanding of the group with whom it will be used?

(3) Does it present social or economic situations that have relevance for the target group?

(4) Are styles, language, and settings reasonably current?

(5) Does factually-oriented material present current and accurate information?

(6) Does material on controversial topics present a balanced view of the issues?

(7) Does the material promote positive attitudes, values, and assumption of personal responsibility for making decisions?

(8) Does the material avoid:

- moralizing?
- scare tactics?
- explicit instruction in the techniques of drug abuse?
- promoting racial, ethnic, or sexist discrimination?
- ridiculing or condemning alcoholics or drug addicts?

As an instructor, you are not required to present every fact contained in the course manual. You are, however, expected to provide instruction based on the objectives.

Appendix B
COURSE GUIDELINES

Media Usage

Use of films, video, and other media can enhance your presentation and assist you in reaching the desired objectives. Instructors must be guided by the following principles when selecting audiovisual materials:

- Limit yourself to not more than 60 minutes for the entire class.
- Review materials before using, to assure applicability.
- Have room and equipment set up prior to class.
- Materials should be pertinent and up-to-date.
- Introduce all films and discuss each after viewing.

Effective use of media can reinforce the topics you are teaching, but does not replace the instruction you give.

How to Request Assistance

Further information about the Pre-Licensing Course may be obtained by contacting the Department of Motor Vehicles, Driver Training Programs, 6 Empire State Plaza, Room 327, Albany, New York 12228 or at (518) 473-7174.

Appendix C
Administrative Duties for Pre-Licensing

Student Learner Permit

The student must present either a current NY Photo Learner Permit *or a valid interim permit* with a NYS Government-issued ID card (such as a Non-Driver ID Card, Expired NY Photo Permit, and/or Expired NY Photo License) to the instructor at the pre-licensing course because:

(1) The photo learner permit or NY photo document are the only acceptable forms of identification.

(2) The class is most successful when the student has some driving experience. She/He cannot legally get the experience before obtaining a permit (except in Driver Education).

All Learner Permits and photo documents are to be examined by the instructor at the beginning of class, and when issuing a completion certificate. Any altered or suspicious permit or photo document should be reported to your nearest DMV office.

MV-278: Pre-Licensing Class Completion Certificate

Instructors are to follow the instructions stated on the cover of Classroom Completion Certificates (CR 7.8). All spaces or fields on the MV-278 must be completed. If a field does not apply (i.e., high schools do not have a driving school number), enter "N.A." for "not applicable" or put an "X" in the box.

Each student must sign this form on the day of the class on which it will be issued. The MV-278 is to be signed in the presence of the instructor who conducts the course and issues the certificate.

The instructor may never sign the form prior to the beginning of the class, whether it is filled in or not. A date stamp is suggested to prevent alteration. If a date stamp is not available, the month should be written in, not the month's number (i.e., February 4, 2011, not 2/4/11). No alteration is permitted.

It is essential that the Pre-Licensing Course, and issuance of the Pre-Licensing Course Completion Certificates, be in compliance with these guidelines and course requirements. Failure to do so could result in the instructor and/or course provider losing the approval to conduct the course, as well as other consequences, such as fines and sanctions.

NOTE: The course provider may charge a fee for a duplicate certificate.

Appendix C
Administrative Duties for Pre-Licensing

MV-278.5N: Roster Sheet

On the day of the class, each Roster Sheet must be signed by the instructor on the line immediately following the name of the last student. Duplicate MV-278s should also be listed on the roster sheet.

All information required on the roster sheet form must be filled in.

Review and Maintenance of Records

A records check of a school's pre-licensing program shall consist of a review of the following:

I. MV-278: Classroom Training Completion Certificates

   A. Correctly completed booklets from the previous 12 months

   B. Current booklets

      1. Stored securely

      2. Not pre-signed

2. MV-278.5N: Roster and Control

   A. Accurately compares to MV-278 certificates

   B. Information properly entered

3. MV-278.6: Request for Approval and Signature Authorization

4. MV-147: License to Operate a Driving School

Appendix D
PART 7 OF THE COMMISSIONER'S REGULATIONS OF NEW YORK STATE

An up-to-date version of this Commissioner's regulation can be found on the DMV website at: https://dmv.ny.gov/forms/cr7.pdf.

Appendix E
VEHICLE & TRAFFIC LAW

TITLE V
ARTICLE 19
LICENSING OF DRIVERS

§ 502. Requirements for licensing. 1. Application for license. Application for a driver`s license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, andfitness as may be required by the commissioner. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide his or her social security number and space so that the applicant may request a notation upon such license that he or she is a veteran of the United States armed forces, and shall provide space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type: "You must fill out the following section: Would you like to be added to the Donate Life Registry? Check box for 'yes' or 'skip this question'."

The commissioner of health shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry, except as otherwise provided pursuant to the provisions of paragraph (b) of subdivision one of section forty-three hundred one of the public health law. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip the question" or failing to check a box shall not impair that consent or registration. Inaddition, an applicant for a commercial driver`s license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements tooperate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three, five hundred ten-a, and five hundred ten-aa of this title, the terms "medical certificate" and "medical certification" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. Upon a determination that the holder of a commercial driver`s license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

2. Age. (a) An applicant for a class A license or for a commercial driver`s license which contains an H or an X endorsement or which is valid for operation in interstate commerce shall be at least twenty-one years of age.

(b) Except as provided in paragraph (a) of this subdivision an applicant for a class B, C or E license shall be at least eighteen years of age.

Appendix E
VEHICLE & TRAFFIC LAW

Licensing of Drivers

(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 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.

(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 hasoperated 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 pursuantto 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.

3. Application for learner`s permit. An application for a learner`s permit shall be included in the application for a license. A learner`s permit shall be issued in such form as the commissioner shall determine but shall not be issued unless the applicant has successfully passed the vision test required by this section and the test set forth in paragraph (a) of subdivision four of this section with respect to laws relating to traffic and ability to read and comprehend traffic signs and symbols and has satisfactorily completed any course required pursuant to paragraph (a) of subdivision four of this section. Upon acceptance of an application for a learner`s permit the commissioner shall provide the applicant with a driver`s manual which includes but is not limited to the laws relating to traffic, the laws relating to and physiological effects of driving while ability impaired and driving while intoxicated, the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter, explanations of traffic signs and symbols and such other matters as the commissioner may prescribe.

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4. Examinations. (a) (i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated under the overpowering influence of "Road Rage", "Work Zone Safety" awareness and "Motorcycle Safety" awareness as defined by the commissioner, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols and such other matters asthe commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom drivertraining and highway safety instruction or the equivalent thereof. Such test shall include at least sevenwritten questions concerning the effects of consumption of alcohol or drugs on the ability of a personto operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle whileunder the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interferingwith the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafeoperation of a motor vehicle in a work zone. Such test may include one or more questions concerning motorcycle safety. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter. Such test shall be administered by the commissioner.The commissioner shall cause the applicant to take a vision test and a test for color blindness. Uponpassage of the vision test, the application may be accepted and the application fee shall be payable.

(ii) The commissioner shall promulgate rules and regulations establishing eligibility standards for the taking and passing of knowledge tests in other than written form.

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph(c-1) of this subdivision and a "Work Zone Safety" awareness component as described in paragraph(c-2) of this subdivision, and a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision the commissioner shall cause the applicant to take a road test in arepresentative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. The commissioner shall have the power to establisha program to allow persons other than employees of the department to conduct road tests in representative vehicles when such tests are required for applicants to obtain a class A, B or C license. If she chooses to do so, she shall set forth her reasons in writing and conduct a public hearing on the matter. She shall only establish such a program after holding the public hearing.

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(c) Alcohol and drug education component. The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision a mandatory component in alcohol and drug education of not less than two hours as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the effects that ingestion of alcohol and other drugs have on a person`s ability to operate a motor vehicle. The commissioner shall establish a curriculum for the alcohol and drug education component which shall include but not be limited to: instruction describing the hazards of driving while impaired or intoxicated; the penalties for alcohol related motor vehicle violations including sanctions set forth in the penal law that apply to homicides and assaults arising out of the operation of a motor vehicle while intoxicated and those sanctions set forth in the vehicle and traffic law relating to driving while intoxicated; and the medical, biological and physiological effects of the consumption of alcohol and their impact on the operation of a motor vehicle.

(c-1) "Road Rage" awareness component. The commissioner shall provide in the pre- licensing course, set forth in paragraph (b) of this subdivision a mandatory component in "Road Rage" awareness education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the effects that the development and expression of "Road Rage", as defined by the commissioner, have on a person`s ability to operate a motor vehicle. The commissioner shall establish a curriculum for the "Road Rage" component which shall include but not be limited to: instruction describing the hazards of driving and exiting the vehicle while under the influence of "Road Rage"; thepenalties for "Road Rage"-related motor vehicle or other violations including sanctions set forth in the penal law that apply to homicides and assaults arising out of the operation of a motor vehicle while expressing "Road Rage", and any sanctions set forth in law relating to driving while under the influence of "Road Rage"; and the medical, biological and physiological effects of the development and expression of "Road Rage", and their impact on the operation of a motor vehicle. The commissioner is charged with the responsibility for defining the term "Road Rage", as used in this paragraph, in consultation with law enforcement personnel, medical professionals, representatives of the court system, highway safety officials, and any other group that the commissioner believes can contribute to a comprehensive statement of the issue.

(c-2) "Work Zone Safety" awareness component. (i) The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision, a mandatory component in “Work Zone Safety” awareness education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the potential dangers to construction workers, construction equipment operators and operators of motor vehicles in a highway work zone. For the purposes of this paragraph, the term “work zone” shall include “work area” as defined by section one hundred sixty of this chapter, and “restricted highway” as authorized in section sixteen hundred twenty-five of this chapter.

(ii) The commissioner shall establish a curriculum for the “Work Zone Safety” component which shall include but not be limited to: instruction describing the potential hazards of driving through a work zone, whether or not work, maintenance or other related construction is being undertaken therein, and information on the provisions of law relating to driving within a work zone and sanctions for violations of such provisions, including speeding in a work zone.

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(iii) In developing such curriculum, the commissioner shall consult with the commissioner of transportation, the superintendent of the state police, representatives of the highway construction industry, representatives of highway construction workers, highway safety officials, and any other group that the commissioner believes can contribute to a comprehensive presentation of the issue.

(c-3) “Motorcycle Safety” awareness component. The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision, a mandatory component in “Motorcycle Safety” awareness education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the potential dangers to persons operating motorcycles on the roadway.

(d) The commissioner shall make available for distribution upon registration at each location where the pre-licensing course will be given, instructional handbooks outlining the content of the entire curriculum of the pre-licensing course including the information required to be included in the course pursuant to paragraphs (c), (c-1), (c-2) and (c-3) of this subdivision. The commissioner shall also provide for the additional training of the instructors necessary for the competent instruction of the alcohol and drug education, "Road Rage" awareness, “Work Zone Safety” awareness and “Motorcycle Safety” awareness subject matters of the pre-licensing course.

(e) The commissioner shall make available to each applicant for a commercial driver`s license instructional handbooks outlining the requirements necessary to qualify for such license, and containing a discussion of the offenses which will result in disqualification from operating a commercial motor vehicle as defined in section five hundred one-a of this chapter. Such handbooks shall be available in both English and Spanish language versions.

f) The commissioner shall promulgate such rules and regulations as are necessary to carry out the provisions of this section.

(g) The commissioner may, in his discretion, waive the requirement for passage of a test with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated and the ability to read and comprehend traffic signs and symbols, and the requirement for completion of the course set forth in paragraph (a) of this subdivision for applicants who hold a valid or renewable driver`s license issued by another jurisdiction or the United States government.

(h) Course completion certificate fee. The fee for a course completion certificate provided by the department to an entity that is approved by the commissioner to offer the pre-licensing course, required by this subdivision, for issuance by such entity to students upon their completion of such pre-licensing course shall be one dollar. Such fee shall be paid by such entity and shall not be charged to a person who takes the course in any manner.

5. Issuance of license. (a) Upon successful completion of the requirements set forth in subdivision four of this section, and upon payment of the fee prescribed by law, the commissioner shall issue an appropriate license to the applicant, except that the commissioner may refuse to issue such license

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(i) if the applicant is the holder of a currently valid or renewable license to drive issued by another state or foreign country unless the applicant surrenders such license, or

(ii) if such issuance would be inconsistent with the provisions of section five hundred sixteen of this chapter.

(b) The commissioner shall, with respect to the issuance of a hazardous materials endorsement, comply with the requirements imposed upon states pursuant to sections 383.141 and 1572.13 of title 49 of the code of federal regulations.

(c) The commissioner shall not issue a commercial driver`s license to a person while such person would be subject to disqualification from operating a commercial motor vehicle for any causeset forth in the commercial motor vehicle safety act of nineteen hundred eighty-six, public law 99- 570, title XII and regulations promulgated thereunder. In addition, the commissioner shall suspend acommercial driver's license for the period of time in which such driver is determined to constitute animminent hazard and is disqualified pursuant to 49 C.F.R.383.52.

6. Renewal of license. (a) A license issued pursuant to subdivision five of this section shall be valid until the expiration date contained thereon, unless such license is suspended, revoked or cancelled. Such license may be renewed by submission of an application for renewal, the fee prescribed by law, proofs of prior licensing, fitness and acceptable vision prescribed by the commissioner, the applicant`s social security number, and if required by the commissioner a photo image of the applicant in such numbers and form as the commissioner shall prescribe. In addition, an applicant for renewal of a license containing a hazardous material endorsement shall pass an examination to retain such endorsement. The commissioner shall, with respect to the renewal of a hazardous materials endorsement, comply with the requirements imposed upon states by sections 383.141 and 1572.13 of title 49 of the code of federal regulations. A renewal of such license shall be issued by the commissioner upon approval of such application, except that no such license shall be issued if its issuance would be inconsistent with the provisions of section five hundred sixteen of this title, and except that the commissioner may refuse to renew such license if the applicant is the holder of a currently valid or renewable license to drive issued by another state or foreign country unless the applicant surrenders such license.

(b) Time for renewal. A renewal license may only be issued if an application for such license is filed within two years from the date of expiration of the prior license. Such application may be filed prior to the expiration of the license being renewed for a period of time as provided by regulation of the commissioner.

7. Compliance with selective service act required. (a) All persons who are at least eighteen years of age but less than twenty-six years of age who apply to the commissioner for a learner's permit, driver's license, renewal of license, or non-driver's identification card, shall either: (i) be in compliance with the requirements of the military selective service act as provided for pursuant to 50 U.S.C. App 451 et. seq., as amended, or (ii) consent to permit the commissioner to forward such information as is required to register such individual with the selective service system, if such individual must be registered pursuant to such act.

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(b) The commissioner shall forward in an electronic format the necessary personal information required for registration of such individuals specified in paragraph (a) of this subdivision with the selective service system. Such individual's application to the commissioner for a learner's permit, driver's license, renewal of license or non-drivers' identification card shall serve as an indication that the applicant has already registered with the military selective service act or that such individual is authorizing the commissioner to forward to the selective service system the necessary information for such selective service registration. The commissioner shall notify such applicants on the application form that any application for a learner's permit, driver's license, renewal of license or non-driver's identification card shall serve as consent to be registered with the selective service system, if so required by federal law.

Appendix F
Common Drugs and Their Effects

Substances: Category and Name	Examples of *Commercial* and Street Names	How Administered	*Intoxication Effects* / Potential Health Consequences
Cannabinoids			*euphoria, slowed thinking and reaction time, confusion, impaired balance and coordination*/cough, frequent respiratory infections; impaired memory and learning; increased heart rate, anxiety; panic attacks; tolerance, addiction
hashish	boom, chronic, gangster, hash, hash oil, hemp	swallowed, smoked	
marijuana	blunt, dope, ganja, grass, herb, joints, Mary Jane, pot, reefer, sinsemilla, skunk, weed	swallowed, smoked	
Depressants			*reduced anxiety; feeling of well-being; lowered inhibitions; slowed pulse and breathing; lowered blood pressure; poor concentration/*fatigue; confusion; impaired coordination, memory, judgment; addiction; respiratory depression and arrest; death *also for Alcohol -- Impaired psychomotor coordination; impaired judgment, Heart and Liver damage, death from overdose possible, high accident risk when driving a car; addiction for those at risk* *also, for barbiturates—sedation, drowsiness/* depression, unusual excitement, fever, irritability, poor judgment, slurred speech, dizziness, life-threatening withdrawal *for benzodiazepines—sedation, drowsiness/* dizziness *for flunitrazepam*—visual and gastro-intestinal disturbances, urinary retention, memory loss for the time under the drug's effects *for GHB*—drowsiness, nausea/ vomiting, headache, loss of consciousness, loss of reflexes, seizures, coma, death *for methaqualone—euphoria/* depression, poor reflexes, slurred speech, coma
alcohol	*Beer, Wine, Liquor, Booze, Hooch, Juice, Brewski's*	oral consumption	
barbiturates	*Amytal, Nembutal, Seconal, Phenobarbital:* barbs, reds, red birds, phennies, tooies, yellows, yellow jackets	injected, swallowed	
benzodiazepines (other than flunitrazepam)	Ativan, Halcion, Librium, Valium, Xanax: *candy, downers, sleeping pills, tranks*	swallowed, injected	
flunitrazepam	Rohypnol: forget-me pill, Mexican Valium, R2, Roche, roofies, roofinol, rope, rophies	swallowed, snorted	
GHB	gamma-hydroxybutyrate: G, Georgia home boy, grievous bodily harm, liquid ecstasy	swallowed	
methaqualone	Quaalude, Sopor, Parest: ludes, mandrex, quad, quay	injected, swallowed	
Dissociative Anesthetics			*increased heart rate and blood pressure, impaired motor function/memory loss; numbness; nausea/vomiting* *Also, for ketamine—at high doses, delirium, depression, respiratory depression and arrest* *for PCP and analogs—possible decrease in blood pressure and heart rate, panic, aggression, violence/*loss of appetite, depression
ketamine	Ketalar SV: cat Valiums, K, Special K, vitamin K	injected, snorted, smoked	
PCP and analogs	phencyclidine; angel dust, boat, hog, love boat, peace pill	injected, swallowed, smoked	

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Common Drugs and Their Effects

Substances: Category and Name	Examples of *Commercial* and Street Names	How Administered	*Intoxication Effects* / Potential Health Consequences
Hallucinogens			*altered states of perception and feeling; nausea; persisting perception disorder (flashbacks)* *Also for LSD and mescaline—increased body temperature, heart rate, blood pressure; loss of appetite, sleeplessness, numbness, weakness, tremors* *for LSD—persistent mental disorders* *for psilocybin—nervousness, paranoia*
LSD	lysergic acid diethylamide: acid, blotter, boomers, cubes, microdot, yellow sunshines	swallowed, absorbed through mouth tissues	
mescaline	buttons, cactus, mesc, peyote	swallowed, smoked	
psilocybin	magic mushroom, purple passion, shrooms	swallowed	
Opioids and Morphine Derivatives			*pain relief, euphoria, drowsiness/*nausea, constipation, confusion, sedation, respiratory depression and arrest, tolerance, addiction, unconsciousness, coma, death *Also, for codeine—less analgesia, sedation, and respiratory depression than morphine* *for heroin—staggering gait*
codeine	Empirin with Codeine, Fiorinal with Codeine, Robitussin A-C, Tylenol with Codeine: Captain Cody, schoolboy; (with glutethimide) doors & fours, loads, pancakes and syrup	injected, swallowed	
fentanyl and fentanyl analogs	Actiq, Duragesic, Sublimaze: Apache, China girl, China white, dance fever, friend, goodfella, jackpot, murder 8, TNT, Tango and Cash	injected, smoked, snorted	
heroin	diacetyl-morphine: brown sugar, dope, H, horse, junk, skag, skunk, smack, white horse	injected, smoked, snorted	
morphine	Roxanol, Duramorph: M, Miss Emma, monkey, white stuff	injected, swallowed, smoked	
opium	laudanum, paregoric: big O, black stuff, block, gum, hop	swallowed, smoked	
oxycodone HCL	Oxycontin: Oxy, O.C., killer	swallowed, snorted, injected	
hydrocodone bitartrate, acetaminophen	Vicodin: vike, Watson-387	swallowed	

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Common Drugs and Their Effects

Substances: Category and Name	Examples of *Commercial* and Street Names	How Administered	*Intoxication Effects* / Potential Health Consequences
Stimulants			*increased heart rate, blood pressure, metabolism; feelings of exhilaration, energy, increased mental alertness/*rapid or irregular heart beat; reduced appetite, weight loss, heart failure, nervousness, insomnia
amphetamine	Biphetamine, Dexedrine: bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers	injected, swallowed, smoked, snorted	*Also, for amphetamine—rapid breathing/* tremor, loss of coordination; irritability, anxiousness, restlessness, delirium, panic, paranoia, impulsive behavior, aggressiveness, tolerance, addiction, psychosis
cocaine	Cocaine hydrochloride: blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot	injected, smoked, snorted	*for cocaine—increased temperature/*chest pain, respiratory failure, nausea, abdominal pain, strokes, seizures, headaches, malnutrition, panic attacks
MDMA (methylenedioxy-methamphetamine)	Adam, clarity, ecstasy, Eve, lover's speed, peace, STP, X, XTC	swallowed	*for MDMA—mild hallucinogenic effects, increased tactile sensitivity, empathic feelings/*impaired memory and learning, hyperthermia, cardiac toxicity, renal failure, liver toxicity
methamphetamine	Desoxyn: chalk, crank, crystal, fire, glass, go fast, ice, meth, speed	injected, swallowed, smoked, snorted	*for methamphetamine—aggression, violence, psychotic behavior/*memory loss, cardiac and neurological damage; impaired memory and learning, tolerance, addiction
methylphenidate (safe and effective for treatment of ADHD)	Ritalin: JIF, MPH, R-ball, Skippy, the smart drug, vitamin R	injected, swallowed, snorted	*for nicotine*—additional effects attributable to tobacco exposure; adverse pregnancy outcomes; chronic lung disease, cardiovascular disease, stroke, cancer, tolerance, addiction
nicotine	cigarettes, cigars, smokeless tobacco, snuff, spit tobacco, bidis, chew	smoked, snorted, taken in snuff and spit tobacco	
Other Compounds			*no intoxication effects/*hypertension, blood clotting and cholesterol changes, liver cysts and cancer, kidney cancer, hostility and aggression, acne; in adolescents, premature stoppage of growth; in males, prostate cancer, reduced sperm production, shrunken testicles, breast enlargement; in females, menstrual irregularities, development of beard and other masculine characteristics
anabolic steroids	Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise: roids, juice	injected, swallowed, applied to skin	
Dextromethorphan (DXM)	Found in some cough and cold medications; Robotripping, Robo, Triple C	swallowed	*Dissociative effects, distorted visual perceptions to complete dissociative effects/* for effects at higher doses see 'dissociative anesthetics'
inhalants	Solvents (paint thinners, gasoline, glues), gases (butane, propane, aerosol propellants, nitrous oxide), nitrites (isoamyl, isobutyl, cyclohexyl): laughing gas, poppers, snappers, whippets	inhaled through nose or mouth	*stimulation, loss of inhibition; headache; nausea or vomiting; slurred speech, loss of motor coordination; wheezing/* unconsciousness, cramps, weight loss, muscle weakness, depression, memory impairment, damage to cardiovascular and nervous systems, sudden death