

4647--A

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

---

Introduced by Sens. STACHOWSKI, DILAN -- read twice and ordered printed,  
and when printed to be committed to the Committee on Transportation --  
committee discharged, bill amended, ordered reprinted as amended and  
recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to enacting the  
"Ambrose-Searles move over act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "Ambrose-Searles move over act".  
3     S 2. Subdivision 3 of section 502 of the vehicle and traffic law, as  
4     amended by chapter 692 of the laws of 1985, is amended to read as  
5     follows:  
6     3. Application for learner's permit. An application for a learner's  
7     permit shall be included in the application for a license. A learner's  
8     permit shall be issued in such form as the commissioner shall determine  
9     but shall not be issued unless the applicant has successfully passed the  
10    vision test required by this section and the test set forth in paragraph  
11    (a) of subdivision four of this section with respect to laws relating to  
12    traffic and ability to read and comprehend traffic signs and symbols and  
13    has satisfactorily completed any course required pursuant to paragraph  
14    (a) of subdivision four of this section. Upon acceptance of an applica-  
15    tion for a learner's permit the commissioner shall provide the applicant  
16    with a driver's manual which includes but is not limited to the laws  
17    relating to traffic, the laws relating to and physiological effects of  
18    driving while ability impaired and driving while intoxicated, THE LAW  
19    FOR EXERCISING DUE CARE TO AVOID COLLIDING WITH A PARKED, STOPPED OR  
20    STANDING AUTHORIZED EMERGENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED  
21    FORTY-FOUR-A OF THIS CHAPTER, explanations of traffic signs and symbols  
22    and such other matters as the commissioner may prescribe.

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

LBD05512-03-9

1 S 3. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502  
2 of the vehicle and traffic law, as amended by chapter 585 of the laws of  
3 2002, is amended to read as follows:

4 (i) Upon submission of an application for a driver's license, the  
5 applicant shall be required to take and pass a test, or submit evidence  
6 of passage of a test, with respect to the laws relating to traffic, the  
7 laws relating to driving while ability is impaired and while intoxicat-  
8 ed, under the overpowering influence of "Road Rage", or "Work Zone Safe-  
9 ty" awareness as defined by the commissioner, THE LAW RELATING TO EXER-  
10 CISING DUE CARE TO AVOID COLLIDING WITH A PARKED, STOPPED OR STANDING  
11 AUTHORIZED EMERGENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED  
12 FORTY-FOUR-A OF THIS CHAPTER, the ability to read and comprehend traffic  
13 signs and symbols and such other matters as the commissioner may  
14 prescribe, and to satisfactorily complete a course prescribed by the  
15 commissioner of not less than four hours and not more than five hours,  
16 consisting of classroom driver training and highway safety instruction  
17 or the equivalent thereof. Such test shall include at least seven writ-  
18 ten questions concerning the effects of consumption of alcohol or drugs  
19 on the ability of a person to operate a motor vehicle and the legal and  
20 financial consequences resulting from violations of section eleven  
21 hundred ninety-two of this chapter, prohibiting the operation of a motor  
22 vehicle while under the influence of alcohol or drugs. Such test shall  
23 include one or more written questions concerning the devastating effects  
24 of "Road Rage" on the ability of a person to operate a motor vehicle and  
25 the legal and financial consequences resulting from assaulting, threat-  
26 ening or interfering with the lawful conduct of another person legally  
27 using the roadway. Such test shall include one or more questions  
28 concerning the potential dangers to persons and equipment resulting from  
29 the unsafe operation of a motor vehicle in a work zone. SUCH TEST MAY  
30 INCLUDE ONE OR MORE QUESTIONS CONCERNING THE LAW FOR EXERCISING DUE CARE  
31 TO AVOID COLLIDING WITH A PARKED, STOPPED OR STANDING AUTHORIZED EMER-  
32 GENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED FORTY-FOUR-A OF THIS  
33 CHAPTER. Such test shall be administered by the commissioner. The  
34 commissioner shall cause the applicant to take a vision test and a test  
35 for color blindness. Upon passage of the vision test, the application  
36 may be accepted and the application fee shall be payable.

37 S 4. The vehicle and traffic law is amended by adding a new section  
38 1144-a to read as follows:

39 S 1144-A. OPERATION OF VEHICLES WHEN APPROACHING A PARKED, STOPPED OR  
40 STANDING AUTHORIZED EMERGENCY VEHICLE. EVERY OPERATOR OF A MOTOR VEHICLE  
41 SHALL EXERCISE DUE CARE TO AVOID COLLIDING WITH AN AUTHORIZED EMERGENCY  
42 VEHICLE WHICH IS PARKED, STOPPED OR STANDING ON THE SHOULDER OR ANY  
43 PORTION OF SUCH HIGHWAY AND SUCH AUTHORIZED EMERGENCY VEHICLE IS  
44 DISPLAYING ONE OR MORE RED OR COMBINATION RED AND WHITE LIGHTS PURSUANT  
45 TO THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION FORTY-ONE OF SECTION  
46 THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER. FOR OPERATORS OF MOTOR  
47 VEHICLES ON PARKWAYS OR CONTROLLED ACCESS HIGHWAYS, SUCH DUE CARE SHALL  
48 INCLUDE, BUT NOT BE LIMITED TO, MOVING FROM A LANE WHICH CONTAINS OR IS  
49 IMMEDIATELY ADJACENT TO THE SHOULDER WHERE SUCH AUTHORIZED EMERGENCY  
50 VEHICLE DISPLAYING ONE OR MORE RED OR COMBINATION RED AND WHITE LIGHTS  
51 PURSUANT TO THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION FORTY-ONE OF  
52 SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER IS PARKED, STOPPED OR  
53 STANDING TO ANOTHER LANE, PROVIDED THAT SUCH MOVEMENT OTHERWISE COMPLIES  
54 WITH THE REQUIREMENTS OF THIS CHAPTER INCLUDING, BUT NOT LIMITED TO, THE  
55 PROVISIONS OF SECTIONS ELEVEN HUNDRED TEN OF THIS TITLE AND ELEVEN  
56 HUNDRED TWENTY-EIGHT OF THIS TITLE.

1 S 5. This act shall take effect immediately, provided that:

2 (a) sections two and three of this act shall take effect September 1,  
3 2009, except that the promulgation of any rules and regulations, and the  
4 taking of any other actions necessary to implement the provisions of  
5 such sections of this act are authorized and directed to be made on or  
6 before the effective date of such sections of this act; and

7 (b) section four of this act shall take effect January 1, 2010.