

1350

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. DILAN, DIAZ -- read twice and ordered printed, and
when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to removing
vehicles from traffic following an accident

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

1 Section 1. Section 600 of the vehicle and traffic law is amended by
2 adding a new subdivision 3 to read as follows:

3 3. REMOVAL OF A VEHICLE. A PERSON WHO MOVES A VEHICLE IN A MANNER
4 CONSISTENT WITH SUBDIVISION (E) OF SECTION TWELVE HUNDRED OF THIS CHAPTER AND WHO REMAINS IN THE IMMEDIATE VICINITY OF AN ACCIDENT SHALL NOT
5 BE CONSTRUED TO BE IN VIOLATION OF THIS SECTION BECAUSE OF SUCH MOVEMENT.
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8 S 2. Section 1200 of the vehicle and traffic law is amended by adding
9 a new subdivision (e) to read as follows:

10 (E) WHENEVER A VEHICLE IS INVOLVED IN AN ACCIDENT INVOLVING NO
11 PERSONAL INJURY OR DEATH, THE DRIVER OF ANY INVOLVED VEHICLE SHALL IMMEDIATELY MOVE OR CAUSE REMOVAL OF THE VEHICLE FROM THE TRAVEL LANE TO A
12 SAFE LOCATION ALONG THE HIGHWAY IN THE IMMEDIATE VICINITY OF THE INCIDENT, PROVIDED THAT THE VEHICLE IS OPERABLE AND THE MOVEMENT OF THE
13 VEHICLE CAN BE DONE SAFELY. MOVEMENT CONSISTENT WITH THE PROVISIONS OF
14 THIS SUBDIVISION SHALL NOT BE CONSTRUED TO IMPLY THAT NO INJURY HAS
15 OCCURRED NOR SHALL THE DRIVER BE CONSIDERED LIABLE OR AT FAULT REGARDING
16 THE CAUSE OF THE ACCIDENT SOLELY BY MOVING OR CAUSING THE REMOVAL OF THE
17 VEHICLE. MOVING A VEHICLE CONSISTENT WITH THIS SUBDIVISION SHALL NOT
18 RELIEVE AN INVESTIGATING POLICE OFFICER FROM THE OBLIGATION TO FILE A
19 REPORT OTHERWISE REQUIRED. NOTHING IN THIS SUBDIVISION SHALL BE
20 CONSTRUED TO AUTHORIZE OTHERWISE UNQUALIFIED PERSONS TO CLEAR OR REMOVE
21 HAZARDOUS MATERIALS FROM THE HIGHWAY OR TO MOVE VEHICLES WHICH ARE
22 TRANSPORTING HAZARDOUS MATERIALS IN A MANNER INCONSISTENT WITH APPLICABLE LAW.
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26 S 3. This act shall take effect on the first of November next succeeding
27 the date on which it shall have become a law.

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

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