S T A T E O F N E W Y O R K

3022

2011-2012 Regular Sessions

I N S E N A T E

February 7, 2011

Introduced by Sens. HUNTLEY, DIAZ, HASSELL-THOMPSON, PERKINS -- 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 the safety of funeral processions

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

Section 1. The vehicle and traffic law is amended by adding a new section 1223-b to read as follows:

S 1223-B. FUNERAL PROCESSIONS. 1. A DRIVER OF A VEHICLE SHALL NOT ENTER A LANE ON A PUBLIC HIGHWAY IN THE SPACE BETWEEN TWO VEHICLES TRAVELING SINGLE FILE IN A FUNERAL PROCESSION IN A MANNER WHICH UNREASONABLY INTERFERES WITH THE ORDERLY PROGRESSION OF SUCH FUNERAL PROCESSION; PROVIDED THAT THE DRIVERS OF SUCH VEHICLES IN SUCH FUNERAL PROCESSION SHALL HAVE INDICATED THEIR STATUS AS MEMBERS OF A FUNERAL PROCESSION BY TURNING ON THEIR HEADLIGHTS AND THEIR FLASHING HAZARD LIGHTS.

2. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL BE A TRAFFIC INFRACTION AND SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS.

3. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL NOT ACT, AND SHALL NOT BE CONSTRUED TO ACT, AS DEFINING OR LIMITING THE STATUS OF MEMBERS OF A FUNERAL PROCESSION FOR ANY PURPOSE OR LAW OTHER THAN FOR THE PURPOSE OF THIS SECTION.

4. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO IMPOSE ANY LIABILITY FOR PERSONAL INJURY OR DAMAGES RESULTING FROM A VIOLATION OF THIS SECTION UPON A FUNERAL FIRM OR ANY PERSON LICENSED OR REGISTERED PURSUANT TO THE ARTICLE THIRTY-FOUR OF THE PUBLIC HEALTH LAW, OR ANY EMPLOYEE OR AGENT THEREOF, WHEN SUCH FIRM, PERSON, EMPLOYEE OR AGENT IS ACTING WITHIN THE SCOPE OF HIS, HER OR ITS DUTIES.

5. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO LIMIT THE LIABILITY OF ANY FUNERAL FIRM OR ANY PERSON LICENSED OR REGISTERED PURSUANT TO

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

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ARTICLE THIRTY-FOUR OF THE PUBLIC HEALTH LAW, OR ANY EMPLOYEE OR AGENT THEREOF, PURSUANT TO ANY OTHER PROVISION OF LAW OR AT EQUITY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.