

3329

2011-2012 Regular Sessions

I N S E N A T E

February 16, 2011

Introduced by Sen. KENNEDY -- 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:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1144-b to read as follows:

3 S 1144-B. OPERATION OF MOTOR VEHICLES ON APPROACH OF MOTOR VEHICLES IN
4 A FUNERAL PROCESSION. (A) UPON THE IMMEDIATE APPROACH OF A MOTOR VEHICLE
5 WHICH (I) HAS A BLACK FLAG WITH THE WORD "FUNERAL" AFFIXED TO IT IN THE
6 MANNER PROVIDED FOR IN PARAGRAPH (FF) OF SUBDIVISION TWELVE-A OF SECTION
7 THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER, AND (II) HAS "HAZARD" OR
8 "FLASHING" LIGHTS TURNED ON AND OPERATING, THE DRIVER OF EVERY OTHER
9 MOTOR VEHICLE SHALL YIELD THE RIGHT-OF-WAY AND SHALL IMMEDIATELY DRIVE
10 TO A POSITION PARALLEL TO, AND AS CLOSE AS POSSIBLE TO, THE RIGHT-HAND
11 EDGE OF THE HIGHWAY, OR TO EITHER EDGE OF A ONE-WAY HIGHWAY THREE OR
12 MORE LANES IN WIDTH, CLEAR OF ANY INTERSECTION, AND SHALL STOP AND
13 REMAIN IN SUCH POSITION UNTIL THE MOTOR VEHICLE DISPLAYING SUCH FLAG HAS
14 PASSED, UNLESS OTHERWISE DIRECTED BY A POLICE OFFICER.

15 (B) THIS SECTION SHALL NOT OPERATE TO RELIEVE THE DRIVER OF A MOTOR
16 VEHICLE PARTICIPATING IN A BURIAL OR FUNERAL PROCESSION FROM THE DUTY TO
17 DRIVE WITH REASONABLE CARE FOR ALL PERSONS USING THE HIGHWAY.

18 (C) ANY PERSON OPERATING A MOTOR VEHICLE IN ACCORDANCE WITH THE
19 PROVISIONS OF THIS SECTION SHALL YIELD THE RIGHT-OF-WAY TO AN AUTHORIZED
20 EMERGENCY VEHICLE ENGAGED IN EMERGENCY OPERATION WITH ITS SIREN OR
21 LIGHTS ACTIVATED.

22 S 2. Subdivision (c) of section 1129 of the vehicle and traffic law is
23 amended to read as follows:

24 (c) Motor vehicles being driven upon any roadway outside of a business
25 or residence district in a caravan or motorcade whether or not towing

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

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1 other vehicles shall be so operated as to allow sufficient space between
2 each such vehicle or combination of vehicles so as to enable any other
3 vehicle to enter and occupy such space without danger. This provision
4 shall not apply to funeral processions. NOTWITHSTANDING ANY OTHER
5 PROVISION OF THIS SECTION, A DRIVER OF A MOTOR VEHICLE SHALL NOT FORCE-
6 FULLY OR OTHERWISE ENTER THE SPACE BETWEEN MOTOR VEHICLES IN A FUNERAL
7 PROCESSION SO AS TO DISRUPT THE ORDERLY PROGRESSION AND MOVEMENT OF SAID
8 PROCESSION. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBDIVISION
9 SHALL BE PUNISHED BY A CIVIL FINE OF UP TO ONE HUNDRED DOLLARS.
10 S 3. This act shall take effect immediately.