

5507

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. FUSCHILLO -- 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 operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle or hazard vehicle

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

1 Section 1. Section 1144-a of the vehicle and traffic law, as amended
2 by chapter 458 of the laws of 2011, is amended to read as follows:
3 S 1144-a. Operation of vehicles when approaching a parked, stopped or
4 standing authorized emergency vehicle or hazard vehicle. (a) Every oper-
5 ator of a motor vehicle shall exercise due care to avoid colliding with
6 an authorized emergency vehicle which is parked, stopped or standing on
7 the shoulder, TRAVEL LANES or any portion of such highway and such
8 authorized emergency vehicle is displaying one or more red or combina-
9 tion red and white lights pursuant to the provisions of paragraph two of
10 subdivision forty-one of section three hundred seventy-five of this
11 chapter. For operators of motor vehicles on parkways, PUBLIC HIGHWAYS or
12 controlled access highways, such due care shall include, but not be
13 limited to, moving from a lane which contains or is immediately adjacent
14 to the shoulder OR LANE where such authorized emergency vehicle display-
15 ing one or more red or combination red and white lights pursuant to the
16 provisions of paragraph two of subdivision forty-one of section three
17 hundred seventy-five of this chapter is parked, stopped or standing to
18 another lane, provided that such movement otherwise complies with the
19 requirements of this chapter including, but not limited to, the
20 provisions of sections eleven hundred ten [of this title] and eleven
21 hundred twenty-eight of this title OR THE DRIVER IS ABLE TO SAFELY DO
22 SO.
23 (b) Every operator of a motor vehicle shall exercise due care to avoid
24 colliding with a hazard vehicle which is parked, stopped or standing on

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

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1 the shoulder, TRAVEL LANES or on any portion of such highway and such
2 hazard vehicle is displaying one or more amber lights pursuant to the
3 provisions of paragraph three of subdivision forty-one of section three
4 hundred seventy-five of this chapter. For operators of motor vehicles on
5 parkways, PUBLIC HIGHWAYS or controlled access highways, such due care
6 shall include, but not be limited to, moving from a lane which contains
7 or is immediately adjacent to the shoulder OR LANE where such hazard
8 vehicle displaying one or more amber lights pursuant to the provisions
9 of paragraph three of subdivision forty-one of section three hundred
10 seventy-five of this chapter is parked, stopped or standing to another
11 lane, provided that such movement otherwise complies with the require-
12 ments of this chapter including, but not limited to, the provisions of
13 sections eleven hundred ten and eleven hundred twenty-eight of this
14 title OR THE DRIVER IS ABLE TO SAFELY DO SO.

15 (C) ANY PERSON WHO VIOLATES SUBDIVISION (A) OR (B) OF THIS SECTION AND
16 WHO ENGAGES IN RECKLESS DRIVING AS DEFINED IN SECTION TWELVE HUNDRED
17 TWELVE OF THIS CHAPTER, AND CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER
18 PERSON SHALL BE GUILTY OF A CLASS E FELONY.

19 (D) ANY PERSON WHO VIOLATES SUBDIVISION (A) OR (B) OF THIS SECTION AND
20 WHO ENGAGES IN RECKLESS DRIVING AS DEFINED IN SECTION TWELVE HUNDRED
21 TWELVE OF THIS CHAPTER, AND CAUSES THE DEATH OF ANOTHER PERSON SHALL BE
22 GUILTY OF A CLASS D FELONY.

23 S 2. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law.