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

8702

I N A S S E M B L Y

January 13, 2016

Introduced by M. of A. MAGNARELLI -- read once and referred 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 or hazard vehicle or volunteer first responder

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

Section 1. Section 1144-a of the vehicle and traffic law, as amended by chapter 458 of the laws of 2011, subdivision (a) as amended by chapter 248 of the laws of 2013, is amended to read as follows:

S 1144-a. Operation of vehicles when approaching a parked, stopped or standing authorized emergency [vehicle] or hazard vehicle OR VOLUNTEER FIRST RESPONDER. (a) Every operator of a motor vehicle shall exercise due care to avoid colliding with [an authorized emergency] A DESIGNATED vehicle which is parked, stopped or standing on the shoulder, TRAVEL LANES or any portion of [such] A PUBLIC highway and such [authorized emergency] DESIGNATED vehicle is displaying one or more red or combination red and white, AMBER, BLUE OR GREEN lights pursuant to the provisions of paragraph two, THREE, FOUR OR FIVE of subdivision forty-one of section three hundred seventy-five of this chapter [or is displaying one or more blue, combination blue and red or combination blue, red and white lights pursuant to the provisions of subparagraph b of paragraph four of subdivision forty-one of section three hundred seventy-five of this chapter]. For operators of motor vehicles on parkways, PUBLIC HIGHWAYS or controlled access highways, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent to the shoulder OR LANE where such [authorized emergency] DESIGNATED vehicle displaying one or more red[, blue or white] or [any] combination of red and white, AMBER, BLUE OR GREEN lights [or blue or combination blue and red or combination blue, red and white lights] pursuant to the provisions of paragraph two [or subparagraph b of paragraph four, as applicable], THREE, FOUR OR FIVE of subdivision forty-one of section three hundred seventy-five of this chapter is parked, stopped or standing to another lane, provided [that such

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

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movement otherwise complies with the requirements of this chapter including, but not limited to, the provisions of sections eleven hundred ten of this title and eleven hundred twenty-eight of this title] A DRIVER REQUIRED TO MOVE FROM A LANE PURSUANT TO THIS SECTION SHOULD, WHEREVER POSSIBLE, COMPLY WITH THE PROVISIONS OF THIS CHAPTER, BUT IN THE EVENT SUCH COMPLIANCE WOULD PREVENT A DRIVER FROM MOVING TO ANOTHER LANE, THE DRIVER MAY DISREGARD ANY PROHIBITIVE LANE MARKINGS OR TRAFFIC CONTROL DEVICES AS AN EMERGENCY MEASURE INTENDED TO PREVENT AN IMMINENT COLLISION. SUCH EMERGENCY MEASURE MAY ONLY BE UTILIZED WHEN THE DRIVER IS ABLE TO MOVE FROM THE DRIVER'S LANE SAFELY. IN THE EVENT THAT CONDITIONS PREVENT A DRIVER FROM MOVING TO ANOTHER LANE SAFELY, THE DRIVER SHALL BE REQUIRED TO REDUCE THE SPEED OF THE DRIVER'S VEHICLE TO A SPEED THAT IS REASONABLE AND PRUDENT UNDER THE CONDITIONS AND HAVING REGARD TO THE ACTUAL AND POTENTIAL HAZARDS THEN EXISTING PURSUANT TO SUBDIVISION (A) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS TITLE.

(b) [Every operator of a motor vehicle shall exercise due care to avoid colliding with a hazard vehicle which is parked, stopped or standing on the shoulder or on any portion of such highway and such hazard vehicle is displaying one or more amber lights pursuant to the provisions of paragraph three of subdivision forty-one of section three hundred seventy-five of this chapter. For operators of motor vehicles on parkways or controlled access highways, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent to the shoulder where such hazard vehicle displaying one or more amber lights pursuant to the provisions of paragraph three of subdivision forty-one of section three hundred seventy-five of this chapter is parked, stopped or standing to another lane, provided that such movement otherwise complies with the requirements of this chapter including, but not limited to, the provisions of sections eleven hundred ten and eleven hundred twenty-eight of this title.] ANY PERSON WHO VIOLATES SUBDIVISION (A) OF THIS SECTION AND WHO ENGAGES IN RECKLESS DRIVING AS DEFINED IN SECTION TWELVE HUNDRED TWELVE OF THIS CHAPTER, AND CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON SHALL BE GUILTY OF A CLASS E FELONY.

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

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