

STATE OF NEW YORK

8258

IN SENATE

February 7, 2022

Introduced by Sen. REICHLIN-MELNICK -- 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 requiring an operator of a motor vehicle to exercise due care to avoid colliding with a vehicle in distress which is parked, stopped, or standing on the shoulder of a highway

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 159-b to read as follows:

3 § 159-b. Vehicle in distress. A vehicle which is parked, stopped, or
4 standing on the shoulder of a highway, interstate, parkway, or road that
5 is experiencing an emergency condition. A vehicle in distress may be
6 identified by several features including but not limited to flashing
7 amber hazard warning lights, road flares, orange reflective triangle,
8 white flag in the window, or abnormal smoke coming from the vehicle.

9 § 2. Section 1144-a of the vehicle and traffic law, as amended by
10 chapter 458 of the laws of 2011, the section heading as amended and
11 subdivision (c) as added by chapter 97 of the laws of 2016, subdivision
12 (a) as amended by chapter 248 of the laws of 2013, and subdivision (b)
13 as amended by section 3 of part C of chapter 58 of the laws of 2020, is
14 amended to read as follows:

15 § 1144-a. Operation of vehicles when approaching a parked, stopped or
16 standing authorized emergency vehicle [~~or~~], hazard vehicle [~~or~~], vehicle
17 displaying blue or green light or vehicle in distress. (a) Every opera-
18 tor of a motor vehicle shall exercise due care to avoid colliding with
19 an authorized emergency vehicle which is parked, stopped or standing on
20 the shoulder or any portion of such highway and such authorized emergen-
21 cy vehicle is displaying one or more red or combination red and white
22 lights pursuant to the provisions of paragraph two of subdivision
23 forty-one of section three hundred seventy-five of this chapter or is
24 displaying one or more blue, combination blue and red or combination
25 blue, red and white lights pursuant to the provisions of subparagraph b
26 of paragraph four of subdivision forty-one of section three hundred

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

LBD05090-01-1

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 authorized emergency vehicle displaying one or more red, blue or white or any combination of red and white 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 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 of this title and eleven hundred twenty-eight 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 or, if such hazard vehicle is designed for the towing or pushing of disabled vehicles such hazard vehicle is displaying one or more amber lights or one or more blue or combination blue and amber lights pursuant to the provisions of paragraph three or subparagraph b-1 of paragraph four, as applicable, 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 (i) 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 or (ii) such hazard vehicle designed for the towing or pushing of disabled vehicles displaying one or more amber lights or one or more blue or combination blue and amber lights pursuant to the provisions of paragraph three or subparagraph b-1 of paragraph four, as applicable, 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.

(c) Every operator of a motor vehicle shall exercise due care to avoid colliding with a vehicle displaying a blue light pursuant to the provisions of paragraph four or a green light pursuant to the provisions of paragraph five of subdivision forty-one of section three hundred seventy-five of this chapter which is parked, stopped or standing on the shoulder or any portion of such highway. 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 vehicle displaying a blue light pursuant to the provisions of paragraph four or a green light pursuant to the provisions of paragraph 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 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.

(d) Every operator of a motor vehicle shall exercise due care to avoid colliding with a vehicle in distress which is parked, stopped, or stand-

1 ing on the shoulder of a highway. For operators of motor vehicles on
2 parkways or controlled access highways, such due care shall include, but
3 not be limited to, moving from a lane which contains or is immediately
4 adjacent to the shoulder where such a vehicle in distress is parked,
5 stopped or standing to another lane, provided that such movement other-
6 wise complies with the requirements of this chapter including, but not
7 limited to, the provisions of sections eleven hundred ten and eleven
8 hundred twenty-eight of this title.

9 § 3. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law.