STATE OF NEW YORK

8317

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. DURSO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring all vehicles move over or slow down for parked, stopped and standing vehicles on highways, requiring the inclusion of at least one question regarding such requirement on the state driver's license examination, and requires public education measures on such requirement

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 517 of the laws of 2023, is amended to read as follows:

§ 1144-a. Operation of vehicles when approaching [~~a~~] parked, stopped or standing [~~authorized emergency vehicle, hazard vehicle, vehicle displaying a blue or green light or certain other motor~~] vehicles. (a) [~~Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway and such authorized emergency vehicle is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two 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 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~~

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

LBD11954-01-5

~~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 or, if such hazard vehicle owned and operated by the state or by a county, city, town or village is designed for the removal of ice and snow such hazard vehicle is displaying one or more amber lights or one or more green or combination green and amber lights pursuant to the provisions of paragraph three or subparagraph (c) of paragraph five, 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 or (iii) such hazard vehicle owned and operated by the state or by a county, city, town or village is displaying one or more amber lights or one or more green or combination green and amber lights pursuant to the provisions of paragraph three or subparagraph (c) of paragraph five, 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 on a [~~parkway and on a controlled-access~~] highway shall exercise due care to avoid colliding with a motor vehicle which is parked, stopped or standing on the shoulder or any portion of such [~~parkway or controlled-access~~] highway. For the purposes of this [~~subdivision~~] section, such due care shall include, but not be limited to[~~,~~]:

(i) moving from a lane which contains or is immediately adjacent to the shoulder where such motor vehicle 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.

(ii) for such operators who are unable to safely move from the lane which contains or is immediately adjacent to the shoulder where such motor vehicle is parked, stopped or standing in compliance 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, reducing speed to a level that is both reasonable and prudent for the given circumstances, and is in no event greater than ten miles per hour below the posted speed limit when the speed limit is twenty-five miles per hour or greater, or five miles per hour when the posted speed limit is twenty miles per hour or less, whichever is lower.

(b) Violations of paragraphs (i) and (ii) of subdivision (a) of this section shall be subject to the same penalties, including but not limited to fines, driver violation points, and mandatory surcharges. The department is authorized and directed to increase penalties for repeat violations of this section or violations resulting in injury or death, in alignment with enhanced penalty structures adopted by other states to deter dangerous driving behaviors and protect roadside workers.

(c) The department, in consultation with the department of transportation, shall:

(i) develop and distribute comprehensive written materials detailing the move over law and its requirements to all applicants for a driver's license, as well as make such materials readily available at all licensing offices statewide.

(ii) display move-over safety reminders prominently on electronic traffic message boards and other appropriate signage along highways and major roadways throughout the state.

(iii) integrate and enhance instruction on the move over law within existing driver education programs, new driver curricula, and all public awareness campaigns, ensuring the law's provisions and safety rationale are clearly communicated to all motorists.

§ 2. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 379 of the laws of 2022, is amended to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", "Work Zone Safety" awareness, "Motorcycle Safety" awareness and "Pedestrian and Bicyclist Safety" awareness as defined by the commissioner, "School Bus Safety" awareness, the law relating to exercising due care to avoid colliding with [~~a~~] any parked, stopped or standing [~~authorized emergency vehicle~~

~~or hazard~~] vehicle pursuant to section eleven hundred forty-four-a of this chapter **including, but not limited to, the obligation to change lanes or reduce speed**, the ability to read and comprehend traffic signs and symbols and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning motorcycle safety. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter. Such test may include one or more questions concerning school bus safety. Such test may include one or more questions concerning pedestrian and bicyclist safety. Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.