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

1691

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. CAHILL, CYMBROWITZ, ORTIZ -- Multi-Sponsored by -- M. of A. COLTON, GUNTHER, JOHN, KOON, McENENY, TOWNS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to approaching a parked, stopped or standing hazard vehicle on the shoulder of a highway

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

Section 1. The vehicle and traffic law is amended by adding a new section 1132 to read as follows:

S 1132. OPERATION OF VEHICLES WHEN APPROACHING A PARKED, STOPPED OR STANDING HAZARD VEHICLE. 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 OF THIS TITLE AND ELEVEN HUNDRED TWENTY-EIGHT OF THIS ARTICLE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.

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

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