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

4655

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to tow truck operator safety

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 1212-a to read as follows:

S 1212-A. TOW TRUCK OPERATOR SAFETY. EVERY OPERATOR OF A MOTOR VEHICLE SHALL EXERCISE DUE CARE TO AVOID COLLIDING WITH A TOW TRUCK OR OPERATOR THEREOF WHICH: (A) IS PARKED, STOPPED OR STANDING ON THE SHOULDER OR ANY PORTION OF A PUBLIC HIGHWAY, (B) IS DISPLAYING AN AMBER LIGHT PURSUANT TO PARAGRAPH THREE OF SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER, AND (C) IS ASSISTING, SERVICING OR LOADING A DISABLED, ILLEGALLY PARKED OR ABANDONED MOTOR VEHICLE, OR A MOTOR VEHICLE INVOLVED IN AN ACCIDENT. FOR OPERATORS OF MOTOR VEHICLES ON PARKWAYS OR CONTROLLED ACCESS HIGHWAYS, SUCH DUE CARE SHALL INCLUDE, BUT NOT BE LIMITED TO, SLOWING THE SPEED OF SUCH VEHICLE OR MOVING FROM A LANE WHICH CONTAINS OR IS IMMEDIATELY ADJACENT TO THE SHOULDER WHERE SUCH TOW TRUCK 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. EVERY PERSON CONVICTED OF A VIOLATION OF THIS SECTION SHALL: FOR A FIRST CONVICTION THEREOF, BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS, OR BY IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT; FOR A CONVICTION OF A SECOND VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF THREE YEARS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN SEVEN HUNDRED DOLLARS NOR MORE THAN NINE HUNDRED DOLLARS, OR BY IMPRISONMENT FOR NOT MORE THAN ONE HUNDRED TWENTY DAYS, OR BY BOTH

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

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SUCH FINE AND IMPRISONMENT; UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF THREE YEARS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS NOR MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS, OR BY IMPRISONMENT FOR NOT MORE THAN ONE HUNDRED EIGHTY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT. UPON A CONVICTION OF A THIRD VIOLATION, ALL OF WHICH VIOLATIONS WERE COMMITTED WITHIN A PERIOD OF THREE YEARS, THE COURT SHALL SUSPEND SUCH PERSON'S OPERATOR'S LICENSE OR PRIVILEGE OF OBTAINING A LICENSE FOR A PERIOD OF SIX MONTHS.

S 2. The commissioner of motor vehicles shall make operators of motor vehicles in this state aware of the requirements of section 1212-a of the vehicle and traffic law, as added by section one of this act.

S 3. This act shall take effect immediately; provided that section one of this act shall take effect on the one hundred eightieth day after it shall have become a law.