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

5342

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. GIANARIS, REILLY, FIELDS, DelMONTE, MILLMAN, GORDON, PERALTA -- Multi-Sponsored by -- M. of A. ABBATE, CHRISTENSEN, COLTON, COOK, GREENE, GUNTHER, HYER-SPENCER, KOON, MAYERSOHN, ROBINSON, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to interference with a funeral procession

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. INTERFERENCE WITH A FUNERAL PROCESSION. (A) THE DRIVER OF A MOTOR VEHICLE SHALL NOT ENTER, DRIVE BETWEEN, OBSTRUCT, HINDER OR IN ANY WAY INTERFERE WITH THE VEHICLES CONSTITUTING A FUNERAL PROCESSION WHILE SUCH VEHICLES ARE IN MOTION UNLESS SUCH MOTOR VEHICLE IS PART OF SUCH PROCESSION, EXCEPT WHEN AUTHORIZED TO DO SO BY A POLICE OFFICER OR WHEN SUCH MOTOR VEHICLE IS AN AUTHORIZED EMERGENCY VEHICLE EXHIBITING A VISIBLE SIGNAL AND SOUNDING AN AUDIBLE SIGNAL.

(B) ANY PERSON OPERATING A MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF THIS SECTION SHALL BE GUILTY OF A TRAFFIC INFRACTION AND SUBJECT TO A FINE OF NOT MORE THAN FIFTY DOLLARS. THE COMMISSIONER SHALL NOT ASSESS ANY POINTS AGAINST THE LICENSE OF A PERSON FOUND TO HAVE VIOLATED THE PROVISIONS OF SUBDIVISION (A) OF THIS SECTION.

(C) NO PROVISION OF THIS SECTION SHALL BE DEEMED TO IMPOSE ANY LIABILITY FOR PERSONAL INJURY OR DAMAGES RESULTING FROM A VIOLATION OF THIS SECTION UPON A FUNERAL FIRM OR ANY PERSON LICENSED OR REGISTERED PURSUANT TO ARTICLE THIRTY-FOUR OF THE PUBLIC HEALTH LAW, OR ANY EMPLOYEE OR AGENT THEREOF, WHEN SUCH FIRM, PERSON, EMPLOYEE OR AGENT IS ACTING WITHIN THE SCOPE OF HIS, HER OR ITS DUTIES. NOR SHALL ANY PROVISION OF THIS SECTION BE DEEMED TO LIMIT THE LIABILITY OF ANY FUNERAL FIRM OR ANY PERSON LICENSED OR REGISTERED PURSUANT TO ARTICLE THIRTY-FOUR OF THE

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

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PUBLIC HEALTH LAW, OR ANY EMPLOYEE OR AGENT THEREOF, PURSUANT TO ANY OTHER PROVISION OF LAW OR AT EQUITY.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.