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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 6, 2009

Introduced by M. of A. PRETLOW, GUNTHER, CROUCH, FIELDS, COOK, FINCH, SPANO -- Multi-Sponsored by -- M. of A. BACALLES, BARRON, DUPREY, JOHN, MILLMAN, REILLY, SCHIMEL, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring an operator of a motor vehicle approaching stationary emergency vehicles, tow or recovery trucks, or highway maintenance vehicles on the roadway to switch lanes or reduce the speed of a motor vehicle

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

Section 1. Subdivision (b) of section 1144 of the vehicle and traffic law, as amended by chapter 300 of the laws of 1960, is amended to read as follows:

(b) THE OPERATOR OF A MOTOR VEHICLE APPROACHING A STATIONARY AUTHORIZED EMERGENCY VEHICLE THAT DISPLAYS FLASHING YELLOW, AMBER, WHITE, RED OR BLUE LIGHTS, OR A STATIONARY TOW VEHICLE OR A RECOVERY VEHICLE THAT DISPLAYS FLASHING LIGHTS WHILE PERFORMING A RECOVERY OR LOADING ON THE ROADSIDE, OR A STATIONARY HIGHWAY MAINTENANCE VEHICLE THAT DISPLAYS FLASHING LIGHTS, SHALL APPROACH SUCH EMERGENCY VEHICLE, TOW VEHICLE, RECOVERY VEHICLE OR HIGHWAY MAINTENANCE VEHICLE WITH DUE CAUTION AND SHALL, ABSENT ANY OTHER DIRECTION BY A LAW ENFORCEMENT OFFICER, PROCEED AS FOLLOWS:

(1) IF EXISTING SAFETY AND TRAFFIC CONDITIONS PERMIT, MAKE A LANE CHANGE INTO A LANE NOT ADJACENT TO SUCH VEHICLES; OR

(2) IF A LANE CHANGE PURSUANT TO PARAGRAPH ONE OF THIS SUBDIVISION IS NOT POSSIBLE, REDUCE THE SPEED OF SUCH MOTOR VEHICLE TO A REASONABLE AND PROPER SPEED FOR EXISTING ROAD AND TRAFFIC CONDITIONS, AND SHALL BE PREPARED TO STOP SUCH MOTOR VEHICLE.

VIOLATION OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE HUNDRED DOLLARS FOR THE FIRST VIOLATION AND FIVE HUNDRED DOLLARS FOR ANY SUBSEQUENT VIOLATIONS OF THIS SUBDIVISION.

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

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(C) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with reasonable care for all persons using the highway.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.