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

10097

I N  A S S E M B L Y

March 4, 2010

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

AN ACT to amend the vehicle and traffic law, in relation to removing vehicles from traffic following an accident

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

Section 1. Section 600 of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. REMOVAL OF A VEHICLE. A PERSON WHO MOVES A VEHICLE IN A MANNER CONSISTENT WITH SUBDIVISION (E) OF SECTION TWELVE HUNDRED OF THIS CHAPTER AND WHO REMAINS IN THE IMMEDIATE VICINITY OF AN ACCIDENT SHALL NOT BE CONSTRUED TO BE IN VIOLATION OF THIS SECTION BECAUSE OF SUCH MOVEMENT.

S 2. Section 1200 of the vehicle and traffic law is amended by adding a new subdivision (e) to read as follows:

(E) WHENEVER A VEHICLE IS INVOLVED IN AN ACCIDENT INVOLVING NO PERSONAL INJURY OR DEATH, THE DRIVER OF ANY INVOLVED VEHICLE SHALL IMMEDIATELY MOVE OR CAUSE REMOVAL OF THE VEHICLE FROM THE TRAVEL LANE TO A SAFE LOCATION ALONG THE HIGHWAY IN THE IMMEDIATE VICINITY OF THE INCIDENT, PROVIDED THAT THE VEHICLE IS OPERABLE AND THE MOVEMENT OF THE VEHICLE CAN BE DONE SAFELY. MOVEMENT CONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE CONSTRUED TO IMPLY THAT NO INJURY HAS OCCURRED NOR SHALL THE DRIVER BE CONSIDERED LIABLE OR AT FAULT REGARDING THE CAUSE OF THE ACCIDENT SOLELY BY MOVING OR CAUSING THE REMOVAL OF THE VEHICLE. MOVING A VEHICLE CONSISTENT WITH THIS SUBDIVISION SHALL NOT RELIEVE AN INVESTIGATING POLICE OFFICER FROM THE OBLIGATION TO FILE A REPORT OTHERWISE REQUIRED. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO AUTHORIZE OTHERWISE UNQUALIFIED PERSONS TO CLEAR OR REMOVE HAZARDOUS MATERIALS FROM THE HIGHWAY OR TO MOVE VEHICLES WHICH ARE TRANSPORTING HAZARDOUS MATERIALS IN A MANNER INCONSISTENT WITH APPLICABLE LAW.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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