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

1935

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. MORELLE, ORTIZ, CYMBROWITZ, HOYT -- Multi-Sponsored by -- M. of A. BENJAMIN, CHRISTENSEN, CLARK, COLTON, CUSICK, DelMONTE, FARRELL, V. LOPEZ, MAGEE, McENENY, SCARBOROUGH, SWEENEY, TOWNS, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to operation of a vehicle on approach of authorized emergency vehicles

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

Section 1. Section 1144 of the vehicle and traffic law is amended by adding two new subdivisions (c) and (d) to read as follows:

(C) UPON APPROACHING A STATIONARY AUTHORIZED EMERGENCY VEHICLE, WHEN THE AUTHORIZED EMERGENCY VEHICLE IS GIVING A SIGNAL BY DISPLAYING ALTERNATELY FLASHING RED OR RED AND WHITE LIGHTS, A PERSON WHO DRIVES AN APPROACHING VEHICLE SHALL:

(1) PROCEEDING WITH DUE CAUTION, YIELD THE RIGHT-OF-WAY BY MAKING A LANE CHANGE INTO A LANE NOT ADJACENT TO THAT OF THE AUTHORIZED EMERGENCY VEHICLE, IF POSSIBLE WITH DUE REGARD TO SAFETY AND TRAFFIC CONDITIONS, IF ON A HIGHWAY HAVING AT LEAST FOUR LANES WITH NOT LESS THAN TWO LANES PROCEEDING IN THE SAME DIRECTION AS THE APPROACHING VEHICLE; OR

(2) PROCEEDING WITH DUE CAUTION, REDUCE THE SPEED OF THE VEHICLE, MAINTAINING A SAFE SPEED FOR ROAD CONDITIONS, IF CHANGING LANES WOULD BE IMPOSSIBLE OR UNSAFE.

(D) A VIOLATION OF SUBDIVISION (C) OF THIS SECTION SHALL BE A TRAFFIC INFRACTION AND SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN THREE HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

S 2. This act shall take effect on the sixtieth day after 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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