

3210

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to enacting the
"Ambrose-Searles move over act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Ambrose-Searles move over act".
3 S 2. Subdivision 3 of section 502 of the vehicle and traffic law, as
4 amended by chapter 692 of the laws of 1985, is amended to read as
5 follows:
6 3. Application for learner's permit. An application for a learner's
7 permit shall be included in the application for a license. A learner's
8 permit shall be issued in such form as the commissioner shall determine
9 but shall not be issued unless the applicant has successfully passed the
10 vision test required by this section and the test set forth in paragraph
11 (a) of subdivision four of this section with respect to laws relating to
12 traffic and ability to read and comprehend traffic signs and symbols and
13 has satisfactorily completed any course required pursuant to paragraph
14 (a) of subdivision four of this section. Upon acceptance of an applica-
15 tion for a learner's permit the commissioner shall provide the applicant
16 with a driver's manual which includes but is not limited to the laws
17 relating to traffic, the laws relating to and physiological effects of
18 driving while ability impaired and driving while intoxicated, THE LAW
19 FOR EXERCISING DUE CARE TO AVOID COLLIDING WITH A PARKED, STOPPED OR
20 STANDING AUTHORIZED EMERGENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED
21 FORTY-FOUR-A OF THIS CHAPTER, explanations of traffic signs and symbols
22 and such other matters as the commissioner may prescribe.
23 S 3. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502
24 of the vehicle and traffic law, as amended by chapter 585 of the laws of
25 2002, is amended to read as follows:

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

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1 (i) Upon submission of an application for a driver's license, the
2 applicant shall be required to take and pass a test, or submit evidence
3 of passage of a test, with respect to the laws relating to traffic, the
4 laws relating to driving while ability is impaired and while intoxicat-
5 ed, under the overpowering influence of "Road Rage", or "Work Zone Safe-
6 ty" awareness as defined by the commissioner, THE LAW RELATING TO EXER-
7 CISING DUE CARE TO AVOID COLLIDING WITH A PARKED, STOPPED OR STANDING
8 AUTHORIZED EMERGENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED
9 FORTY-FOUR-A OF THIS CHAPTER, the ability to read and comprehend traffic
10 signs and symbols and such other matters as the commissioner may
11 prescribe, and to satisfactorily complete a course prescribed by the
12 commissioner of not less than four hours and not more than five hours,
13 consisting of classroom driver training and highway safety instruction
14 or the equivalent thereof. Such test shall include at least seven writ-
15 ten questions concerning the effects of consumption of alcohol or drugs
16 on the ability of a person to operate a motor vehicle and the legal and
17 financial consequences resulting from violations of section eleven
18 hundred ninety-two of this chapter, prohibiting the operation of a motor
19 vehicle while under the influence of alcohol or drugs. Such test shall
20 include one or more written questions concerning the devastating effects
21 of "Road Rage" on the ability of a person to operate a motor vehicle and
22 the legal and financial consequences resulting from assaulting, threat-
23 ening or interfering with the lawful conduct of another person legally
24 using the roadway. Such test shall include one or more questions
25 concerning the potential dangers to persons and equipment resulting from
26 the unsafe operation of a motor vehicle in a work zone. SUCH TEST MAY
27 INCLUDE ONE OR MORE QUESTIONS CONCERNING THE LAW FOR EXERCISING DUE CARE
28 TO AVOID COLLIDING WITH A PARKED, STOPPED OR STANDING AUTHORIZED EMER-
29 GENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED FORTY-FOUR-A OF THIS
30 CHAPTER. Such test shall be administered by the commissioner. The
31 commissioner shall cause the applicant to take a vision test and a test
32 for color blindness. Upon passage of the vision test, the application
33 may be accepted and the application fee shall be payable.

34 S 4. The vehicle and traffic law is amended by adding a new section
35 1144-a to read as follows:

36 S 1144-A. OPERATION OF VEHICLES WHEN APPROACHING A PARKED, STOPPED OR
37 STANDING AUTHORIZED EMERGENCY VEHICLE. EVERY OPERATOR OF A MOTOR VEHICLE
38 SHALL EXERCISE DUE CARE TO AVOID COLLIDING WITH AN AUTHORIZED EMERGENCY
39 VEHICLE WHICH IS PARKED, STOPPED OR STANDING ON THE SHOULDER OR ANY
40 PORTION OF SUCH HIGHWAY AND SUCH AUTHORIZED EMERGENCY VEHICLE IS
41 DISPLAYING ONE OR MORE RED OR COMBINATION RED AND WHITE LIGHTS PURSUANT
42 TO THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION FORTY-ONE OF SECTION
43 THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER. FOR OPERATORS OF MOTOR
44 VEHICLES ON PARKWAYS OR CONTROLLED ACCESS HIGHWAYS, SUCH DUE CARE SHALL
45 INCLUDE, BUT NOT BE LIMITED TO, MOVING FROM A LANE WHICH CONTAINS OR IS
46 IMMEDIATELY ADJACENT TO THE SHOULDER WHERE SUCH AUTHORIZED EMERGENCY
47 VEHICLE DISPLAYING ONE OR MORE RED OR COMBINATION RED AND WHITE LIGHTS
48 PURSUANT TO THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION FORTY-ONE OF
49 SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER IS PARKED, STOPPED OR
50 STANDING TO ANOTHER LANE, PROVIDED THAT SUCH MOVEMENT OTHERWISE COMPLIES
51 WITH THE REQUIREMENTS OF THIS CHAPTER INCLUDING, BUT NOT LIMITED TO, THE
52 PROVISIONS OF SECTIONS ELEVEN HUNDRED TEN OF THIS TITLE AND ELEVEN
53 HUNDRED TWENTY-EIGHT OF THIS TITLE. EVERY PERSON CONVICTED OF A
54 VIOLATION OF THIS SECTION SHALL: FOR A FIRST CONVICTION THEREOF, BE
55 PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE
56 THAN FOUR HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN THIRTY

1 DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT; FOR A CONVICTION OF A SECOND
2 VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF THREE YEARS,
3 SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN SIX HUNDRED
4 DOLLARS NOR MORE THAN SEVEN HUNDRED FIFTY DOLLARS OR BY IMPRISONMENT FOR
5 NOT MORE THAN ONE HUNDRED EIGHTY DAYS OR BY BOTH SUCH FINE AND IMPRISON-
6 MENT; UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH
7 WERE COMMITTED WITHIN A PERIOD OF THREE YEARS, SUCH PERSON SHALL BE
8 PUNISHED BY A FINE OF NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS NOR MORE
9 THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE
10 HUNDRED EIGHTY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT.

11 S 5. The commissioner of motor vehicles shall establish and implement
12 an educational program designed to inform operators of motor vehicles in
13 this state of the requirements of section 1144-a of the vehicle and
14 traffic law, as added by section four of this act.

15 S 6. This act shall take effect immediately, provided that:

16 (a) sections two and three of this act shall take effect September 1,
17 2009, except that the promulgation of any rules and regulations, and the
18 taking of any other actions necessary to implement the provisions of
19 such sections of this act are authorized and directed to be made on or
20 before the effective date of such sections of this act; and

21 (b) section four of this act shall take effect January 1, 2010.