

7423

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,
SPANIO -- 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision (b) of section 1144 of the vehicle and traffic
2 law, as amended by chapter 300 of the laws of 1960, is amended to read
3 as follows:
4 (b) THE OPERATOR OF A MOTOR VEHICLE APPROACHING A STATIONARY AUTHOR-
5 IZED EMERGENCY VEHICLE THAT DISPLAYS FLASHING YELLOW, AMBER, WHITE, RED
6 OR BLUE LIGHTS, OR A STATIONARY TOW VEHICLE OR A RECOVERY VEHICLE THAT
7 DISPLAYS FLASHING LIGHTS WHILE PERFORMING A RECOVERY OR LOADING ON THE
8 ROADSIDE, OR A STATIONARY HIGHWAY MAINTENANCE VEHICLE THAT DISPLAYS
9 FLASHING LIGHTS, SHALL APPROACH SUCH EMERGENCY VEHICLE, TOW VEHICLE,
10 RECOVERY VEHICLE OR HIGHWAY MAINTENANCE VEHICLE WITH DUE CAUTION AND
11 SHALL, ABSENT ANY OTHER DIRECTION BY A LAW ENFORCEMENT OFFICER, PROCEED
12 AS FOLLOWS:
13 (1) IF EXISTING SAFETY AND TRAFFIC CONDITIONS PERMIT, MAKE A LANE
14 CHANGE INTO A LANE NOT ADJACENT TO SUCH VEHICLES; OR
15 (2) IF A LANE CHANGE PURSUANT TO PARAGRAPH ONE OF THIS SUBDIVISION IS
16 NOT POSSIBLE, REDUCE THE SPEED OF SUCH MOTOR VEHICLE TO A REASONABLE AND
17 PROPER SPEED FOR EXISTING ROAD AND TRAFFIC CONDITIONS, AND SHALL BE
18 PREPARED TO STOP SUCH MOTOR VEHICLE.
19 VIOLATION OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE NOT TO
20 EXCEED ONE HUNDRED DOLLARS FOR THE FIRST VIOLATION AND FIVE HUNDRED
21 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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1 (C) This section shall not operate to relieve the driver of an author-
2 ized emergency vehicle from the duty to drive with reasonable care for
3 all persons using the highway.
4 S 2. This act shall take effect on the thirtieth day after it shall
5 have become a law.