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

2502

2009-2010 Regular Sessions

I N S E N A T E

February 23, 2009

Introduced by Sens. DeFRANCISCO, MAZIARZ -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "Ambrose-Searles move over act".

S 2. Subdivision 3 of section 502 of the vehicle and traffic law, as amended by chapter 692 of the laws of 1985, is amended to read as follows:

3. Application for learner's permit. An application for a learner's permit shall be included in the application for a license. A learner's permit shall be issued in such form as the commissioner shall determine but shall not be issued unless the applicant has successfully passed the vision test required by this section and the test set forth in paragraph (a) of subdivision four of this section with respect to laws relating to traffic and ability to read and comprehend traffic signs and symbols and has satisfactorily completed any course required pursuant to paragraph (a) of subdivision four of this section. Upon acceptance of an application for a learner's permit the commissioner shall provide the applicant with a driver's manual which includes but is not limited to the laws relating to traffic, the laws relating to and physiological effects of driving while ability impaired and driving while intoxicated, *THE LAW FOR EXERCISING DUE CARE TO AVOID COLLIDING WITH A PARKED, STOPPED OR STANDING AUTHORIZED EMERGENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED FORTY-FOUR-A OF THIS CHAPTER*, explanations of traffic signs and symbols and such other matters as the commissioner may prescribe.

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

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S 3. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 585 of the laws of 2002, is amended to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", or "Work Zone Safety" awareness as defined by the commissioner, THE LAW RELATING TO EXERCISING DUE CARE TO AVOID COLLIDING WITH A PARKED, STOPPED OR STANDING AUTHORIZED EMERGENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED FORTY-FOUR-A OF THIS CHAPTER, the ability to read and comprehend traffic signs and symbols and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. SUCH TEST MAY INCLUDE ONE OR MORE QUESTIONS CONCERNING THE LAW FOR EXERCISING DUE CARE TO AVOID COLLIDING WITH A PARKED, STOPPED OR STANDING AUTHORIZED EMERGENCY VEHICLE PURSUANT TO SECTION ELEVEN HUNDRED FORTY-FOUR-A OF THIS CHAPTER. Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

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

S 1144-A. OPERATION OF VEHICLES WHEN APPROACHING A PARKED, STOPPED OR STANDING AUTHORIZED EMERGENCY VEHICLE. EVERY OPERATOR OF A MOTOR VEHICLE SHALL EXERCISE DUE CARE TO AVOID COLLIDING WITH AN AUTHORIZED EMERGENCY VEHICLE WHICH IS PARKED, STOPPED OR STANDING ON THE SHOULDER OR ANY PORTION OF SUCH HIGHWAY AND SUCH AUTHORIZED EMERGENCY VEHICLE IS DISPLAYING ONE OR MORE RED OR COMBINATION RED AND WHITE LIGHTS PURSUANT TO THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER. FOR OPERATORS OF MOTOR VEHICLES ON PARKWAYS OR CONTROLLED ACCESS HIGHWAYS, SUCH DUE CARE SHALL INCLUDE, BUT NOT BE LIMITED TO, MOVING FROM A LANE WHICH CONTAINS OR IS IMMEDIATELY ADJACENT TO THE SHOULDER WHERE SUCH AUTHORIZED EMERGENCY VEHICLE DISPLAYING ONE OR MORE RED OR COMBINATION RED AND WHITE LIGHTS PURSUANT TO THE PROVISIONS OF PARAGRAPH TWO OF SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER IS PARKED, STOPPED OR STANDING TO ANOTHER LANE, PROVIDED THAT SUCH MOVEMENT OTHERWISE COMPLIES WITH THE REQUIREMENTS OF THIS CHAPTER INCLUDING, BUT NOT LIMITED TO, THE PROVISIONS OF SECTIONS ELEVEN HUNDRED TEN OF THIS TITLE AND ELEVEN HUNDRED TWENTY-EIGHT OF THIS TITLE. EVERY PERSON CONVICTED OF A

VIOLATION OF THIS SECTION SHALL: FOR A FIRST CONVICTION THEREOF, BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FOUR HUNDRED DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN THIRTY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT; FOR A CONVICTION OF A SECOND VIOLATION, BOTH OF WHICH WERE COMMITTED WITHIN A PERIOD OF THREE YEARS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN SIX HUNDRED DOLLARS NOR MORE THAN SEVEN HUNDRED FIFTY DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE HUNDRED EIGHTY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT; UPON A CONVICTION OF A THIRD OR SUBSEQUENT VIOLATION, ALL OF WHICH WERE COMMITTED WITHIN A PERIOD OF THREE YEARS, SUCH PERSON SHALL BE PUNISHED BY A FINE OF NOT LESS THAN SEVEN HUNDRED FIFTY DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT FOR NOT MORE THAN ONE HUNDRED EIGHTY DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT.

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

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

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

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