

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:

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.

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

LBD05512-01-9

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

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

37 S 4. The vehicle and traffic law is amended by adding a new section
38 1144-a to read as follows:

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

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

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

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

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

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