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

2792

2009-2010 Regular Sessions

I N S E N A T E

March 3, 2009

Introduced by Sen. STACHOWSKI -- 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 the right-of-way of vehicles participating in a funeral procession

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

Section 1. The vehicle and traffic law is amended by adding a new section 1144-a to read as follows:

S 1144-A. OPERATION OF VEHICLES ON APPROACH OF VEHICLES IN A FUNERAL PROCESSION. (A) UPON THE IMMEDIATE APPROACH OF A VEHICLE WHICH (I) HAS A BLACK FLAG WITH THE WORD "FUNERAL" AFFIXED TO IT IN THE MANNER PROVIDED FOR IN PARAGRAPH (FF) OF SUBDIVISION TWELVE-A OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER, AND (II) HAS THOSE LIGHTS COMMONLY REFERRED TO AS "HAZARD" OR "FLASHING" LIGHTS TURNED ON AND OPERATING, THE DRIVER OF EVERY OTHER VEHICLE SHALL YIELD THE RIGHT-OF-WAY AND SHALL IMMEDIATELY DRIVE TO A POSITION PARALLEL TO, AND AS CLOSE AS POSSIBLE TO, THE RIGHT-HAND EDGE OR CURB OF THE ROADWAY, OR TO EITHER EDGE OF A ONE-WAY ROADWAY THREE OR MORE LANES IN WIDTH, CLEAR OF ANY INTERSECTION, AND SHALL STOP AND REMAIN IN SUCH POSITION UNTIL THE VEHICLE DISPLAYING SUCH FLAG HAS PASSED, UNLESS OTHERWISE DIRECTED BY A POLICE OFFICER.

(B) THIS SECTION SHALL NOT OPERATE TO RELIEVE THE DRIVER OF A VEHICLE DISPLAYING SUCH A FLAG FROM THE DUTY TO DRIVE WITH REASONABLE CARE FOR ALL PERSONS USING THE HIGHWAY.

(C) ANY PERSON OPERATING A VEHICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION SHALL NEVERTHELESS YIELD THE RIGHT-OF-WAY TO AN AUTHORIZED EMERGENCY VEHICLE ENGAGED IN EMERGENCY OPERATION WITH ITS SIREN OR LIGHTS ACTIVATED.

S 2. This act shall take effect immediately.

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

LBD03174-01-9