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

4082--A

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. GABRYSZAK, ROBINSON, COOK -- Multi-Sponsored by -- M. of A. BOYLAND, BURLING, CONTE, CROUCH, DUPREY, FINCH, GIGLIO, KOLB, MAGEE, McDONOUGH, McKEVITT, PEOPLES-STOKES, P. RIVERA, WEISENBERG -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to the safety of funeral processions

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-b to read as follows:

S 1144-B. OPERATION OF MOTOR VEHICLES ON APPROACH OF MOTOR VEHICLES IN A FUNERAL PROCESSION. (A) UPON THE IMMEDIATE APPROACH OF A MOTOR VEHICLE WHICH 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, THE DRIVER OF EVERY OTHER MOTOR 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 OF THE HIGHWAY, OR TO EITHER EDGE OF A ONE-WAY HIGHWAY THREE OR MORE LANES IN WIDTH, CLEAR OF ANY INTERSECTION, AND SHALL STOP AND REMAIN IN SUCH POSITION UNTIL THE MOTOR 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 MOTOR VEHICLE PARTICIPATING IN A BURIAL OR FUNERAL PROCESSION FROM THE DUTY TO DRIVE WITH REASONABLE CARE FOR ALL PERSONS USING THE HIGHWAY.

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

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

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S 2. Subdivision (c) of section 1129 of the vehicle and traffic law is amended to read as follows:

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A DRIVER OF A MOTOR VEHICLE SHALL NOT FORCEFULLY OR OTHERWISE ENTER THE SPACE BETWEEN MOTOR VEHICLES IN A FUNERAL PROCESSION SO AS TO DISRUPT THE ORDERLY PROGRESSION AND MOVEMENT OF SAID PROCESSION. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SUBDIVISION SHALL BE PUNISHED BY A CIVIL FINE OF UP TO ONE HUNDRED DOLLARS.

S 3. This act shall take effect immediately.