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

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I N A S S E M B L Y

May 17, 2012

Introduced by M. of A. ZEBROWSKI, GUNTHER, GALEF, McDONOUGH, PERRY, MAISEL, REILLY, ABBATE, SCARBOROUGH, KEARNS, BRONSON, WEPRIN, BARRETT, WALTER, SCHIMMINGER, CLARK, TITUS, P. RIVERA, RA, BURLING, FINCH, CRESPO, MARKEY -- Multi-Sponsored by -- M. of A. ARROYO, BOYLAND, BRENNAN, HAWLEY, HOOPER, McLAUGHLIN, SWEENEY, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring drivers to move from a lane which contains or is immediately adjacent to the shoulder where a vehicle displaying an emergency condition is parked, stopped or standing to another lane

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 159-a to read as follows:

S 159-A. VEHICLE IN DISTRESS. A VEHICLE WHICH IS PARKED, STOPPED, OR STANDING ON THE SHOULDER OF A HIGHWAY, INTERSTATE, PARKWAY, OR ROAD THAT IS EXPERIENCING AN EMERGENCY CONDITION. A VEHICLE IN DISTRESS THAT MAY BE IDENTIFIED BY SEVERAL FEATURES INCLUDING BUT NOT LIMITED TO FLASHING AMBER HAZARD WARNING LIGHTS, OPEN HOOD, ROAD FLARES, ORANGE REFLECTIVE TRIANGLE, WHITE FLAG IN THE WINDOW, FLAT TIRE, LEAKING FLUIDS, OR ABNORMAL SMOKE COMING FROM THE VEHICLE.

S 2. Section 1144-a of the vehicle and traffic law is amended by adding a new subdivision (c) to read as follows:

(C) EVERY OPERATOR OF A MOTOR VEHICLE SHALL EXERCISE DUE CARE TO AVOID COLLIDING WITH A VEHICLE IN DISTRESS WHICH IS PARKED, STOPPED, OR STANDING ON THE SHOULDER OF A HIGHWAY AND DISPLAYING AN EMERGENCY CONDITION INCLUDING BUT NOT LIMITED TO AMBER HAZARD WARNING LIGHTS, ROAD FLARES, WHITE FLAG IN WINDOW, OR REFLECTIVE HAZARD TRIANGLE. FOR OPERATORS OF MOTOR VEHICLES ON PARKWAYS OR CONTROLLED ACCESS HIGHWAYS, SUCH DUE CARE SHALL INCLUDE, BUT NOT LIMITED TO, MOVING FROM A LANE WHICH CONTAINS OR IS IMMEDIATELY ADJACENT TO THE SHOULDER WHERE SUCH A VEHICLE IS DISPLAYING AN EMERGENCY CONDITION 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 AND ELEVEN HUNDRED TWENTY-EIGHT OF THIS TITLE.

S 3. This act shall take effect immediately.

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

LBD15489-01-2