

1296

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. GANTT -- read once and referred to the Committee  
on Transportation

AN ACT to amend the vehicle and traffic law, in relation to removing  
vehicles from traffic following an accident

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

1     Section 1. Section 600 of the vehicle and traffic law is amended by  
2 adding a new subdivision 3 to read as follows:

3     3. REMOVAL OF A VEHICLE. A PERSON WHO MOVES A VEHICLE IN A MANNER  
4 CONSISTENT WITH SUBDIVISION (E) OF SECTION TWELVE HUNDRED OF THIS CHAP-  
5 TER AND WHO REMAINS IN THE IMMEDIATE VICINITY OF AN ACCIDENT SHALL NOT  
6 BE CONSTRUED TO BE IN VIOLATION OF THIS SECTION BECAUSE OF SUCH MOVE-  
7 MENT.

8     S 2. Section 1200 of the vehicle and traffic law is amended by adding  
9 a new subdivision (e) to read as follows:

10     (E) WHENEVER A VEHICLE IS INVOLVED IN AN ACCIDENT INVOLVING NO  
11 PERSONAL INJURY OR DEATH, THE DRIVER OF ANY INVOLVED VEHICLE SHALL IMME-  
12 DIATELY MOVE OR CAUSE REMOVAL OF THE VEHICLE FROM THE TRAVEL LANE TO A  
13 SAFE LOCATION ALONG THE HIGHWAY IN THE IMMEDIATE VICINITY OF THE INCI-  
14 DENT, PROVIDED THAT THE VEHICLE IS OPERABLE AND THE MOVEMENT OF THE  
15 VEHICLE CAN BE DONE SAFELY. MOVEMENT CONSISTENT WITH THE PROVISIONS OF  
16 THIS SUBDIVISION SHALL NOT BE CONSTRUED TO IMPLY THAT NO INJURY HAS  
17 OCCURRED NOR SHALL THE DRIVER BE CONSIDERED LIABLE OR AT FAULT REGARDING  
18 THE CAUSE OF THE ACCIDENT SOLELY BY MOVING OR CAUSING THE REMOVAL OF THE  
19 VEHICLE. MOVING A VEHICLE CONSISTENT WITH THIS SUBDIVISION SHALL NOT  
20 RELIEVE AN INVESTIGATING POLICE OFFICER FROM THE OBLIGATION TO FILE A  
21 REPORT OTHERWISE REQUIRED. NOTHING IN THIS SUBDIVISION SHALL BE  
22 CONSTRUED TO AUTHORIZE OTHERWISE UNQUALIFIED PERSONS TO CLEAR OR REMOVE  
23 HAZARDOUS MATERIALS FROM THE HIGHWAY OR TO MOVE VEHICLES WHICH ARE

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

LBD03014-01-1

1 TRANSPORTING HAZARDOUS MATERIALS IN A MANNER INCONSISTENT WITH APPLICA-  
2 BLE LAW.  
3 S 3. This act shall take effect on the first of November next succeed-  
4 ing the date on which it shall have become a law.