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

7247

2011-2012 Regular Sessions

I N A S S E M B L Y

April 20, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to traffic-control devices and motorcycles

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 1254 to read as follows:

S 1254. FAILURE OF TRAFFIC-CONTROL DEVICE TO RECOGNIZE MOTORCYCLE. AN OPERATOR OF A MOTORCYCLE APPROACHING AN INTERSECTION CONTROLLED BY A TRAFFIC-CONTROL DEVICE THAT IS INOPERATIVE AND FAILS TO CHANGE TO A GREEN SIGNAL DUE TO THE SIZE OR WEIGHT OF THE MOTORCYCLE SHALL COME TO A FULL AND COMPLETE STOP AT THE INTERSECTION IN RESPONSE TO A RED LIGHT AND, AFTER WAITING FOR A REASONABLE PERIOD OF TIME NO LESS THAN SIXTY SECONDS, FOR SUCH TRAFFIC-CONTROL DEVICE TO DETECT SUCH MOTORCYCLE, MAY PROCEED WITH DUE CAUTION THROUGH THE INTERSECTION WHEN IT IS SAFE TO DO SO DESPITE THE RED SIGNAL. THE DRIVER OF ANY VEHICLE APPROACHING THE INTERSECTION WHO LAWFULLY MAY ENTER THE INTERSECTION OR ANY PEDESTRIANS LAWFULLY WITHIN AN ADJACENT CROSSWALK SHALL HAVE RIGHT-OF-WAY OVER ANY MOTORCYCLE OPERATOR PROCEEDING THROUGH A RED LIGHT. IN NO EVENT WHERE AN ACCIDENT RESULTS FROM THE OPERATOR OF THE MOTORCYCLE PROCEEDING INTO THE INTERSECTION ON A RED LIGHT SHALL A PEDESTRIAN OR A DRIVER OF ANY VEHICLE WITH RIGHT-OF-WAY BE CHARGED WITH ANY TRAFFIC INFRACTION.

S 2. Paragraph 3 of subdivision (d) of section 1111 of the vehicle and traffic law, as amended by chapter 356 of the laws of 1971 and as renumbered by chapter 760 of the laws of 1974, is amended to read as follows:

3. [Traffic] EXCEPT AS OTHERWISE PROVIDED IN SECTION TWELVE HUNDRED FIFTY-FOUR OF THIS TITLE, TRAFFIC, except pedestrians, facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the

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

LBD10726-01-1

same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown.

S 3. This act shall take effect immediately.