

2769--A

Cal. No. 72

2011-2012 Regular Sessions

I N   S E N A T E

February 1, 2011

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Introduced by Sens. BONACIC, AVELLA, FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to approaching a parked, stopped or standing hazard vehicle on the shoulder of a highway

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

1     Section 1. Subdivision 3 of section 502 of the vehicle and traffic  
2 law, as amended by chapter 387 of the laws of 2010, is amended to read  
3 as follows:  
4     3. Application for learner's permit. An application for a learner's  
5 permit shall be included in the application for a license. A learner's  
6 permit shall be issued in such form as the commissioner shall determine  
7 but shall not be issued unless the applicant has successfully passed the  
8 vision test required by this section and the test set forth in paragraph  
9 (a) of subdivision four of this section with respect to laws relating to  
10 traffic and ability to read and comprehend traffic signs and symbols and  
11 has satisfactorily completed any course required pursuant to paragraph  
12 (a) of subdivision four of this section. Upon acceptance of an applica-  
13 tion for a learner's permit the commissioner shall provide the applicant  
14 with a driver's manual which includes but is not limited to the laws  
15 relating to traffic, the laws relating to and physiological effects of  
16 driving while ability impaired and driving while intoxicated, the law  
17 for exercising due care to avoid colliding with a parked, stopped or  
18 standing authorized emergency vehicle OR HAZARD VEHICLE pursuant to  
19 section eleven hundred forty-four-a of this chapter, explanations of  
20 traffic signs and symbols and such other matters as the commissioner may  
21 prescribe.

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

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1 S 2. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502  
2 of the vehicle and traffic law, as amended by chapter 387 of the laws of  
3 2010, is amended to read as follows:

4 (i) Upon submission of an application for a driver's license, the  
5 applicant shall be required to take and pass a test, or submit evidence  
6 of passage of a test, with respect to the laws relating to traffic, the  
7 laws relating to driving while ability is impaired and while intoxicat-  
8 ed, under the overpowering influence of "Road Rage", or "Work Zone Safe-  
9 ty" awareness as defined by the commissioner, the law relating to exer-  
10 cising due care to avoid colliding with a parked, stopped or standing  
11 authorized emergency vehicle OR HAZARD VEHICLE pursuant to section elev-  
12 en hundred forty-four-a of this chapter, the ability to read and compre-  
13 hend traffic signs and symbols and such other matters as the commission-  
14 er may prescribe, and to satisfactorily complete a course prescribed by  
15 the commissioner of not less than four hours and not more than five  
16 hours, consisting of classroom driver training and highway safety  
17 instruction or the equivalent thereof. Such test shall include at least  
18 seven written questions concerning the effects of consumption of alcohol  
19 or drugs on the ability of a person to operate a motor vehicle and the  
20 legal and financial consequences resulting from violations of section  
21 eleven hundred ninety-two of this chapter, prohibiting the operation of  
22 a motor vehicle while under the influence of alcohol or drugs. Such test  
23 shall include one or more written questions concerning the devastating  
24 effects of "Road Rage" on the ability of a person to operate a motor  
25 vehicle and the legal and financial consequences resulting from assault-  
26 ing, threatening or interfering with the lawful conduct of another  
27 person legally using the roadway. Such test shall include one or more  
28 questions concerning the potential dangers to persons and equipment  
29 resulting from the unsafe operation of a motor vehicle in a work zone.  
30 Such test may include one or more questions concerning the law for exer-  
31 cising due care to avoid colliding with a parked, stopped or standing  
32 authorized emergency vehicle OR HAZARD VEHICLE pursuant to section elev-  
33 en hundred forty-four-a of this chapter. Such test shall be administered  
34 by the commissioner. The commissioner shall cause the applicant to take  
35 a vision test and a test for color blindness. Upon passage of the vision  
36 test, the application may be accepted and the application fee shall be  
37 payable.

38 S 3. Section 1144-a of the vehicle and traffic law, as added by chap-  
39 ter 387 of the laws of 2010, is amended to read as follows:

40 S 1144-a. Operation of vehicles when approaching a parked, stopped or  
41 standing authorized emergency vehicle OR HAZARD VEHICLE. Every operator  
42 of a motor vehicle shall exercise due care to avoid colliding with an  
43 authorized emergency vehicle OR HAZARD VEHICLE which is parked, stopped  
44 or standing on the shoulder or any portion of such highway and such  
45 authorized emergency vehicle is displaying one or more red or combina-  
46 tion red, BLUE and white lights pursuant to the provisions of paragraph  
47 two of subdivision forty-one of section three hundred seventy-five of  
48 this chapter AND SUCH HAZARD VEHICLE IS DISPLAYING ONE OR MORE AMBER  
49 LIGHTS PURSUANT TO THE PROVISIONS OF PARAGRAPH THREE OF SUBDIVISION  
50 FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER. For  
51 operators of motor vehicles on parkways or controlled access highways,  
52 such due care shall include, but not be limited to, moving from a lane  
53 which contains or is immediately adjacent to the shoulder where such  
54 authorized emergency vehicle [displaying one or more red or combination  
55 red and white lights pursuant to the provisions of paragraph two of  
56 subdivision forty-one of section three hundred seventy-five of this

1 chapter] OR HAZARD VEHICLE is parked, stopped or standing to another  
2 lane, provided that such movement otherwise complies with the require-  
3 ments of this chapter including, but not limited to, the provisions of  
4 sections eleven hundred ten of this title and eleven hundred twenty-  
5 eight of this title.  
6 S 4. This act shall take effect September 1, 2011; provided that: (a)  
7 any rules and regulations, and the taking of any other actions necessary  
8 to implement the provisions of such sections of this act are authorized  
9 and directed to be made on or before such effective date; and (b)  
10 section three of this act shall take effect January 1, 2012.