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

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I N  S E N A T E

February 1, 2011

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 -- again 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:

Section 1. Subdivision 3 of section 502 of the vehicle and traffic law, as amended by chapter 387 of the laws of 2010, is amended to read as follows:

3. Application for learner's permit. An application for a learner's permit shall be included in the application for a license. A learner's permit shall be issued in such form as the commissioner shall determine but shall not be issued unless the applicant has successfully passed the vision test required by this section and the test set forth in paragraph (a) of subdivision four of this section with respect to laws relating to traffic and ability to read and comprehend traffic signs and symbols and has satisfactorily completed any course required pursuant to paragraph (a) of subdivision four of this section. Upon acceptance of an application for a learner's permit the commissioner shall provide the applicant with a driver's manual which includes but is not limited to the laws relating to traffic, the laws relating to and physiological effects of driving while ability impaired and driving while intoxicated, the law for exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle OR HAZARD VEHICLE pursuant to section eleven hundred forty-four-a of this chapter, explanations of

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

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traffic signs and symbols and such other matters as the commissioner may prescribe.

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

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", or "Work Zone Safety" awareness as defined by the commissioner, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle OR HAZARD VEHICLE pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle OR HAZARD VEHICLE pursuant to section eleven hundred forty-four-a of this chapter. Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

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

S 1144-a. Operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle OR HAZARD VEHICLE. (A) Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway and such authorized emergency vehicle is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter. For operators of motor vehicles on parkways or controlled access highways, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent to the shoulder where such authorized emergency vehicle displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter 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 of this title and eleven hundred twenty-eight of this title.

(B) EVERY OPERATOR OF A MOTOR VEHICLE SHALL EXERCISE DUE CARE TO AVOID COLLIDING WITH A HAZARD VEHICLE WHICH IS PARKED, STOPPED OR STANDING ON THE SHOULDER OR ON ANY PORTION OF SUCH HIGHWAY AND SUCH HAZARD VEHICLE IS DISPLAYING ONE OR MORE AMBER LIGHTS PURSUANT TO THE PROVISIONS OF PARAGRAPH THREE OF SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER. FOR OPERATORS OF MOTOR VEHICLES ON PARKWAYS OR CONTROLLED ACCESS HIGHWAYS, SUCH DUE CARE SHALL INCLUDE, BUT NOT BE LIMITED TO, MOVING FROM A LANE WHICH CONTAINS OR IS IMMEDIATELY ADJACENT TO THE SHOULDER WHERE SUCH HAZARD VEHICLE DISPLAYING ONE OR MORE AMBER LIGHTS PURSUANT TO THE PROVISIONS OF PARAGRAPH THREE OF SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER 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 4. This act shall take effect immediately, provided that: (a) sections one and two of this act shall take effect September 1, 2011, except that the promulgation of any rules and regulations, and the taking of any other actions necessary to implement the provisions of such sections of this act are authorized and directed to be made on or before the effective date of such sections; and (b) section three of this act shall take effect January 1, 2012.