

2769--B

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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:

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

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

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

3 S 2. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502
4 of the vehicle and traffic law, as amended by chapter 387 of the laws of
5 2010, is amended to read as follows:

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

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

42 S 1144-a. Operation of vehicles when approaching a parked, stopped or
43 standing authorized emergency vehicle OR HAZARD VEHICLE. (A) Every
44 operator of a motor vehicle shall exercise due care to avoid colliding
45 with an authorized emergency vehicle which is parked, stopped or stand-
46 ing on the shoulder or any portion of such highway and such authorized
47 emergency vehicle is displaying one or more red or combination red and
48 white lights pursuant to the provisions of paragraph two of subdivision
49 forty-one of section three hundred seventy-five of this chapter. For
50 operators of motor vehicles on parkways or controlled access highways,
51 such due care shall include, but not be limited to, moving from a lane
52 which contains or is immediately adjacent to the shoulder where such
53 authorized emergency vehicle displaying one or more red or combination
54 red and white lights pursuant to the provisions of paragraph two of
55 subdivision forty-one of section three hundred seventy-five of this
56 chapter is parked, stopped or standing to another lane, provided that

1 such movement otherwise complies with the requirements of this chapter
2 including, but not limited to, the provisions of sections eleven hundred
3 ten of this title and eleven hundred twenty-eight of this title.

4 (B) EVERY OPERATOR OF A MOTOR VEHICLE SHALL EXERCISE DUE CARE TO AVOID
5 COLLIDING WITH A HAZARD VEHICLE WHICH IS PARKED, STOPPED OR STANDING ON
6 THE SHOULDER OR ON ANY PORTION OF SUCH HIGHWAY AND SUCH HAZARD VEHICLE
7 IS DISPLAYING ONE OR MORE AMBER LIGHTS PURSUANT TO THE PROVISIONS OF
8 PARAGRAPH THREE OF SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVEN-
9 TY-FIVE OF THIS CHAPTER. FOR OPERATORS OF MOTOR VEHICLES ON PARKWAYS OR
10 CONTROLLED ACCESS HIGHWAYS, SUCH DUE CARE SHALL INCLUDE, BUT NOT BE
11 LIMITED TO, MOVING FROM A LANE WHICH CONTAINS OR IS IMMEDIATELY ADJACENT
12 TO THE SHOULDER WHERE SUCH HAZARD VEHICLE DISPLAYING ONE OR MORE AMBER
13 LIGHTS PURSUANT TO THE PROVISIONS OF PARAGRAPH THREE OF SUBDIVISION
14 FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER IS
15 PARKED, STOPPED OR STANDING TO ANOTHER LANE, PROVIDED THAT SUCH MOVEMENT
16 OTHERWISE COMPLIES WITH THE REQUIREMENTS OF THIS CHAPTER INCLUDING, BUT
17 NOT LIMITED TO, THE PROVISIONS OF SECTIONS ELEVEN HUNDRED TEN AND ELEVEN
18 HUNDRED TWENTY-EIGHT OF THIS TITLE.

19 S 4. This act shall take effect immediately, provided that: (a)
20 sections one and two of this act shall take effect September 1, 2011,
21 except that the promulgation of any rules and regulations, and the
22 taking of any other actions necessary to implement the provisions of
23 such sections of this act are authorized and directed to be made on or
24 before the effective date of such sections; and (b) section three of
25 this act shall take effect January 1, 2012.