

6387

I N   S E N A T E

January 21, 2014

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Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of vehicles when approaching a parked, stopped or standing authorized emergency or hazard vehicle or volunteer first responder

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

1     Section 1. Section 1144-a of the vehicle and traffic law, as amended  
2     by chapter 458 of the laws of 2011, subdivision (a) as amended by chap-  
3     ter 248 of the laws of 2013, is amended to read as follows:  
4     S 1144-a. Operation of vehicles when approaching a parked, stopped or  
5     standing authorized emergency [vehicle] or hazard vehicle OR VOLUNTEER  
6     FIRST RESPONDER. (a) Every operator of a motor vehicle shall exercise  
7     due care to avoid colliding with [an authorized emergency] A DESIGNATED  
8     vehicle which is parked, stopped or standing on the shoulder, TRAVEL  
9     LANES or any portion of [such] A PUBLIC highway and such [authorized  
10    emergency] DESIGNATED vehicle is displaying one or more red or combina-  
11    tion red and white, AMBER, BLUE OR GREEN lights pursuant to the  
12    provisions of paragraph two, THREE, FOUR OR FIVE of subdivision forty-  
13    one of section three hundred seventy-five of this chapter [or is  
14    displaying one or more blue, combination blue and red or combination  
15    blue, red and white lights pursuant to the provisions of subparagraph b  
16    of paragraph four of subdivision forty-one of section three hundred  
17    seventy-five of this chapter]. For operators of motor vehicles on park-  
18    ways, PUBLIC HIGHWAYS or controlled access highways, such due care shall  
19    include, but not be limited to, moving from a lane which contains or is  
20    immediately adjacent to the shoulder OR LANE where such [authorized  
21    emergency] DESIGNATED vehicle displaying one or more red[, blue or  
22    white] or [any] combination of red and white, AMBER, BLUE OR GREEN  
23    lights [or blue or combination blue and red or combination blue, red and  
24    white lights] pursuant to the provisions of paragraph two [or subpara-  
25    graph b of paragraph four, as applicable], THREE, FOUR OR FIVE of subdi-  
26    vision forty-one of section three hundred seventy-five of this chapter  
27    is parked, stopped or standing to another lane, provided [that such

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

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1 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] A DRIV-  
4 ER REQUIRED TO MOVE FROM A LANE PURSUANT TO THIS SECTION SHOULD, WHEREV-  
5 ER POSSIBLE, COMPLY WITH THE PROVISIONS OF THIS CHAPTER, BUT IN THE  
6 EVENT SUCH COMPLIANCE WOULD PREVENT A DRIVER FROM MOVING TO ANOTHER  
7 LANE, THE DRIVER MAY DISREGARD ANY PROHIBITIVE LANE MARKINGS OR TRAFFIC  
8 CONTROL DEVICES AS AN EMERGENCY MEASURE INTENDED TO PREVENT AN IMMINENT  
9 COLLISION. SUCH EMERGENCY MEASURE MAY ONLY BE UTILIZED WHEN THE DRIVER  
10 IS ABLE TO MOVE FROM THE DRIVER'S LANE SAFELY. IN THE EVENT THAT CONDI-  
11 TIONS PREVENT A DRIVER FROM MOVING TO ANOTHER LANE SAFELY, THE DRIVER  
12 SHALL BE REQUIRED TO REDUCE THE SPEED OF THE DRIVER'S VEHICLE TO A SPEED  
13 THAT IS REASONABLE AND PRUDENT UNDER THE CONDITIONS AND HAVING REGARD TO  
14 THE ACTUAL AND POTENTIAL HAZARDS THEN EXISTING PURSUANT TO SUBDIVISION  
15 (A) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS TITLE.

16 (b) [Every operator of a motor vehicle shall exercise due care to  
17 avoid colliding with a hazard vehicle which is parked, stopped or stand-  
18 ing on the shoulder or on any portion of such highway and such hazard  
19 vehicle is displaying one or more amber lights pursuant to the  
20 provisions of paragraph three of subdivision forty-one of section three  
21 hundred seventy-five of this chapter. For operators of motor vehicles on  
22 parkways or controlled access highways, such due care shall include, but  
23 not be limited to, moving from a lane which contains or is immediately  
24 adjacent to the shoulder where such hazard vehicle displaying one or  
25 more amber lights pursuant to the provisions of paragraph three of  
26 subdivision forty-one of section three hundred seventy-five of this  
27 chapter is parked, stopped or standing to another lane, provided that  
28 such movement otherwise complies with the requirements of this chapter  
29 including, but not limited to, the provisions of sections eleven hundred  
30 ten and eleven hundred twenty-eight of this title.] ANY PERSON WHO  
31 VIOLATES SUBDIVISION (A) OF THIS SECTION AND WHO ENGAGES IN RECKLESS  
32 DRIVING AS DEFINED IN SECTION TWELVE HUNDRED TWELVE OF THIS CHAPTER, AND  
33 CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON SHALL BE GUILTY OF A  
34 CLASS E FELONY.

35 (C) ANY PERSON WHO VIOLATES SUBDIVISION (A) OF THIS SECTION AND WHO  
36 ENGAGES IN RECKLESS DRIVING AS DEFINED IN SECTION TWELVE HUNDRED TWELVE  
37 OF THIS CHAPTER, AND CAUSES THE DEATH OF ANOTHER PERSON SHALL BE GUILTY  
38 OF A CLASS D FELONY.

39 S 2. This act shall take effect on the one hundred eightieth day after  
40 it shall have become a law.