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I N S E N A T E

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Introduced by Sens. LIBOUS, GRISANTI, RANZENHOFER, SEWARD, 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, the penal law and the state
finance law, in relation to enacting the "crash zone safety act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "crash zone safety act".

3 S 2. The vehicle and traffic law is amended by adding a new section
4 114-e to read as follows:

5 S 114-E. EMERGENCY ZONE. THAT DISTANCE ALONG A HIGHWAY EXTENDING FIVE
6 HUNDRED FEET OF LONGITUDINAL DISTANCE WITH THE FLOW OF TRAFFIC AND VISI-
7 BILITY FROM THE REAR OF AN AUTHORIZED EMERGENCY VEHICLE, HAZARD VEHICLE
8 OR VOLUNTEER FIRST RESPONDER WHICH IS PARKED, STOPPED OR STANDING ON THE
9 SHOULDER OR ANY PORTION OF SUCH HIGHWAY WHILE SUCH VEHICLE OPERATED IN
10 THE COURSE OF RESPONDING TO AN EMERGENCY AND WHILE SUCH VEHICLE IS
11 DISPLAYING ONE OR MORE RED OR COMBINATION RED AND WHITE LIGHTS PURSUANT
12 TO THE PROVISIONS OF PARAGRAPH TWO AND SUBPARAGRAPH B OF PARAGRAPH FOUR
13 OF SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS
14 CHAPTER, OR ONE OR MORE AMBER LIGHTS PURSUANT TO PARAGRAPH THREE OF
15 SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS
16 CHAPTER, OR A BLUE LIGHT PURSUANT TO SUBPARAGRAPH A OF PARAGRAPH FOUR OF
17 SUBDIVISION FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS
18 CHAPTER, OR A GREEN LIGHT PURSUANT TO PARAGRAPH FIVE OF SUBDIVISION
19 FORTY-ONE OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER, TO A
20 POINT FIVE HUNDRED FEET PAST ANY SUCH VEHICLE, OR FIVE HUNDRED FEET PAST
21 AN EMERGENCY ZONE SIGN TO A POINT FIVE HUNDRED FEET PAST ANY SUCH VEHI-
22 CLE, WHICHEVER SHALL BE A GREATER DISTANCE.

23 S 3. The vehicle and traffic law is amended by adding a new section
24 224-b to read as follows:

25 S 224-B. ESTABLISHMENT OF THE EMERGENCY ZONE EDUCATION PROGRAM. THE
26 COMMISSIONER OF TRANSPORTATION, AFTER CONSULTATION WITH THE COMMISSION-
27 ER, SHALL PROMULGATE RULES AND REGULATIONS REGARDING THE ESTABLISHMENT

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

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1 AND IMPLEMENTATION OF AN EMERGENCY ZONE EDUCATION PROGRAM. THE EMERGEN-
2 CY ZONE EDUCATION PROGRAM SHALL BE ESTABLISHED FOR THE PURPOSE OF
3 PROVIDING EDUCATION, ADVOCACY AND LAWS PERTAINING TO PROTECTING THE
4 SAFETY OF PERSONS OPERATING MOTOR VEHICLES WITHIN AN EMERGENCY ZONE AND
5 THE VICTIMS OF EMERGENCIES. THE PROGRAM SHALL PROVIDE FUNDING FROM
6 MONEY APPROPRIATED TO THE DEPARTMENT FROM THE EMERGENCY ZONE SAFETY
7 EDUCATION FUND, AS ESTABLISHED BY SECTION EIGHTY-FIVE OF THE STATE
8 FINANCE LAW FOR ACTIVITIES SUCH AS PUBLIC SERVICE ANNOUNCEMENTS, PUBLIC
9 EDUCATION AND AWARENESS CAMPAIGNS, DISTRIBUTION OF LITERATURE, AND ANY
10 OTHER ACTIVITIES THAT ARE CONSISTENT WITH SUCH PURPOSES.

11 2. IT SHALL BE THE DUTY OF THE COMMISSIONER OF TRANSPORTATION TO
12 SUBMIT, ON OR BEFORE APRIL FIRST COMMENCING IN TWO THOUSAND SIXTEEN, A
13 BIENNIAL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE
14 AND THE SPEAKER OF THE ASSEMBLY WHICH SHALL INCLUDE AN ASSESSMENT OF THE
15 EFFECTIVENESS OF THE PROGRAM, RECOMMENDATIONS FOR EXPANDING OR IMPROVING
16 THE PROGRAM, AND ANY PROBLEMS OR OTHER MATTERS RELATED TO THE ADMINIS-
17 TRATION OF THE PROGRAM.

18 S 4. Article 11 of the vehicle and traffic law is amended by adding a
19 new section 389 to read as follows:

20 S 389. OPERATION OF A VEHICLE IN AN EMERGENCY ZONE; CIVIL LIABILITY.
21 EVERY OWNER OF A MOTOR VEHICLE OPERATED IN THIS STATE AND EVERY OPERATOR
22 OF SUCH A VEHICLE SHALL BE JOINTLY AND SEVERALLY LIABLE FOR TREBLE
23 DAMAGES IN ANY CAUSE OF ACTION FOR PROPERTY DAMAGE, PERSONAL INJURY
24 AND/OR WRONGFUL DEATH WHEN SUCH MOTOR VEHICLE WAS OPERATED IN VIOLATION
25 OF SUBDIVISION (F-1) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER
26 AND THE DAMAGE, INJURY OR DEATH WAS PROXIMATELY CAUSED BY SUCH
27 VIOLATION.

28 S 5. Subdivision 3 of section 502 of the vehicle and traffic law, as
29 amended by chapter 458 of the laws of 2011, is amended to read as
30 follows:

31 3. Application for learner's permit. An application for a learner's
32 permit shall be included in the application for a license. A learner's
33 permit shall be issued in such form as the commissioner shall determine
34 but shall not be issued unless the applicant has successfully passed the
35 vision test required by this section and the test set forth in paragraph
36 (a) of subdivision four of this section with respect to laws relating to
37 traffic and ability to read and comprehend traffic signs and symbols and
38 has satisfactorily completed any course required pursuant to paragraph
39 (a) of subdivision four of this section. Upon acceptance of an applica-
40 tion for a learner's permit the commissioner shall provide the applicant
41 with a driver's manual which includes but is not limited to the laws
42 relating to traffic, the laws relating to and physiological effects of
43 driving while ability impaired and driving while intoxicated, the law
44 for exercising due care to avoid colliding with a parked, stopped or
45 standing authorized emergency vehicle or hazard vehicle pursuant to
46 section eleven hundred forty-four-a of this chapter, THE LAW RELATING TO
47 THE SPEED LIMIT WITHIN AN EMERGENCY ZONE PURSUANT TO SECTION ELEVEN
48 HUNDRED EIGHTY OF THIS CHAPTER, explanations of traffic signs and
49 symbols and such other matters as the commissioner may prescribe.

50 S 6. Subparagraph (i) of paragraph (a) of subdivision 4 of section 502
51 of the vehicle and traffic law, as amended by chapter 458 of the laws of
52 2011, is amended to read as follows:

53 (i) Upon submission of an application for a driver's license, the
54 applicant shall be required to take and pass a test, or submit evidence
55 of passage of a test, with respect to the laws relating to traffic, the
56 laws relating to driving while ability is impaired and while intoxicat-

ed, 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 LAW RELATING TO THE SPEED LIMIT WITHIN AN EMERGENCY ZONE PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY 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 7. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new subparagraph (xviii) to read as follows:

(XVIII) FOR A PERIOD OF SIXTY DAYS WHERE THE HOLDER IS CONVICTED OF A VIOLATION OF SUBDIVISION (F-1) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER WITHIN THIRTY-SIX MONTHS OF A PREVIOUS VIOLATION OF SUCH SUBDIVISION.

S 8. Subdivisions (e) and (f) of section 1180 of the vehicle and traffic law, subdivision (e) as amended by chapter 465 of the laws of 2010 and subdivision (f) as amended by chapter 432 of the laws of 1997, are amended and a new subdivision (f-1) is added to read as follows:

(e) The driver of every vehicle shall, consistent with the requirements of subdivision (a) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, [when approaching and passing by an emergency situation involving any authorized emergency vehicle which is parked, stopped or standing on a highway and which is displaying one or more red or combination red, white, and/or blue lights pursuant to the provisions of paragraph two and subparagraph b of paragraph four of subdivision forty-one of section three hundred seventy-five of this chapter,] when traveling upon any narrow or winding roadway, and when any special hazard exists with respect to pedestrians, or other traffic by reason of

1 weather or highway conditions, including, but not limited to a highway
2 construction or maintenance work area.

3 (f) Except as provided in [subdivision] SUBDIVISIONS (F-1) AND (g) of
4 this section and except when a special hazard exists that requires lower
5 speed for compliance with subdivision (a) or (e) of this section or when
6 a lower maximum speed limit has been established, no person shall drive
7 a vehicle through a highway construction or maintenance work area at a
8 speed in excess of the posted work area speed limit. The agency having
9 jurisdiction over the affected street or highway may establish work area
10 speed limits which are less than the normally posted speed limits;
11 provided, however, that such normally posted speed limit may exceed the
12 work area speed limit by no more than twenty miles per hour; and
13 provided further that no such work area speed limit may be established
14 at less than twenty-five miles per hour.

15 (F-1) NO PERSON SHALL OPERATE A VEHICLE THROUGH AN EMERGENCY ZONE AT A
16 SPEED IN EXCESS OF TWENTY MILES PER HOUR BELOW THE POSTED SPEED LIMIT OR
17 IN EXCESS OF TWENTY MILES PER HOUR, WHICHEVER SHALL BE GREATER.

18 S 9. The opening paragraph and the opening paragraph of paragraph 4 of
19 subdivision (h) of section 1180 of the vehicle and traffic law, the
20 opening paragraph as amended by chapter 173 of the laws of 1990 and the
21 opening paragraph of paragraph 4 as amended by section 7 of part C of
22 chapter 62 of the laws of 2003, are amended to read as follows:

23 Upon a conviction for a violation of subdivision (b), (c), (d), (f),
24 (F-1) or (g) of this section, the court shall record the speed upon
25 which the conviction was based on the certificate required to be filed
26 with the commissioner pursuant to section five hundred fourteen of this
27 chapter, or if the conviction occurs in an administrative tribunal
28 established pursuant to article two-A of this chapter, the speed upon
29 which the conviction was based shall be entered in the department's
30 records.

31 Every person convicted of a violation of subdivision (c) of this
32 section when such violation occurs in a school speed zone during a
33 school day between the hours of seven o'clock A.M. and six o'clock P.M.,
34 OR A VIOLATION OF SUBDIVISION (F-1) OF THIS SECTION shall be punished as
35 follows:

36 S 10. Subdivision (a) of section 1680 of the vehicle and traffic law,
37 as amended by chapter 722 of the laws of 2006, is amended to read as
38 follows:

39 (a) The department of transportation shall maintain a manual and spec-
40 ifications for a uniform system of traffic-control devices consistent
41 with the provisions of this chapter for use upon highways within this
42 state. Such uniform system shall correlate with and so far as practica-
43 ble conform to nationally accepted standards. To the extent that the
44 National Manual on Uniform Traffic Control Devices (hereinafter referred
45 to in this section as MUTCD), promulgated by the Federal Highway Admin-
46 istration pursuant to subpart F of part 655 of Title 23 of the Code of
47 Federal Regulations and subject to a public comment period under federal
48 law, does not conflict with the provisions of this chapter and the
49 provisions of other laws of the state, the National MUTCD shall consti-
50 tute such state manual and specifications; provided, however, such manu-
51 al and specifications may be modified by the commissioner of transporta-
52 tion by the adoption of a supplement or supplements as such commissioner
53 of transportation determines warranted and in compliance with the appli-
54 cable provisions of the state administrative procedure act. PROVIDED,
55 FURTHER, THAT THE COMMISSIONER OF TRANSPORTATION SHALL ESTABLISH SPEC-
56 IFICATIONS FOR THE FORM, CONSTRUCTION, USE AND PLACEMENT OF EMERGENCY

1 ZONE SIGNS, WHICH SHALL BE INCLUDED IN THE MANUAL. The manual and its
2 specifications is adopted as the state standard for traffic control
3 devices on any street, highway, or bicycle path open to public travel.
4 No person shall install or maintain in any area of private property used
5 by the public any sign, signal, marking or other device intended to
6 regulate, warn or guide traffic unless it conforms with the state manual
7 and specifications maintained under this section. Unless otherwise
8 provided for by the adoption of a supplement by the commissioner of
9 transportation, the operational practices related to emergency incident
10 responses provided in the manual shall apply to police officers and
11 other emergency responders responding to an emergency only in so far as
12 such officers or emergency responders deem compliance with the manual
13 practicable.

14 S 11. The vehicle and traffic law is amended by adding a new section
15 1809-f to read as follows:

16 S 1809-F. MANDATORY SURCHARGE FOR VIOLATION OF MAXIMUM SPEED LIMITS IN
17 EMERGENCY ZONE. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHENEVER
18 PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR COURT RESULT IN A FINDING
19 OF LIABILITY OR CONVICTION FOR A VIOLATION OF SUBDIVISION (F-1) OF
20 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, THERE SHALL BE LEVIED A
21 MANDATORY SURCHARGE IN ADDITION TO ANY OTHER SENTENCE, FINE OR PENALTY
22 OTHERWISE PERMITTED OR REQUIRED, IN AN AMOUNT OF NOT LESS THAN ONE
23 HUNDRED DOLLARS, NOR MORE THAN TWO HUNDRED FIFTY DOLLARS. SUCH SURCHARGE
24 SHALL NOT BE DEEMED A MONETARY PENALTY FOR THE PURPOSES OF SECTION TWO
25 HUNDRED THIRTY-SEVEN OF THIS CHAPTER OR SECTION 19-203 OF THE ADMINIS-
26 TRATIVE CODE OF THE CITY OF NEW YORK.

27 2. THE MANDATORY SURCHARGE PROVIDED FOR IN SUBDIVISION ONE OF THIS
28 SECTION SHALL BE PAID TO THE CLERK OF THE COURT OR ADMINISTRATIVE TRIBU-
29 NAL THAT MADE THE DETERMINATION OF LIABILITY. WITHIN THE FIRST TEN DAYS
30 OF THE MONTH NEXT SUCCEEDING THE COLLECTION OF SUCH SURCHARGE, THE
31 COLLECTING AUTHORITY SHALL PAY SUCH MONEY TO THE STATE COMPTROLLER TO BE
32 DEPOSITED IN THE EMERGENCY ZONE SAFETY EDUCATION FUND ESTABLISHED BY
33 SECTION EIGHTY-FIVE OF THE STATE FINANCE LAW.

34 S 12. The penal law is amended by adding two new sections 120.63 and
35 120.65 to read as follows:

36 S 120.63 VEHICULAR ASSAULT IN AN EMERGENCY ZONE.

37 A PERSON IS GUILTY OF VEHICULAR ASSAULT IN AN EMERGENCY ZONE WHEN HE
38 OR SHE CAUSES PHYSICAL INJURY TO ANOTHER PERSON, WHILE HE OR SHE OPER-
39 ATES A MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (F-1) OF SECTION ELEVEN
40 HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW, AFTER HAVING PREVIOUSLY
41 BEEN CONVICTED, WITHIN THE PREVIOUS THREE YEARS, OF A VIOLATION OF SUCH
42 SUBDIVISION.

43 VEHICULAR ASSAULT IN AN EMERGENCY ZONE IS A CLASS B MISDEMEANOR.

44 S 120.65 AGGRAVATED VEHICULAR ASSAULT IN AN EMERGENCY ZONE.

45 A PERSON IS GUILTY OF AGGRAVATED VEHICULAR ASSAULT IN AN EMERGENCY
46 ZONE WHEN HE OR SHE CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON,
47 WHILE HE OR SHE OPERATES A MOTOR VEHICLE IN VIOLATION OF SUBDIVISION
48 (F-1) OF SECTION ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW,
49 AFTER HAVING PREVIOUSLY BEEN CONVICTED, WITHIN THE PREVIOUS THREE YEARS,
50 OF A VIOLATION OF SUCH SUBDIVISION.

51 AGGRAVATED VEHICULAR ASSAULT IN AN EMERGENCY ZONE IS A CLASS A MISDE-
52 MEANOR.

53 S 13. The penal law is amended by adding a new section 125.65 to read
54 as follows:

55 S 125.65 VEHICULAR MANSLAUGHTER IN AN EMERGENCY ZONE.

1 A PERSON IS GUILTY OF VEHICULAR MANSLAUGHTER IN AN EMERGENCY ZONE WHEN
2 HE OR SHE CAUSES THE DEATH OF ANOTHER PERSON, WHILE HE OR SHE OPERATES A
3 MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (F-1) OF SECTION ELEVEN
4 HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW, AFTER HAVING PREVIOUSLY
5 BEEN CONVICTED, WITHIN THE PREVIOUS THREE YEARS, OF A VIOLATION OF SUCH
6 SUBDIVISION.

7 VEHICULAR MANSLAUGHTER IN AN EMERGENCY ZONE IS A CLASS E FELONY.

8 S 14. The penal law is amended by adding a new section 145.28 to read
9 as follows:

10 S 145.28 CRIMINAL MISCHIEF IN AN EMERGENCY ZONE.

11 A PERSON IS GUILTY OF CRIMINAL MISCHIEF IN AN EMERGENCY ZONE WHEN HE
12 OR SHE CAUSES DAMAGE TO THE PROPERTY OF ANOTHER PERSON, WHILE HE OR SHE
13 OPERATES A MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (F-1) OF SECTION
14 ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW, AFTER HAVING
15 PREVIOUSLY BEEN CONVICTED, WITHIN THE PREVIOUS THREE YEARS, OF A
16 VIOLATION OF SUCH SUBDIVISION.

17 CRIMINAL MISCHIEF IN AN EMERGENCY ZONE IS A VIOLATION.

18 S 15. The state finance law is amended by adding a new section 85 to
19 read as follows:

20 S 85. EMERGENCY ZONE SAFETY EDUCATION FUND. 1. THERE IS HEREBY ESTAB-
21 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSION-
22 ER OF TAXATION AND FINANCE A SPECIAL REVENUE FUND TO BE KNOWN AS THE
23 "EMERGENCY ZONE SAFETY EDUCATION FUND".

24 2. THE FUNDS SHALL CONSIST OF ALL MONIES APPROPRIATED FOR ITS PURPOSE,
25 ALL MONIES REQUIRED BY THIS SECTION OR ANY OTHER PROVISIONS OF LAW TO BE
26 PAID INTO OR CREDITED TO SUCH FUND, COLLECTED BY THE MANDATORY
27 SURCHARGES IMPOSED PURSUANT TO SUBDIVISION ONE OF SECTION EIGHTEEN
28 HUNDRED NINE-F OF THE VEHICLE AND TRAFFIC LAW. NOTHING CONTAINED IN THIS
29 SECTION SHALL PREVENT THE DEPARTMENT OF MOTOR VEHICLES FROM RECEIVING
30 GRANTS OR OTHER APPROPRIATIONS FOR THE PURPOSES OF THE FUND AS DEFINED
31 IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

32 3. MONIES OF THE FUND, WHEN ALLOCATED, SHALL BE DISBURSED TO IMPLEMENT
33 THE PROVISIONS OF SECTION TWO HUNDRED TWENTY-FOUR-B OF THE VEHICLE AND
34 TRAFFIC LAW AND MAY BE USED TO EXECUTE CONTRACTS WITH PRIVATE ORGANIZA-
35 TIONS FOR SUCH PURPOSES. SUCH CONTRACTS SHALL BE AWARDED UPON COMPET-
36 ITIVE BIDS AFTER THE ISSUANCE OF REQUESTS FOR PROPOSALS.

37 S 16. On or before September 1, 2019, the commissioner of transporta-
38 tion shall submit a report to the governor, the temporary president of
39 the senate and the speaker of the assembly detailing and analyzing the
40 effectiveness of the provisions of this act in improving the safety at
41 the scenes of highway emergencies.

42 S 17. This act shall take effect November 1, 2014; provided, however,
43 that effective immediately, the addition, amendment and/or repeal of any
44 rule or regulation necessary for the implementation of this act on its
45 effective date are authorized and directed to be made and completed on
46 or before such effective date.