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

7948

I N S E N A T E

October 17, 2014

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

AN ACT to amend the vehicle and traffic law, in relation to authorizing an operator of a motor vehicle to disobey a traffic-control device or signal in the course of yielding the right of way to an authorized emergency vehicle

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

Section 1. Subdivision (a) of section 1110 of the vehicle and traffic law, as amended by chapter 259 of the laws of 1964, is amended to read as follows:

(a) Every person shall obey the instructions of any official traffic-control device applicable to him OR HER placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, OR UNLESS OTHERWISE AUTHORIZED BY SECTION ELEVEN HUNDRED FORTY-FOUR OF THIS TITLE, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

S 2. Paragraphs 1 and 3 of subdivision (d) of section 1111 of the vehicle and traffic law, paragraph 1 as amended by chapter 760 of the laws of 1974 and paragraph 3 as amended by chapter 356 of the laws of 1971 and as renumbered by chapter 760 of the laws of 1974, are amended to read as follows:

1. Traffic, except pedestrians, facing a steady circular red signal, unless to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph two of this subdivision OR AS AUTHORIZED BY SECTION ELEVEN HUNDRED FORTY-FOUR OF THIS TITLE.

3. Traffic, except pedestrians, facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow

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

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and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown EXCEPT AS AUTHORIZED BY SECTION ELEVEN HUNDRED FORTY-FOUR OF THIS TITLE.

S 3. The vehicle and traffic law is amended by adding a new section 1111-e to read as follows:

S 1111-E. REVIEW OF TRAFFIC-CONTROL VIOLATION; YIELDING RIGHT OF WAY TO AN AUTHORIZED EMERGENCY VEHICLE. (A) EVERY MUNICIPALITY WHICH IS AUTHORIZED TO INSTALL AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION MONITORING DEVICES PURSUANT TO THIS ARTICLE, SHALL ESTABLISH AND IMPLEMENT A PROGRAM AND METHODOLOGY WHICH PROVIDES FOR THE REVIEW OF THE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY ITS TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION MONITORING DEVICES TO DETERMINE WHETHER ANY OWNER CHARGED WITH A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE, DISOBEYED THE TRAFFIC-CONTROL SIGNAL AS AUTHORIZED BY SECTION ELEVEN HUNDRED FORTY-FOUR OF THIS TITLE; IN WHICH CASE, ANY NOTICE OF LIABILITY FOR SUCH VIOLATION SHALL BE VOID.

(B) EVERY SUCH MUNICIPALITY SHALL INCLUDE SPACE ON EACH NOTICE OF LIABILITY IT ISSUES, IN WHICH AN OWNER MAY INDICATE THAT THE ALLEGED VIOLATION WAS AUTHORIZED IN ORDER TO YIELD THE RIGHT OF WAY TO AN AUTHORIZED EMERGENCY VEHICLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED FORTY-FOUR OF THIS TITLE. IN EACH INSTANCE IN WHICH AN OWNER SO INDICATES, THE MUNICIPALITY SHALL CAUSE A REVIEW TO BE CONDUCTED PURSUANT TO SUBDIVISION (A) OF THIS SECTION.

S 4. Subdivision (a) of section 1113 of the vehicle and traffic law, as amended by chapter 722 of the laws of 2006, is amended to read as follows:

(a) Flashing red indications. Unless to make another movement permitted by other indications shown at the same time OR AS AUTHORIZED BY SECTION ELEVEN HUNDRED FORTY-FOUR OF THIS TITLE, vehicular traffic facing a circular red signal or red arrow with rapid intermittent flashes shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

S 5. The opening paragraph of section 1116 of the vehicle and traffic law, as amended by chapter 228 of the laws of 2012, is amended to read as follows:

Whenever traffic is controlled by lane-use control signal indications located over the individual lanes of a highway, only the colors green, yellow, white and red shall be used, and said signals shall, EXCEPT AS OTHERWISE REQUIRED BY SECTION ELEVEN HUNDRED FORTY-FOUR OF THIS TITLE, indicate and apply as follows:

S 6. Subdivision (a) of section 1144 of the vehicle and traffic law, as amended by chapter 606 of the laws of 1994, is amended to read as follows:

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle other than a police vehicle or bicycle when operated as an authorized emergency vehicle, and when audible signals are sounded from any said vehicle by siren, exhaust whistle, bell, air-horn or electronic equivalent; the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway, or to either edge of a one-way roadway three or more lanes in width, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer. A DRIVER, AFTER EXERCISING REASONABLE CARE FOR ALL PERSONS USING THE HIGHWAY, MAY DISOBEY ANY OFFICIAL TRAFFIC-CONTROL DEVICE OR TRAFFIC-CONTROL SIGNAL, WHEN SUCH DISOBEDIENCE IS NECESSARY TO YIELD THE RIGHT OF WAY TO AN AUTHORIZED EMERGENCY VEHICLE.

S 7. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.