

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:

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

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

10 S 2. Paragraphs 1 and 3 of subdivision (d) of section 1111 of the
11 vehicle and traffic law, paragraph 1 as amended by chapter 760 of the
12 laws of 1974 and paragraph 3 as amended by chapter 356 of the laws of
13 1971 and as renumbered by chapter 760 of the laws of 1974, are amended
14 to read as follows:

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

25 3. Traffic, except pedestrians, facing a steady red arrow signal may
26 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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1 and, unless entering the intersection to make such other movement as is
2 permitted by other indications shown at the same time, shall stop at a
3 clearly marked stop line, but if none, then shall stop before entering
4 the crosswalk on the near side of the intersection, or in the event
5 there is no crosswalk at the point nearest the intersecting roadway
6 where the driver has a view of the approaching traffic on the intersect-
7 ing roadway before entering the intersection and shall remain standing
8 until an indication to proceed is shown EXCEPT AS AUTHORIZED BY SECTION
9 ELEVEN HUNDRED FORTY-FOUR OF THIS TITLE.

10 S 3. The vehicle and traffic law is amended by adding a new section
11 1111-e to read as follows:

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

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

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

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

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

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

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

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

18 S 7. This act shall take effect on the first of January next succeed-
19 ing the date on which it shall have become a law.