

5507--A

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. FUSCHILLO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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, is amended to read as follows:
3 S 1144-a. Operation of vehicles when approaching a parked, stopped or
4 standing authorized emergency [vehicle] or hazard vehicle OR VOLUNTEER
5 FIRST RESPONDER. (a) Every operator of a motor vehicle shall exercise
6 due care to avoid colliding with [an authorized emergency] A DESIGNATED
7 vehicle which is parked, stopped or standing on the shoulder, TRAVEL
8 LANES or any portion of [such] A PUBLIC highway and such [authorized
9 emergency] DESIGNATED vehicle is displaying one or more red or combina-
10 tion red and white, AMBER, BLUE OR GREEN lights pursuant to the
11 provisions of [paragraph] PARAGRAPHS two, THREE, FOUR OR FIVE of subdi-
12 vision forty-one of section three hundred seventy-five of this chapter.
13 For operators of motor vehicles on parkways, PUBLIC HIGHWAYS or
14 controlled access highways, such due care shall include, but not be
15 limited to, moving from a lane which contains or is immediately adjacent
16 to the shoulder OR LANE where such [authorized emergency] DESIGNATED
17 vehicle displaying one or more red or combination red and white, AMBER,
18 BLUE OR GREEN lights pursuant to the provisions of paragraph two, THREE,
19 FOUR OR FIVE of subdivision forty-one of section three hundred seventy-
20 five of this chapter is parked, stopped or standing to another lane,
21 provided [that such movement otherwise complies with the requirements of
22 this chapter including, but not limited to, the provisions of sections

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

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

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

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

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