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

99

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GALLIVAN -- 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 exempting authorized emergency vehicles from obedience to traffic laws when involved in an emergency operation

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

Section 1. Section 1104 of the vehicle and traffic law, subdivision (a) as amended by chapter 197 of the laws of 1970, subdivisions (c) and (d) as amended by chapter 606 of the laws of 1994, subdivision (e) as relettered by chapter 336 of the laws of 1968, and subdivision (f) as added by chapter 400 of the laws of 1975, is amended to read as follows:

S 1104. Authorized emergency vehicles. (a) [The driver of an authorized emergency vehicle, when involved in an emergency operation, may exercise the privileges set forth in this section, but subject to the conditions herein stated.] UNLESS OTHERWISE MADE SPECIFICALLY APPLICABLE, THE PROVISIONS OF THIS TITLE, EXCEPT THE PROVISIONS OF SECTIONS ELEVEN HUNDRED NINETY-TWO THROUGH ELEVEN HUNDRED NINETY-SIX, SHALL NOT APPLY TO THE DRIVER OF AN AUTHORIZED EMERGENCY VEHICLE WHEN INVOLVED IN AN EMERGENCY OPERATION PROVIDED THAT WHEN PROCEEDING PAST A STEADY RED SIGNAL, A FLASHING RED SIGNAL OR A STOP SIGN, THE DRIVER MUST HAVE SLOWED DOWN AS MAY BE NECESSARY FOR SAFE OPERATION AND WHEN EXCEEDING MAXIMUM SPEED LIMITS, THE DRIVER DOES NOT ENDANGER LIFE OR PROPERTY. ANY AUTHORIZED EMERGENCY VEHICLE ACTING PURSUANT TO THIS SUBDIVISION MUST STILL DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS, NOR SHALL SUCH PROVISIONS PROTECT THE DRIVER FROM THE CONSEQUENCES OF HIS RECKLESS DISREGARD FOR THE SAFETY OF OTHERS.

(b) [The driver of an authorized emergency vehicle may:

1. Stop, stand or park irrespective of the provisions of this title;

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

LBD01962-01-3

2. Proceed past a steady red signal, a flashing red signal or a stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he does not endanger life or property;

4. Disregard regulations governing directions of movement or turning in specified directions.

(c) Except for an authorized emergency vehicle operated as a police vehicle or bicycle, the] THE exemptions herein granted to an authorized emergency vehicle shall apply only when audible signals are sounded from any said vehicle while in motion by bell, horn, siren, electronic device or exhaust whistle [as may be reasonably necessary], and when the vehicle is equipped with AND HAS IN USE at least one lighted lamp so that from any direction, under normal atmospheric conditions from a distance of five hundred feet from such vehicle, at least one red light will be displayed and visible.

[(d)] (C) An authorized emergency vehicle operated as a police, sheriff or deputy sheriff vehicle may exceed the maximum speed limits for the purpose of calibrating such vehicles' speedometer. Notwithstanding any other law, rule or regulation to the contrary, a police, sheriff or deputy sheriff bicycle operated as an authorized emergency vehicle shall not be prohibited from using any sidewalk, highway, street or roadway during an emergency operation.

[(e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(f)] (D) Notwithstanding any other law, rule or regulation to the contrary, an ambulance operated in the course of an emergency shall not be prohibited from using any highway, street or roadway; provided, however, that an authority having jurisdiction over any such highway, street or roadway may specifically prohibit travel thereon by ambulances if such authority shall deem such travel to be extremely hazardous and would endanger patients being transported thereby.

S 2. This act shall take effect immediately.