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

5023--B

2015-2016 Regular Sessions

I N A S S E M B L Y

February 10, 2015

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. AUBRY, COOK, ROBINSON -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to enacting the Open Driveway Act

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

Section 1. This act shall be known and may be cited as the "Open Driveway Act".

S 2. Section 237 of the vehicle and traffic law is amended by adding a new subdivision 16 to read as follows:

16. (A) TO PROMULGATE ANY RULES AND REGULATIONS WHERE TITLE OF REAL PROPERTY PROVIDES FOR A COMMON ACCESS WAY INCLUDING BUT NOT LIMITED TO, A DRIVEWAY OR ALLEY, BLOCKING OF THE ALLEYWAY OR DRIVEWAY BY ONE PARTY WITHOUT THE CONSENT OF THE OTHER, OR BY ANOTHER PERSON WITHOUT THE CONSENT OF BOTH PARTIES, AND IN THE CASE OF AN ALLEYWAY, THE ACT OF BLOCKING SHALL BE SUBJECT TO LOCAL PARKING REGULATIONS AS APPLIES TO A PUBLIC STREET OR ROADWAY ON THE FILING OF A COMPLAINT BY ONE OR ANY OF THE PARTIES WHO HOLDS A TITLE OF OWNERSHIP.

(B) FOR THE PURPOSES OF THIS SECTION, "BLOCKING" SHALL MEAN THE PARKING, LEAVING OR STANDING OF A MOTOR VEHICLE OR OTHER OBJECT OR OBSTACLE IN THE DRIVEWAY OR ALLEYWAY IN SUCH A MANNER THAT A CLEAR PASSAGEWAY IS NOT AVAILABLE FOR ACCESS AND EGRESS OF ANY OTHER AUTOMOBILE AUTHORIZED TO USE SUCH DRIVEWAY OR ALLEYWAY, OR GARAGES OR PARKING SPACES ACCESSED THROUGH SUCH DRIVEWAY OR ALLEYWAY.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.

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

LBD03472-04-6