

5643--B

2015-2016 Regular Sessions

I N A S S E M B L Y

March 3, 2015

Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Transportation -- 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 vehicles that may travel on the shoulders of controlled-access highways

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

1 Section 1. Section 1131 of the vehicle and traffic law, as added by
2 chapter 162 of the laws of 1990, is amended to read as follows:
3 S 1131. Driving on shoulders and slopes. Except for bicycles and those
4 classes of vehicles required to travel on shoulders or slopes, no motor
5 vehicle shall be driven over, across, along, or within any shoulder or
6 slope of any state controlled-access highway except at a location
7 specifically authorized and posted by the department of transportation.
8 The foregoing limitation shall not prevent TOW TRUCKS FROM USING SHOUL-
9 DERS OR SLOPES IN AS LIMITED AND INCIDENTAL A MANNER AS PRACTICABLE WHEN
10 DISPATCHED TO THE SCENE OF AN ACCIDENT BY A LAW ENFORCEMENT AGENCY OR AN
11 AUTHORITY, DEPARTMENT OR AGENCY HAVING JURISDICTION OVER SUCH CONT-
12 ROLLED-ACCESS HIGHWAY AND ALL LANES ARE OBSTRUCTED BY TRAFFIC, PROVIDED,
13 HOWEVER, THAT THE FOREGOING SHALL NOT RELIEVE THE DRIVER OF A TOW TRUCK
14 FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS NOR
15 SHALL SUCH PROVISION PROTECT THE TOW TRUCK DRIVER FROM THE CONSEQUENCES
16 OF HIS OR HER RECKLESS DISREGARD FOR THE SAFETY OF OTHERS AND SHALL AT
17 ALL TIMES OPERATE SUCH TOW TRUCK IN COMPLIANCE WITH ALL STANDARDS OF
18 CARE IMPOSED TO PREVENT THOSE INJURIES OR DAMAGES TO PERSONS OR PROPERTY
19 OF ANOTHER WHICH MAY RESULT FROM THE OPERATOR'S NEGLIGENCE, RECKLESSNESS
20 OR INTENTIONAL MISCONDUCT, NOR SHALL IT PREVENT motor vehicles from
21 using shoulders or slopes when directed by police officers or flagper-
22 sons, nor does it prevent motor vehicles from stopping, standing, or

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

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1 parking on shoulders or slopes where such stopping, standing, or parking
2 is lawful.

3 S 2. The governor's traffic safety committee shall conduct a public
4 education campaign to educate the general public about the provisions of
5 this act and to make motorists aware of the potential use of shoulders
6 and slopes on limited access highways by operators of tow trucks.

7 S 3. This act shall take effect on the ninetieth day after it shall
8 have become a law; provided, however, that effective immediately, the
9 commissioner of motor vehicles is authorized to promulgate any regu-
10 lations necessary to effectuate the provisions of this act on its effec-
11 tive date.