

10028

I N A S S E M B L Y

May 6, 2016

Introduced by M. of A. ZEBROWSKI, CERETTO, JAFFEE, COLTON, McDONALD, CAHILL, GUNTHER, LUPARDO, HOOPER, GOTTFRIED, OTIS, RUSSELL, GALEF, WALKER, PAULIN, SANTABARBARA, CROUCH -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, COOK, ENGLEBRIGHT, GLICK, MAGEE, MURRAY, SKARTADOS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring an operator of a motor vehicle to exercise due care to avoid colliding with a vehicle in distress which is parked, stopped, or standing on the shoulder of a highway

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 159-a to read as follows:

3 S 159-A. VEHICLE IN DISTRESS. A VEHICLE WHICH IS PARKED, STOPPED, OR
4 STANDING ON THE SHOULDER OF A HIGHWAY, INTERSTATE, PARKWAY, OR ROAD THAT
5 IS EXPERIENCING AN EMERGENCY CONDITION. A VEHICLE IN DISTRESS MAY BE
6 IDENTIFIED BY SEVERAL FEATURES INCLUDING BUT NOT LIMITED TO FLASHING
7 AMBER HAZARD WARNING LIGHTS, ROAD FLARES, ORANGE REFLECTIVE TRIANGLE,
8 WHITE FLAG IN THE WINDOW, OR ABNORMAL SMOKE COMING FROM THE VEHICLE.

9 S 2. Section 1144-a of the vehicle and traffic law, as amended by
10 chapter 458 of the laws of 2011, subdivision (a) as amended by chapter
11 248 of the laws of 2013, is amended to read as follows:

12 S 1144-a. Operation of vehicles when approaching a parked, stopped or
13 standing authorized emergency vehicle [or], hazard vehicle OR VEHICLE IN
14 DISTRESS. (a) Every operator of a motor vehicle shall exercise due care
15 to avoid colliding with an authorized emergency vehicle which is parked,
16 stopped or standing on the shoulder or any portion of such highway and
17 such authorized emergency vehicle is displaying one or more red or
18 combination red and white lights pursuant to the provisions of paragraph
19 two of subdivision forty-one of section three hundred seventy-five of
20 this chapter or is displaying one or more blue, combination blue and red
21 or combination blue, red and white lights pursuant to the provisions of
22 subparagraph b of paragraph four of subdivision forty-one of section
23 three hundred seventy-five of this chapter. For operators of motor vehi-

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

LBD14806-01-6

1 cles on parkways or controlled access highways, such due care shall
2 include, but not be limited to, moving from a lane which contains or is
3 immediately adjacent to the shoulder where such authorized emergency
4 vehicle displaying one or more red, blue or white or any combination of
5 red and white lights or blue or combination blue and red or combination
6 blue, red and white lights pursuant to the provisions of paragraph two
7 or subparagraph b of paragraph four, as applicable of subdivision
8 forty-one of section three hundred seventy-five of this chapter is
9 parked, stopped or standing to another lane, provided that such movement
10 otherwise complies with the requirements of this chapter including, but
11 not limited to, the provisions of sections eleven hundred ten of this
12 title and eleven hundred twenty-eight of this title.

13 (b) Every operator of a motor vehicle shall exercise due care to avoid
14 colliding with a hazard vehicle which is parked, stopped or standing on
15 the shoulder or on any portion of such highway and such hazard vehicle
16 is displaying one or more amber lights pursuant to the provisions of
17 paragraph three of subdivision forty-one of section three hundred seven-
18 ty-five of this chapter. For operators of motor vehicles on parkways or
19 controlled access highways, such due care shall include, but not be
20 limited to, moving from a lane which contains or is immediately adjacent
21 to the shoulder where such hazard vehicle displaying one or more amber
22 lights pursuant to the provisions of paragraph three of subdivision
23 forty-one of section three hundred seventy-five of this chapter is
24 parked, stopped or standing to another lane, provided that such movement
25 otherwise complies with the requirements of this chapter including, but
26 not limited to, the provisions of sections eleven hundred ten and eleven
27 hundred twenty-eight of this title.

28 (C) EVERY OPERATOR OF A MOTOR VEHICLE SHALL EXERCISE DUE CARE TO AVOID
29 COLLIDING WITH A VEHICLE IN DISTRESS WHICH IS PARKED, STOPPED, OR STAND-
30 ING ON THE SHOULDER OF A HIGHWAY. FOR OPERATORS OF MOTOR VEHICLES ON
31 PARKWAYS OR CONTROLLED ACCESS HIGHWAYS, SUCH DUE CARE SHALL INCLUDE, BUT
32 NOT BE LIMITED TO, MOVING FROM A LANE WHICH CONTAINS OR IS IMMEDIATELY
33 ADJACENT TO THE SHOULDER WHERE SUCH A VEHICLE IN DISTRESS IS PARKED,
34 STOPPED OR STANDING TO ANOTHER LANE, PROVIDED THAT SUCH MOVEMENT OTHER-
35 WISE COMPLIES WITH THE REQUIREMENTS OF THIS CHAPTER INCLUDING, BUT NOT
36 LIMITED TO, THE PROVISIONS OF SECTIONS ELEVEN HUNDRED TEN AND ELEVEN
37 HUNDRED TWENTY-EIGHT OF THIS TITLE.

38 S 3. This act shall take effect on the one hundred eightieth day after
39 it shall have become a law.