

4298--B

Cal. No. 303

2015-2016 Regular Sessions

I N   S E N A T E

March 11, 2015

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Introduced by Sens. ROBACH, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

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

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1 OR INTENTIONAL MISCONDUCT, NOR SHALL IT PREVENT motor vehicles from  
2 using shoulders or slopes when directed by police officers or flagper-  
3 sons, nor does it prevent motor vehicles from stopping, standing, or  
4 parking on shoulders or slopes where such stopping, standing, or parking  
5 is lawful.

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

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