

4416--B

2015-2016 Regular Sessions

I N S E N A T E

March 19, 2015

Introduced by Sens. MURPHY, MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to the operation of vehicles when approaching a parked, stopped or standing authorized emergency or hazard vehicle, or volunteer first responder

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

1 Section 1. Section 1144-a of the vehicle and traffic law, as amended
2 by chapter 458 of the laws of 2011, subdivision (a) as amended by chap-
3 ter 248 of the laws of 2013, is amended to read as follows:
4 S 1144-a. Operation of vehicles when approaching a parked, stopped or
5 standing authorized emergency [vehicle] or hazard vehicle, OR VOLUNTEER
6 FIRST RESPONDER. [(a)] Every operator of a motor vehicle shall exercise
7 due care to avoid colliding with an authorized emergency vehicle which
8 is parked, stopped or standing on the shoulder, TRAVEL LANES or any
9 portion of [such] A PUBLIC highway and such authorized emergency vehicle
10 is displaying one or more red or combination red and white, AMBER, BLUE
11 OR GREEN lights pursuant to the provisions of paragraph two, THREE, FOUR
12 OR FIVE of subdivision forty-one of section three hundred seventy-five
13 of this chapter [or is displaying one or more blue, combination blue and
14 red or combination blue, red and white lights pursuant to the provisions
15 of subparagraph b of paragraph four of subdivision forty-one of section
16 three hundred seventy-five of this chapter]. For operators of motor
17 vehicles on parkways, PUBLIC HIGHWAYS or controlled access highways,
18 such due care shall include, but not be limited to, moving from a lane

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

LBD09940-03-6

1 which contains or is immediately adjacent to the shoulder OR LANE where
2 such authorized emergency vehicle displaying one or more red, blue or
3 white or any combination of red and white, AMBER, BLUE OR GREEN lights
4 [or blue or combination blue and red or combination blue, red and white
5 lights] pursuant to the provisions of paragraph two [or subparagraph b
6 of paragraph], THREE, four[, as applicable] OR FIVE of subdivision
7 forty-one of section three hundred seventy-five of this chapter is
8 parked, stopped or standing to another lane, provided [that such move-
9 ment otherwise complies with the requirements of this chapter including,
10 but not limited to, the provisions of sections eleven hundred ten of
11 this title and eleven hundred twenty-eight of this title] A DRIVER
12 REQUIRED TO MOVE FROM A LANE PURSUANT TO THIS SECTION SHOULD, WHEREVER
13 POSSIBLE, COMPLY WITH THE PROVISIONS OF THIS CHAPTER, BUT IN THE EVENT
14 SUCH COMPLIANCE WOULD PREVENT A DRIVER FROM MOVING TO ANOTHER LANE, THE
15 DRIVER MAY DISREGARD ANY PROHIBITIVE LANE MARKINGS OR TRAFFIC CONTROL
16 DEVICES AS AN EMERGENCY MEASURE INTENDED TO PREVENT AN IMMINENT COLLI-
17 SION. SUCH EMERGENCY MEASURE MAY ONLY BE UTILIZED WHEN THE DRIVER IS
18 ABLE TO MOVE FROM THE DRIVER'S LANE SAFELY. IN THE EVENT THAT CONDITIONS
19 PREVENT A DRIVER FROM MOVING TO ANOTHER LANE SAFELY, THE DRIVER SHALL BE
20 REQUIRED TO REDUCE THE SPEED OF THE DRIVER'S VEHICLE TO A SPEED THAT IS
21 REASONABLE AND PRUDENT UNDER THE CONDITIONS AND HAVING REGARD TO THE
22 ACTUAL AND POTENTIAL HAZARDS THEN EXISTING PURSUANT TO PARAGRAPH (A) OF
23 SECTION ELEVEN HUNDRED EIGHTY OF THIS TITLE.

24 [(b) Every operator of a motor vehicle shall exercise due care to
25 avoid colliding with a hazard vehicle which is parked, stopped or stand-
26 ing on the shoulder or on any portion of such highway and such hazard
27 vehicle is displaying one or more amber lights pursuant to the
28 provisions of paragraph three of subdivision forty-one of section three
29 hundred seventy-five of this chapter. For operators of motor vehicles on
30 parkways or controlled access highways, such due care shall include, but
31 not be limited to, moving from a lane which contains or is immediately
32 adjacent to the shoulder where such hazard vehicle displaying one or
33 more amber lights pursuant to the provisions of paragraph three of
34 subdivision forty-one of section three hundred seventy-five of this
35 chapter is parked, stopped or standing to another lane, provided that
36 such movement otherwise complies with the requirements of this chapter
37 including, but not limited to, the provisions of sections eleven hundred
38 ten and eleven hundred twenty-eight of this title.]

39 S 2. Section 1800 of the vehicle and traffic law is amended by adding
40 a new subdivision (e-1) to read as follows:

41 (E-1) 1. EVERY PERSON CONVICTED OF A VIOLATION OF THE PROVISIONS OF
42 SECTION ELEVEN HUNDRED FORTY-FOUR-A OF THIS CHAPTER, WHO WHILE IN THE
43 COURSE OF SUCH VIOLATION ENGAGED IN RECKLESS DRIVING, AS DEFINED IN
44 SECTION TWELVE HUNDRED TWELVE OF THIS CHAPTER, AND THEREBY CAUSES SERI-
45 OUS PHYSICAL INJURY TO ANOTHER PERSON, SHALL BE GUILTY OF A CLASS E
46 FELONY.

47 2. EVERY PERSON CONVICTED OF A VIOLATION OF THE PROVISIONS OF SECTION
48 ELEVEN HUNDRED FORTY-FOUR-A OF THIS CHAPTER, WHO WHILE IN THE COURSE OF
49 SUCH VIOLATION ENGAGED IN RECKLESS DRIVING, AS DEFINED IN SECTION TWELVE
50 HUNDRED TWELVE OF THIS CHAPTER, AND THEREBY CAUSES THE DEATH OF ANOTHER
51 PERSON, SHALL BE GUILTY OF A CLASS D FELONY.

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