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2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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] A DESIGNATED
8 vehicle which is parked, stopped or standing on the shoulder, TRAVEL
9 LANES or any portion of [such] A PUBLIC highway and such [authorized
10 emergency] DESIGNATED vehicle is displaying one or more red or combina-
11 tion red and white, AMBER, BLUE OR GREEN lights pursuant to the
12 provisions of paragraph two, THREE, FOUR OR FIVE of subdivision forty-
13 one of section three hundred seventy-five of this chapter [or is
14 displaying one or more blue, combination blue and red or combination
15 blue, red and white lights pursuant to the provisions of subparagraph b
16 of paragraph four of subdivision forty-one of section three hundred
17 seventy-five of this chapter]. For operators of motor vehicles on park-
18 ways, PUBLIC HIGHWAYS or controlled access highways, such due care shall
19 include, but not be limited to, moving from a lane which contains or is
20 immediately adjacent to the shoulder OR LANE where such [authorized
21 emergency] DESIGNATED vehicle displaying one or more red[, blue or
22 white] or [any] combination of red and white, AMBER, BLUE OR GREEN
23 lights [or blue or combination blue and red or combination blue, red and

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

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1 white lights] pursuant to the provisions of paragraph two [or subpara-
2 graph b of paragraph four, as applicable], THREE, FOUR OR FIVE of subdi-
3 vision forty-one of section three hundred seventy-five of this chapter
4 is parked, stopped or standing to another lane, provided [that such
5 movement otherwise complies with the requirements of this chapter
6 including, but not limited to, the provisions of sections eleven hundred
7 ten of this title and eleven hundred twenty-eight of this title] A DRIV-
8 ER REQUIRED TO MOVE FROM A LANE PURSUANT TO THIS SECTION SHOULD, WHEREV-
9 ER POSSIBLE, COMPLY WITH THE PROVISIONS OF THIS CHAPTER, BUT IN THE
10 EVENT SUCH COMPLIANCE WOULD PREVENT A DRIVER FROM MOVING TO ANOTHER
11 LANE, THE DRIVER MAY DISREGARD ANY PROHIBITIVE LANE MARKINGS OR TRAFFIC
12 CONTROL DEVICES AS AN EMERGENCY MEASURE INTENDED TO PREVENT AN IMMINENT
13 COLLISION. SUCH EMERGENCY MEASURE MAY ONLY BE UTILIZED WHEN THE DRIVER
14 IS ABLE TO MOVE FROM THE DRIVER'S LANE SAFELY. IN THE EVENT THAT CONDI-
15 TIONS PREVENT A DRIVER FROM MOVING TO ANOTHER LANE SAFELY, THE DRIVER
16 SHALL BE REQUIRED TO REDUCE THE SPEED OF THE DRIVER'S VEHICLE TO A SPEED
17 THAT IS REASONABLE AND PRUDENT UNDER THE CONDITIONS AND HAVING REGARD TO
18 THE ACTUAL AND POTENTIAL HAZARDS THEN EXISTING PURSUANT TO SUBDIVISION
19 (A) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS TITLE.

20 (b) [Every operator of a motor vehicle shall exercise due care to
21 avoid colliding with a hazard vehicle which is parked, stopped or stand-
22 ing on the shoulder or on any portion of such highway and such hazard
23 vehicle is displaying one or more amber lights pursuant to the
24 provisions of paragraph three of subdivision forty-one of section three
25 hundred seventy-five of this chapter. For operators of motor vehicles on
26 parkways or controlled access highways, such due care shall include, but
27 not be limited to, moving from a lane which contains or is immediately
28 adjacent to the shoulder where such hazard vehicle displaying one or
29 more amber lights pursuant to the provisions of paragraph three of
30 subdivision forty-one of section three hundred seventy-five of this
31 chapter is parked, stopped or standing to another lane, provided that
32 such movement otherwise complies with the requirements of this chapter
33 including, but not limited to, the provisions of sections eleven hundred
34 ten and eleven hundred twenty-eight of this title.] ANY PERSON WHO
35 VIOLATES SUBDIVISION (A) OF THIS SECTION AND WHO ENGAGES IN RECKLESS
36 DRIVING AS DEFINED IN SECTION TWELVE HUNDRED TWELVE OF THIS CHAPTER, AND
37 CAUSES SERIOUS PHYSICAL INJURY TO ANOTHER PERSON SHALL BE GUILTY OF A
38 CLASS E FELONY.

39 (C) ANY PERSON WHO VIOLATES SUBDIVISION (A) OF THIS SECTION AND WHO
40 ENGAGES IN RECKLESS DRIVING AS DEFINED IN SECTION TWELVE HUNDRED TWELVE
41 OF THIS CHAPTER, AND CAUSES THE DEATH OF ANOTHER PERSON SHALL BE GUILTY
42 OF A CLASS D FELONY.

43 S 2. This act shall take effect on the one hundred eightieth day after
44 it shall have become a law.