# STATE OF NEW YORK

1381

2017-2018 Regular Sessions

# IN ASSEMBLY

January 12, 2017

Introduced by M. of A. ZEBROWSKI, JAFFEE, COLTON, CAHILL, GUNTHER, LUPARDO, HOOPER, GOTTFRIED, OTIS, JENNE, GALEF, WALKER, PAULIN, SANTABARBARA, CROUCH -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, COOK, ENGLEBRIGHT, GLICK, JEAN-PIERRE, MAGEE, McDONALD, 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:**

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

**§ 159-b. Vehicle in distress. A vehicle which is parked, stopped, or standing on the shoulder of a highway, interstate, parkway, or road that is experiencing an emergency condition. A vehicle in distress may be identified by several features including but not limited to flashing amber hazard warning lights, road flares, orange reflective triangle, white flag in the window, or abnormal smoke coming from the vehicle.**

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

§ 1144-a. Operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle [~~or~~], hazard vehicle **or vehicle in distress**. (a) Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway and such authorized emergency vehicle is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter or is displaying one or more blue, combination blue and red

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

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

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

**(c) Every operator of a motor vehicle shall exercise due care to avoid colliding with a vehicle in distress which is parked, stopped, or standing on the shoulder of a highway. For operators of motor vehicles on parkways or controlled access highways, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent to the shoulder where such a vehicle in distress is parked, stopped or standing to another lane, provided that such movement otherwise complies with the requirements of this chapter including, but not limited to, the provisions of sections eleven hundred ten and eleven hundred twenty-eight of this title.**

§ 3. Section 1144-a of the vehicle and traffic law, as amended by chapter 458 of the laws of 2011, the section heading as amended and subdivision (c) as added by chapter 97 of the laws of 2016, and subdivision (a) as amended by chapter 248 of the laws of 2013, is amended to read as follows:

§ 1144-a. Operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle [~~or~~], hazard vehicle [~~or~~], vehicle displaying blue or green light **or vehicle in distress**. (a) Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway and such authorized emergency vehicle is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter or is displaying one or more blue, combination blue and red or combination blue, red and white lights pursuant to the provisions of subparagraph b

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

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

(c) Every operator of a motor vehicle shall exercise due care to avoid colliding with a vehicle displaying a blue light pursuant to the provisions of paragraph four or a green light pursuant to the provisions of paragraph five of subdivision forty-one of section three hundred seventy-five of this chapter which is parked, stopped or standing on the shoulder or any portion of such highway. For operators of motor vehicles on parkways or controlled access highways, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent to the shoulder where such vehicle displaying a blue light pursuant to the provisions of paragraph four or a green light pursuant to the provisions of paragraph five of subdivision forty-one of section three hundred seventy-five of this chapter is parked, stopped or standing to another lane, provided that such movement otherwise complies with the requirements of this chapter including, but not limited to, the provisions of sections eleven hundred ten and eleven hundred twenty-eight of this title.

**(d) Every operator of a motor vehicle shall exercise due care to avoid colliding with a vehicle in distress which is parked, stopped, or standing on the shoulder of a highway. For operators of motor vehicles on parkways or controlled access highways, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent to the shoulder where such a vehicle in distress is parked, stopped or standing to another lane, provided that such movement otherwise complies with the requirements of this chapter including, but not limited to, the provisions of sections eleven hundred ten and eleven hundred twenty-eight of this title.**

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that if chapter 97 of the laws of 2016 shall not have taken effect on or before such date then section three of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2016 takes effect.