STATE OF NEW YORK

5128

2017-2018 Regular Sessions

IN SENATE

March 9, 2017

Introduced by Sen. AVELLA -- 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 prohibiting the use of parking lanes to overtake vehicles on the right

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 1123 of the vehicle and traffic law, subdivision (b) as amended by chapter 162 of the laws of 1990, is amended to read as follows:

§ 1123. When overtaking on the right is permitted. (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. Such movement shall not be made by driving off the pavement or main-traveled portion of the roadway, **or by using a parking lane,** except as permitted by section eleven hundred thirty-one of this article.

§ 2. This act shall take effect immediately.

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

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