

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, SANTA-BARBARA, 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:

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

3 § 159-b. Vehicle in distress. A vehicle which is parked, stopped, or
4 standing on the shoulder of a highway, interstate, parkway, or road that
5 is experiencing an emergency condition. A vehicle in distress may be
6 identified by several features including but not limited to flashing
7 amber hazard warning lights, road flares, orange reflective triangle,
8 white flag in the window, or abnormal smoke coming from the vehicle.

9 § 2. Section 1144-a of the vehicle and traffic law, as amended by
10 chapter 458 of the laws of 2011, subdivision (a) as amended by chapter
11 248 of the laws of 2013, is amended to read as follows:

12 § 1144-a. Operation of vehicles when approaching a parked, stopped or
13 standing authorized emergency vehicle [~~ex~~], hazard vehicle or vehicle in
14 distress. (a) Every operator of a motor vehicle shall exercise due care
15 to avoid colliding with an authorized emergency vehicle which is parked,
16 stopped or standing on the shoulder or any portion of such highway and
17 such authorized emergency vehicle is displaying one or more red or
18 combination red and white lights pursuant to the provisions of paragraph
19 two of subdivision forty-one of section three hundred seventy-five of
20 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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1 or combination blue, red and white lights pursuant to the provisions of
2 subparagraph b of paragraph four of subdivision forty-one of section
3 three hundred seventy-five of this chapter. For operators of motor vehi-
4 cles on parkways or controlled access highways, such due care shall
5 include, but not be limited to, moving from a lane which contains or is
6 immediately adjacent to the shoulder where such authorized emergency
7 vehicle displaying one or more red, blue or white or any combination of
8 red and white lights or blue or combination blue and red or combination
9 blue, red and white lights pursuant to the provisions of paragraph two
10 or subparagraph b of paragraph four, as applicable of subdivision
11 forty-one of section three hundred seventy-five of this chapter is
12 parked, stopped or standing to another lane, provided that such movement
13 otherwise complies with the requirements of this chapter including, but
14 not limited to, the provisions of sections eleven hundred ten of this
15 title and eleven hundred twenty-eight of this title.

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

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

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

46 § 1144-a. Operation of vehicles when approaching a parked, stopped or
47 standing authorized emergency vehicle [~~or~~], hazard vehicle [~~or~~], vehicle
48 displaying blue or green light or vehicle in distress. (a) Every opera-
49 tor of a motor vehicle shall exercise due care to avoid colliding with
50 an authorized emergency vehicle which is parked, stopped or standing on
51 the shoulder or any portion of such highway and such authorized emergen-
52 cy vehicle is displaying one or more red or combination red and white
53 lights pursuant to the provisions of paragraph two of subdivision
54 forty-one of section three hundred seventy-five of this chapter or is
55 displaying one or more blue, combination blue and red or combination
56 blue, red and white lights pursuant to the provisions of subparagraph b

1 of paragraph four of subdivision forty-one of section three hundred
2 seventy-five of this chapter. For operators of motor vehicles on park-
3 ways or controlled access highways, such due care shall include, but not
4 be limited to, moving from a lane which contains or is immediately adja-
5 cent to the shoulder where such authorized emergency vehicle displaying
6 one or more red, blue or white or any combination of red and white
7 lights or blue or combination blue and red or combination blue, red and
8 white lights pursuant to the provisions of paragraph two or subparagraph
9 b of paragraph four, as applicable of subdivision forty-one of section
10 three hundred seventy-five of this chapter is parked, stopped or stand-
11 ing to another lane, provided that such movement otherwise complies with
12 the requirements of this chapter including, but not limited to, the
13 provisions of sections eleven hundred ten of this title and eleven
14 hundred twenty-eight of this title.

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

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

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

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