

# STATE OF NEW YORK

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5397

2017-2018 Regular Sessions

## IN SENATE

March 24, 2017

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Introduced by Sen. ROBACH -- 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 display of amber and blue lights

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 139-a to read as follows:

3 § 139-a. Roadside service vehicle. A motor vehicle that is used in the  
4 providing of fuel, jump starts, tire changes, lockout services, minor  
5 repairs and similar services to motorists alongside a roadway and, if  
6 equipped to do so, to push disabled vehicles from active traffic lanes.

7 § 2. Subdivision 41 of section 375 of the vehicle and traffic law, as  
8 added by chapter 197 of the laws of 1970, paragraph 3 as amended by  
9 chapter 435 of the laws of 1977, paragraph 4 as amended by chapter 465  
10 of the laws of 2010, subparagraph b of paragraph 4 as amended by chapter  
11 143 of the laws of 2011, the opening paragraph of paragraph 5 as amended  
12 by chapter 349 of the laws of 2004, and paragraph 8 as added by chapter  
13 156 of the laws of 1992, is amended to read as follows:

14 41. Colored and flashing lights. The provisions of this subdivision  
15 shall govern the affixing and display of lights on vehicles, other than  
16 those lights required by law. 1. No light, other than a white light, and  
17 no revolving, rotating, flashing, oscillating or constantly moving white  
18 light shall be affixed to, or displayed on any vehicle except as  
19 prescribed herein.

20 2. Red lights and certain white lights. One or more red or combination  
21 red and white lights, or one white light which must be a revolving,  
22 rotating, flashing, oscillating or constantly moving light, may be  
23 affixed to an authorized emergency vehicle, and such lights may be  
24 displayed on an authorized emergency vehicle when such vehicle is

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

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1 engaged in an emergency operation, and upon a fire vehicle while return-  
2 ing from an alarm of fire or other emergency.

3 3. Amber lights. [~~a-~~] (a) One or more amber lights may be affixed to a  
4 hazard vehicle, and such a light or lights which display an amber light  
5 visible to all approaching traffic under normal atmospheric conditions  
6 from a distance of five hundred feet from such vehicle shall be  
7 displayed on a hazard vehicle when such vehicle is engaged in a hazard-  
8 ous operation. Such light or lights shall not be required to be  
9 displayed during daylight hours provided at least two red flags visible  
10 from a distance of five hundred feet are placed both in or on the front  
11 of, and to or on the rear of the vehicle and two such flags are placed  
12 to each side of the vehicle open to traffic. Such lights or flags need  
13 not be displayed on the vehicle when the vehicle is operating, or  
14 parked, within a barricaded work area and said lights or flags are  
15 displayed on the barricade. The provisions of this subdivision shall not  
16 prohibit the temporary affixing and display of an amber light to be used  
17 as a warning on a disabled motor vehicle or on a motor vehicle while it  
18 is stopped on a highway while engaged in an operation which would  
19 restrict, impede or interfere with the normal flow of traffic.

20 [~~b-~~] (b) In any city in this state having a population of one million  
21 or more, one amber light may be affixed to any motor vehicle owned or  
22 operated by a volunteer member of a civilian or crime patrol provided  
23 such volunteer civilian or crime patrol member has been authorized in  
24 writing to so affix an amber light by the police commissioner of the  
25 municipality in which he patrols, which authorization shall be subject  
26 to revocation at any time by the police commissioner who issued the same  
27 or his successor in office. Such amber light may be operated by such  
28 volunteer civilian or crime patrol member in such a vehicle only when  
29 engaged in a patrol operation as defined and authorized by rules and  
30 regulations promulgated by the police commissioner and only in such a  
31 manner and at such times as may be authorized by the police commissioner  
32 pursuant to said rules and regulations.

33 4. Blue light. [~~a-~~] (a) One blue light may be affixed to any motor  
34 vehicle owned by a volunteer member of a fire department or on a motor  
35 vehicle owned by a member of such person's family residing in the same  
36 household or by a business enterprise in which such person has a propri-  
37 etary interest or by which he or she is employed, provided such volun-  
38 teer firefighter has been authorized in writing to so affix a blue light  
39 by the chief of the fire department or company of which he or she is a  
40 member, which authorization shall be subject to revocation at any time  
41 by the chief who issued the same or his or her successor in office. Such  
42 blue light may be displayed exclusively by such volunteer firefighter on  
43 such a vehicle only when engaged in an emergency operation. The use of  
44 blue lights on vehicles shall be restricted for use only by a volunteer  
45 firefighter except as otherwise provided for in subparagraph b of this  
46 paragraph.

47 [~~b-~~] (b) In addition to the red and white lights authorized to be  
48 displayed pursuant to paragraph two of this subdivision, one or more  
49 blue lights or combination blue and red lights or combination blue, red  
50 and white lights may be affixed to a police vehicle, fire vehicle, ambu-  
51 lance, emergency ambulance service vehicle, and county emergency medical  
52 services vehicle provided that such blue light or lights shall be  
53 displayed on a police vehicle, fire vehicle, ambulance, emergency ambu-  
54 lance service vehicle, and county emergency medical services vehicle for  
55 rear projection only. In the event that the trunk or rear gate of a  
56 police vehicle, fire vehicle, ambulance, emergency ambulance service

1 vehicle, and county emergency medical services vehicle obstructs or  
2 diminishes the visibility of other emergency lighting on such vehicles,  
3 a blue light may be affixed to and displayed from the trunk, rear gate  
4 or interior of such vehicles. Such lights may be displayed on a police  
5 vehicle, fire vehicle, ambulance, emergency ambulance service vehicle,  
6 and county emergency medical services vehicle when such vehicles are  
7 engaged in an emergency operation. Nothing contained in this subpara-  
8 graph shall be deemed to authorize the use of blue lights on police  
9 vehicles, fire vehicles, ambulances, emergency ambulance service vehi-  
10 cles, and county emergency medical services vehicles unless such vehi-  
11 cles also display one or more red or combination red and white lights as  
12 otherwise authorized in this subdivision.

13 ~~[e-]~~ (c) In addition to the amber lights authorized pursuant to para-  
14 graph three of this subdivision, a tow truck or roadside service vehicle  
15 may also display amber and blue lights for rear projection only. Such  
16 lights may only be displayed when the tow truck or roadside service  
17 vehicle is engaged in a hazardous operation.

18 (d) The commissioner is authorized to promulgate rules and regulations  
19 relating to the use, placement, power and display of blue lights on a  
20 police vehicle and fire vehicle.

21 5. Green light. (a) One green light may be affixed to any motor vehi-  
22 cle owned by a member of a volunteer ambulance service, or on a motor  
23 vehicle owned by a member of such person's family, or by a business  
24 enterprise in which such person has a proprietary interest or by which  
25 he is employed, provided such member has been authorized in writing to  
26 so affix a green light by the chief officer of such service as desig-  
27 nated by the members thereof. Such green light may be displayed exclu-  
28 sively by such member of a volunteer ambulance service only when engaged  
29 in an emergency operation. The use of green lights on vehicles shall be  
30 restricted for use only by a member of a volunteer ambulance service as  
31 provided for in this paragraph.

32 (b) As used in this paragraph volunteer ambulance service means:

33 ~~[a-]~~ (i) a non-profit ~~[membership]~~ corporation (other than a fire  
34 corporation) incorporated under or subject to the provisions of the  
35 ~~[membership—corporations]~~ not-for-profit corporation law, or any other  
36 law, operating its ambulance or ambulances on a non-profit basis for the  
37 convenience of the members thereof and their families or of the communi-  
38 ty or under a contract with a county, city, town or village pursuant to  
39 section one hundred twenty-two-b of the general municipal law; or

40 ~~[b-]~~ (ii) an unincorporated association of persons operating its ambu-  
41 lance or ambulances on a non-profit basis for the convenience of the  
42 members and their families or of the community.

43 6. The commissioner is authorized to promulgate regulations with  
44 respect to the affixing and display of colored lights and to promulgate  
45 specifications with respect to such lights.

46 7. The provisions of this subdivision ~~[forty-one]~~ shall not be appli-  
47 cable to vehicles from other states or from the Dominion of Canada which  
48 have entered this state to render police, fire or civil defense aid, or  
49 ambulance service, while such vehicles are here or are returning to  
50 their home stations if the lights on such vehicles comply with the laws  
51 of their home states or the Dominion of Canada and are displayed in this  
52 state in the same manner permitted by their home states or the Dominion  
53 of Canada, nor shall the provisions of this subdivision ~~[forty-one]~~ be  
54 deemed to amend, supersede or in any manner affect the provisions of the  
55 New York state defense emergency act as now in force or as it may be  
56 amended from time to time.

1 8. The provisions of this subdivision shall not be applicable to the  
2 driver of a vehicle from another state or foreign jurisdiction which  
3 vehicle has colored lights affixed but not revolving, rotating, flash-  
4 ing, oscillating or constantly moving if the lights on such vehicle  
5 comply with the laws of the state or home foreign jurisdiction in which  
6 the vehicle is registered.

7 § 3. Subdivision (b) of section 1144-a of the vehicle and traffic law,  
8 as amended by chapter 458 of the laws of 2011, is amended to read as  
9 follows:

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

27 § 4. This act shall take effect immediately.