

# STATE OF NEW YORK

3889

2019-2020 Regular Sessions

## IN ASSEMBLY

January 31, 2019

Introduced by M. of A. ZEBROWSKI, JAFFEE, COLTON, CAHILL, GUNTHER, LUPARDO, GOTTFRIED, OTIS, GALEF, PAULIN, SANTABARBARA, CROUCH -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, COOK, ENGLEBRIGHT, GLICK, JEAN-PIERRE -- 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, the section heading as amended and  
11 subdivision (c) as added by chapter 97 of the laws of 2016, and subdivi-  
12 sion (a) as amended by chapter 248 of the laws of 2013, is amended to  
13 read as follows:

14 § 1144-a. Operation of vehicles when approaching a parked, stopped or  
15 standing authorized emergency vehicle [~~ex~~], hazard vehicle [~~ex~~], vehicle  
16 displaying blue or green light or vehicle in distress. (a) Every opera-  
17 tor of a motor vehicle shall exercise due care to avoid colliding with  
18 an authorized emergency vehicle which is parked, stopped or standing on  
19 the shoulder or any portion of such highway and such authorized emergen-  
20 cy vehicle is displaying one or more red or combination red and white

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

LBD06519-01-9

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

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

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

50 (d) Every operator of a motor vehicle shall exercise due care to avoid  
51 colliding with a vehicle in distress which is parked, stopped, or stand-  
52 ing on the shoulder of a highway. For operators of motor vehicles on  
53 parkways or controlled access highways, such due care shall include, but  
54 not be limited to, moving from a lane which contains or is immediately  
55 adjacent to the shoulder where such a vehicle in distress is parked,  
56 stopped or standing to another lane, provided that such movement other-

1 wise complies with the requirements of this chapter including, but not  
2 limited to, the provisions of sections eleven hundred ten and eleven  
3 hundred twenty-eight of this title.

4 § 3. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law.