STATE OF NEW YORK

4438

2019-2020 Regular Sessions

IN ASSEMBLY

February 4, 2019

Introduced by M. of A. DenDEKKER, BRONSON, HAWLEY, BRABENEC -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the display of amber and blue lights on certain hazard vehicles

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

Section 1. Subparagraphs a and c of paragraph 4 of subdivision 41 of section 375 of the vehicle and traffic law, as amended by chapter 465 of the laws of 2010, are amended to read as follows:

a. One blue light may be affixed to any motor vehicle owned by a volunteer member of a fire department or on a motor vehicle owned by a member of such person's family residing in the same household or by a business enterprise in which such person has a proprietary interest or by which he or she is employed, provided such volunteer firefighter has been authorized in writing to so affix a blue light by the chief of the fire department or company of which he or she is a member, which authorization shall be subject to revocation at any time by the chief who issued the same or his or her successor in office. Such blue light may be displayed exclusively by such volunteer firefighter on such a vehicle only when engaged in an emergency operation. The use of blue lights on vehicles shall be restricted for use only by a volunteer firefighter except as otherwise provided for in [~~subparagraph~~] **subparagraphs** b **and b-1** of this paragraph.

c. The commissioner is authorized to promulgate rules and regulations relating to the use, placement, power and display of blue lights on a police vehicle [~~and~~]**,** fire vehicle**, and hazard vehicle designed for the towing or pushing of disabled vehicles**.

§ 2. Paragraph 4 of subdivision 41 of section 375 of the vehicle and traffic law is amended by adding a new subparagraph b-1 to read as follows:

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

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b-1. In addition to the amber light authorized to be displayed pursuant to paragraph three of this subdivision, one or more blue lights or combination blue and amber lights may be affixed to a hazard vehicle designed for the towing or pushing of disabled vehicles provided that such blue light or lights shall be displayed on such a hazard vehicle for rear projection only. Such blue light or lights may be displayed on a hazard vehicle designed for the towing or pushing of disabled vehicles when such vehicle is engaged in a hazardous operation and is also displaying the amber light or lights required to be displayed during a hazardous operation pursuant to paragraph three of this subdivision. Nothing contained in this subparagraph shall be deemed to authorize the use of blue lights on hazard vehicles designed for the towing or pushing of disabled vehicles unless such hazard vehicles also display one or more amber lights as otherwise authorized in this subdivision.

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

(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 **or, if such hazard vehicle is designed for the towing or pushing of disabled vehicles such hazard vehicle is displaying one or more amber lights or one or more blue or combination blue and amber lights pursuant to the provisions of paragraph three or subparagraph b-1 of paragraph four, as applicable, 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 **(i)** 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 **or (ii) such hazard vehicle designed for the towing or pushing of disabled vehicles displaying one or more amber lights or one or more blue or combination blue and amber lights pursuant to the provisions of paragraph three or subparagraph b-1 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 and eleven hundred twenty-eight of this title.

§ 4. This act shall take effect immediately.