STATE OF NEW YORK

1332

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sen. GALLIVAN -- 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 operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle or hazard vehicle or vehicle displaying a blue or green light

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

Section 1. Section 1144-a of the vehicle and traffic law, as amended by chapter 458 of the laws of 2011, the section heading as amended and subdivision (c) as added by chapter 97 of the laws of 2016, and subdivision (a) as amended by chapter 248 of the laws of 2013, is amended to read as follows:

§ 1144-a. Operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle or hazard vehicle or vehicle displaying a blue or green light. (a) **1.** Every operator of a motor vehicle shall exercise due care to avoid colliding with an authorized emergency vehicle which is parked, stopped or standing on the shoulder or any portion of such highway and such authorized emergency vehicle is displaying one or more red or combination red and white lights pursuant to the provisions of paragraph two of subdivision forty-one of section three hundred seventy-five of this chapter or is displaying one or more blue, combination blue and red or combination blue, red and white lights pursuant to the provisions of subparagraph b of paragraph four 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 such authorized emergency vehicle displaying one or more red, blue or white or any combination of red and white lights or blue or combination blue and red or combination blue, red and white lights pursuant to the

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

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provisions of paragraph two or subparagraph b 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 [~~of this title~~] and eleven hundred twenty-eight of this title.

[~~(b)~~] 2. 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. 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 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 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.

[~~(c)~~] 3. Every operator of a motor vehicle shall exercise due care to avoid colliding with a vehicle displaying a blue light pursuant to the provisions of paragraph four or a green light pursuant to the provisions of paragraph five of subdivision forty-one of section three hundred seventy-five of this chapter which is parked, stopped or standing on the shoulder or any portion of such highway. 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 such vehicle displaying a blue light pursuant to the provisions of paragraph four or a green light pursuant to the provisions of paragraph five 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.

(b) 1. An operator of a motor vehicle who causes physical injury as defined under article ten of the penal law as a result of recklessly failing to exercise due care in violation of subdivision (a) of this section shall be guilty of a class A misdemeanor punishable by a fine of not less than two hundred fifty dollars nor more than five hundred dollars in addition to any other penalties provided by law. A conviction for a second or any subsequent violation, any of which were committed within a period of eighteen months, shall constitute a class E felony, punishable by a fine of not less than one thousand nor more than two thousand five hundred dollars in addition to any other penalties provided by law.

2. An operator of a motor vehicle (i) who causes serious physical injury as defined under article ten of the penal law as a result of recklessly failing to exercise due care in violation of subdivision (a) of this section shall be guilty of a class D felony punishable by a fine of not less than one thousand dollars nor more than five thousand dollars in addition to any other penalty provided by law, or (ii) who causes death as a result of recklessly failing to exercise due care in

violation of subdivision (a) of this section shall be guilty of a class C felony punishable by a fine of not less than two thousand nor more than five thousand dollars in addition to any other penalties provided by law, and by suspension of a license or registration pursuant to subparagraph (xviii) of paragraph b of subdivision two of section five hundred ten of this chapter.

(c) For the purposes of this section, the term "recklessly" shall have the same meaning as defined in section 15.05 of the penal law.

§ 2. Paragraph b of subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new subparagraph (xviii) to read as follows:

(xviii) for a period of six months where the holder is convicted of a violation of paragraph two of subdivision (b) of section eleven hundred forty-four-a of this chapter and the commission of such violation caused serious physical injury to or death of another person.

§ 3. The division of criminal justice services shall establish a public information campaign to instruct the public that operating a motor vehicle when approaching a parked, stopped or standing authorized emergency vehicle or hazard vehicle or vehicle displaying a blue or green light that results in physical injury, serious physical injury or death as a result of the operator recklessly failing to exercise due care to avoid a collision can result in serious criminal penalties.

§ 4. This act shall take effect immediately.