STATE OF NEW YORK

6171

2019-2020 Regular Sessions

IN SENATE

May 21, 2019

Introduced by Sen. KENNEDY -- (at request of the Department of Transportation) -- 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 and the highway law, in relation to the removal of vehicles and cargo from the highway

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

Section 1. Section 600 of the vehicle and traffic law is amended by adding a new subdivision 4 to read as follows:

4. Any person operating a motor vehicle involved in an accident not involving personal injury or death who moves such vehicle to a location off the roadway but as near as possible to the place where the damage occurred, so as not to obstruct the regular flow of traffic, shall not be construed to be in violation of subdivision one of this section because of such movement.

§ 2. Subdivision 2 of section 15 of the highway law, as amended by chapter 1110 of the laws of 1971, is amended to read as follows:

2. The commissioner [~~of transportation~~] **or a police officer, or any person acting at the direction of the commissioner or a police officer,** shall have the power to cause the immediate removal, from the right of way of any state highway, of any vehicle**, cargo, or debris** which obstructs or interferes with the use of such a highway for public travel; or which obstructs or interferes with the construction, reconstruction or maintenance of such a highway; or which obstructs or interferes with the clearing or removal of snow or ice from such a highway; or which obstructs or interferes with any operation of the department of transportation during a public emergency. **The commissioner or a police officer, or any person acting at the direction of the commissioner or a police officer, shall not be liable for any damage to such vehicle, cargo, or debris, unless such removal was carried out in a reckless or grossly negligent manner.**

§ 3. This act shall take effect immediately.

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

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