

STATE OF NEW YORK

8258--A

Cal. No. 1061

IN SENATE

February 7, 2022

Introduced by Sen. REICHLIN-MELNICK -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 disabled vehicle or a motor vehicle involved in an accident 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. Section 1144-a of the vehicle and traffic law, as amended
2 by chapter 458 of the laws of 2011, the section heading as amended and
3 subdivision (c) as added by chapter 97 of the laws of 2016, subdivision
4 (a) as amended by chapter 248 of the laws of 2013, and subdivision (b)
5 as amended by section 3 of part C of chapter 58 of the laws of 2020, is
6 amended to read as follows:
7 § 1144-a. Operation of vehicles when approaching a parked, stopped or
8 standing authorized emergency vehicle [~~ex~~], hazard vehicle [~~ex~~], vehicle
9 displaying blue or green light or disabled vehicle. (a) Every operator
10 of a motor vehicle shall exercise due care to avoid colliding with an
11 authorized emergency vehicle which is parked, stopped or standing on the
12 shoulder or any portion of such highway and such authorized emergency
13 vehicle is displaying one or more red or combination red and white
14 lights pursuant to the provisions of paragraph two of subdivision
15 forty-one of section three hundred seventy-five of this chapter or is
16 displaying one or more blue, combination blue and red or combination
17 blue, red and white lights pursuant to the provisions of subparagraph b
18 of paragraph four of subdivision forty-one of section three hundred
19 seventy-five of this chapter. For operators of motor vehicles on park-
20 ways or controlled access highways, such due care shall include, but not
21 be limited to, moving from a lane which contains or is immediately adja-
22 cent to the shoulder where such authorized emergency vehicle displaying
23 one or more red, blue or white or any combination of red and white

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

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1 lights or blue or combination blue and red or combination blue, red and
2 white lights pursuant to the provisions of paragraph two or subparagraph
3 b of paragraph four, as applicable of subdivision forty-one of section
4 three hundred seventy-five of this chapter is parked, stopped or stand-
5 ing to another lane, provided that such movement otherwise complies with
6 the requirements of this chapter including, but not limited to, the
7 provisions of sections eleven hundred ten of this title and eleven
8 hundred twenty-eight of this title.

9 (b) Every operator of a motor vehicle shall exercise due care to avoid
10 colliding with a hazard vehicle which is parked, stopped or standing on
11 the shoulder or on any portion of such highway and such hazard vehicle
12 is displaying one or more amber lights pursuant to the provisions of
13 paragraph three of subdivision forty-one of section three hundred seven-
14 ty-five of this chapter or, if such hazard vehicle is designed for the
15 towing or pushing of disabled vehicles such hazard vehicle is displaying
16 one or more amber lights or one or more blue or combination blue and
17 amber lights pursuant to the provisions of paragraph three or subpara-
18 graph b-1 of paragraph four, as applicable, of subdivision forty-one of
19 section three hundred seventy-five of this chapter. For operators of
20 motor vehicles on parkways or controlled access highways, such due care
21 shall include, but not be limited to, moving from a lane which contains
22 or is immediately adjacent to the shoulder where (i) such hazard vehicle
23 displaying one or more amber lights pursuant to the provisions of para-
24 graph three of subdivision forty-one of section three hundred seventy-
25 five of this chapter or (ii) such hazard vehicle designed for the towing
26 or pushing of disabled vehicles displaying one or more amber lights or
27 one or more blue or combination blue and amber lights pursuant to the
28 provisions of paragraph three or subparagraph b-1 of paragraph four, as
29 applicable, of subdivision forty-one of section three hundred seventy-
30 five of this chapter, is parked, stopped or standing to another lane,
31 provided that such movement otherwise complies with the requirements of
32 this chapter including, but not limited to, the provisions of sections
33 eleven hundred ten and eleven 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 disabled vehicle or a motor vehicle involved in an
52 accident which is parked, stopped or standing on the shoulder or any
53 portion of such highway. For operators of motor vehicles on parkways or
54 controlled access highways, such due care shall include, but not be
55 limited to, moving from a lane which contains or is immediately adjacent
56 to the shoulder where such disabled vehicle or motor vehicle involved in

1 an accident is parked, stopped or standing to another lane, provided
2 that such movement otherwise complies with the requirements of this
3 chapter including, but not limited to, the provisions of sections eleven
4 hundred ten and eleven hundred twenty-eight of this title.

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