STATE OF NEW YORK

1077

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. ZEBROWSKI, COLTON, GUNTHER, LUPARDO, OTIS, PAULIN, SANTABARBARA -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, COOK, 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 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 chapter 504 of the laws of 2022, is amended to read as 6 follows:

7 § 1144-a. Operation of vehicles when approaching a parked, stopped or 8 standing authorized emergency vehicle [**or**], hazard vehicle [**or**], vehicle 9 displaying a 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 shoulder or any portion of such highway and such authorized emergency 12 vehicle is displaying one or more red or combination red and white 13 lights pursuant to the provisions of paragraph two of subdivision 14 forty-one of section three hundred seventy-five of this chapter or is 15 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-

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

LBD03232-01-3

cent to the shoulder where such authorized emergency vehicle displaying 1 one or more red, blue or white or any combination of red and white 2 lights or blue or combination blue and red or combination blue, red and 3 4 white lights pursuant to the provisions of paragraph two or subparagraph 5 b of paragraph four, as applicable of subdivision forty-one of section б three hundred seventy-five of this chapter is parked, stopped or stand-7 ing to another lane, provided that such movement otherwise complies with 8 the requirements of this chapter including, but not limited to, the 9 provisions of sections eleven hundred ten of this title and eleven 10 hundred twenty-eight of this title.

(b) Every operator of a motor vehicle shall exercise due care to avoid 11 12 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 13 14 displaying one or more amber lights pursuant to the provisions of is 15 paragraph three of subdivision forty-one of section three hundred seven-16 ty-five of this chapter or, if such hazard vehicle is designed for the 17 towing or pushing of disabled vehicles such hazard vehicle is displaying 18 one or more amber lights or one or more blue or combination blue and 19 amber lights pursuant to the provisions of paragraph three or subpara-20 graph b-1 of paragraph four, as applicable, of subdivision forty-one of 21 section three hundred seventy-five of this chapter or, if such hazard 22 vehicle owned and operated by the state or by a county, city, town or 23 village is designed for the removal of ice and snow such hazard vehicle is displaying one or more amber lights or one or more green or combina-24 25 tion green and amber lights pursuant to the provisions of paragraph 26 three or subparagraph (c) of paragraph five, as applicable, of subdivi-27 sion forty-one of section three hundred seventy-five of this chapter. 28 For operators of motor vehicles on parkways or controlled access high-29 ways, such due care shall include, but not be limited to, moving from a 30 lane which contains or is immediately adjacent to the shoulder where (i) 31 such hazard vehicle displaying one or more amber lights pursuant to the 32 provisions of paragraph three of subdivision forty-one of section three 33 hundred seventy-five of this chapter or (ii) such hazard vehicle 34 designed for the towing or pushing of disabled vehicles displaying one 35 or more amber lights or one or more blue or combination blue and amber 36 lights pursuant to the provisions of paragraph three or subparagraph b-1 37 of paragraph four, as applicable, of subdivision forty-one of section 38 three hundred seventy-five of this chapter or (iii) such hazard vehicle 39 owned and operated by the state or by a county, city, town or village is 40 displaying one or more amber lights or one or more green or combination green and amber lights pursuant to the provisions of paragraph three or 41 42 subparagraph (c) of paragraph five, as applicable, of subdivision 43 forty-one of section three hundred seventy-five of this chapter, is parked, stopped or standing to another lane, provided that such movement 44 45 otherwise complies with the requirements of this chapter including, but 46 not limited to, the provisions of sections eleven hundred ten and eleven 47 hundred twenty-eight of this title.

48 (c) Every operator of a motor vehicle shall exercise due care to avoid 49 colliding with a vehicle displaying a blue light pursuant to the provisions of paragraph four or a green light pursuant to the provisions 50 of paragraph five of subdivision forty-one of section three hundred 51 52 seventy-five of this chapter which is parked, stopped or standing on the 53 shoulder or any portion of such highway. For operators of motor vehicles 54 parkways or controlled access highways, such due care shall include, on 55 but not be limited to, moving from a lane which contains or is imme-56 diately adjacent to the shoulder where such vehicle displaying a blue

1 light pursuant to the provisions of paragraph four or a green light 2 pursuant to the provisions of paragraph five of subdivision forty-one of 3 section three hundred seventy-five of this chapter is parked, stopped or 4 standing to another lane, provided that such movement otherwise complies 5 with the requirements of this chapter including, but not limited to, the 6 provisions of sections eleven hundred ten and eleven hundred twenty-7 eight of this title.

8 (d) Every operator of a motor vehicle shall exercise due care to avoid 9 colliding with a disabled vehicle or a motor vehicle involved in an 10 accident which is parked, stopped or standing on the shoulder or any 11 portion of such highway. For operators of motor vehicles on parkways or 12 controlled access highways, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent 13 14 to the shoulder where such disabled vehicle or motor vehicle involved in 15 an accident is parked, stopped or standing to another lane, provided that such movement otherwise complies with the requirements of this 16 17 chapter including, but not limited to, the provisions of sections eleven 18 hundred ten and eleven hundred twenty-eight of this title.

19 § 2. This act shall take effect on the one hundred eightieth day after 20 it shall have become a law.