STATE OF NEW YORK

4346--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. STECK, BRONSON, FAHY, GUNTHER, SIMON, WOERNER, EPSTEIN, GALLAGHER, SEAWRIGHT, CLARK, MAMDANI, FORREST, RAJKUMAR, OTIS, THIELE, GLICK, LEVENBERG, GONZALEZ-ROJAS, RAGA, SHRESTHA, SIMONE, L. ROSENTHAL, McDONALD, WALLACE, LUNSFORD, CARROLL, SHIMSKY, KELLES -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to operators of a vehicle overtaking a bicycle or pedestrian

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

Section 1. Section 1122-a of the vehicle and traffic law, as added by chapter 413 of the laws of 2010, is amended to read as follows:

§ 1122-a. Overtaking a bicycle **or pedestrian**. [~~The~~] **(a) For cities having a population of less than one million and towns and villages, the** operator of a vehicle overtaking, from behind, a bicycle proceeding on the same side of a roadway shall pass to the left of such bicycle [~~at a safe distance until safely clear thereof~~] **with due care**.

(i) For purposes of this section, such due care shall include, but not be limited to, moving from a lane or shoulder which contains or is immediately adjacent to the bicyclist to another lane until safely clear thereof, 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 chapter.

(ii) If moving from an immediately adjacent lane to another lane would not otherwise comply with the requirements of this chapter, the operator of such vehicle shall pass to the left of such bicycle at a distance of not less than three feet until safely clear thereof.

(iii) If moving from an immediately adjacent lane to another lane or passing to the left of such bicycle at a distance of not less than three

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

LBD04965-05-3

feet would not otherwise comply with the requirements of this chapter, the operator of such vehicle shall only pass such bicycle if, after considering the actual and potential hazards then existing, doing so is reasonable and prudent under the conditions.

(b) For cities having a population of less than one million and for towns and villages, the operator of a vehicle passing a pedestrian proceeding on the same side of a roadway shall pass to the left of such pedestrian by: (i) moving from a lane or shoulder which contains or is immediately adjacent to the pedestrian to another lane until safely clear thereof, 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 chapter; or (ii) if moving from an immediately adjacent lane to another lane would not otherwise comply with the requirements of this chapter, the operator of such vehicle shall pass to the left of such pedestrian at a distance of not less than three feet until safely clear thereof; or (iii) if moving from an immediately adjacent lane to another lane or passing to the left of such pedestrian at a distance of not less than three feet would not otherwise comply with the requirements of this chapter, the operator of such vehicle shall only pass such pedestrian if, after considering the actual and potential hazards then existing, doing so is reasonable and prudent under the conditions.

(c) For any city not covered under the provisions of subdivision (a) of this section, the operator of a vehicle overtaking, from behind, a bicycle proceeding on the same side of a roadway shall pass to the left of such bicycle at a safe distance until safely clear thereof.

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