

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:

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

3 § 1122-a. Overtaking a bicycle or pedestrian. [~~The~~] (a) For cities
4 having a population of less than one million and towns and villages, the
5 operator of a vehicle overtaking, from behind, a bicycle proceeding on
6 the same side of a roadway shall pass to the left of such bicycle [~~at a~~
7 ~~safe distance until safely clear thereof~~] with due care.

8 (i) For purposes of this section, such due care shall include, but not
9 be limited to, moving from a lane or shoulder which contains or is imme-
10 diately adjacent to the bicyclist to another lane until safely clear
11 thereof, provided that such movement otherwise complies with the
12 requirements of this chapter including, but not limited to, the
13 provisions of sections eleven hundred ten and eleven hundred twenty-
14 eight of this chapter.

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

19 (iii) If moving from an immediately adjacent lane to another lane or
20 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.

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

5 (b) For cities having a population of less than one million and for
6 towns and villages, the operator of a vehicle passing a pedestrian
7 proceeding on the same side of a roadway shall pass to the left of such
8 pedestrian by: (i) moving from a lane or shoulder which contains or is
9 immediately adjacent to the pedestrian to another lane until safely
10 clear thereof, provided that such movement otherwise complies with the
11 requirements of this chapter including, but not limited to, the
12 provisions of sections eleven hundred ten and eleven hundred twenty-
13 eight of this chapter; or (ii) if moving from an immediately adjacent
14 lane to another lane would not otherwise comply with the requirements of
15 this chapter, the operator of such vehicle shall pass to the left of
16 such pedestrian at a distance of not less than three feet until safely
17 clear thereof; or (iii) if moving from an immediately adjacent lane to
18 another lane or passing to the left of such pedestrian at a distance of
19 not less than three feet would not otherwise comply with the require-
20 ments of this chapter, the operator of such vehicle shall only pass such
21 pedestrian if, after considering the actual and potential hazards then
22 existing, doing so is reasonable and prudent under the conditions.

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

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