STATE OF NEW YORK

9921

IN ASSEMBLY

April 26, 2024

Introduced by M. of A. SIMON -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to enacting the "New York State pedestrian right-of-way protection act"

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

Section 1. Short title. This act shall be known and may be cited as the "New York State pedestrian right-of-way protection act".

§ 2. Legislative purpose. It is the purpose of this act to enhance pedestrian safety and ensure Americans with Disabilities Act compliance by prohibiting the parking of vehicles in pedestrian right-of-ways.

§ 3. Section 125 of the vehicle and traffic law, as amended by section 3 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

§ 125. Motor vehicles. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, (d) all terrain vehicles as defined in article forty-eight-B of this chapter, (e) bicycles with electric assist as defined in section one hundred two-c of this article, and (f) electric scooters as defined in section one hundred fourteen-e of this article. For the purposes of title four of this chapter, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five of this chapter the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site. **For the purposes of subparagraph m of paragraph one of subdivision (a) of**

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

LBD14818-01-4

section one thousand two hundred two of this chapter, the term motor vehicle shall not include any motor vehicle weighing two hundred pounds or less.

§ 4. The vehicle and traffic law is amended by adding a new section 162 to read as follows:

§ 162. Pedestrian right-of-way. A designated path or area exclusively designed for pedestrian use, including but not limited to raised sidewalks and pedestrian zones, without necessarily being physically separated from vehicular traffic.

§ 5. Subparagraph l of paragraph 1 of subdivision (a) of section 1202 of the vehicle and traffic law, as amended by chapter 206 of the laws of 2020, is amended and a new subparagraph m is added to read as follows:

l. In a space designated as provided in this subparagraph for the exclusive purpose of charging an electric vehicle at an electric vehicle charging station, unless such vehicle is an electric vehicle connected to such charging station. Provided, however, that an electric motor vehicle disconnected from the electric vehicle charging station for no more than thirty continuous minutes while stopped, standing or parked in such designated space shall not be in violation of this subparagraph. Parking spaces designated for the exclusive purpose of charging an electric vehicle at an electric vehicle charging station shall be clearly identified, and such designation shall include conspicuous and permanently installed above grade signs which shall be positioned from the parking space surface at a height of not less than five feet nor more than seven feet and which identify such space as an electric vehicle charging station, indicate that such space is only for electric vehicle charging and include any day or time restrictions. For the purposes of this subparagraph, the term "electric vehicle" shall mean a motor vehicle that is propelled at least in part by an electric motor and associated power electronics which provide acceleration torque to the drive wheels sometime during normal vehicle operation, and that draws electricity from a battery or hydrogen fuel cell that is capable of being recharged from an external source of electricity, such that the external source of electricity cannot be connected to the vehicle while the vehicle is in motion, and the term "electric vehicle charging station" shall mean the equipment needed to convey electric power from the electric grid or another power source to an onboard motor vehicle energy storage system[~~.~~]; or

m. In a pedestrian right-of-way, unless such motor vehicle is an emergency vehicle engaged in its official duties or a vehicle parking for the purpose of maintenance or construction which has been authorized by the appropriate local authorities. Any violation of this subparagraph shall be an unclassified misdemeanor.

§ 6. Section 1801 of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. Every person convicted of a misdemeanor for a violation of subparagraph m of paragraph one of subdivision (a) of section one thousand two hundred two of this chapter shall for a first conviction thereof be punished by a fine of not more than five hundred dollars; for a conviction of a second violation, both of which were committed within a period of twenty-four months, such person shall be punished by a fine of not more than one thousand dollars; upon a conviction of a third or subsequent violation, all of which were committed within a period of twenty-four months, such person shall be punished by a fine of not more than two thousand dollars.

§ 7. Severability clause. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 8. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.