

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York State pedestrian right-of-way protection act".
3 § 2. Legislative purpose. It is the purpose of this act to enhance
4 pedestrian safety and ensure Americans with Disabilities Act compliance
5 by prohibiting the parking of vehicles in pedestrian right-of-ways.
6 § 3. Section 125 of the vehicle and traffic law, as amended by section
7 3 of part XX of chapter 58 of the laws of 2020, is amended to read as
8 follows:
9 § 125. Motor vehicles. Every vehicle operated or driven upon a public
10 highway which is propelled by any power other than muscular power,
11 except (a) electrically-driven mobility assistance devices operated or
12 driven by a person with a disability, (a-1) electric personal assistive
13 mobility devices operated outside a city with a population of one
14 million or more, (b) vehicles which run only upon rails or tracks, (c)
15 snowmobiles as defined in article forty-seven of this chapter, (d) all
16 terrain vehicles as defined in article forty-eight-B of this chapter,
17 (e) bicycles with electric assist as defined in section one hundred
18 two-c of this article, and (f) electric scooters as defined in section
19 one hundred fourteen-e of this article. For the purposes of title four
20 of this chapter, the term motor vehicle shall exclude fire and police
21 vehicles other than ambulances. For the purposes of titles four and five
22 of this chapter the term motor vehicles shall exclude farm type tractors
23 and all terrain type vehicles used exclusively for agricultural
24 purposes, or for snow plowing, other than for hire, farm equipment,
25 including self-propelled machines used exclusively in growing, harvest-
26 ing or handling farm produce, and self-propelled caterpillar or crawl-
27 er-type equipment while being operated on the contract site. For the
28 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

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

4 § 4. The vehicle and traffic law is amended by adding a new section
5 162 to read as follows:

6 § 162. Pedestrian right-of-way. A designated path or area exclusively
7 designed for pedestrian use, including but not limited to raised side-
8 walks and pedestrian zones, without necessarily being physically sepa-
9 rated from vehicular traffic.

10 § 5. Subparagraph l of paragraph 1 of subdivision (a) of section 1202
11 of the vehicle and traffic law, as amended by chapter 206 of the laws of
12 2020, is amended and a new subparagraph m is added to read as follows:

13 1. In a space designated as provided in this subparagraph for the
14 exclusive purpose of charging an electric vehicle at an electric vehicle
15 charging station, unless such vehicle is an electric vehicle connected
16 to such charging station. Provided, however, that an electric motor
17 vehicle disconnected from the electric vehicle charging station for no
18 more than thirty continuous minutes while stopped, standing or parked in
19 such designated space shall not be in violation of this subparagraph.
20 Parking spaces designated for the exclusive purpose of charging an elec-
21 tric vehicle at an electric vehicle charging station shall be clearly
22 identified, and such designation shall include conspicuous and perma-
23 nently installed above grade signs which shall be positioned from the
24 parking space surface at a height of not less than five feet nor more
25 than seven feet and which identify such space as an electric vehicle
26 charging station, indicate that such space is only for electric vehicle
27 charging and include any day or time restrictions. For the purposes of
28 this subparagraph, the term "electric vehicle" shall mean a motor vehi-
29 cle that is propelled at least in part by an electric motor and associ-
30 ated power electronics which provide acceleration torque to the drive
31 wheels sometime during normal vehicle operation, and that draws elec-
32 tricity from a battery or hydrogen fuel cell that is capable of being
33 recharged from an external source of electricity, such that the external
34 source of electricity cannot be connected to the vehicle while the vehi-
35 cle is in motion, and the term "electric vehicle charging station" shall
36 mean the equipment needed to convey electric power from the electric
37 grid or another power source to an onboard motor vehicle energy storage
38 system[+]; or

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

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

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

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

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