

# STATE OF NEW YORK

5129--A

Cal. No. 729

2023-2024 Regular Sessions

## IN SENATE

February 23, 2023

Introduced by Sens. WEBB, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 motor vehicle which is parked, stopped, or standing on the shoulder of a parkway or a controlled-access 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 certain other motor vehicles. (a)  
10 Every operator of a motor vehicle shall exercise due care to avoid  
11 colliding with an authorized emergency vehicle which is parked, stopped  
12 or standing on the shoulder or any portion of such highway and such  
13 authorized emergency vehicle is displaying one or more red or combina-  
14 tion red and white lights pursuant to the provisions of paragraph two of  
15 subdivision forty-one of section three hundred seventy-five of this  
16 chapter or is displaying one or more blue, combination blue and red or  
17 combination blue, red and white lights pursuant to the provisions of  
18 subparagraph b of paragraph four of subdivision forty-one of section  
19 three hundred seventy-five of this chapter. For operators of motor vehi-  
20 cles on parkways or controlled access highways, such due care shall

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

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

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

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

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

9 (d) Every operator of a motor vehicle on a parkway and on a controlled-access highway shall exercise due care to avoid colliding with a motor vehicle which is parked, stopped or standing on the shoulder or any portion of such parkway or controlled-access highway. For the purposes of this subdivision, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent to the shoulder where such motor vehicle is parked, stopped or standing to another lane, 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 title.

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