

# STATE OF NEW YORK

1665

2025-2026 Regular Sessions

## IN SENATE

January 13, 2025

Introduced by Sens. HARCKHAM, COONEY, HINCHEY, MARTINEZ, PALUMBO, SALAZAR, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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

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

LBD03888-01-5

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

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

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