

STATE OF NEW YORK

311

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GALLIVAN, BORRELLO, OBERACKER -- 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 the operation of vehicles when approaching a parked, stopped or standing authorized emergency vehicle or hazard vehicle or vehicle displaying a blue or green light

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 517 of the laws of 2023, is amended to read as follows:
3 § 1144-a. Operation of vehicles when approaching a parked, stopped or
4 standing authorized emergency vehicle, hazard vehicle, vehicle display-
5 ing a blue or green light or certain other motor vehicles. (a) 1. Every
6 operator of a motor vehicle shall exercise due care to avoid colliding
7 with an authorized emergency vehicle which is parked, stopped or stand-
8 ing on the shoulder or any portion of such highway and such authorized
9 emergency vehicle is displaying one or more red or combination red and
10 white lights pursuant to the provisions of paragraph two of subdivision
11 forty-one of section three hundred seventy-five of this chapter or is
12 displaying one or more blue, combination blue and red or combination
13 blue, red and white lights pursuant to the provisions of subparagraph b
14 of paragraph four of subdivision forty-one of section three hundred
15 seventy-five of this chapter. For operators of motor vehicles on park-
16 ways or controlled access highways, such due care shall include, but not
17 be limited to, moving from a lane which contains or is immediately adja-
18 cent to the shoulder where such authorized emergency vehicle displaying
19 one or more red, blue or white or any combination of red and white
20 lights or blue or combination blue and red or combination blue, red and
21 white lights pursuant to the provisions of paragraph two or subparagraph

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

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1 b of paragraph four, as applicable of subdivision forty-one of section
2 three hundred seventy-five of this chapter is parked, stopped or stand-
3 ing to another lane, provided that such movement otherwise complies with
4 the requirements of this chapter including, but not limited to, the
5 provisions of sections eleven hundred ten of this title and eleven
6 hundred twenty-eight of this title.

7 [~~(b)~~] 2. Every operator of a motor vehicle shall exercise due care to
8 avoid colliding with a hazard vehicle which is parked, stopped or stand-
9 ing on the shoulder or on any portion of such highway and such hazard
10 vehicle is displaying one or more amber lights pursuant to the
11 provisions of paragraph three of subdivision forty-one of section three
12 hundred seventy-five of this chapter or, if such hazard vehicle is
13 designed for the towing or pushing of disabled vehicles such hazard
14 vehicle is displaying one or more amber lights or one or more blue or
15 combination blue and amber lights pursuant to the provisions of para-
16 graph three or subparagraph b-1 of paragraph four, as applicable, of
17 subdivision forty-one of section three hundred seventy-five of this
18 chapter or, if such hazard vehicle owned and operated by the state or by
19 a county, city, town or village is designed for the removal of ice and
20 snow such hazard vehicle is displaying one or more amber lights or one
21 or more green or combination green and amber lights pursuant to the
22 provisions of paragraph three or subparagraph (c) of paragraph five, as
23 applicable, of subdivision forty-one of section three hundred seventy-
24 five of this chapter. For operators of motor vehicles on parkways or
25 controlled access highways, such due care shall include, but not be
26 limited to, moving from a lane which contains or is immediately adjacent
27 to the shoulder where (i) such hazard vehicle displaying one or more
28 amber lights pursuant to the provisions of paragraph three of subdivi-
29 sion forty-one of section three hundred seventy-five of this chapter or
30 (ii) such hazard vehicle designed for the towing or pushing of disabled
31 vehicles displaying one or more amber lights or one or more blue or
32 combination blue and amber lights pursuant to the provisions of para-
33 graph three or subparagraph b-1 of paragraph four, as applicable, of
34 subdivision forty-one of section three hundred seventy-five of this
35 chapter or (iii) such hazard vehicle owned and operated by the state or
36 by a county, city, town or village is displaying one or more amber
37 lights or one or more green or combination green and amber lights pursu-
38 ant to the provisions of paragraph three or subparagraph (c) of para-
39 graph five, as applicable, of subdivision forty-one of section three
40 hundred seventy-five of this chapter, is parked, stopped or standing to
41 another lane, provided that such movement otherwise complies with the
42 requirements of this chapter including, but not limited to, the
43 provisions of sections eleven hundred ten and eleven hundred twenty-
44 eight of this title.

45 [~~(a)~~] 3. Every operator of a motor vehicle shall exercise due care to
46 avoid colliding with a vehicle displaying a blue light pursuant to the
47 provisions of paragraph four or a green light pursuant to the provisions
48 of paragraph five of subdivision forty-one of section three hundred
49 seventy-five of this chapter which is parked, stopped or standing on the
50 shoulder or any portion of such highway. For operators of motor vehicles
51 on parkways or controlled access highways, such due care shall include,
52 but not be limited to, moving from a lane which contains or is imme-
53 diately adjacent to the shoulder where such vehicle displaying a blue
54 light pursuant to the provisions of paragraph four or a green light
55 pursuant to the provisions of paragraph five of subdivision forty-one of
56 section three hundred seventy-five of this chapter is parked, stopped or

1 standing to another lane, provided that such movement otherwise complies
2 with the requirements of this chapter including, but not limited to, the
3 provisions of sections eleven hundred ten and eleven hundred twenty-
4 eight of this title.

5 [~~(d)~~] 4. Every operator of a motor vehicle on a parkway and on a cont-
6 rolled-access highway shall exercise due care to avoid colliding with a
7 motor vehicle which is parked, stopped or standing on the shoulder or
8 any portion of such parkway or controlled-access highway. For the
9 purposes of this subdivision, such due care shall include, but not be
10 limited to, moving from a lane which contains or is immediately adjacent
11 to the shoulder where such motor vehicle is parked, stopped or standing
12 to another lane, provided that such movement otherwise complies with the
13 requirements of this chapter including, but not limited to, the
14 provisions of sections eleven hundred ten and eleven hundred twenty-
15 eight of this title.

16 (b) 1. An operator of a motor vehicle who causes physical injury as
17 defined under article ten of the penal law as a result of recklessly
18 failing to exercise due care in violation of subdivision (a) of this
19 section shall be guilty of a class A misdemeanor punishable by a fine of
20 not less than two hundred fifty dollars nor more than five hundred
21 dollars in addition to any other penalties provided by law. A conviction
22 for a second or any subsequent violation, any of which were committed
23 within a period of eighteen months, shall constitute a class E felony,
24 punishable by a fine of not less than one thousand nor more than two
25 thousand five hundred dollars in addition to any other penalties
26 provided by law.

27 2. An operator of a motor vehicle (i) who causes serious physical
28 injury as defined under article ten of the penal law as a result of
29 recklessly failing to exercise due care in violation of subdivision (a)
30 of this section shall be guilty of a class D felony punishable by a fine
31 of not less than one thousand dollars nor more than five thousand
32 dollars in addition to any other penalty provided by law, or (ii) who
33 causes death as a result of recklessly failing to exercise due care in
34 violation of subdivision (a) of this section shall be guilty of a class
35 C felony punishable by a fine of not less than two thousand nor more
36 than five thousand dollars in addition to any other penalties provided
37 by law, and by suspension of a license or registration pursuant to
38 subparagraph (xviii) of paragraph b of subdivision two of section five
39 hundred ten of this chapter.

40 (c) For the purposes of this section, the term "recklessly" shall have
41 the same meaning as defined in section 15.05 of the penal law.

42 § 2. Paragraph b of subdivision 2 of section 510 of the vehicle and
43 traffic law is amended by adding a new subparagraph (xviii) to read as
44 follows:

45 (xviii) for a period of six months where the holder is convicted of a
46 violation of paragraph two of subdivision (b) of section eleven hundred
47 forty-four-a of this chapter and the commission of such violation caused
48 serious physical injury to or death of another person.

49 § 3. The division of criminal justice services shall establish a
50 public information campaign to instruct the public that operating a
51 motor vehicle when approaching a parked, stopped or standing authorized
52 emergency vehicle or hazard vehicle or vehicle displaying a blue or
53 green light that results in physical injury, serious physical injury or
54 death as a result of the operator recklessly failing to exercise due
55 care to avoid a collision can result in serious criminal penalties.

56 § 4. This act shall take effect immediately.