

DOT #02-06

AN ACT to amend the highway law and

vehicle and traffic law, in relation to  
removing vehicles and debris from the  
traffic following an accident

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

Section 1. Section 15 of the highway law, as added by Chapter 471 of the Laws of 1966,  
is amended to read as follows:

§ 15. Removal of vehicles. 1. The commissioner of transportation, agents of the commissioner, police officers, or contractors acting at the direction of the commissioner, shall have the power to cause the removal and disposition of any vehicle left unattended for more than twenty-four hours within the right of way of any state highway or on any other public property under [his] the jurisdiction of the department of transportation.

2. The commissioner of transportation, agents of the commissioner, police officers, or contractors acting on the direction of the commissioner, shall have the power to cause the immediate removal, from the right of way of any state highway, of any vehicle, cargo or debris which obstructs or interferes with the use of such a highway for public travel; or which obstructs or interferes with the construction, reconstruction or maintenance of such a highway; or which obstructs or interferes with the clearing or removal of snow or ice from such a highway; or which obstructs or interferes with any operation of the department of transportation during a public emergency.

3. The owner of a vehicle removed under any of the provisions of this section may be charged the reasonable cost of removal and disposition thereof.

4. The term vehicle, as used in this section, shall mean every device in, upon, or by which

any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

§2. Section 600 of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. A person who moves a vehicle in a manner consistent with subdivision (e) of section twelve hundred of this title and who remains in the general vicinity of an accident shall not be construed to be in violation of this section because of such movement.

§3. Section 1200 of the vehicle and traffic law is amended by adding a new subdivision (e) to read as follows:

(e) Whenever a moving vehicle is in an accident or becomes inoperable, with no apparent serious personal injury or death, the driver of any involved vehicle shall immediately move or cause removal of the vehicle from roadway to a safe refuge, provided it is practicable to do so safely without additional risk or injury. Compliance with the provisions of this section shall not be construed to imply that no injury has occurred nor shall the driver be considered liable or at fault regarding the cause of the accident solely by moving or causing the removal of the vehicle. Moving a vehicle as required by this section shall not relieve an investigating police officer from the obligation to file a report otherwise required.

§4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.