

New York State Vehicle and Traffic Law

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Sections of Vehicle and Traffic Law Applicable to Emergency Vehicle Operations

100. Definition of Words and phrases. The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this article except where another definition is specifically provided in any title, article or section for application in such title, article or section.

100-b. Ambulance. Every motor vehicle designed, appropriately equipped and used for the purposes of carrying sick or injured persons by a person or entity registered or certified as an ambulance service by the Department of Health.

101. Authorized emergency vehicle. Every ambulance, police vehicle, fire vehicle, civil emergency vehicle, emergency ambulance service vehicle, environmental response vehicle, sanitation patrol vehicle, hazardous materials vehicle, and ordnance disposal vehicle of the armed services of the United States.

106-a. Civil defense emergency vehicle. Every communication vehicle, rescue vehicle owned by the state, a county, town, city or village and operated for civil defense purposes and equipped and marked as a civil defense emergency communications or rescue vehicle in compliance with the rule and regulations of the state civil defense commission.

Section 113. Driver. Every person who operates or drives or is in actual physical control of a vehicle. Whenever the terms "chauffeur" or "operator" or "chauffeurs license" or Aoperator=s license@ are used in this chapter, such terms shall be deemed to mean driver and driver's license respectively.

Section 114-b. Emergency Operation. The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of an accident, disaster, police call, alarm of fire, actual potential release of hazardous material or other emergency. Emergency operation shall not include returning from such service.

Section 115-a. Fire Vehicle. Every vehicle operated for fire service purposes owned and identified as being owned by the state, a public authority, a county, town, city, village or fire district, or a fire corporation subject to the provisions of subdivision (e) of section fourteen hundred two of the not-for-profit corporation law or a fire company as defined in section one hundred of the general municipal law. Any of the following vehicles shall be fire vehicles only for the purpose of section one hundred one of the chapter:

1. a vehicle operated by officials of the office of fire prevention and control in the Department of State.
2. a vehicle ordinarily operated by a chief or assistant chief of a fire department, or a county or deputy county fire coordinator, or county or assistant county fire marshal, or town or assistant town fire coordinator, or such vehicle when operated in an official capacity by or under the direction of such person, and
3. a vehicle specially designed and equipped for fire-fighting purposes which is regularly used for fire-fighting purposes by a fire-fighting unit on property used for industrial, institutional or commercial purposes and which vehicle is owned by the owner or lessee of such property.

Section 115-c. Emergency Ambulance Service Vehicle. An emergency ambulance service vehicle shall be defined as an appropriately equipped motor vehicle owned or operated by an ambulance service as defined in section three thousand one of the public health law and used for the purpose of transporting emergency medical personnel and equipment to sick or injured persons.

Section 139. Right of Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Section 375. Equipment.

26. A gong or siren whistle shall not be used on any vehicle other than an authorized emergency vehicle. This shall not be construed to apply to a gong or siren designed and used solely as a burglar alarm on a vehicle.

41. Colored and flashing lights. The provisions of this subdivision shall govern the affixing and display of lights on vehicles, other than those lights required by law.

1. No light, other than a white light, and no revolving rotating, flashing, oscillating or constantly moving white shall be affixed to, or displayed on any vehicle except as prescribed herein.

2. Red lights and certain white lights. One or more red or combination red and white lights or white light which must be revolving, rotating, flashing or oscillating or constantly moving light, may be affixed to an authorized emergency vehicle, and such lights may be displayed on an authorized emergency vehicle when such vehicle is engaged in an emergency operation, and upon a fire vehicle while returning from an alarm of fire or other emergency.

4. Blue Light. One blue light may be affixed to any motor vehicle owned by a volunteer member of a fire department or on a motor vehicle owned by a member of such person's family residing in the same household or by a business enterprise in which such person has a proprietary interest or by which he is employed, provided such volunteer fireman has been authorized in writing to so affix a blue light by the chief of the fire department or company of which he is a member, which authorization shall be subject to revocation at any time by the chief who issued the same or his successor in office. Such blue light may be displayed by such volunteer fireman on such a vehicle only when engaged in an emergency operation.

5. Green Light. One green light may be affixed to any motor vehicle owned by a member of a volunteer ambulance service, or on a motor vehicle owned by a member of such person's family, or by a business enterprise in which such person has a proprietary interest or by which he is employed, provided such member has been authorized in writing to so affix a green light by the chief officer of such service as designated by the members thereof. Such green light may be displayed by such member of a volunteer ambulance service only when engaged in an emergency operation.

As used in this paragraph volunteer ambulance service means:

a. a non-profit membership corporation (other than a fire corporation) incorporated under or subject to the provisions of the membership corporations law, or any other law, operating its ambulance or ambulances on a non-profit basis for the convenience of the members thereof and their families or of the community or under contract with a county, city, town or village pursuant to section one hundred twenty-two-b of the general municipal law: or

b. an unincorporated association of persons operating its ambulance or ambulances on a non-profit basis for the convenience of the members and their families or of the community.

Section 388. Negligence in use of operation of vehicle attributable to owner.

1. Every owner of a vehicle used or operated in this state shall be liable and responsible for death or injuries to

person or property resulting from negligence in the use or operation of such vehicle, in the business of such owner or otherwise, by any person using or operating the same with the permission, express or implied, of such owner. Whenever any vehicles as herein defined shall be used in combination with one another, by attachment or tow, the person using or operating any one vehicle shall, for the purposes of this section, be deemed to be using or operating each vehicle in the combination, and the owners thereof shall be jointly and severally liable hereunder.

Section 396. Use of State or other seals and insignia on private vehicles prohibited.

3. A person who shall use or display the words "Fire Department," "Fire" or any other sign, lettering or device with the letter "F.D.N.Y." or any other matter indicating ownership, possession or use by a fire department on any motor vehicle or motor cycle not used by a duly organized fire department within this state and not actually operated or used by a member or an employee of a duly organized fire department on a public highway, is guilty of a traffic infraction.

Section 397. Equipping motor vehicles with radio receiving sets capable of receiving signals on frequencies allocated for Police use. A person, not a police officer or peace officer, acting pursuant to his special duties, who equips a motor vehicle with a radio receiving set capable of receiving signals on frequencies allocated for police use or knowingly uses a motor vehicle so equipped or who in any way knowingly interferes with the transmission of radio messages by the police without having first secured a permit so to do from the person authorized to issue such a permit by the local governing body or board of the city, town or village in which such person resides, or where such person resides outside of a city or village in a county having a county police department by the board of supervisors of such county, is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both. Nothing in this section contained shall be construed to apply to any person who holds a valid amateur radio operator's license issued by the federal communications commission and who operates a duly licensed portable mobile transmitter and in connection therewith a receiver or receiving set on frequencies exclusively allocated by the federal communications commission to duly licensed radio amateurs.

Section 1101. Required obedience to traffic laws. It is unlawful and, unless otherwise declared in this title with respect to particular offenses, it is a traffic infraction for any person to do any act forbidden or failed to perform any act required in this title.

Section 1102. Obedience to police officers and flag persons. No person shall fail or refuse to comply with any lawful order or direction of any police officer or flagperson or other person duly empowered to regulate traffic.

Section 1104. Authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when involved in an emergency operation, may exercise the privileges set forth in this section, but subject to the condition herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Stop, stand or park irrespective of the provisions of this title;
2. Proceed past a steady red signal, a flashing red signal or a stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as he does not endanger life or property;
4. Disregard regulations governing directions of movement or turning in specified directions.

(c) Except for an authorized emergency vehicle operated as a police vehicle, the exemptions herein granted to an authorized emergency vehicle shall apply only when audible signals are sounded from any said vehicle while in motion by bell, horn siren, electronic device or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp so that from any direction, under normal atmospheric conditions from a distance of five hundred feet from such vehicle, at least one red light will be displayed and visible.

(e) The forgoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(f) Notwithstanding any other law, rule or regulation to the contrary, an ambulance operated in the course of an emergency shall not be prohibited from using any highway, street or roadway; provided, however, that an authority having jurisdiction over any such highway, street or roadway may specifically prohibit travel thereon by ambulances if such authority shall deem such travel to be extremely hazardous and would endanger patients being transported thereby.

Section 1110. Obedience to and traffic control devices.

(a) Every person shall obey the instructions of any official traffic-control device applicable to him placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

Section 1144. Operation of vehicles approach of authorized emergency vehicle.

(a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric condition from a distance of five hundred feet to the front of such vehicle other than a police vehicle when operated as an authorized emergency vehicle, and when audible signal are sounded from any said vehicle by siren, exhaust whistle, bell, air-horn or electronic equivalent; the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to the right-hand edge or curb of the roadway, or to either edge of a one-way roadway three or more lanes in width, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with reasonable care for all persons using the highway.

Section 1194. Arrests and Testing.

2. Chemical Tests. (a) When authorized. Any person who operates a motor vehicle in this state shall be deemed to have given consent to a chemical test of one or more of the following: breath, blood, urine, or saliva, for the purpose of determining the alcohol and/or drug content of the blood provided that such test is administered by or at the direction of a police officer with respect to a chemical test of breath, urine or saliva or, with respect to a chemical test of blood, at the direction of a police officer:

Section 1210. Unattended motor vehicle.

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the vehicle, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway, provided, however, the provision for removing the key from the vehicle shall not require the removal of keys hidden from sight about the vehicle for convenience or emergency.

Section 1214. Opening and closing vehicle doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonable safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of the vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Section 1217. Following emergency fire vehicles prohibited. The driver of any vehicle other than one on official business shall not follow any authorized emergency fire vehicle in the same lane or adjacent lane to one being used by such fire vehicle at a distance closer than two hundred feet while such fire vehicle is displaying one or more red or combination red and white lights, or one white light which must be revolving, rotating, flashing, oscillating or constantly moving light, nor shall such driver drive into or park his or her vehicle within the block or where there is no block, within one thousand feet of where such fire vehicle has stopped in answer to a fire alarm.

Section 1218. Crossing fire hose. No vehicle shall be driven over and unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Section 1225. Avoiding intersection or traffic control device. No person shall drive across or upon a sidewalk, driveway, parking lot or private property, or otherwise drive off a roadway, in order to avoid an intersection or traffic control device.

Section 1225-a. Driving on sidewalks. No person shall drive a motor vehicle on or across a sidewalk, except that a vehicle may be driven at a reasonable speed, but not more than five miles per hour, on or across a sidewalk in such a manner as not to interfere with the safety and passage of pedestrians thereon, who shall have the right of way, when it is reasonable and necessary:

- (a) to gain access to a public highway, private way or lands or buildings adjacent to such a highway or way;
- (b) in the conduct of work upon a highway, or upon a private way or lands or buildings adjacent to such a highway or way, or
- (c) to plow snow or perform any other public service, for hire, which could not otherwise be reasonably and properly performed.

Section 1226. Control of steering mechanisms. No person shall operate a motor vehicle without having at least one hand or, in the case of a physically handicapped person, at least one prosthetic device or aid on the steering mechanism at all times when the motor vehicle is in motion.