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CLIENT ADVISORY REGARDING NEW “MOVE OVER” LAW FOR PARKED, STOPPED OR STANDING VEHICLES DISPLAYING A BLUE OR GREEN LIGHT

Dear Client:

Yesterday the Governor signed into law amendments to the Vehicle and Traffic Law (“VTL”) extending the current “Move-Over” law which requires drivers approaching stopped police, emergency or hazard vehicles with their lights flashing to slow down and, if on a divided highway, to move over at least one lane away from that vehicle if traffic conditions allow.

The new provisions extend that law to vehicles operated by volunteer firefighters and volunteer ambulance workers involved in roadside emergency operations, which are displaying revolving blue or green lights as authorized by law.

The law amends three sections of the VTL, principally section 1144-a by creating a new subsection (c) that requires in relevant part *“Every operator of a motor vehicle shall exercise due care to avoid colliding with a vehicle displaying a blue light ... or a green light ... which is parked, stopped or standing on the shoulder or any portion of such highway. For operators of motor vehicles on parkways or controlled access highways, 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 vehicle displaying a blue light or a green light ... [that] is parked, stopped or standing to another lane...”*

A copy of the new law, Chapter 97 of the Laws of 2016, is attached. These new provisions become effective January 17, 2017, that being 180 days after the new law was signed. Our counsel is that this law should be read narrowly: that it applies **ONLY** to fire and EMS vehicles with an authorized blue or green light as the case may be which are **PARKED, STOPPED OR STANDING**. *This law does NOT apply to such vehicles while moving!* As with the original “Move-Over” law, a violation can result in a fine between \$150 and \$400 and/or up to 45 days imprisonment as well as DMV administrative penalties.

As always, we invite your questions and comments and stand prepared to assist you further.

Very truly yours,
Mark C. Butler, Esq.