

STATE OF NEW YORK

7610

2023-2024 Regular Sessions

IN SENATE

July 24, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to reporting accidents involving electric scooters and bicycles with electric assist

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

1 Section 1. Subdivision 1 of section 603 of the vehicle and traffic
2 law, as amended by chapter 432 of the laws of 1997, is amended to read
3 as follows:

4 1. Every police or judicial officer to whom an accident resulting in
5 injury to a person shall have been reported, pursuant to the foregoing
6 provisions of this chapter, shall immediately investigate the facts, or
7 cause the same to be investigated, and report the matter to the commis-
8 sioner forthwith; provided, however, that the report of the accident is
9 made to the police officer or judicial officer within five days after
10 such accident. Every coroner, or other official performing like func-
11 tions, shall likewise make a report to the commissioner with respect to
12 all deaths found to have been the result of motor vehicle ~~[or]~~, motorcy-
13 cle, electric scooter, or bicycle with electric assist accidents. Such
14 report shall include information regarding the type of vehicle involved
15 in such accident. Such report shall include information on the width and
16 length of trucks, tractors, trailers and semitrailers, which are in
17 excess of ninety-five inches in width or thirty-four feet in length and
18 which are involved in such accidents, whether such accident took place
19 in a work area and whether it was being operated with an overweight or
20 overdimension permit. Such report shall distinctly indicate and include
21 information as to whether the inflatable restraint system inflated and
22 deployed. Nothing contained in this subdivision shall be deemed to
23 preclude a police officer from reporting any other accident which, in
24 the judgment of such police officer, would be required to be reported to

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

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1 the commissioner by the operator of a vehicle pursuant to section six
2 hundred five of this article.

3 § 2. Subdivision 1 of section 603-a of the vehicle and traffic law, as
4 amended by chapter 489 of the laws of 2017, paragraph (b) as amended by
5 chapter 27 of the laws of 2018, is amended to read as follows:

6 1. In addition to the requirements of section six hundred three of
7 this article, whenever a motor vehicle, electric scooter, or bicycle
8 with electric assist accident results in serious physical injury or
9 death to a person, and such accident either is discovered by a police
10 officer, or reported to a police officer within five days after such
11 accident occurred, the police shall conduct an investigation of such
12 accident.

13 (a) Such investigation shall be conducted for the purposes of making a
14 determination of the following: the facts and circumstances of the acci-
15 dent; the type or types of vehicles involved, including passenger motor
16 vehicles, commercial motor vehicles, motorcycles, limited use motorcy-
17 cles, off-highway motorcycles, electric scooters, bicycles with electric
18 assist and/or bicycles; whether pedestrians were involved; the contrib-
19 uting factor or factors; whether it can be determined if a violation or
20 violations of this chapter occurred, and if so, the specific provisions
21 of this chapter which were violated and by whom; and, the cause of such
22 accident, where such cause can be determined.

23 (b) When present at the scene of such accident, the investigating
24 officer shall also request that all operators of motor vehicles, elec-
25 tric scooters, and bicycles with electric assist involved in such acci-
26 dent submit to field testing as defined in section eleven hundred nine-
27 ty-four of this chapter provided there are reasonable grounds to believe
28 such motor vehicle, electric scooter, or bicycle with electric assist
29 operator committed a serious traffic violation in the same accident. The
30 results of such field testing or refusal of such testing shall be
31 included in the police investigation report. For the purposes of this
32 section, "serious traffic violation" shall mean operating a motor vehi-
33 cle, electric scooter, or bicycle with electric assist in violation of
34 any of the following provisions of this chapter: articles twenty-three,
35 twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine and
36 thirty and sections five hundred eleven, six hundred and twelve hundred
37 twelve.

38 (c) The police shall forward a copy of the investigation report to the
39 commissioner within five business days of the completion of such report.

40 § 3. Section 604 of the vehicle and traffic law is amended to read as
41 follows:

42 § 604. Reports; contents; preparation; distribution; filing. Reports
43 of accidents required under the preceding section, or under the rules
44 and regulations of the commissioner, shall be upon forms prepared by him
45 and contain such information as he shall prescribe; provided, however,
46 that such forms shall contain information to indicate whether such acci-
47 dent involved a motor vehicle, electric scooter, or bicycle with elec-
48 tric assist. Blank forms for such reports shall be printed by the
49 commissioner and a supply sent to all city, town and village clerks and
50 to the chief officer of every city police department for general
51 distribution and use as herein provided. Reports of accidents, required
52 under the preceding section, shall be sent to and filed with the commis-
53 sioner at the main office of the bureau of motor vehicles in the city of
54 Albany, except as otherwise provided by the rules and regulations of the
55 commissioner.

§ 4. Subdivisions (b) and (c) of section 605 of the vehicle and traffic law, subdivision (b) as added by chapter 254 of the laws of 1989, and subdivision (c) as amended by chapter 161 of the laws of 1996, are amended to read as follows:

(b) Every person operating [~~a~~] an electric scooter, bicycle with electric assist, or bicycle which is in any manner involved in an accident on a public highway in this state in which any person is killed, other than the operator, or suffers serious physical injury as defined pursuant to subdivision ten of section 10.00 of the penal law, shall within ten days after such operator learns of the fact of such death or serious physical injury, report the matter in writing to the commissioner. If such operator is physically incapable of making such report within ten days, he or she shall make the report immediately upon recovery from the physical incapacity. If such operator is an unemancipated minor who is incapable of making such report for any reason, the parent or guardian of such operator shall make such report within ten days after learning of the fact of such accident. Every such operator of [~~a~~] an electric scooter, bicycle with electric assist, or bicycle, or parent or guardian of such unemancipated minor operator, shall make such other and additional reports as the commissioner shall require.

(c) The report required by this section shall be made in such form and number as the commissioner may prescribe. Such report shall include information on the width and length of trucks, tractors, trailers and semitrailers, which are in excess of ninety-five inches in width or thirty-four feet in length and which are involved in such accidents, whether such accident took place in a work area and whether it was being operated with an overweight or over dimension permit. Such report shall distinctly indicate and include information as to whether the inflatable restraint system inflated and deployed. Such report shall indicate whether the accident involved a motor vehicle, electric scooter, or bicycle with electric assist.

§ 5. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.