S T A T E O F N E W Y O R K

294

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requirements for accident and investigation reports

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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

1. Every police or judicial officer to whom an accident resulting in injury to a person shall have been reported, pursuant to the foregoing provisions of this chapter, shall immediately investigate the facts, or cause the same to be investigated, and report the matter to the commissioner forthwith; provided, however, that the report of the accident is made to the police officer or judicial officer within five days after such accident. Every coroner, or other official performing like functions, shall likewise make a report to the commissioner with respect to all deaths found to have been the result of motor vehicle or motorcycle accidents. 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 overdimension permit. Such report shall distinctly indicate and include information as to whether the inflatable restraint system inflated and deployed. Nothing contained in this subdivision shall be deemed to preclude a police officer from reporting any other accident which, in the judgment of such police officer, would be required to be reported to the commissioner by the operator of a vehicle pursuant to section six hundred five of this article. ANY REPORT SUBMITTED TO THE COMMISSIONER

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

LBD01562-01-1

PURSUANT TO THIS SECTION BY A POLICE OR JUDICIAL OFFICER SHALL INCLUDE AN ENUMERATION OF ANY CONVICTIONS ON THE OPERATING RECORD OF THE OPERATOR OR OPERATORS OF EACH MOTOR VEHICLE INVOLVED IN SUCH ACCIDENT FOR ANY VIOLATION OF THIS ARTICLE, TITLE SEVEN OF THIS CHAPTER, OR PROVISIONS OF THE PENAL LAW FOR WHICH A VIOLATION OF TITLE SEVEN OF THIS CHAPTER IS AN ESSENTIAL ELEMENT.

S 2. Subdivision 1 of section 603-a of the vehicle and traffic law, as added by chapter 408 of the laws of 2001, is amended to read as follows:

1. In addition to the requirements of section six hundred three of this article, whenever a motor vehicle accident results in serious physical injury or death to a person, and such accident either is discovered by a police officer, or reported to a police officer within five days after such accident occurred, the police shall conduct an investigation of such accident. Such investigation shall be conducted for the purposes of making a determination of the following: the facts and circumstances of the accident; the type or types of vehicles involved, including passenger motor vehicles, commercial motor vehicles, motorcycles, limited use motorcycles, off-highway motorcycles, and/or bicycles; whether pedestrians were involved; the contributing factor or factors; whether it can be determined if a violation or violations of this chapter occurred, and if so, the specific provisions of this chapter which were violated and by whom; and, the cause of such accident, where such cause can be determined. The police shall forward a copy of the investigation report to the commissioner within five business days of the completion of such report. ALL INVESTIGATION REPORTS SUBMITTED TO THE COMMISSIONER PURSUANT TO THIS SECTION SHALL INCLUDE AN ENUMERATION OF ANY CONVICTIONS ON THE OPERATING RECORD OF THE OPERATOR OR OPERATORS OF EACH MOTOR VEHICLE INVOLVED IN SUCH ACCIDENT FOR ANY VIOLATION OF THIS ARTICLE, TITLE SEVEN OF THIS CHAPTER, OR PROVISIONS OF THE PENAL LAW FOR WHICH A VIOLATION OF TITLE SEVEN OF THIS CHAPTER IS AN ESSENTIAL ELEMENT.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.