

4432

2011-2012 Regular Sessions

I N S E N A T E

April 5, 2011

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed 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:

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 motorcycle
13 accidents. Such report shall include information on the width and
14 length of trucks, tractors, trailers and semitrailers, which are in
15 excess of ninety-five inches in width or thirty-four feet in length and
16 which are involved in such accidents, whether such accident took place
17 in a work area and whether it was being operated with an overweight or
18 overdimension permit. Such report shall distinctly indicate and include
19 information as to whether the inflatable restraint system inflated and
20 deployed. Nothing contained in this subdivision shall be deemed to
21 preclude a police officer from reporting any other accident which, in
22 the judgment of such police officer, would be required to be reported to
23 the commissioner by the operator of a vehicle pursuant to section six
24 hundred five of this article. ANY REPORT SUBMITTED TO THE COMMISSIONER
25 PURSUANT TO THIS SECTION BY A POLICE OR JUDICIAL OFFICER SHALL INCLUDE

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

LBD01562-01-1

1 AN ENUMERATION OF ANY CONVICTIONS ON THE OPERATING RECORD OF THE OPERA-
2 TOR OR OPERATORS OF EACH MOTOR VEHICLE INVOLVED IN SUCH ACCIDENT FOR ANY
3 VIOLATION OF THIS ARTICLE, TITLE SEVEN OF THIS CHAPTER, OR PROVISIONS OF
4 THE PENAL LAW FOR WHICH A VIOLATION OF TITLE SEVEN OF THIS CHAPTER IS AN
5 ESSENTIAL ELEMENT.

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

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

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