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

8063

2013-2014 Regular Sessions

I N A S S E M B L Y

June 17, 2013

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

AN ACT to amend the vehicle and traffic law, in relation to requiring breathalyzer tests of drivers involved in accidents damaging other vehicles from behind

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

Section 1. Section 603 of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. IN ADDITION TO THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION, EVERY POLICE OFFICER OR JUDICIAL OFFICER TO WHOM AN ACCIDENT SHALL HAVE BEEN REPORTED INVOLVING A VEHICLE WHICH IS HIT FROM BEHIND BY ANOTHER VEHICLE SHALL IMMEDIATELY INVESTIGATE THE FACTS, OR CAUSE THE SAME TO BE INVESTIGATED AND REPORT THE MATTER TO THE COMMISSIONER FORTHWITH, PROVIDED THAT SUCH INVESTIGATION OF THE ACCIDENT SCENE SHALL ALSO INCLUDE THE ADMINISTRATION OF FIELD SOBRIETY AND A CHEMICAL TEST OF BLOOD ALCOHOL LEVEL TO THE MOTOR VEHICLE DRIVER WHO HIT THE SECOND VEHICLE FROM BEHIND. THE INVESTIGATING POLICE OFFICERS MUST INFORM THE DRIVER OF SUCH TESTING REQUIREMENTS AND CONDUCT THEM IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER. THE REFUSAL TO SUBMIT TO SUCH TESTING SHALL CONSTITUTE A REBUTTABLE PRESUMPTION OF GUILT AND SUCH REFUSAL SHALL BE DOCUMENTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS CHAPTER. IF PHYSICAL INJURIES DO NOT PERMIT SUCH CHEMICAL TESTING AT THE ACCIDENT SCENE, SUCH TESTS MUST BE ADMINISTERED AT THE HOSPITAL. THE RESULTS OF SUCH FIELD SOBRIETY AND CHEMICAL TESTS OR REFUSALS OF SUCH TESTS SHALL BE INCLUDED IN THE POLICE INVESTIGATION REPORT. THE POLICE SHALL FORWARD A COPY OF THE INVESTIGATION REPORT TO THE COMMISSIONER WITHIN FIVE BUSINESS DAYS OF THE COMPLETION OF SUCH REPORT.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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