STATE OF NEW YORK

7096

2017-2018 Regular Sessions

IN ASSEMBLY

April 4, 2017

Introduced by M. of A. FAHY, SKOUFIS, SIMOTAS, GALEF, HARRIS, McDONOUGH -- Multi-Sponsored by -- M. of A. OTIS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, the administrative code of the city of New York, the education law, the general business law, the insurance law, the military law, the penal law, the public authorities law, the public officers law, the state finance law, and the transportation law, in relation to replacing each instance of the word accident with the word crash; and to change the word accident to crash in the vehicle and traffic law

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

Section 1. Section 105-a of the vehicle and traffic law, as added by chapter 303 of the laws of 2014, is amended to read as follows:

§ 105-a. Car carrier. A truck that is designed to carry one to three motor vehicles on a flat platform that slides or tilts to the ground to facilitate loading and unloading of such motor vehicles and to tow an additional motor vehicle behind it by the use of a wheel lift. For the purposes of this chapter, whenever such car carrier tows or carries a disabled, illegally parked or abandoned motor vehicle or a motor vehicle involved in [~~an accident~~] a crash, such car carrier shall be deemed to be a tow truck and shall comply with all provisions of this chapter, and any other law, ordinance, order, rule and regulation, applicable to tow trucks.

§ 2. Section 107-b of the vehicle and traffic law, as added by chapter 552 of the laws of 1994, is amended to read as follows:

§ 107-b. Commercial towing. The moving or removing of disabled, illegally parked, or abandoned motor vehicles or motor vehicles involved in [~~accidents~~] crashes, by another motor vehicle, for which there is direct or indirect compensation. Commercial towing shall also include towing by

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

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a person, firm, corporation, or other entity pursuant to a contract or other agreement with a political subdivision.

§ 3. Section 114-b of the vehicle and traffic law, as amended by chapter 460 of the laws of 1996, is amended to read as follows:

§ 114-b. Emergency operation. The operation, or parking, of an authorized emergency vehicle, when such vehicle is engaged in transporting a sick or injured person, transporting prisoners, delivering blood or blood products in a situation involving an imminent health risk, pursuing an actual or suspected violator of the law, or responding to, or working or assisting at the scene of [~~an accident~~] **a crash**, disaster, police call, alarm of fire, actual or potential release of hazardous materials or other emergency. Emergency operation shall not include returning from such service.

§ 4. Section 148-b of the vehicle and traffic law, as added by chapter 552 of the laws of 1994, is amended to read as follows:

§ 148-b. Tow truck. A motor vehicle that tows or carries a disabled, illegally parked or abandoned motor vehicle or a motor vehicle involved in [~~an accident~~] **a crash**.

§ 5. Subparagraph (i) of paragraph (i) of subdivision 1 of section 201 of the vehicle and traffic law, as amended by section 2 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(i) any [~~accident~~] **crash** reports filed with the commissioner, conviction certificates, police reports, complaints, satisfied judgment records, closed suspension and revocation orders, hearing records, other than audio tape recordings of hearings, significant correspondence relating to any of the same, and any other record on file after remaining on file for four years except that if the commissioner shall receive, during the last year of such period of four years, written notice to retain one or more of such papers or documents, the same shall be retained for another four years in addition to said period of four years. The provisions of this paragraph shall not apply to certificates of conviction filed with respect to convictions which affect sentencing or administrative action required by law beyond such four year period. Such certificates may be destroyed after they have no legal effect on sentencing or administrative action;

§ 6. Subdivision 6 of section 201 of the vehicle and traffic law, as amended by chapter 432 of the laws of 1997, is amended to read as follows:

6. Whenever any document referred to in subdivision one of this section is filed with this department when it is not required to be filed and is used by this department for no other purposes, other than for statistics or research, the document shall not be a public record. Provided, however, that [~~an accident~~] **a crash** report filed with this department when it is not required to be filed shall not be a public record except as follows: for use by the state or any political subdivision thereof for no other purposes other than for statistics or research relating to highway safety; for any lawful purpose by a person to whom such report pertains or named in such report, or his or her authorized representative; and, for use by any other person, or his or her authorized representative, who has demonstrated to the satisfaction of the commissioner that such person is or may be a party to a civil action arising out of the conduct described in such [~~accident~~] **crash** report.

§ 7. Subdivision 3 of section 202 of the vehicle and traffic law, as amended by chapter 169 of the laws of 1994, is amended to read as follows:

3. Fees for copies of documents. The fees for copies of documents, other than [~~accident~~] crash reports, shall be one dollar per page. A page shall consist of either a single or double side of any document. The fee for a copy of [~~an accident~~] a crash report shall be fifteen dollars. All copies of documents shall be certified at no additional fee. Whenever search of records of the department is required in conjunction with a request for a copy of a document, the fee for such search shall be the fee provided in paragraph (a) of subdivision two of this section. The result of such search will be the locating of the document to be copied, or if no document can be located, a certification to that effect will be the result of the search.

§ 8. Subdivision 1 of section 220 of the vehicle and traffic law, as added by chapter 574 of the laws of 1969, is amended to read as follows:

(1) Notwithstanding any other provision of this chapter or other law, whether general, special or local, the commissioner may permit the installation and use of any item of equipment which he, in his discretion, determines will either reduce [~~accidents~~] crashes, injuries and fatalities, or otherwise contribute to highway safety.

§ 9. Paragraph a of subdivision 4 of section 250 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

a. The provisions of this chapter relative to the registration of motor vehicles, motorcycles and trailers and the display of registration numbers shall not apply to a motor vehicle, motorcycle or trailer owned by a non-resident of the state who is a seasonal farm laborer, for a period extending from the first day of April to and including the thirtieth day of November in each year, provided that the owner thereof shall have complied with the provisions of the law of the foreign country, state, territory or federal district of his residence relative to registration of such motor vehicle, motorcycle or trailer, as the case may be, and the display of registration numbers thereof, and provided further that the owner thereof shall furnish proof to the commissioner that such owner has in effect with respect to such motor vehicle an automobile liability policy issued by an insurance company authorized to do business in this state or by an unauthorized insurer authorized to transact business in the jurisdiction of his residence in at least the amount of twenty-five thousand dollars because of bodily injury to or fifty thousand dollars because of death of one person in any one [~~accident~~] crash and, subject to said limit for one person, in at least the amount of fifty thousand dollars because of bodily injury to or one hundred thousand dollars because of death of two or more persons in any [~~accident~~] crash, and in at least the amount of ten thousand dollars because of injury to or destruction of property of others in any one [~~accident~~] crash.

§ 10. Subdivision 1 of section 253 of the vehicle and traffic law, as amended by chapter 216 of the laws of 1992, is amended to read as follows:

1. The use or operation by a non-resident of a vehicle in this state, or the use or operation in this state of a vehicle in the business of a non-resident, or the use or operation in this state of a vehicle owned by a non-resident if so used or operated with his permission, express or implied, shall be deemed equivalent to an appointment by such non-resident of the secretary of state to be his true and lawful attorney upon whom may be served the summons in any action against him, growing out of any [~~accident~~] crash or collision in which such non-resident may be involved while using or operating such vehicle in this state or in which

such vehicle may be involved while being used or operated in this state in the business of such non-resident or with the permission, express or implied, of such non-resident owner; and such use or operation shall be deemed a signification of his agreement that any such summons against him which is so served shall be of the same legal force and validity as if served on him personally within the state and within the territorial jurisdiction of the court from which the summons issues, and that such appointment of the secretary of state shall be irrevocable and binding upon his executor or administrator. Where such non-resident has died prior to the commencement of an action brought pursuant to this section, service of process shall be made on the executor or administrator of such non-resident in the same manner and on the same notice as is provided in the case of the non-resident himself. Where an action has been duly commenced under the provisions of this section against a non-resident who dies thereafter, the court must allow the action to be continued against his executor or administrator upon motion with such notice as the court deems proper.

§ 11. Section 254 of the vehicle and traffic law, as amended by chapter 418 of the laws of 1964, is amended to read as follows:

§ 254. Service of summons on residents who depart from state and on residents' executors or administrators who are nonresidents or who depart from state. The provisions of section two hundred fifty-three of this chapter shall also apply (a) to a resident who departs from the state subsequent to the [~~accident~~] **crash** or collision and remains absent therefrom for thirty days continuously, whether such absence is intended to be temporary or permanent, and to any executor or administrator of such resident, and (b) to an executor or administrator of a resident if such executor or administrator is a nonresident or if, being a resident, he departs from the state and remains absent therefrom for thirty days continuously, whether such absence is intended to be temporary or permanent.

§ 12. Section 301-a of the vehicle and traffic law, as added by chapter 634 of the laws of 1973, and subdivision 1 as amended by chapter 608 of the laws of 1993, is amended to read as follows:

§ 301-a. Re-inspection of motor vehicles involved in certain [~~accidents~~] **crashes**. 1. The commissioner may require that a motor vehicle registered in this state or elsewhere which is required to be inspected, be re-inspected after it is involved in a property damage [~~accident~~] **crash** which is required to be reported to the motor vehicle department. Such re-inspection shall be made within sixty days of the date of the [~~accident~~] **crash** if the motor vehicle is driven away from the [~~accident~~] **crash** site. Such re-inspection shall be made before the vehicle is operated on the public highways if the motor vehicle is towed or transported from the [~~accident~~] **crash** site, except that a motor vehicle may be driven from a repair shop to an inspection station for the purpose of being re-inspected.

2. The owner of a car so damaged shall be required to submit to the department within the same time limit as provided in subdivision one of this section satisfactory proof of re-inspection pursuant to rules and regulations to be promulgated by the commissioner.

3. Failure to submit such proof of re-inspection as herein provided shall constitute ground for suspension or revocation of his privileges of operating a motor vehicle in this state and of the operation within this state of any motor vehicle owned by him.

§ 13. Subdivision 2 of section 310 of the vehicle and traffic law is amended to read as follows:

(2) Declaration of purpose. The legislature is concerned over the rising toll of motor vehicle [~~accidents~~] crashes and the suffering and loss thereby inflicted. The legislature determines that it is a matter of grave concern that motorists shall be financially able to respond in damages for their negligent acts, so that innocent victims of motor vehicle [~~accidents~~] crashes may be recompensed for the injury and financial loss inflicted upon them. The legislature finds and declares that the public interest can best be served in satisfying the insurance requirements of this article by private enterprise operating in a competitive market to provide proof of financial security through the methods prescribed herein.

§ 14. Paragraph (a) of subdivision 4 of section 311 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

(a) Affording coverage as defined in the minimum provisions prescribed in a regulation which shall be promulgated by the superintendent at least ninety days prior to effective date of this act. The superintendent before promulgating such regulations or any amendment thereof, shall consult with all insurers licensed to write automobile liability insurance in this state and shall not prescribe minimum provisions which fail to reflect the provisions of automobile liability insurance policies, other than motor vehicle liability policies as defined in section three hundred forty-five of this chapter, issued within this state at the date of such regulation or amendment thereof. Nothing contained in such regulation or in this article shall prohibit any insurer from affording coverage under an owner's policy of liability insurance more liberal than that required by said minimum provisions. Every such owner's policy of liability insurance shall provide insurance subject to said regulation against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a specific motor vehicle or motor vehicles within the state of New York, or elsewhere in the United States in North America or the Dominion of Canada, subject to a limit, exclusive of interest and costs, with respect to each such motor vehicle except a tow truck, of twenty-five thousand dollars because of bodily injuries to and fifty thousand dollars because of death of one person in any one [~~accident~~] crash and, subject to said limit for one person, to a limit of fifty thousand dollars because of bodily injury to and one hundred thousand dollars because of death of two or more persons in any one [~~accident~~] crash, and to a limit of ten thousand dollars because of injury to or destruction of property of others in any one [~~accident~~] crash provided, however, that such policy need not be for a period coterminous with the registration period of the vehicle insured. The limit, exclusive of interest and costs, with respect to a tow truck shall be a combined single limit of at least three hundred thousand dollars because of bodily injury or death to one or more persons or because of injury or destruction of property of others in any one [~~accident~~] crash, and to a limit of twenty-five thousand dollars because of damage to a vehicle in the care, custody and control of the insured. Any insurer authorized to issue an owner's policy of liability insurance as provided for in this article may, pending the issue of such a policy, make an agreement, to be known as a binder, or may, in lieu of such a policy, issue a renewal endorsement or evidence of renewal of an existing policy; each of which shall be construed to provide indemnity or protection in like manner and to

the same extent as such a policy. The provisions of this article shall apply to such binders, renewal endorsements or evidences of renewal. Every such policy issued insuring private passenger vehicles and every renewal policy, renewal endorsement, or other evidence of renewal issued shall have attached thereto a rating information form which clearly specifies and defines the rating classification assigned thereto, including any applicable merit rating plan; and

§ 15. Subdivision 1 of section 315 of the vehicle and traffic law is amended to read as follows:

1. The commissioner, upon the surrender of the registration and number plates for a motor vehicle for which a financial security bond or deposit was accepted by the commissioner, shall permit the cancellation of any such bond or shall direct that any such deposit be returned by the commissioner of taxation and finance. The commissioner shall not release such bond or deposit in the event any action for damages upon a liability referred to in this article is then pending or any judgment upon any such liability then outstanding and unsatisfied, or in the event the commissioner has received notice that such person has within the period of three months immediately preceding been involved as a driver in any motor vehicle [~~accident~~] **crash**. An affidavit of the applicant of non-existence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the bureau.

§ 16. Section 316 of the vehicle and traffic law, the third undesignated paragraph as amended by chapter 511 of the laws of 1999, and the fourth undesignated paragraph as added by chapter 316 of the laws of 1972, is amended to read as follows:

§ 316. Self-insurers. The commissioner, in his discretion, may upon the application of a person having registered in his name in this state more than twenty-five motor vehicles, issue a certificate of self-insurance when he is reasonably satisfied that such person is possessed and will continue to be possessed of financial ability to respond to judgments obtained against such person, arising out of the ownership, maintenance, use or operation of any such person's motor vehicles. Upon due notice and hearing, the commissioner may, in his discretion and upon reasonable grounds, cancel a certificate of self-insurance.

As a condition to the issuance of a certificate of self-insurance, the registrant shall pay annually in addition to any other fee prescribed by this chapter, a fee of one dollar and fifty cents for each motor vehicle registered in his name and the aggregate amount of such fees shall be applied in reduction of the assessment levied pursuant to section three hundred seventeen **of this article**.

As a further condition to the issuance of a certificate of self-insurance, the registrant shall pay annually in addition to any other fee prescribed by this chapter, an amount per vehicle to be determined by the Motor Vehicle [~~Accident~~] **Crash** Indemnification Corporation pursuant to section five thousand two hundred seven of the insurance law for each motor vehicle registered in his name and the aggregate amount of such fees shall be transmitted by the commissioner to the Motor Vehicle [~~Accident~~] **Crash** Indemnification Corporation continued pursuant to section five thousand two hundred three of the insurance law to be applied in reduction of assessments levied by said corporation pursuant to section five thousand two hundred seven of the insurance law.

Notwithstanding the provisions of any other section, for the purposes of this section, the term "motor vehicle" shall include "snowmobiles" as defined by subdivision [~~six of § 8-0105 of the conservation law~~] **one of section twenty-two hundred twenty-one of this chapter**.

§ 17. Subdivision 9 of section 318 of the vehicle and traffic law, as amended by chapter 1025 of the laws of 1971, is amended to read as follows:

9. (a) If a motor vehicle has been involved in [~~an accident~~] a crash, and its registration or the driver's license of its operator, or both, have been revoked pursuant to this section, then neither such vehicle nor any other motor vehicle shall be registered or reregistered in the name of its owner or of any other person legally responsible for its use, nor shall any driver's license be issued to such owner, person or operator until one year has passed since the date of such revocation and, as the case may be, the commissioner has received the payments and evidence required by paragraph (c) [~~below~~] of this subdivision.

(b) If a motor vehicle not registered in this state is involved in [~~an accident~~] a crash in this state and the privilege of its operation within this state has been revoked, then neither its owner, any person legally responsible for its use nor its operator shall exercise the privilege of the operation of such vehicle within this state or the privilege of operation within this state of any motor vehicle, until one year has passed since the date of revocation and, as the case may be, the commissioner has received the payments and evidence as required in paragraph (c) [~~below~~] of this subdivision.

(c) The payments and evidence referred to in paragraphs (a) and (b) [~~above~~] of this subdivision shall be evidence, satisfactory to the commissioner,

(1) That no cause of action based upon such [~~accident~~] crash against such owner, person legally responsible or operator has been commenced within a period of one year from the date of the [~~accident~~] crash or a release thereof has been given to such owner, person or operator, or

(2) That no judgment arising out of such cause of action for amounts within the limits stated in paragraph (a) of subdivision four of section three hundred eleven of this article against such owner, person or operator remains unsatisfied, except that such registration and licensing privileges may be restored on compliance with the procedures permitting the payment of a judgment in installments provided in section three hundred thirty-four of this title, and

(3) That all civil penalties required to be paid to the department pursuant to the provisions of subdivision five of section three hundred nineteen of this [~~chapter~~] article have been paid.

§ 18. Paragraph (a) of subdivision 11 of section 318 of the vehicle and traffic law, as amended by chapter 735 of the laws of 1970, is amended to read as follows:

(a) Where the license or privileges of any person, or the registration of a motor vehicle registered in his name, has been suspended or revoked under this article [~~six of this chapter~~], and the motor vehicle [~~accident~~] crash indemnification corporation or an insurer has paid any amount towards satisfaction of a judgment against such person, or has obtained a judgment against such person as a result of payments made to third parties such license, privileges or registration shall be suspended, or the suspension or revocation thereof shall be continued, as provided in this subdivision.

§ 19. Paragraphs (a) and (c) of subdivision 12 of section 318 of the vehicle and traffic law, paragraph (a) as amended by chapter 843 of the laws of 1980, and paragraph (c) as amended by chapter 805 of the laws of 1984, are amended to read as follows:

(a) If the owner or operator of a motor vehicle in any manner involved in [~~an accident~~] a crash occurring in this state resulting in death or

bodily injuries to any person fails to produce satisfactory evidence as proof of financial security within forty-eight hours after the [~~accident~~] **crash**, the motor vehicle shall be subject to impoundment and any peace officer, acting pursuant to his special duties, or any police officer is authorized to impound and store such motor vehicle. If said motor vehicle is subject to impoundment and is not so impounded, the owner or his representative shall cause said motor vehicle to be stored in a public garage or storage place in this state as selected by the owner or representative and shall continue such storage for the period of time provided in this section. The aforementioned storage shall constitute "impoundment" within the meaning of this section. The cost of storage of any such impounded motor vehicle shall be borne by the owner. So long as the impoundment is in force no person shall remove the impounded vehicle or permit it to be removed from its place of impoundment except upon the order of the commissioner.

(c) The impoundment shall continue until (1) there is a final disposition of the claim for death or bodily injury of the person, resulting from the [~~accident~~] **crash** in which said motor vehicle was involved, by payment of a judgment or settlement by the owner, or by a final judgment in his favor, or (2) one year has elapsed since the date of the [~~accident~~] **crash** and no filing has been made pursuant to section five thousand two hundred eight of the insurance law, or (3) a release of the motor vehicle upon order of the commissioner. The commissioner may order the release of said motor vehicle upon the depositing with the commissioner of taxation and finance of security or a bond in such form and amount as may be approved by the commissioner. If said motor vehicle is not released from impoundment after the lapse of one year, the commissioner may dispose of it by public sale and remit the proceeds from the sale to the commissioner of taxation and finance to be held pending the final disposition of the claim.

§ 20. Subdivision (d) of section 332 of the vehicle and traffic law is amended to read as follows:

(d) Any person whose license, registration or non-resident's driving privilege is subject to suspension hereunder, may be relieved from the effect of failure to satisfy such judgment, if such person files with the commissioner proper evidence that a bond or insurance policy as provided for in this article was in force and effect at the time of the [~~accident~~] **crash** resulting in the judgment, and was available for the satisfaction of the judgment to the extent provided for in section three hundred thirty-three **of this article** and that such judgment was so satisfied.

§ 21. Section 333 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

§ 333. Payments sufficient to satisfy requirements of this article. Every judgment herein referred to shall for the purpose of this article only be deemed satisfied: (a) When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or when fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of death of one person as the result of any one [~~accident~~] **crash**; or

(b) When subject to such limit of twenty-five thousand dollars because of bodily injury to or fifty thousand dollars because of death of one person, the sum of fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or when one hundred thousand dollars has been credited upon

any judgment or judgments rendered in excess of that amount because of death of two or more persons as the result of any one [~~accident~~] crash; or

(c) When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one [~~accident~~] crash.

Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle [~~accident~~] crash shall be credited in reduction of the amounts provided for in this section.

§ 22. Section 335 of the vehicle and traffic law, subdivision (a) as amended by chapter 305 of the laws of 1995, and paragraph 1 of subdivision (a) as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

§ 335. Security and proof required following [~~accident~~] crash. (a) Not less than ten days nor more than sixty days after receipt by him of the report or notice of [~~an accident~~] a crash which has resulted in bodily injury or death, or in damage to the property of any one person in excess of one thousand dollars, the commissioner shall forthwith suspend the license of any person operating, and the registration certificates and registration plates of any person owning, a motor vehicle in any manner involved in such [~~accident~~] crash unless and until such operator (or chauffeur) or owner or both shall have previously furnished or immediately furnishes security sufficient in the judgment of the commissioner to satisfy any judgment or judgments for damages resulting from such [~~accident~~] crash as may be recovered against such owner or operator (or chauffeur) by or on behalf of any aggrieved person or his legal representative, and unless and until such owner or operator (or chauffeur) or both shall immediately furnish and thereafter maintain proof of financial responsibility in the future. Where erroneous information with respect to insurance coverage of the owner or operator (or chauffeur) of any such vehicle is furnished to the commissioner, he shall take appropriate action as above provided within sixty days after the receipt by him of correct information with respect to such coverage. This section shall not apply: (1) to such owner or operator (or chauffeur) if such owner had in effect at the time of such [~~accident~~] crash with respect to such motor vehicle a standard provisions automobile liability policy in form approved by the superintendent of financial services and issued by an insurance company authorized to do business in this state or, if such motor vehicle was not registered in this state or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy, or the most recent renewal thereof, an automobile liability policy acceptable to the superintendent of financial services as substantially the equivalent of such standard provisions automobile liability policy; (2) to such operator (or chauffeur), if not the owner of such motor vehicle, if there was in effect at the time of such [~~accident~~] crash such a policy with respect to his operation of motor vehicles not owned by him or, if such motor vehicle was a private passenger motor vehicle, with respect to his operation of private passenger motor vehicles not owned by him or (3) to such owner or operator (or chauffeur) if the liability of such owner or operator (or chauffeur) for damages resulting from such [~~accident~~] crash is, in the judgment of the commissioner, covered by any other form of liability insurance policy issued by an insurance company authorized to do business in this state or by a bond, provided every such policy or bond mentioned herein is

subject, if the [~~accident~~] crash has resulted in bodily injury, to a limit, exclusive of interest and costs, of twenty-five thousand dollars or death to a limit, exclusive of interest and costs, of fifty thousand dollars, because of bodily injury to or death of one person in any one [~~accident~~] crash and, subject to said limit for one person, to a limit of fifty thousand dollars because of bodily injury to or one hundred thousand dollars because of death of two or more persons in any one [~~accident~~] crash, and, if the [~~accident~~] crash has resulted in injury to or destruction of property, to a limit of ten thousand dollars because of injury to or destruction of property of others in any one [~~accident~~] crash or (4) to such owner or operator if the commissioner shall determine that the failure to have liability coverage as described above was caused solely by the negligence or malfeasance of a person other than the person whose license or registration has been suspended or is subject to suspension, and that the person seeking to avoid such suspension was not aware of the lack of such liability coverage. However, with respect to the provisions of (4) above, the burden of proof shall be upon the person seeking to avoid such suspension action. Provided further, that such facts shall be established by clear and convincing evidence, either by the submission of affidavits or at a hearing called in the discretion of the commissioner.

Upon receipt of notice of such [~~accident~~] crash, the insurance carrier or surety company which issued such policy or bond shall furnish for filing with the commissioner a written notice that such policy or bond was in effect at the time of such [~~accident~~] crash or shall notify the commissioner in such manner as he may require in case such policy or bond was not in effect at the time of such [~~accident~~] crash.

In case any such operator (or chauffeur) or owner has no license to operate issued under this chapter or no motor vehicle registered in his name in this state, he shall not be allowed a license or registration until he has complied with this article to the same extent as would be necessary if he had held an operator's or chauffeur's license and a motor vehicle registration issued under this chapter at the time of the [~~accident~~] crash.

(b) Such security, where ordered, shall be in such form and in such amount as the commissioner may require, but in no case in excess of the amount of proof required by section three hundred forty-one of this article. The commissioner may reduce the amount of security ordered in any case within six months after the date of the [~~accident~~] crash, if, in his judgment, the amount ordered is too large. In case the security originally ordered has been deposited, the excess deposited over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith, notwithstanding the provisions of subdivision (c) of this section.

(c) Security furnished in compliance with the requirements of this section shall be placed by the commissioner in the custody of the commissioner of taxation and finance and shall be applicable only to the payment of a judgment against the depositor for damages arising out of the [~~accident~~] crash in question in an action at law begun not later than one year after the date of such [~~accident~~] crash or, upon assignment of the depositor, made not later than one year after the date of such [~~accident~~] crash, to the settlement of a claim arising out of such [~~accident~~] crash, or upon assignment of the depositor, made after the expiration of one year after the date of such [~~accident~~] crash, to the settlement of an action at law begun not later than one year after the date of such [~~accident~~] crash. All of such payments made out of the

deposited security shall be made as follows: Payment shall first be made to each of the judgment creditors and to each of the claimants who have agreed to settle their claims, whose damages were evaluated by the commissioner, in an amount not greater than the amount fixed in their respective evaluations. Whenever the commissioner shall be given evidence, satisfactory to him, that the amounts of all claims for damages against the depositor arising out of such [~~accident~~] **crash** are fixed, either by judgment or settlement agreement, payment shall be made out of any balance remaining after the first distribution to each of those persons whose judgments or settlement amounts have not been fully paid but whose damages were evaluated by the commissioner, in proportion to the amounts of their respective evaluations unless there is sufficient to make payment in full; and any balance remaining after the first and second distributions are completed shall be paid to those judgment creditors and those claimants who have agreed to settle their claims but whose damages were not evaluated, in proportion to the amounts of their respective judgments or settlement amounts unless there is sufficient to make payment in full. Such deposit, or any balance thereof, shall be returned to the depositor or his personal representative whenever after the expiration of such year, the commissioner shall be given evidence, satisfactory to him, that there is no such action pending and no such judgment unsatisfied or whenever, before the expiration of such year, the commissioner shall be given evidence, satisfactory to him, that there is no such judgment unsatisfied and that there is no existing cause of action against the depositor for damages arising out of such [~~accident~~] **crash**.

(c-1) After security, furnished in compliance with the requirements of this section, has remained on deposit for five years, the commissioner shall make a determination as to whether the deposit, or any balance thereof, is returnable to the depositor or the person entitled thereto. In the event that such deposit, or any balance thereof, is determined to be returnable, but remains unclaimed by the depositor or the person entitled thereto for a period of one year following the date of such determination, such unclaimed deposit, or any balance thereof, shall be deemed abandoned property subject to the provisions of the abandoned property law.

(d) The provisions of subdivision (a) of this section shall not apply to the owner of a motor vehicle operated by one having obtained possession or control thereof without the expressed or implied consent of such owner, to a police officer or member of the state police who is compelled to assume the custody and operation of a motor vehicle of another because such motor vehicle was (1) stolen from or lost by the owner, (2) abandoned, either by the owner or any other person with or without the owner's consent, (3) is being operated by a person disabled so as not to be able to operate it properly, or (4) is being operated by an intoxicated person; or to either the owner or operator of a motor vehicle involved in an [~~accident~~] **crash** wherein no damage or injury was caused to other than the person or property of such owner or operator.

(e) In lieu of deposit of security when required pursuant to the provisions of this section the commissioner may accept a written agreement, executed and acknowledged by the person required to deposit security and any person who has sustained bodily injury, including death, or damage to his property, or his legal representative, providing for the payment of an agreed amount in installments, with respect to the claims of such person for injuries or damages resulting from the [~~accident~~] **crash**. In the event of default in payment of any installment under such

agreement, then upon notice of such default the commissioner shall forthwith suspend the license and registration certificates and registration plates of the person in default until release has been filed with the commissioner indicating that the entire agreed amount has been paid. But in no case shall such agreement be used in lieu of proof of maintenance of financial responsibility in the future required pursuant to the provisions of this section.

§ 23. Section 337 of the vehicle and traffic law, as amended by chapter 176 of the laws of 1990, is amended to read as follows:

§ 337. Suspension, duration. (a) The suspension required in sections three hundred thirty-two, three hundred thirty-four and **subdivision (e) of section** three hundred thirty-five [~~(e)~~] **of this article** shall remain in effect, the motor vehicle in any manner involved in such [~~accident~~] **crash** shall not be registered in the name of the person whose license and/or registration certificate was so suspended, or in any other name where the commissioner has reasonable grounds to believe that such registration will have the effect of defeating the purposes of this article, and no other motor vehicle shall be registered in the name of such person nor any new licenses issued to such person unless and until such judgment is satisfied or stayed or is discharged in bankruptcy and the judgment debtor gives proof of financial responsibility in the future as required pursuant to section three hundred thirty-five **of this article** except under the conditions as stated in sections three hundred thirty-three and three hundred thirty-four **of this article**.

(b) The suspension required in section three hundred thirty-five **of this article** shall remain in effect, the motor vehicle in any manner involved in such [~~accident~~] **crash** shall not be registered in the name of the person whose license and/or registration certificate was so suspended, or in any other name where the commissioner has reasonable grounds to believe that such registration will have the effect of defeating the purposes of this article, and no other motor vehicle shall be registered in the name of such person nor any new licenses issued to such person, unless and until such person complies with the requirement with respect to furnishing security, or unless and until such person has obtained a release, or a favorable judgment in an action at law to recover damages resulting from such [~~accident~~] **crash** or unless such person shall have satisfied in the manner herein provided any judgment rendered against such person in such an action, or unless such judgment rendered against such person is discharged in bankruptcy, and at all events until such person gives and thereafter maintains proof of his financial responsibility.

Provided, however, that any person whose license or registration became subject to suspension or has been suspended pursuant to subdivision (a) of section three hundred thirty-five **of this article**, whether or not such person has furnished security and proof of financial responsibility, shall be relieved from furnishing or maintaining proof of financial responsibility if (1) one year has elapsed since the date of the [~~accident~~] **crash**, (2) nine months have elapsed since the date of compliance with any suspension order made against such person because of such [~~accident~~] **crash**, (3) such person has neither paid nor agreed in writing to pay anything for damages resulting from such [~~accident~~] **crash**, (4) no suit for damages because thereof has been brought against such person and (5) such person is not required to furnish or maintain proof of financial responsibility for some reason other than for having been involved in such [~~accident~~] **crash**. If a suit or suits for damages resulting from such [~~accident~~] **crash** shall have been brought and such

suit or suits shall have resulted in a judgment or judgments, the successful person in such suit or suits shall be relieved from furnishing or maintaining proof of financial responsibility forthwith provided such person is not required to furnish or maintain such proof for reasons other than for having been involved in such [~~accident~~] **crash** and, in case such person has furnished security because of having been involved in such [~~accident~~] **crash**, it shall be returned to such person or the personal representative of such person forthwith notwithstanding the provisions of subdivision (c) of section three hundred thirty-five **of this article**. The fact of having been involved in such [~~accident~~] **crash** shall not bar the issuance of license and registration to a person who has been relieved from furnishing or maintaining proof of financial responsibility pursuant to the provisions of this paragraph.

(c) A discharge in bankruptcy following the rendering of any such judgment shall not relieve the judgment debtor from any of the requirements of this article unless otherwise provided in subdivisions (a) and (b) of this section.

§ 24. Subdivision (d) of section 338 of the vehicle and traffic law, the opening paragraph as amended by chapter 838 of the laws of 1970, is amended to read as follows:

(d) The commissioner shall take action as required anywhere in this article, upon receiving proper evidence that any resident of this state, has in any other state had his driving privileges suspended and/or the operation of any motor vehicle owned by him prohibited pursuant to a law of such other state providing for such suspension or prohibition because of a conviction or because of an unsatisfied judgment which would require the commissioner to suspend a non-resident's driving privileges had such a conviction or judgment been rendered in this state against a non-resident, provided, however, that no suspension or prohibition shall be effective until twenty days have elapsed from the date upon which notice of suspension shall have been mailed to the operator or owner during which period such operator or owner shall be permitted to submit evidence of satisfaction of the judgment or other evidence relating thereto.

Upon receipt of a certification that the operating privilege of a resident of this state has been suspended, revoked or cancelled in any such other state pursuant to a law providing for its suspension, revocation or cancellation for failure to deposit security for the payment of a judgment as may arise out of a motor vehicle [~~accident~~] **crash** under circumstances which would require the commissioner to suspend a non-resident's operating privilege had the [~~accident~~] **crash** occurred in this state, the commissioner shall suspend the license of such resident if he was the operator, and all of his registrations if he was the owner of a motor vehicle involved in such [~~accident~~] **crash**. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.

§ 25. Section 341 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

§ 341. Amount of proof required. Proof of financial responsibility shall mean proof of ability to respond in damages for liability thereafter incurred, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars because of bodily injury to or fifty thousand dollars because of death of any one person, and subject to said limit respecting one person, in the amount of fifty thousand dollars because of bodily injury to or one hundred thousand dollars because of death of two or more persons in any one

[~~accident~~] crash, and in the amount of ten thousand dollars because of injury to or destruction of property in any one [~~accident~~] crash. Such proof in such amounts shall be furnished for each motor vehicle registered by such person.

§ 26. Subdivision (c) of section 343 of the vehicle and traffic law, as amended by chapter 300 of the laws of 1960, and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

(c) When a person has been required to furnish proof of a financial responsibility and there has been in effect a motor vehicle liability policy for his benefit for a period of three years, during which period such person or any vehicle registered in his name has not been involved in any [~~accident~~] crash upon which a report is required pursuant to section six hundred five [~~hereof~~] of this chapter, such person may file in lieu thereof, the written certificate of any insurance carrier duly authorized to do business in this state, certifying that there is in effect a standard provisions automobile liability policy in form approved by the [~~superintendant~~] superintendent of financial services with a limit of liability no less than provided in subdivision (a) of section three hundred thirty-five of this [~~law~~] chapter.

§ 27. Paragraphs 1 and 3 of subdivision (a) of section 344 of the vehicle and traffic law are amended to read as follows:

(1) Said insurance carrier shall execute a power of attorney authorizing the commissioner to accept service on its behalf of notice or process in any action arising out of a motor vehicle [~~accident~~] crash in this state.

(3) Said insurance carrier shall also agree to accept as final and binding any judgment of any court of competent jurisdiction in this state duly rendered in any action arising out of a motor vehicle [~~accident~~] crash.

§ 28. Paragraph 3 of subdivision (b) of section 345 of the vehicle and traffic law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

(3) Shall insure the insured or such other person against loss from the liability imposed by law for damages, including damages for care and loss of services because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of such motor vehicle or motor vehicles within the state of New York, or elsewhere in the United States in North America or the Dominion of Canada, subject to a limit, exclusive of interest and cost, with respect to each such motor vehicle, except a tow truck, of twenty-five thousand dollars because of bodily injury to or fifty thousand dollars because of death of one person in any one [~~accident~~] crash and, subject to said limit for one person, to a limit of fifty thousand dollars because of bodily injury to or one hundred thousand dollars because of death of two or more persons in any one [~~accident~~] crash, and to a limit of ten thousand dollars because of injury to or destruction of property of others in any one [~~accident~~] crash. The limit, exclusive of interest and costs, with respect to a tow truck shall be a combined single limit of three hundred thousand dollars because of bodily injury [~~of~~] or death to one or more persons or because of injury or destruction of property of others in any one [~~accident~~] crash, and to a limit of twenty-five thousand dollars because of damage to a vehicle in the care, custody and control of the insured.

§ 29. Paragraph 1 of subdivision (i) of section 345 of the vehicle and traffic law is amended to read as follows:

(1) The liability of any company under a motor vehicle liability policy shall become absolute whenever loss or damage covered by said policy occurs, and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or duty of the carrier to make payment on account of such loss or damage. No such policy shall be cancelled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage, and any such cancellation or [~~annullment~~] **annulment** shall be void. If the death of the insured shall occur after the insured has become liable during the policy period for loss or damage covered by the policy, the policy shall not be deemed terminated by such death with respect to such liability and the company shall be liable thereunder in the same manner and to the same extent as though death had not occurred. Upon the recovery of a final judgment against any person for any such loss or damage, if the judgment debtor or the decedent whom he represents was at the accrual of the cause of action insured against liability therefor under a motor vehicle liability policy, the judgment creditor shall be entitled to have the insurance money applied to the satisfaction of the judgment. But the policy may provide that the insured, or any other person covered by the policy, shall reimburse the company for payments made on account of any [~~accident~~] **crash**, claim or suit involving a breach of the terms, provisions or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits designated in this section, the insurance carrier may plead against such judgment creditor, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured. Any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance. If the death, insolvency or bankruptcy of the insured shall occur within the policy period, the policy during the unexpired portion of such period shall cover the legal representatives of the insured. No statement made by the insured or on his behalf, and no violation of the terms of the policy, shall operate to defeat or avoid the policy so as to bar recovery within the limits provided in subdivision (b) of this section.

§ 30. Subdivision 2 of section 353 of the vehicle and traffic law is amended to read as follows:

(2) In the event the person who has given proof of financial responsibility surrenders his operator's or chauffeur's license, registration certificates and registration plates to the commissioner, but the commissioner shall not release such proof in the event any action for damages upon a liability referred to in this article is then pending, or any judgment upon any such liability then outstanding and unsatisfied, or in the event the commissioner has received notice that such person has within the period of three months immediately preceding been involved as a driver in any motor vehicle [~~accident~~] **crash**. An affidavit of the applicant of the non-existence of such facts shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the bureau.

§ 31. Section 354 of the vehicle and traffic law, as amended by chapter 61 of the laws of 1989, is amended to read as follows:

§ 354. Commissioner to furnish operating record. The commissioner shall upon request furnish any insurance carrier or any person an abstract of the operating record of any person subject to the provisions of this article, which abstract shall include enumeration of any

convictions of such person of a violation of any provision of any statute relating to the operation of a motor vehicle or any [~~accidents~~] **crashes** in which a motor vehicle driven by such person has been involved during the current calendar year and the three calendar years preceding that in which the request for the operating record is received and if specifically requested shall also fully designate the motor vehicles, if any, registered in the name of such person and the name of the insurer insuring such motor vehicle, for the registration year in which the request for the operating record is received. A request for an abstract of an operating record shall be subject to the provisions of section two hundred two of this chapter.

§ 32. Section 366 of the vehicle and traffic law is amended to read as follows:

§ 366. Past application of article. This article, except section three hundred thirty-nine [~~thereof~~] **of this title**, shall not apply to any judgment in a civil action or cause of action arising out of [~~an accident~~] **a crash** occurring prior to the effective date of this article.

§ 33. The section heading, the opening paragraph of subdivision 1 and subdivisions 3 and 4 of section 370 of the vehicle and traffic law, the section heading and subdivision 4 as amended by chapter 609 of the laws of 1962, the opening paragraph of subdivision 1 as amended by chapter 20 of the laws of 2002 and as further amended by section 104 of part A of chapter 62 of the laws of 2011 and subdivision 3 as amended by chapter 232 of the laws of 2001, are amended to read as follows:

Indemnity bonds or insurance policies; notice of [~~accident~~] **crash**.

Every person, firm, association or corporation engaged in the business of carrying or transporting passengers for hire in any motor vehicle or motorcycle, except street cars, and motor vehicles or motorcycles owned and operated by a municipality, and except as otherwise provided in this section, which shall be operated over, upon or along any public street or highway of the state of New York shall file with the commissioner of motor vehicles for each motor vehicle or motorcycle intended to be so operated evidence, in such form as the commissioner may prescribe, of a corporate surety bond or a policy of insurance, approved as to form by the superintendent of financial services in a company authorized to do business in the state, approved by the superintendent as to solvency and responsibility, conditioned for the payment of a minimum sum, hereinafter called minimum liability, on a judgment or judgments for damages, including damages for care and loss of services, because of bodily injury to, or death of any one person in any one [~~accident~~] **crash**, and subject to such minimum liability a maximum sum, hereinafter called maximum liability on a judgment or judgments for damages, including damages for care and loss of services because of bodily injury to, or death of two or more persons in any one [~~accident~~] **crash** and for the payment of a minimum sum, called minimum liability on all judgments for damages because of injury to or destruction of property of others in any one [~~accident~~] **crash**, recovered against such person, firm, association or corporation upon claims arising out of the same transaction or transactions connected with the same subject of action, to be apportioned ratably among the judgment creditors according to the amount of their respective judgments for damage or injury caused in the operation, maintenance, use or the defective construction of such motor vehicle or motorcycle as follows:

3. A person, firm, association or corporation engaged in the business of renting or leasing rental vehicles to be operated upon the public highways for carrying passengers shall be subject to the provisions of

this section in the same manner and to the same extent as if such person, firm, association or corporation were actually engaged in the business of carrying or transporting passengers for hire.

Notwithstanding the provisions of subdivision one of this section, a person, firm, association or corporation engaged in the business of renting or leasing motor vehicles, having registered in this state more than twenty-five motor vehicles subject to the provisions of this section and who qualifies as hereinafter provided, may file a certificate of self-insurance. The commissioner of motor vehicles in his discretion may, upon the application of such a person, firm, association or corporation issue a certificate of self-insurance when he is reasonably satisfied that such person is possessed and will continue to be possessed of financial ability to respond to judgments obtained against such person, arising out of the ownership, maintenance, use or operation of any such person's motor vehicle. Upon due notice and hearing, the commissioner may, in his discretion and upon reasonable grounds, cancel a certificate of self-insurance.

As a condition to the issuance of a certificate of self-insurance under this subdivision the registrant shall pay annually in addition to any other fee prescribed by this chapter, a fee of one dollar and fifty cents for each motor vehicle registered in his name and the aggregate amount of such fees shall be applied in reduction of the assessment levied pursuant to section three hundred seventeen.

As a further condition to the issuance of a certificate of self-insurance, the registrant shall pay annually in addition to any other fee prescribed by this chapter, an amount per vehicle to be determined by the Motor Vehicle [~~Accident~~] **Crash** Indemnification Corporation pursuant to section five thousand two hundred seven of the insurance law and the aggregate amount of such fees shall be transmitted by the commissioner to the Motor Vehicle [~~Accident~~] **Crash** Indemnification Corporation continued pursuant to section five thousand two hundred three of the insurance law to be applied in reduction of assessments levied by said corporation pursuant to section five thousand two hundred seven of the insurance law.

4. Every person operating a motor vehicle or motorcycle as to which a bond or policy of insurance is required by this section, which is in any manner involved in [~~an accident~~] **a crash**, shall within five days give written notice of the time and place of the accident to the surety or insurer. Failure to give notice of [~~an accident~~] **a crash** as herein provided shall constitute a misdemeanor, but shall not affect the liability of the surety or insurer.

§ 34. Subdivision 2 of section 385 of the vehicle and traffic law, as amended by chapter 973 of the laws of 1966, is amended to read as follows:

2. The height of a vehicle from under side of tire to top of vehicle, inclusive of load, shall be not more than thirteen and one-half feet. Any damage to highways, bridges or highway structures resulting from the use of a vehicle exceeding thirteen feet in height where such excess height is the proximate cause of the [~~accident~~] **crash** shall be compensated for by the owner and operator of such vehicle.

§ 35. The opening paragraph of subdivision 2 of section 398-b of the vehicle and traffic law, as amended by chapter 212 of the laws of 1980, is amended to read as follows:

As used in this article the term "motor vehicle repair shop" means any person who, for compensation, is wholly or partially engaged in the business of repairing or diagnosing motor vehicle malfunctions or

repairing motor vehicle bodies, fenders or other components damaged by [~~accident~~] **crash** or otherwise, except that such term does not include:

§ 36. The article heading of article 12-B of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

APPROVAL OF MOTOR VEHICLE [~~ACCIDENT~~] **CRASH** PREVENTION COURSES

§ 37. Section 399-a of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

§ 399-a. Statement of purpose. The purposes of this article are to further highway safety by preserving the quality and efficacy of the [~~accident~~] **crash** prevention course programs. These purposes will be accomplished by establishing strict criteria for initial and continual course sponsorship approval.

§ 38. Section 399-b of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

§ 399-b. Definitions. For the purposes of this article, the following terms shall have the following definitions:

1. "Sponsoring agency" shall mean an organization which owns a motor vehicle [~~accident~~] **crash** prevention course approved by the commissioner.

2. "Delivery agency" shall mean an organization which conducts a sponsoring agency's approved motor vehicle [~~accident~~] **crash** prevention course.

3. "Instructor" shall mean an individual employed by a delivery agency to teach an approved [~~accident~~] **crash** prevention course.

4. "[~~Accident~~] **Crash** prevention course" or "course" shall mean the [~~accident~~] **crash** prevention course curriculum or specialized course curriculum which has been approved by the commissioner.

5. "Completion certificate" shall mean a document which cannot be altered and which is provided to the student who successfully completes the [~~accident~~] **crash** prevention course.

6. "Specialized course" shall mean a course aimed primarily at enhancing safety within a specific occupation or for a specific category of vehicles.

§ 39. Section 399-c of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

§ 399-c. Approval by the commissioner. The commissioner must approve [~~an accident~~] **a crash** prevention course before any person attending and successfully completing such course may qualify to receive mandatory insurance reduction benefits in accordance with subsection (a) of section two thousand three hundred thirty-six of the insurance law. The commissioner shall base the decision to approve a course upon the requirements set forth in this article and any additional requirements as the commissioner deems necessary.

§ 40. Subdivision 1 of section 399-d of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

1. An agency or organization seeking approval as a motor vehicle [~~accident~~] **crash** prevention course sponsoring agency shall apply to the commissioner for approval. Such applications shall be made in writing and on forms prescribed by the commissioner. The application shall include at a minimum: the title or name of the course, the name of the organization submitting the application, proof of course ownership, and the names and addresses of all owners, officers, and directors of the agency or organization, and such other information or material as the commissioner may prescribe. An application shall not be considered to be

complete until all information and material required by this chapter and by regulation of the commissioner has been submitted.

§ 41. Section 399-f of the vehicle and traffic law, as added by chapter 290 of the laws of 1998, is amended to read as follows:

§ 399-f. Proof of effectiveness. Proof of effectiveness shall be verifiable research documentation submitted by the applicant for sponsorship showing evidence of effectiveness comparable to that of the national safety council's defensive driving course as determined by the commissioner in terms of reduced convictions or [~~accidents~~] **crashes** or both. This research documentation shall employ accepted research principles and include treatment and non-treatment control groups comprised of samples of the representative driver base. In order to establish verifiable effectiveness, each sample group should be comprised of a minimum of three thousand drivers selected randomly. The documentation shall include conviction or [~~accident~~] **crash** data for each motorist for a period of at least eighteen months prior to the course completion date and at least eighteen months subsequent to such date, and equivalent time periods for non-treatment control groups. The documentation shall also include a description of the sampling and analytic procedures used, and the motorist identification number and course completion date for all course attendees. The applicant for sponsorship shall provide, at the request of the commissioner and at the applicant's expense, all driving record data and analysis used in the development of the submitted research documentation. Submission of any fraudulent or intentionally misleading data will disqualify that organization and all owners and principals from participating or approval in the [~~accident~~] **crash** prevention course for a period of ten years from submission date. The commissioner may, by regulation, provide for a smaller sample group for specialized courses.

§ 42. The article heading of article 12-C of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

[~~ACCIDENT~~] **CRASH** PREVENTION COURSE INTERNET, AND OTHER TECHNOLOGY PILOT PROGRAM

§ 43. Section 399-k of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

§ 399-k. [~~Accident~~] **Crash** prevention course internet technology pilot program. The commissioner shall establish and implement a comprehensive pilot program to review and study internet, and other technologies as approved by the commissioner, as a training method for the administration and completion of an approved [~~accident~~] **crash** prevention course for the purposes of granting point and insurance premium reduction benefits.

§ 44. Section 399-l of the vehicle and traffic law, as amended by section 1 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

§ 399-l. Application. Applicants for participation in the pilot program established pursuant to this article shall be among those [~~accident~~] **crash** prevention course sponsoring agencies that have a course approved by the commissioner pursuant to article twelve-B of this title prior to the effective date of this article and which deliver such course to the public. Provided, however, the commissioner may, in his or her discretion, approve applications after such date. In order to be approved for participation in such pilot program, the course must comply with the provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the

submission of each application to participate in the pilot program established pursuant to this article. Such fee shall not exceed seven thousand five hundred dollars. The proceeds from such fee shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section.

§ 45. Section 399-m of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

§ 399-m. Pilot program scope and duration. The commissioner shall conduct a pilot program designed to evaluate utilizing internet, and other technologies as approved by the commissioner, for delivering [~~accident~~] **crash** prevention courses for point and insurance premium reduction benefits to the public by permitting qualifying applicants to participate in the pilot program for a period of five years.

§ 46. Section 399-n of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

§ 399-n. Regulations. 1. The commissioner is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this article and to insure that internet, and other technology as approved by the commissioner, delivered [~~accident~~] **crash** prevention courses established pursuant to this article can validate: student identity at registration and throughout the course; participation throughout the course; that the time requirements are met; and successful completion of the course. Provided, however, that any rules and regulations promulgated pursuant to this article shall not stipulate any particular location for delivery of [~~an accident~~] **a crash** prevention course or limit the time of day during which such course may be taken.

2. The commissioner is authorized to impose a fee upon each [~~accident~~] **crash** prevention course sponsoring agency approved for participation in the pilot program, which shall not exceed eight dollars for each student who completes [~~an accident~~] **a crash** prevention course by means of the pilot program established pursuant to this article.

§ 47. Section 399-o of the vehicle and traffic law, as added by chapter 751 of the laws of 2005, is amended to read as follows:

§ 399-o. Report by commissioner. Within five years of the establishment and implementation of this article, the commissioner shall report to the governor, the temporary president of the senate and the speaker of the assembly on the [~~accident~~] **crash** prevention course internet, and other technology as approved by the commissioner, pilot program and its results. Such report shall include recommendations as to the future use of internet and other technologies as an effective way, in addition to classroom presentation, to deliver to the public approved [~~accident~~] **crash** prevention courses, and qualifications for participants in such approved internet and other technology-delivered programs.

§ 48. Paragraph (e) of subdivision 4 of section 503 of the vehicle and traffic law, as added by section 2 of part E of chapter 59 of the laws of 2004, is amended to read as follows:

(e) Any completion of a motor vehicle [~~accident~~] **crash** prevention course approved pursuant to article twelve-B of this chapter shall not serve to reduce the calculation of points on a person's driving record for the purposes of this section.

§ 49. Subdivision 2 of section 506 of the vehicle and traffic law, as added by chapter 780 of the laws of 1972, is amended to read as follows:

2. The commissioner may require every person holding a license issued pursuant to this article to submit to such an examination as shall be

determined by him to be appropriate if such person has been involved in three [~~accidents~~] crashes while driving a motor vehicle or motorcycle within a period of eighteen months, if such [~~accidents~~] crashes were required to be reported by section six hundred five of this chapter.

§ 50. Subdivision 7 of section 509-a of the vehicle and traffic law, as added by chapter 599 of the laws of 1993, is amended to read as follows:

(7) [~~accident~~] crash shall include any [~~accident~~] crash with another vehicle, object or person, which occurs in this state or elsewhere, in which any person is killed or injured, or in which damage to the property of any one person, including the operator, in excess of one thousand five hundred dollars is sustained, or in which damage in excess of two thousand five hundred dollars is sustained to any bus as defined in section one hundred four of this chapter; provided however that [~~accidents~~] crashes occurring outside this state shall not be recorded on the driver's license record.

§ 51. Subdivisions 1 and 3 of section 509-bb of the vehicle and traffic law, as added by chapter 599 of the laws of 1993, are amended to read as follows:

(1) Any person employed as a bus driver who has on three occasions been the operator of a motor vehicle involved in [~~an accident~~] a crash of a nature or type set forth in section five hundred nine-a of this article, where such [~~accidents~~] crashes occurred within an eighteen-month period, shall be subject to reexamination, including a road test, as provided in this section; provided, however, that if such person is subject to a period of disqualification pursuant to section five hundred nine-c or five hundred nine-cc of this article, such reexamination shall occur not more than forty-five days prior to the completion of such period of disqualification; and provided, further, that [~~accidents~~] crashes in which the driver was completely without fault shall not be included in determining whether such reexamination is required.

(3) For purposes of this section, one such [~~accident~~] crash shall not be counted if the person successfully completes a motor vehicle [~~accident~~] crash prevention course approved by the commissioner.

§ 52. Subparagraph (iv) of paragraph (b) and paragraphs (d), (e) and (f) of subdivision 1 and subparagraph (iii) of paragraph (b) and paragraphs (d), (e) and (f) of subdivision 2 of section 509-c of the vehicle and traffic law, subparagraph (iv) of paragraph (b) of subdivision 1 and subparagraph (iii) of paragraph (b) of subdivision 2 as amended by chapter 360 of the laws of 1986, paragraph (d) of subdivision 1 and paragraph (d) of subdivision 2 as amended by chapter 599 of the laws of 1993 and paragraphs (e) and (f) of subdivision 1 and paragraphs (e) and (f) of subdivision 2 as added by chapter 599 of the laws of 1993, are amended to read as follows:

(iv) has been convicted of leaving the scene of [~~an accident~~] a crash which resulted in personal injury or death under subdivision two of section six hundred of this chapter or an offense committed outside of this state which would constitute a violation of subdivision two of section six hundred of this chapter. Such disqualification shall be for a period of three years if such conviction occurred prior to September fifteenth, nineteen hundred eighty-five; or

(d) for a period of one year, if that person has accumulated nine or more points on his or her driving record for acts that occurred during an eighteen month period on or after September fifteenth, nineteen hundred eighty-five, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through

the successful completion of a motor vehicle [~~accident~~] crash prevention course.

(e) for a period of one year, if that person was the operator of a motor vehicle involved in two or more [~~accidents~~] crashes of a nature and type set forth in section five hundred nine-a of this article, where such [~~accidents~~] crashes occurred within an eighteen-month period following a reexamination conducted pursuant to section five hundred nine-bb of this article, provided that [~~accidents~~] crashes in which the driver was completely without fault shall not be included in determining whether such disqualification is required;

(f) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle [~~accident~~] crash prevention course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

(iii) has been convicted of leaving the scene of [~~an accident~~] a crash which resulted in personal injury or death under subdivision two of section six hundred of this chapter or an offense committed outside of this state which would constitute a violation of subdivision two of section six hundred of this chapter; or

(d) for a period of one year, if that person accumulates nine or more points on his or her driving record for acts occurring during an eighteen month period, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle [~~accident~~] crash prevention course.

(e) for a period of one year, if that person was the operator of a motor vehicle involved in two or more [~~accidents~~] crashes of a nature and type set forth in section five hundred nine-a of this article, where such [~~accidents~~] crashes occurred within an eighteen-month period following a reexamination conducted pursuant to section five hundred nine-bb of this article, provided that [~~accidents~~] crashes in which the driver was completely without fault shall not be included in determining whether such disqualification is required;

(f) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle [~~accident~~] crash prevention course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

§ 53. Subparagraph (v) of paragraph (b) and paragraphs (d), (e) and (f) of subdivision 1, subparagraph (iv) of paragraph (c) and paragraphs (e), (f) and (g) of subdivision 2 of section 509-cc of the vehicle and traffic law, subparagraph (v) of paragraph (b) of subdivision 1 as added by chapter 675 of the laws of 1985, paragraph (d) of subdivision 1 and paragraph (e) of subdivision 2 as amended by chapter 599 of the laws of 1993, paragraphs (e) and (f) of subdivision 1 and paragraphs (f) and (g) of subdivision 2 as added by chapter 599 of the laws of 1993, and subparagraph (iv) of paragraph (c) of subdivision 2 as amended by chapter 360 of the laws of 1986, are amended to read as follows:

(v) has been convicted of leaving the scene of [~~an accident~~] a crash which resulted in personal injury or death under section six hundred of this chapter or an offense committed outside of this state which would constitute a violation of section six hundred of this chapter.

(d) for a period of one year, if that person has accumulated nine or more points on his or her driving record for acts that occurred during an eighteen month period on or after September fifteenth, nineteen hundred eighty-five, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle [~~accident~~] crash prevention course.

(e) for a period of one year, if that person or was the operator of a motor vehicle involved in two or more [~~accidents~~] crashes of a nature and type set forth in section five hundred nine-a of this article, where such [~~accidents~~] crashes occurred within an eighteen-month period following a reexamination conducted pursuant to section five hundred nine-bb of this article, provided that [~~accidents~~] crashes in which the driver was completely without fault shall not be included in determining whether such disqualification is required;

(f) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle [~~accident~~] crash prevention course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

(iv) has been convicted of leaving the scene of [~~an accident~~] a crash which resulted in personal injury or death under subdivision two of section six hundred of this chapter or an offense committed outside of this state which would constitute a violation of subdivision two of section six hundred of this chapter; or

(e) for a period of one year, if that person accumulates nine or more points on his or her driving record for acts occurring during an eighteen month period, provided, however, that the disqualification shall terminate if the person has reduced the points to less than nine through the successful completion of a motor vehicle [~~accident~~] crash prevention course.

(f) for a period of one year, if that person was the operator of a motor vehicle involved in two or more [~~accidents~~] crashes of a nature and type set forth in section five hundred nine-a of this article, where such [~~accidents~~] crashes occurred within an eighteen-month period following a reexamination conducted pursuant to section five hundred nine-bb of this article, provided that accidents in which the driver was completely without fault shall not be included in determining whether such disqualification is required;

(g) for a period of one year, if that person fails to pass a road test administered pursuant to section five hundred nine-bb of this article; provided, however, that such person shall be given the opportunity to complete a motor vehicle [~~accident~~] crash prevention course approved by the commissioner and to then undergo a second road test administered pursuant to section five hundred nine-bb of this article, and such disqualification shall cease if such person passes such second road test.

§ 54. Subdivision 7 of section 509-d of the vehicle and traffic law, as added by chapter 599 of the laws of 1993, is amended to read as follows:

(7) Each motor carrier shall prepare a report setting forth: (a) the number of miles travelled by buses operated by such motor carrier in the preceding twelve months; (b) the number of convictions and [~~accidents~~] **crashes** involving any driver employed by such motor carrier during the preceding twelve months, as reported to such carrier pursuant to section five hundred nine-f of this chapter; and (c) the number of convictions and [~~accidents~~] **crashes** per ten thousand miles travelled. Such report shall be filed with the department as an attachment to the affidavit of compliance required by subdivision (c) of section five hundred nine-j of this chapter, and a copy of such report shall be made available by the carrier to any person upon request.

§ 55. Section 509-e of the vehicle and traffic law, as amended by chapter 853 of the laws of 1975, is amended to read as follows:

§ 509-e. Annual review of driving record. Each motor carrier shall, at least once every twelve months, review the driving record of each bus driver it employs to determine whether that driver meets minimum requirements for safe driving and is qualified to drive a bus pursuant to section five hundred nine-b of this article. In reviewing a driving record, the motor carrier must consider any evidence that the bus driver has violated applicable provisions of the vehicle and traffic law. The motor carrier must also consider the driver's [~~accident~~] **crash** record and any evidence that the driver has violated laws governing the operation of motor vehicles, such as speeding, reckless driving, and operating while under the influence of alcohol or drugs, that indicate that the driver has exhibited a disregard for the safety of the public. Such information shall be recorded in the employer's record.

§ 56. Section 509-f of the vehicle and traffic law, as amended by chapter 599 of the laws of 1993, is amended to read as follows:

509-f. Record of violations. Each motor carrier shall, at least once every twelve months, require each bus driver it employs to prepare and furnish it with a list of all violations of motor vehicle traffic laws and ordinances (other than violations involving only parking) of which the driver has been convicted or on account of which he has forfeited bond or collateral and all [~~accidents~~] **crashes** of a nature or type set forth in section five hundred nine-a of this article in which the driver was involved during the preceding twelve months whether such violations or [~~accidents~~] **crashes** occurred in this state or elsewhere. Such information shall be recorded in the employer's record.

§ 57. Subdivisions 1-b and 4 of section 509-i of the vehicle and traffic law, subdivision 1-b as added and subdivision 4 as amended by chapter 599 of the laws of 1993, are amended to read as follows:

1-b. A driver who is involved in [~~an accident~~] **a crash** of a nature or type set forth in section five hundred nine-a of this article in any jurisdiction shall notify his or her employer within five working days from the date of the [~~accident~~] **crash**. A driver who fails to notify his or her employer of such [~~accident~~] **crash** within the five working day period shall be subject to a five working day suspension.

4. In addition to the requirements of subdivision three of this section, the commissioner shall notify the motor carrier of any conviction for any traffic violation or [~~accident~~] **crash** resulting from operation of a motor vehicle against a bus driver employed by the motor carrier, shall require payment of the fee necessary to defray the cost of the notification, and shall require all motor carriers to establish

an escrow account with the department which shall be used to pay for the costs incurred by the department when it informs the motor carrier of a driver's conviction or [~~accident~~] crash; and may, if requested by a political subdivision which contracts with a motor carrier for the transportation of school children, provide such notice to the political subdivision.

§ 58. Subparagraph (iii) of paragraph (a) of subdivision 2 of section 510 of the vehicle and traffic law, as amended by chapter 47 of the laws of 1988, is amended to read as follows:

(iii) of any violation of subdivision two of section six hundred or section three hundred ninety-two or of a local law or ordinance making it unlawful to leave the scene of [~~an accident~~] a crash without reporting;

§ 59. Paragraph (a) of subdivision 4 of section 510-a of the vehicle and traffic law, as amended by section 1 of part C of chapter 58 of the laws of 2013, is amended to read as follows:

(a) A serious traffic violation shall mean operating a commercial motor vehicle in violation of any provision of this chapter or the laws or ordinances of any other state or locality outside of this state that restricts or prohibits the use of a hand-held mobile telephone or a portable electronic device while operating a commercial motor vehicle or in violation of any provision of this chapter or the laws of any other state, the District of Columbia or any Canadian province which (i) limits the speed of motor vehicles, provided the violation involved fifteen or more miles per hour over the established speed limit; (ii) is defined as reckless driving by state or local law or regulation; (iii) prohibits improper or erratic lane change; (iv) prohibits following too closely; (v) relates to motor vehicle traffic (other than parking, standing or stopping) and which arises in connection with a fatal [~~accident~~] crash; (vi) operating a commercial motor vehicle without first obtaining a commercial driver's license as required by section five hundred one of this title; (vii) operating a commercial motor vehicle without a commercial driver's license in the driver's possession; or (viii) operating a commercial motor vehicle without the proper class of commercial driver's license and/or endorsement for the specific vehicle being operated or for the passengers or type of cargo being transported.

§ 60. Section 520 of the vehicle and traffic law, as amended by chapter 607 of the laws of 1979, is amended to read as follows:

§ 520. Statement of findings and declaration of purpose. The ever-increasing number of [~~accidents~~] crashes, personal injuries and deaths resulting from alcohol or drug-related traffic offenses is a matter of great concern to the legislature. The diminished perception of intoxicated and impaired operators of motor vehicles presents a constant and intolerable threat to the lives and well-being of the citizens of the state. Efforts aimed at alleviating this threat have proven inadequate. The public interest in the cause of highway safety will be well served by the implementation of a permanent program of rehabilitation for those operators convicted of alcohol or drug-related traffic offenses and certain operators who have been adjudicated youthful offenders for alcohol or drug-related traffic offenses. The commissioner of motor vehicles should have the authority to offer to such operators an opportunity for rehabilitation, thereby reducing the threat aimed at themselves and the people of the state.

§ 61. Section 523-b of the vehicle and traffic law, as added by chapter 596 of the laws of 1975, is amended to read as follows:

§ 523-b. Experimental driver safety programs. The commissioner may study the feasibility of programs to improve driver behavior, attitude, performance or skills in order to reduce motor vehicle [~~accidents~~] **crashes** and traffic violations, and to promote highway safety. He shall have the authority to establish such programs on a limited, experimental basis in order to assist in such feasibility study provided any such program is funded by any source other than state funds, or if any such program is to be funded with state funds, then he may establish such program only with the approval of the director of the division of the budget.

§ 62. The article heading of article 22 of the vehicle and traffic law is amended to read as follows:

[~~ACCIDENTS~~] **CRASHES** AND [~~ACCIDENT~~]
CRASH REPORTS

§ 63. Paragraph b of subdivision 1 of section 600 of the vehicle and traffic law, as amended by chapter 49 of the laws of 2005, is amended to read as follows:

b. It shall be the duty of any member of a law enforcement agency who is at the scene of the [~~accident~~] **crash** to request the said operator or operators of the motor vehicles, when physically capable of doing so, to exchange the information required hereinabove and such member of a law enforcement agency shall assist such operator or operators in making such exchange of information in a reasonable and harmonious manner.

§ 64. Paragraph b of subdivision 2 of section 600 of the vehicle and traffic law, as amended by chapter 49 of the laws of 2005, is amended to read as follows:

b. It shall be the duty of any member of a law enforcement agency who is at the scene of the [~~accident~~] **crash** to request the said operator or operators of the motor vehicles, when physically capable of doing so, to exchange the information required hereinabove and such member of a law enforcement agency shall assist such operator or operators in making such exchange of information in a reasonable and harmonious manner.

§ 65. Section 603 of the vehicle and traffic law, as amended by chapter 550 of the laws of 1993 and subdivision 1 as amended by chapter 432 of the laws of 1997, is amended to read as follows:

§ 603. [~~Accidents~~] **Crashes**; police authorities and coroners to report. 1. Every police or judicial officer to whom [~~an accident~~] **a crash** 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~~] **crash** is made to the police officer or judicial officer within five days after such [~~accident~~] **crash**. 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~~] **crashes**. 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~~] **crashes**, whether such [~~accident~~] **crash** 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~~] **crash** 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.

2. In addition to the requirements of subdivision one of this section, every police officer or judicial officer to whom [~~an accident~~] a crash shall have been reported involving a commercial vehicle as defined in either subdivision four of section five hundred one-a or subdivision one of section five hundred nine-p of this chapter shall immediately investigate the facts, or cause the same to be investigated and report the matter to the commissioner forthwith, provided that the report of the [~~accident~~] crash is made to the police officer or judicial officer within five days after such [~~accident~~] crash, whenever such [~~accident~~] crash has resulted in (i) a vehicle being towed from the [~~accident~~] crash scene as the result of incurring disabling damage, (ii) a fatality, or (iii) any individual being transported to a medical facility to receive treatment as the result of physical injury sustained in the [~~accident~~] crash.

§ 66. 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:

§ 603-a. [~~Accidents~~] Crashes; police authorities to investigate. 1. In addition to the requirements of section six hundred three of this article, whenever a motor vehicle [~~accident~~] crash results in serious physical injury or death to a person, and such [~~accident~~] crash either is discovered by a police officer, or reported to a police officer within five days after such [~~accident~~] crash occurred, the police shall conduct an investigation of such [~~accident~~] crash. Such investigation shall be conducted for the purposes of making a determination of the following: the facts and circumstances of the [~~accident~~] crash; 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~~] crash, 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.

2. For purposes of this section, the following terms shall have the following meanings:

(a) "commercial motor vehicle" shall have the same meaning as such term is defined in either subdivision four of section five hundred one-a or subdivision one of section five hundred nine-p of this chapter; and

(b) "serious physical injury" shall have the same meaning as such term is defined in section 10.00 of the penal law.

§ 67. Section 603-b of the vehicle and traffic law, as amended by chapter 408 of the laws of 2007, is amended to read as follows:

§ 603-b. [~~Accidents~~] Crashes; police to indicate serious physical injury and death on simplified traffic information or summons and compliant. In addition to the requirements of section six hundred three of this article and subdivision twelve of section eleven hundred ninety-two of this chapter, in every case where a law enforcement officer is required to report pursuant to section six hundred three of this article and a person is charged with a violation of this chapter arising out of such [~~accident~~] crash, the law enforcement officer alleging such charge shall make a clear notation in the "Description of Violation" section of a simplified traffic information, or in an area provided on a summons

and complaint pursuant to subdivision one of section two hundred twenty-six of this chapter, if, arising out of the same [~~accident~~] crash, someone other than the person charged was killed or suffered serious physical injury as defined in section 10.00 of the penal law; such notation shall be in the form of a "D" if someone other than the person charged was killed and such notation shall be in the form of a "S.P.I." if someone other than the person charged suffered serious physical injury; provided however, that the failure to make such notation shall in no way affect a charge for a violation of this chapter.

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

§ 604. Reports; contents; preparation; distribution; filing. Reports of [~~accidents~~] crashes required under the preceding section, or under the rules and regulations of the commissioner, shall be upon forms prepared by him and contain such information as he shall prescribe. Blank forms for such reports shall be printed by the commissioner and a supply sent to all city, town and village clerks and to the chief officer of every city police department for general distribution and use as herein provided. Reports of [~~accidents~~] crashes, required under the preceding section, shall be sent to and filed with the commissioner at the main office of the bureau of motor vehicles in the city of Albany, except as otherwise provided by the rules and regulations of the commissioner.

§ 69. Section 605 of the vehicle and traffic law, as amended by chapter 254 of the laws of 1989, paragraphs 1 and 2 of subdivision (a) as amended by chapter 498 of the laws of 1999, paragraph 4 of subdivision (a) as amended by chapter 71 of the laws of 2004 and subdivision (c) as amended by chapter 161 of the laws of 1996, is amended to read as follows:

§ 605. Report required upon [~~accident~~] crash. (a) 1. Every person operating a motor vehicle, except a police officer (as defined in subdivision thirty-four of section 1.20 of the criminal procedure law), a correction officer, or a firefighter, operating a police department, a correction department, or fire department vehicle respectively while on duty, if a report has been filed by the owner of such vehicle, which is in any manner involved in [~~an accident~~] a crash, anywhere within the boundaries of this state, in which any person is killed or injured, or in which damage to the property of any one person, including himself, in excess of one thousand dollars is sustained, shall within ten days after such [~~accident~~] crash, report the matter in writing to the commissioner. If such operator or chauffeur be physically incapable of making such report and there be another participant in the [~~accident~~] crash not incapacitated, such participant shall make such report within ten days after such [~~accident~~] crash. If the operator or chauffeur involved in such [~~accident~~] crash be unable to make such report, the owner of the motor vehicle involved in such accident, if such owner be not involved in such [~~accident~~] crash or incapacitated, shall within ten days after he learns of the fact of such [~~accident~~] crash report the matter to the commissioner together with such information as may have come to his knowledge relating to such [~~accident~~] crash. Every such operator or chauffeur of a motor vehicle, or participant in any such [~~accident~~] crash, or owner of the motor vehicle involved in any such [~~accident~~] crash, shall make such other and additional reports as the commissioner shall require.

2. Failure to report an [~~accident~~] crash as herein provided or failure to give correctly the information required of him by the commissioner in

connection with such report shall be a misdemeanor and shall constitute a ground for suspension or revocation of the operator's (or chauffeur's) license or all certificates of registration for any motor vehicle, or of both, of the person failing to make such report as herein required. In addition, the commissioner may temporarily suspend the driver's license or permit or certificate of registration of the motor vehicle involved in the [~~accident~~] **crash**, or of both, of the person failing to report [~~an accident~~] **a crash** within the period prescribed in paragraph one of this subdivision, until such report has been filed. However, no suspension or a revocation shall be made of a license or certificate of registration of any police officer, correction officer, or firefighter involved in [~~an accident~~] **a crash** while on duty for failure to report such [~~accident~~] **crash** within ten days thereof if a report has been filed by the owner of such vehicle.

3. In the case of a non-resident the failure to report [~~an accident~~] **a crash** as herein provided shall constitute ground for suspension or revocation of his privileges of operating a motor vehicle in this state and of the operation within this state of any motor vehicle owned by him.

4. When a report required by this section is made by an owner or an operator of a fire vehicle, as defined by section one hundred fifteen-a of this chapter, or a police vehicle, as defined by section one hundred thirty-two-a of this chapter, when such [~~accident~~] **crash** occurred during the operation of such vehicle in response to an emergency where the operator was responding to a call to duty as a paid or volunteer member of any fire department, or in the case of a police vehicle, when such [~~accident~~] **crash** occurred during emergency operation, as defined by section one hundred fourteen-b of this chapter, the commissioner shall omit the event described in such report from the operator's external license abstract. Provided, however, the commissioner shall not omit the event described in such report from the operator's external license abstract if as a result of such event such operator has either (i) been charged with a violation of this chapter or of the penal law, unless the commissioner receives evidence that such charge has been dismissed, or that the action has otherwise been terminated in favor of the accused pursuant to section 160.50 of the criminal procedure law, or that the charge has otherwise been adjudicated in an administrative or other proceeding in favor of the defendant operator or (ii) been found to have been grossly negligent by a final order of a court of competent jurisdiction.

(b) Every person operating a bicycle which is in any manner involved in [~~an accident~~] **a crash** 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~~] **crash**. Every such operator of a 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~~] **crashes**, whether such [~~accident~~] **crash** 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.

§ 70. Section 606 of the vehicle and traffic law, as added by chapter 429 of the laws of 2015, is amended to read as follows:

§ 606. Processing of required reports. The commissioner, when processing reports of [~~accidents~~] **crashes** filed pursuant to this article, shall give priority to reports involving serious physical injury (as defined in subdivision ten of section 10.00 of the penal law) or death.

§ 71. Paragraphs 2 and 3 of subdivision (m) of section 1111-a of the vehicle and traffic law, paragraph 2 as amended and paragraph 3 as added by chapter 658 of the laws of 2006, are amended to read as follows:

2. within each borough of such city, the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. within each borough of such city, the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 72. Paragraphs 2 and 3 of subdivision (n) of section 1111-b of the vehicle and traffic law, as added by chapter 19 of the laws of 2009, are amended to read as follows:

2. the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 73. Paragraphs 2 and 3 of subdivision (m) of section 1111-b of the vehicle and traffic law, as added by chapter 20 of the laws of 2009, are amended to read as follows:

2. the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 74. Paragraphs 2 and 3 of subdivision (m) of section 1111-b of the vehicle and traffic law, as added by chapter 22 of the laws of 2009, are amended to read as follows:

2. the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation

of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 75. Paragraphs 2 and 3 of subdivision (n) of section 1111-b of the vehicle and traffic law, as added by chapter 23 of the laws of 2009, are amended to read as follows:

2. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 76. Paragraphs 2 and 3 of subdivision (m) of section 1111-d of the vehicle and traffic law, as added by chapter 99 of the laws of 2014, are amended to read as follows:

2. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 77. Paragraphs 2 and 3 of subdivision (m) of section 1111-d of the vehicle and traffic law, as added by chapter 101 of the laws of 2014, are amended to read as follows:

2. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 78. Paragraphs 2 and 3 of subdivision (m) of section 1111-d of the vehicle and traffic law, as added by chapter 123 of the laws of 2014, are amended to read as follows:

2. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of [~~accidents~~] crashes reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 79. Paragraphs 2 and 3 of subdivision (m) of section 1111-e of the vehicle and traffic law, as added by chapter 222 of the laws of 2015, are amended to read as follows:

2. the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of [~~accidents~~] **crashes** reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

§ 80. Section 1131 of the vehicle and traffic law, as amended by chapter 294 of the laws of 2016, is amended to read as follows:

§ 1131. Driving on shoulders and slopes. Except for bicycles and those classes of vehicles required to travel on shoulders or slopes, no motor vehicle shall be driven over, across, along, or within any shoulder or slope of any state controlled-access highway except at a location specifically authorized and posted by the department of transportation. The foregoing limitation shall not prevent tow trucks from using shoulders or slopes in as limited and incidental a manner as practicable when dispatched to the scene of [~~an accident~~] **a crash** by a law enforcement agency or an authority, department or agency having jurisdiction over such controlled-access highway and all lanes are obstructed by traffic, provided, however, that the foregoing shall not relieve the driver of a tow truck from the duty to drive with due regard for the safety of all persons nor shall such provision protect the tow truck driver from the consequences of his or her reckless disregard for the safety of others and shall at all times operate such tow truck in compliance with all standards of care imposed to prevent those injuries or damages to persons or property of another which may result from the operator's negligence, recklessness or intentional misconduct, nor shall it prevent motor vehicles from using shoulders or slopes when directed by police officers or flagpersons, nor does it prevent motor vehicles from stopping, standing, or parking on shoulders or slopes where such stopping, standing, or parking is lawful.

§ 81. Paragraph 1 of subdivision (c) of section 1146 of the vehicle and traffic law, as amended by chapter 333 of the laws of 2010, is amended to read as follows:

1. A driver of a motor vehicle who causes serious physical injury as defined in article ten of the penal law to a pedestrian or bicyclist while failing to exercise due care in violation of subdivision (a) of this section, shall be guilty of a traffic infraction punishable by a fine of not more than seven hundred fifty dollars or by imprisonment for not more than fifteen days or by required participation in a motor vehicle [~~accident~~] **crash** prevention course pursuant to paragraph (e-1) of subdivision two of section 65.10 of the penal law or by any combination of such fine, imprisonment or course, and by suspension of a license or registration pursuant to subparagraph (xiv) or (xv) of paragraph b of subdivision two of section five hundred ten of this chapter.

§ 82. Paragraph 2 of subdivision (c) of section 1170 of the vehicle and traffic law, as amended by chapter 501 of the laws of 2016, is amended to read as follows:

2. Any person convicted of a violation of this section resulting in [~~an accident~~] **a crash** which causes physical injury, as that term is defined pursuant to subdivision nine of section 10.00 of the penal law,

serious physical injury, as that term is defined pursuant to subdivision ten of section 10.00 of the penal law, or death to another person, shall be guilty of a class E felony.

§ 83. Subdivision 1 of section 1180-a of the vehicle and traffic law, as amended by chapter 464 of the laws of 2003, is amended to read as follows:

1. Notwithstanding any other provision of law, no city, village, town, county, public authority, division, office or department of the state shall maintain or create (a) any speed limit in excess of fifty-five miles per hour on any road, highway, parkway or bridge or (b) any speed limit on any other portion of a public highway, which is not uniformly applicable to all types of motor vehicles using such portion of highway, if on November first, nineteen hundred seventy-three, such portion of highway had a speed limit which was uniformly applicable to all types of motor vehicles using it; provided however, a lower speed limit may be established for any vehicle operating under a special permit because of any weight or dimension of such vehicle, including any load thereon, and (c) provided further, paragraph (b) of this subdivision shall not apply to any portion of a highway during such time that the condition of the highway, weather, [~~an accident~~] **a crash**, or other condition creates a temporary hazard to the safety of traffic on such portion of a highway. However, the commissioner of the department of transportation may establish a maximum speed limit of not more than sixty-five miles per hour on any state roadway which meets department criteria for such maximum speed.

§ 84. Subdivision 1 of section 1194 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, is amended to read as follows:

1. Arrest and field testing. (a) Arrest. Notwithstanding the provisions of section 140.10 of the criminal procedure law, a police officer may, without a warrant, arrest a person, in case of a violation of subdivision one of section eleven hundred ninety-two of this article, if such violation is coupled with [~~an accident~~] **a crash** or collision in which such person is involved, which in fact has been committed, though not in the police officer's presence, when the officer has reasonable cause to believe that the violation was committed by such person.

(b) Field testing. Every person operating a motor vehicle which has been involved in [~~an accident~~] **a crash** or which is operated in violation of any of the provisions of this chapter shall, at the request of a police officer, submit to a breath test to be administered by the police officer. If such test indicates that such operator has consumed alcohol, the police officer may request such operator to submit to a chemical test in the manner set forth in subdivision two of this section.

§ 85. Paragraph (f) of subdivision 5 of section 1197 of the vehicle and traffic law, as added by chapter 47 of the laws of 1988, is amended to read as follows:

(f) Obtain and assemble data on alcohol-related [~~accident~~] **crash** arrests, convictions and [~~accidents~~] **crashes** and to analyze, study, and consolidate such data for educational, research and informational purposes.

§ 86. Section 1229-a of the vehicle and traffic law, as added by chapter 654 of the laws of 1969 and as renumbered by chapter 274 of the laws of 1971, is amended to read as follows:

§ 1229-a. Pedestrians, animals, and non-motorized vehicles prohibited on state expressway highways or state interstate route highways including the entrances thereto and exits therefrom. No person, unless otherwise directed by a police officer shall: (a) As a pedestrian, occupy any

space within the limits of a state expressway highway or state interstate route highway, including the entrances thereto and exits therefrom, except: in a rest area, parking area, or scenic overlook; in the performance of public works or official duties; as a result of an emergency caused by [~~an accident~~] **a crash** or breakdown of a motor vehicle or to obtain assistance; where a sidewalk, footpath or pedestrian crossing of such a highway is provided; (b) Occupy any space of a state expressway highway or state interstate route highway, including the entrances thereto and exits therefrom, with: an animal-drawn vehicle; herded animals, a pushcart; a bicycle; except in the performance of public works or official duties, or on paths or parts of such highway provided for such uses.

§ 87. Paragraph (b) of subdivision 2 of section 1229-b of the vehicle and traffic law, as added by chapter 19 of the laws of 2000, is amended to read as follows:

(b) Notwithstanding any other provision of this section to the contrary, standing passengers may be permitted without limitation as to number during the first ten days of session in each school year, and in circumstances where a breakdown, [~~accident~~] **crash**, or other unforeseen occurrence necessitates the transportation of standing passengers.

§ 88. Subdivision (a) of section 1602 of the vehicle and traffic law, as amended by chapter 498 of the laws of 1969, is amended to read as follows:

(a) Whenever a police officer shall deem it advisable during a fire or at the time of any [~~accident~~] **crash** or special emergency and only for such period of time as is necessitated thereby for the public safety or convenience, temporarily to close any street or part thereof to vehicular traffic, or to vehicles of a certain description, or to divert the traffic thereof, or to divert or break a course of pedestrian traffic, such official shall have power and authority to do so.

§ 89. Subdivision 19 of section 1630 of the vehicle and traffic law, as amended by chapter 795 of the laws of 1974, is amended to read as follows:

19. Vehicles illegally parked, stopped or standing, or vehicles involved in [~~accidents~~] **crashes**, including, but not limited to, the removal and storage of such vehicles, the fixing of reasonable charges, to be paid by the owner, operator or person entitled to possession, for such removal and storage and for other expenses incurred in connection therewith, the creation of liens on such vehicles for such charges and expenses, the enforcement of such liens, the determination of ownership or right to possession of such vehicles, the time before such vehicles are deemed abandoned vehicles pursuant to section twelve hundred twenty-four of this chapter, and the disposition of the proceeds of sales held pursuant to said section.

§ 90. Paragraph 20 of subdivision (a) of section 1642 of the vehicle and traffic law, as amended by chapter 795 of the laws of 1974, is amended to read as follows:

20. Vehicles illegally parked, stopped or standing, or vehicles involved in [~~accidents~~] **crashes**, including, but not limited to, the removal and storage of such vehicles, the fixing of reasonable charges, to be paid by the owner, operator or person entitled to possession, for such removal and storage and for other expenses incurred in connection therewith, the creation of liens on such vehicles for such charges and expenses, the enforcement of such liens, the determination of ownership or right to possession of such vehicles, the time before such vehicles are deemed abandoned vehicles pursuant to section twelve hundred twen-

ty-four of this chapter, and the disposition of the proceeds of sales held pursuant to said section.

§ 91. Clause (iii) of subparagraph (b) of paragraph 27 of subdivision (a) of section 1642 of the vehicle and traffic law, as amended by chapter 248 of the laws of 2014, is amended to read as follows:

(iii) a comparison of the aggregate type, number, and severity of [~~accidents~~] **crashes** reported on streets on which street calming measures and lower speed limits were implemented in the year preceding the implementation of such measures and policies and the year following the implementation of such measures and policies, to the extent this information is maintained by any agency of the state or the city.

§ 92. Section 1675 of the vehicle and traffic law, as amended by chapter 669 of the laws of 1996, is amended to read as follows:

§ 1675. Functions of the board. The board is authorized:

1. To promote and encourage street and highway traffic safety.

2. To formulate highway safety programs and coordinate efforts of interested parties and agencies engaged in traffic safety education within such city, town, borough or county.

3. To cooperate with local officials in the formulation and execution of traffic safety programs and activities.

4. To study traffic conditions on streets and highways, study and analyze reports of [~~accidents~~] **crashes** and causes thereof, and recommend to the appropriate legislative bodies, departments or commissions, such changes in rules, orders, regulations and existing law as the board may deem advisable.

5. To conduct meetings whenever and wherever the board shall deem it advisable and to invite to such meetings parties and agencies, public and private, interested in traffic regulation, control and safety education.

6. To promote safety education for drivers and pedestrians.

7. To obtain and assemble motor vehicle [~~accident~~] **crash** data, and to analyze, study and consolidate such data for educational and informational purposes.

8. Coordinate and direct local activities related to the implementation of the state highway safety program, as approved by the governor or his designee.

§ 93. Subdivision 10 of section 2401 of the vehicle and traffic law, as added by chapter 402 of the laws of 1986, is amended to read as follows:

10. "Operation as emergency vehicle" shall mean the operation or parking of an authorized emergency ATV, police or civil defense ATV, including attendant equipment, displaying emergency lights as provided in section twenty-four hundred six of this article and which ATV is engaged in transporting a sick or injured person to the nearest medical facility or appropriate site for transfer to an ambulance as defined in article thirty of the public health law, transporting emergency medical services, personnel and equipment to sick or injured persons, pursuing an actual or suspected violator of the law or responding to, or working or assisting at the scene of [~~an accident~~] **a crash**, disaster, police call, alarm or other emergency but shall not include returning from such service.

§ 94. Section 2413 of the vehicle and traffic law, as added by chapter 402 of the laws of 1986, is amended to read as follows:

§ 2413. [~~Accidents~~] **Crashes**; reports. 1. The operator of any ATV involved in any [~~accident~~] **crash** resulting in injuries to or death of any person or in which property damage in the estimated amount of six

hundred dollars or more is sustained, shall immediately notify the nearest law enforcement agency and shall within ten days after such [~~accident~~] crash report the matter in writing to the department, with a copy thereof to the sheriff or police commissioner of the county in which said [~~accident~~] crash occurred. If such operator is physically incapable of making such report and there is another participant in the [~~accident~~] crash not so incapacitated such participant shall make the report within the allotted time after such [~~accident~~] crash. In the event that there is no other participant and the operator is other than the owner, then the owner shall within the prescribed period of time, after learning of the facts of such [~~accident~~] crash, report the matter to the department, together with such information as may have come to his knowledge relating to such [~~accident~~] crash. Every such operator of an ATV, or participant of any such [~~accident~~] crash, or the owner, of the ATV involved in any such [~~accident~~] crash, shall make such other and additional reports as the commissioner shall require.

2. Whenever any ATV meets with [~~an accident~~] a crash involving a loss of life, personal injury or damage to property and the operator thereof has knowledge of such [~~accident~~] crash, he shall stop and give his name and address, the name and address of the owner thereof and the registration number assigned to said ATV to the injured person or the person sustaining the damage, or to a peace or police officer. In the event the person sustaining the damage is not present at the place where the damage occurred, the operator shall, as soon as physically able, report the same to the nearest law enforcement agency.

3. A peace, police, or judicial officer who investigates or receives information of [~~an accident~~] a crash involving an ATV shall make a written report of the investigation or information received, and such additional facts relating to the [~~accident~~] crash as may come to his knowledge and mail the same within forty-eight hours to the department and keep a record thereof in his office.

4. Failure of any person to report [~~an accident~~] a crash as herein provided or failure to give correctly the information required of him by the commissioner in connection with such report shall be a misdemeanor and shall constitute a ground for suspension or revocation of the ATV safety certificate of any person or the certificate of registration of any ATV involved in the [~~accident~~] crash. The commissioner may temporarily suspend the ATV safety certificate of the person failing to make such report or the certificate of registration of the ATV involved in the [~~accident~~] crash until such report has been filed.

§ 95. Paragraph 1 of subdivision c of section 19-507.2 of the administrative code of the city of New York, as amended by local law number 30 of the city of New York for the year 2014, is amended to read as follows:

(1) A taxicab or for-hire vehicle driver shall be eligible to receive a three point reduction in the number of points assessed pursuant to the critical driver program upon the submission to the commission of proof of the satisfactory completion of a motor vehicle [~~accident~~] crash prevention course approved by the department of motor vehicles. Such point reduction shall be considered in computing the total number of points accumulated by such driver as a result of violations which occurred within fifteen months prior to the date of the completion of the course. In the event that no commission approved course is available pursuant to paragraph one of subdivision a of section 19-507.1 of this chapter, completion of a course taken pursuant to this paragraph shall result in the removal of three points from either the number of

points accrued under the persistent violators program or from the number of points accrued under the critical drivers program, but not from both, upon the election of the driver who completes such course.

§ 96. Section 3650-c of the education law, as added by section 71 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

§ 3650-c. [~~Accident~~] **Crash** report data base. The commissioner, in consultation with the commissioner of motor vehicles, shall establish an electronic data file containing [~~accident~~] **crash** reports relating to school buses.

§ 97. Paragraph (g) of subdivision 5 of section 396-z of the general business law, as amended by chapter 731 of the laws of 2006, is amended to read as follows:

(g) For purposes of this subdivision, an "incident report" shall be defined as a motor vehicle [~~accident~~] **crash** report pursuant to section six hundred five of the vehicle and traffic law or any similar appropriate form furnished by the rental vehicle company.

§ 98. Paragraph (a) of subdivision 6 of section 396-z of the general business law, as amended by chapter 731 of the laws of 2006, is amended to read as follows:

(a) A rental vehicle company may hold an authorized driver liable to the extent permitted under this chapter for physical or mechanical damage to the rental vehicle that occurs during the time the rental vehicle is under the rental agreement; provided, however, that a renter shall not be liable for mechanical damage unrelated to [~~an accident~~] **a crash**, nor for any normal wear and tear or other mechanical damage that could reasonably be expected from normal use of the vehicle, except in instances where abuse or neglect by the driver is shown. For the purposes of this subdivision, "actual and reasonable costs" shall mean the repair price reduced by all discounts paid by the rental vehicle company to the repairer of the vehicle, including costs for towing, storage, and impound fees.

§ 99. Subdivision 2 of section 396-z of the general business law, as amended by chapter 66 of the laws of 1989 and as renumbered by chapter 1 of the laws of 1994, is amended to read as follows:

2. No rental vehicle company renting private passenger motor vehicles shall, in rental agreements of not exceeding thirty continuous days, hold an authorized driver liable for actual damage to, or loss of, such rental vehicle (including loss of use), except where: (a) the damage or loss is caused intentionally by an authorized driver or is caused by such authorized driver's willful and wanton misconduct; (b) the damage or loss arises out of an authorized driver's operation of the motor vehicle while intoxicated by alcohol or impaired by the use of drugs within the meaning of section eleven hundred ninety-two of the vehicle and traffic law; (c) the damage or loss arises out of an authorized driver's participation in any organized speed racing competition; (d) the damage or loss arises out of the use of the vehicle when carrying persons or property for hire; (e) the damage or loss arises out of the use of the vehicle while an authorized driver is committing a felony or otherwise engaged in a criminal act in which the damage or loss of such vehicle is caused by such criminal activity; or (f) the authorized driver fails to furnish the rental vehicle company a report of [~~an accident~~] **a crash** and the rental vehicle company complies with the following procedure:

(i) At return of the vehicle, at the termination of the rental contract or within ten days if returned by automation or after-hours,

the rental vehicle company shall furnish [~~an accident~~] a crash report and a notice, pursuant to this paragraph, of the authorized driver's obligation to complete the [~~accident~~] crash report.

(ii) If the authorized driver declines or fails to complete the [~~accident~~] crash report, the rental vehicle company shall mail within ten days a notice, by certified mail, return receipt requested and by regular mail, with proof of mailing by production of a certificate of mailing from the post office, along with another [~~accident~~] crash report, together with a letter stating that the authorized driver declined or otherwise failed to complete the [~~accident~~] crash report and will be held liable for damages to the rental vehicle for failing to complete the [~~accident~~] crash report.

(iii) All notices shall be mailed to the authorized driver's address as stated on his license, or other address as designated by him.

(iv) The authorized driver shall complete the [~~accident~~] crash report within fifteen days of receipt of the notice.

(v) The notice as required by this paragraph shall be in at least twelve point bold face type and shall contain the statement "Failure to fill out [~~an accident~~] a crash report within fifteen days will make the authorized driver liable for damages sustained to the rental vehicle".

(vi) For purposes of this paragraph, [~~an accident~~] a crash report shall be defined as a motor vehicle [~~accident~~] crash report pursuant to section six hundred five of the vehicle and traffic law or any similar appropriate form furnished by the rental vehicle company.

(vii) Provided, however, if the authorized driver is physically incapable of completing the report, the penalties hereunder shall lapse until after he is able to complete the report and is notified that he must complete the report as set forth in subparagraph (ii) of this paragraph, and fails to do so.

(viii) Provided, further, thirty days prior to commencing an action against the authorized driver, the rental vehicle company must provide the authorized driver an additional opportunity to provide the [~~accident~~] crash report by providing a further notice along with another [~~accident~~] crash report, by certified mail, return receipt requested and by regular mail, with proof of mailing by production of a certificate of mailing; and the rental vehicle company cannot hold an authorized driver liable under this paragraph, if the authorized driver provides the rental vehicle company with a completed [~~accident~~] crash report within fifteen days of the receipt of the notice.

§ 100. Paragraph 1 of subsection (f) of section 3420 of the insurance law, as amended by chapter 305 of the laws of 1995, is amended to read as follows:

(1) No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any natural person arising out of the ownership, maintenance and use of a motor vehicle by the insured shall be issued or delivered by any authorized insurer upon any motor vehicle then principally garaged or principally used in this state unless it contains a provision whereby the insurer agrees that it will pay to the insured, as defined in such provision, subject to the terms and conditions set forth therein to be prescribed by the board of directors of the Motor Vehicle [~~Accident~~] Crash Indemnification Corporation and approved by the superintendent, all sums, not exceeding a maximum amount or limit of twenty-five thousand dollars exclusive of interest and costs, on account of injury to and all sums, not exceeding a maximum amount or limit of fifty thousand dollars exclusive of interest and costs, on account of death of one person, in any one [~~accident~~] crash,

and the maximum amount or limit, subject to such limit for any one person so injured of fifty thousand dollars or so killed of one hundred thousand dollars, exclusive of interest and costs, on account of injury to, or death of, more than one person in any one [~~accident~~] crash, which the insured or his legal representative shall be entitled to recover as damages from an owner or operator of an uninsured motor vehicle, unidentified motor vehicle which leaves the scene of [~~an accident~~] a crash, a motor vehicle registered in this state as to which at the time of the [~~accident~~] crash there was not in effect a policy of liability insurance, a stolen vehicle, a motor vehicle operated without permission of the owner, an insured motor vehicle where the insurer disclaims liability or denies coverage or an unregistered vehicle because of bodily injury, sickness or disease, including death resulting therefrom, sustained by the insured, caused by [~~accident~~] a crash occurring in this state and arising out of the ownership, maintenance or use of such motor vehicle. No payment for non-economic loss shall be made under such policy provision to a covered person unless such person has incurred a serious injury, as such terms are defined in section five thousand one hundred two of this chapter. Such policy shall not duplicate any element of basic economic loss provided for under article fifty-one of this chapter. No payments of first party benefits for basic economic loss made pursuant to such article shall diminish the obligations of the insurer under this policy provision for the payment of non-economic loss and economic loss in excess of basic economic loss. Notwithstanding any inconsistent provisions of section three thousand four hundred twenty-five of this article, any such policy which does not contain the aforesaid provisions shall be construed as if such provisions were embodied therein.

§ 101. Paragraphs 1, 2 and 3 of subsection (a) of section 5102 of the insurance law, paragraph 1 as amended by chapter 298 of the laws of 2006 and paragraph 2 as amended by chapter 320 of the laws of 1991, are amended to read as follows:

(1) All necessary expenses incurred for: (i) medical, hospital (including services rendered in compliance with article forty-one of the public health law, whether or not such services are rendered directly by a hospital), surgical, nursing, dental, ambulance, x-ray, prescription drug and prosthetic services; (ii) psychiatric, physical therapy (provided that treatment is rendered pursuant to a referral) and occupational therapy and rehabilitation; (iii) any non-medical remedial care and treatment rendered in accordance with a religious method of healing recognized by the laws of this state; and (iv) any other professional health services; all without limitation as to time, provided that within one year after the date of the [~~accident~~] crash causing the injury it is ascertainable that further expenses may be incurred as a result of the injury. For the purpose of determining basic economic loss, the expenses incurred under this paragraph shall be in accordance with the limitations of section five thousand one hundred eight of this article.

(2) Loss of earnings from work which the person would have performed had he not been injured, and reasonable and necessary expenses incurred by such person in obtaining services in lieu of those that he would have performed for income, up to two thousand dollars per month for not more than three years from the date of the [~~accident~~] crash causing the injury. An employee who is entitled to receive monetary payments, pursuant to statute or contract with the employer, or who receives voluntary monetary benefits paid for by the employer, by reason of the employee's inability to work because of personal injury arising out of the use or

operation of a motor vehicle, is not entitled to receive first party benefits for "loss of earnings from work" to the extent that such monetary payments or benefits from the employer do not result in the employee suffering a reduction in income or a reduction in the employee's level of future benefits arising from a subsequent illness or injury.

(3) All other reasonable and necessary expenses incurred, up to twenty-five dollars per day for not more than one year from the date of the [~~accident~~] **crash** causing the injury.

§ 102. Subsection (d) of section 5106 of the insurance law, as added by chapter 452 of the laws of 2005, is amended to read as follows:

(d) Where there is reasonable belief more than one insurer would be the source of first party benefits, the insurers may agree among themselves, if there is a valid basis therefor, that one of them will accept and pay the claim initially. If there is no such agreement, then the first insurer to whom notice of claim is given shall be responsible for payment. Any such dispute shall be resolved in accordance with the arbitration procedures established pursuant to section five thousand one hundred five of this article and regulation as promulgated by the superintendent, and any insurer paying first-party benefits shall be reimbursed by other insurers for their proportionate share of the costs of the claim and the allocated expenses of processing the claim, in accordance with the provisions entitled "other coverage" contained in regulation and the provisions entitled "other sources of first-party benefits" contained in regulation. If there is no such insurer and the motor vehicle [~~accident~~] **crash** occurs in this state, then an applicant who is a qualified person as defined in article fifty-two of this chapter shall institute the claim against motor vehicle [~~accident~~] **crash** indemnification corporation.

§ 103. The article heading of article 52 of the insurance law is amended to read as follows:

ARTICLE 52

MOTOR VEHICLE [~~ACCIDENT~~] **CRASH** INDEMNIFICATION CORPORATION

§ 104. Subsections (f) and (j) of section 5202 of the insurance law are amended to read as follows:

(f) "Corporation" means the "motor vehicle [~~accident~~] **crash** indemnification corporation".

(j) "Financially irresponsible motorist" means the owner, operator, or other person legally responsible for the operation of an uninsured motor vehicle involved in [~~an accident~~] **a crash** resulting in personal injury or death who did not have in effect at the time of such [~~accident~~] **crash** either:

(1) a valid and collectible policy of bodily injury liability and property damage liability insurance or bond with applicable limits at least equal to those specified in section three hundred eleven of the vehicle and traffic law; or

(2) a certificate of self insurance issued by the department of motor vehicles pursuant to section three hundred sixteen of the vehicle and traffic law; or

(3) who has not otherwise complied with the provisions of section three hundred twelve of the vehicle and traffic law; or

(4) who does not have in effect at the time of such [~~accident~~] **crash** a valid and collectible policy of bodily injury liability and property damage liability insurance with applicable limits at least equal to those specified in section 25.13 of the parks, recreation and historic preservation law.

§ 105. Subsection (f) of section 7602 of the insurance law is amended to read as follows:

(f) "Motor vehicle [~~accident~~] crash" means either [~~an accident~~] a crash occurring within or without this state arising out of the ownership, operation or maintenance of a motor vehicle which is principally garaged in this state or [~~an accident~~] a crash occurring within this state arising out of the ownership, operation or maintenance of a motor vehicle which is not principally garaged in this state.

§ 106. Section 301-c of the military law, as added by chapter 489 of the laws of 2011, is amended to read as follows:

[~~Accident~~] Crash prevention course information. The division of military and naval affairs shall provide returning servicemen and women who have returned from a combat theater or combat zone of operations with information about [~~accident~~] crash prevention courses approved by the commissioner of motor vehicles pursuant to article twelve-B of the vehicle and traffic law. This information may be provided in written form to be available at Yellow Ribbon Reintegration programs or any other reintegration programs offered by the division or may be made available online on the division's website. The division shall also provide a link to the department of motor vehicles website pages containing information about the [~~accident~~] crash prevention courses.

§ 107. Paragraph (e-1) of subdivision 2 of section 65.10 of the penal law, as added by chapter 571 of the laws of 2006, is amended to read as follows:

(e-1) Participate in a motor vehicle [~~accident~~] crash prevention course. The court may require such condition where a person has been convicted of a traffic infraction for a violation of article twenty-six of the vehicle and traffic law where the commission of such violation caused the serious physical injury or death of another person. For purposes of this paragraph, the term "motor vehicle [~~accident~~] crash prevention course" shall mean a motor vehicle [~~accident~~] crash prevention course approved by the department of motor vehicles pursuant to article twelve-B of the vehicle and traffic law;

§ 108. Section 387 of the public authorities law, as added by chapter 700 of the laws of 2004, is amended to read as follows:

§ 387. Fees for searches and copies of [~~accident~~] crash and [~~accident~~] crash reconstruction reports. Notwithstanding any other law to the contrary, the fees for searching the records of the authority for [~~an accident~~] a crash report, for furnishing a copy of [~~an accident~~] a crash report, and for furnishing a copy of [~~an accident~~] a crash reconstruction report shall not exceed the fees charged by the division of state police pursuant to section sixty-six-a of the public officers law and/or by the department of motor vehicles pursuant to section two hundred two of the vehicle and traffic law, provided, however, that no fee shall be charged to any public officer, board or body, or volunteer fire company, for searches or copies of [~~accident~~] crash reports to be used for a public purpose.

§ 109. Section 66-a of the public officers law, as amended by chapter 169 of the laws of 1994 and subdivision 3 as added by chapter 179 of the laws of 2000, is amended to read as follows:

§ 66-a. [~~Accident~~] Crash reports kept by police authorities to be open to the inspection of persons interested. 1. Notwithstanding any inconsistent provisions of law, general, special or local, or any limitation contained in the provision of any city charter, all reports and records of any [~~accident~~] crash, kept or maintained by the state police or by the police department or force of any county, city, town, village or

other district of the state, shall be open to the inspection of any person having an interest therein, or of such person's attorney or agent, even though the state or a municipal corporation or other subdivision thereof may have been involved in the [~~accident~~] **crash**; except that the authorities having custody of such reports or records may prescribe reasonable rules and regulations in regard to the time and manner of such inspection, and may withhold from inspection any reports or records the disclosure of which would interfere with the investigation or prosecution by such authorities of a crime involved in or connected with the [~~accident~~] **crash**.

2. Notwithstanding the provisions of section twenty-three hundred seven of the civil practice law and rules, the public officers law, or any other law to the contrary, the division of state police shall charge fees for the search and copy of [~~accident~~] **crash** reports and photographs. A search fee of fifteen dollars per [~~accident~~] **crash** report shall be charged, with no additional fee for a photocopy. An additional fee of fifteen dollars shall be charged for a certified copy of any [~~accident~~] **crash** report. A fee of twenty-five dollars per photograph or contact sheet shall be charged. The fees for investigative reports shall be the same as those for [~~accident~~] **crash** reports.

3. Notwithstanding the provisions of section twenty-three hundred seven of the civil practice law and rules, this chapter, or any other law to the contrary, the county of Nassau, upon adoption of a local law, is hereby authorized to require the police department of the county of Nassau to charge fees for the search and copy of [~~accident~~] **crash** reports and photographs. A search fee of ten dollars per [~~accident~~] **crash** report shall be charged, with no additional fee for a photocopy. An additional fee of ten dollars shall be charged for a certified copy of any [~~accident~~] **crash** report. A fee of fifteen dollars per photograph or contact sheet shall be charged. The fees for investigative reports shall be the same as those for [~~accident~~] **crash** reports.

§ 110. Section 89-g of the state finance law, as added by chapter 751 of the laws of 2005, subdivisions 2 and 3 as renumbered by section 2 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

§ 89-g. [~~Accident~~] **Crash** prevention course internet, and other technology pilot program fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special fund to be known as the "[~~accident~~] **crash** prevention course internet, and other technology pilot program fund".

2. The moneys in the [~~accident~~] **crash** prevention course internet, and other technology pilot program fund shall be kept separate and shall not be commingled with any other moneys in the custody of the commissioner of taxation and finance and the state comptroller.

3. The moneys in such fund shall be expended only for the purposes of administering and implementing the provisions of article twelve-C of the vehicle and traffic law by the department of motor vehicles.

§ 111. Section 217 of the transportation law, as added by chapter 428 of the laws of 1983 and subdivision 5 as amended, subdivision 7 as added, and subdivision 8 as renumbered by chapter 84 of the laws of 1985, is amended to read as follows:

§ 217. Powers and duties of the board. The board shall have the following powers and duties:

1. To investigate [~~accidents~~] **crashes** occurring on or involving public transportation facilities or systems whether publicly or privately owned and report on the results of such investigations;

2. To establish within the board [~~an accident~~] a crash reporting procedure and file for the purpose of accurate analysis of public transportation safety and to prepare an annual [~~accident~~] crash report for the governor and the legislature;

3. To review, in connection with the investigation of [~~accidents~~] crashes, the safety, maintenance and training programs of public transportation facilities or systems whether publicly or privately owned and recommend the establishment of equipment and safety standards in connection therewith;

4. To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of this article or to enforce any standards established hereunder;

5. To hold hearings, issue reports, administer oaths or affirmations, examine any person under oath or affirmation and to issue subpoenas requiring the attendance and giving of testimony of witnesses and require the production of any books, papers, documentary or other evidence. The powers provided in this subdivision may be delegated by the board to any member of the board or department employee assigned to the board. A subpoena issued under this subdivision shall be regulated by the civil practice law and rules;

6. To take or cause to be taken affidavits or depositions within or without the state;

7. To enter upon any property where a public transportation [~~accident~~] crash has occurred, or where a vehicle, appurtenance or other item involved in any such [~~accident~~] crash is located, to fulfill the requirements of article nine-b of this chapter.

8. To render each year to the governor and to the legislature a written report of its activities.

§ 112. Wherever the term "accident" appears in the vehicle and traffic law, such term is hereby changed to "crash".

§ 113. This act shall take effect immediately; provided, however, that:

a. the amendments to article 12-C of the vehicle and traffic law, made by sections forty-two through forty-seven of this act shall not affect the repeal of such article and shall be deemed repealed therewith;

b. the amendments to paragraphs 2 and 3 of subdivision (m) of section 1111-a of the vehicle and traffic law made by section seventy-one of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

c. the amendments to paragraphs 2 and 3 of subdivision (n) of section 1111-b of the vehicle and traffic law made by section seventy-two of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

d. the amendments to paragraphs 2 and 3 of subdivision (m) of section 1111-b of the vehicle and traffic law made by section seventy-three of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

e. the amendments to paragraphs 2 and 3 of subdivision (m) of section 1111-b of the vehicle and traffic law made by section seventy-four of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

f. the amendments to paragraphs 2 and 3 of subdivision (n) of section 1111-b of the vehicle and traffic law made by section seventy-five of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

g. the amendments to paragraphs 2 and 3 of subdivision (m) of section 1111-d of the vehicle and traffic law made by section seventy-six of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

h. the amendments to paragraphs 2 and 3 of subdivision (m) of section 1111-d of the vehicle and traffic law made by section seventy-seven of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

i. the amendments to paragraphs 2 and 3 of subdivision (m) of section 1111-d of the vehicle and traffic law made by section seventy-eight of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

j. the amendments to paragraphs 2 and 3 of subdivision (m) of section 1111-e of the vehicle and traffic law made by section seventy-nine of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

k. the amendments to paragraph (g) of subdivision 5 and paragraph (a) of subdivision 6 of section 396-z of the general business law made by sections ninety-seven and ninety-eight of this act shall be subject to the expiration and reversion of such section pursuant to section 4 of chapter 656 of the laws of 2002, as amended, when upon such date the provisions of section ninety-nine of this act shall take effect;

l. the amendments to subdivision 3 of section 66-a of the public officers law made by section one hundred nine of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

m. the amendments to section 89-g of the state finance law made by section one hundred-ten of this act shall not affect the repeal of such section and shall be deemed repealed therewith.