

STATE OF NEW YORK

8152

IN SENATE

January 26, 2022

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

AN ACT to amend the vehicle and traffic law and the labor law, in relation to enacting the "crash victims bill of rights"

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

1 Section 1. This act shall be known and may be cited as the "crash
2 victims bill of rights".

3 § 2. The vehicle and traffic law is amended by adding a new section
4 607 to read as follows:

5 § 607. Reports; injured or killed persons. Any report of an accident
6 required under this article or under the rules and regulations of the
7 commissioner, in which any person is killed or injured shall be
8 provided, free of charge, to all persons injured as a result of such
9 accident, and to the next of kin of all persons killed as a result of
10 such accident. Each such report shall be provided within ten business
11 days of its receipt by the commissioner.

12 § 3. Subdivision 1 of section 227 of the vehicle and traffic law, as
13 amended by chapter 337 of the laws of 1970, is amended to read as
14 follows:

15 1. a. Every hearing for the adjudication of a traffic infraction, as
16 provided by this article, shall be held before a hearing officer
17 appointed by the commissioner. The burden of proof shall be upon the
18 people, and no charge may be established except by clear and convincing
19 evidence. The commissioner may prescribe, by rule or regulation, the
20 procedures for the conduct of such hearings.

21 b. The commissioner shall prescribe, by rule or regulation, procedures
22 for presentation of victim impact statements by individuals injured
23 during the course of a traffic infraction, or in the case of a death
24 resulting from such traffic infraction, from the deceased's next of kin,
25 at hearings for the adjudication of a traffic infraction under this
26 section.

27 § 4. The labor law is amended by adding a new section 202-n to read as
28 follows:

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

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1 § 202-n. Leave of absence for traffic hearings; impact statements. 1.
2 For the purposes of this section, the following terms shall have the
3 following meanings:

4 (a) "Employee" means a person who performs services for hire for an
5 employer, for an average of twenty or more hours per week, and includes
6 all individuals employed at any site owned or operated by an employer,
7 but shall not include an independent contractor.

8 (b) "Employer" means a person or entity that employs twenty or more
9 employees at at least one site and includes an individual, corporation,
10 partnership, association, nonprofit organization, group of persons,
11 county, town, city, school district, public authority or other govern-
12 mental subdivision of any kind.

13 2. An employer shall grant a leave of absence to an employee providing
14 an impact statement at a traffic infraction adjudication hearing under
15 section two hundred twenty-seven of the vehicle and traffic law, and who
16 is eligible to do so pursuant to rules and regulations promulgated
17 pursuant to paragraph b of subdivision one of such section. The length
18 of such leave shall not exceed four work hours, unless otherwise agreed
19 to by such employer.

20 3. An employer shall not retaliate against an employee for requesting
21 or obtaining a leave of absence as provided by this section for the
22 purpose of providing a victim impact statement at a traffic infraction
23 adjudication hearing under section two hundred twenty-seven of the vehi-
24 cle and traffic law.

25 4. The provisions of this section shall not prevent an employer from
26 granting a leave of absence to an employee providing a victim impact
27 statement at a traffic infraction adjudication hearing under section two
28 hundred twenty-seven of the vehicle and traffic law in addition to leave
29 allowed under any other provision of law. The provisions of this section
30 shall not affect an employee's rights with respect to any other employee
31 benefit otherwise provided by law.

32 § 5. This act shall take effect on the one hundred eightieth day after
33 it shall have become a law.