STATE OF NEW YORK

7610

2023-2024 Regular Sessions

IN SENATE

July 24, 2023

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

AN ACT to amend the vehicle and traffic law, in relation to reporting accidents involving electric scooters and bicycles with electric assist

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

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

1. Every police or judicial officer to whom an accident resulting in injury to a person shall have been reported, pursuant to the foregoing provisions of this chapter, shall immediately investigate the facts, or cause the same to be investigated, and report the matter to the commissioner forthwith; provided, however, that the report of the accident is made to the police officer or judicial officer within five days after such accident. Every coroner, or other official performing like functions, shall likewise make a report to the commissioner with respect to all deaths found to have been the result of motor vehicle [~~or~~], motorcycle, electric scooter, or bicycle with electric assist accidents. Such report shall include information regarding the type of vehicle involved in such accident. Such report shall include information on the width and length of trucks, tractors, trailers and semitrailers, which are in excess of ninety-five inches in width or thirty-four feet in length and which are involved in such accidents, whether such accident took place in a work area and whether it was being operated with an overweight or overdimension permit. Such report shall distinctly indicate and include information as to whether the inflatable restraint system inflated and deployed. Nothing contained in this subdivision shall be deemed to preclude a police officer from reporting any other accident which, in the judgment of such police officer, would be required to be reported to

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

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the commissioner by the operator of a vehicle pursuant to section six hundred five of this article.

§ 2. Subdivision 1 of section 603-a of the vehicle and traffic law, as amended by chapter 489 of the laws of 2017, paragraph (b) as amended by chapter 27 of the laws of 2018, is amended to read as follows:

1. In addition to the requirements of section six hundred three of this article, whenever a motor vehicle**, electric scooter, or bicycle with electric assist** accident results in serious physical injury or death to a person, and such accident either is discovered by a police officer, or reported to a police officer within five days after such accident occurred, the police shall conduct an investigation of such accident.

(a) Such investigation shall be conducted for the purposes of making a determination of the following: the facts and circumstances of the accident; the type or types of vehicles involved, including passenger motor vehicles, commercial motor vehicles, motorcycles, limited use motorcycles, off-highway motorcycles, **electric scooters, bicycles with electric assist** and/or bicycles; whether pedestrians were involved; the contributing factor or factors; whether it can be determined if a violation or violations of this chapter occurred, and if so, the specific provisions of this chapter which were violated and by whom; and, the cause of such accident, where such cause can be determined.

(b) When present at the scene of such accident, the investigating officer shall also request that all operators of motor vehicles**, electric scooters, and bicycles with electric assist** involved in such accident submit to field testing as defined in section eleven hundred ninety-four of this chapter provided there are reasonable grounds to believe such motor vehicle**, electric scooter, or bicycle with electric assist** operator committed a serious traffic violation in the same accident. The results of such field testing or refusal of such testing shall be included in the police investigation report. For the purposes of this section, "serious traffic violation" shall mean operating a motor vehicle**, electric scooter, or bicycle with electric assist** in violation of any of the following provisions of this chapter: articles twenty-three, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine and thirty and sections five hundred eleven, six hundred and twelve hundred twelve.

(c) The police shall forward a copy of the investigation report to the commissioner within five business days of the completion of such report.

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

§ 604. Reports; contents; preparation; distribution; filing. Reports of accidents 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**; provided, however, that such forms shall contain information to indicate whether such accident involved a motor vehicle, electric scooter, or bicycle with electric assist**. 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, 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.

§ 4. Subdivisions (b) and (c) of section 605 of the vehicle and traffic law, subdivision (b) as added by chapter 254 of the laws of 1989, and subdivision (c) as amended by chapter 161 of the laws of 1996, are amended to read as follows:

(b) Every person operating [~~a~~] **an electric scooter, bicycle with electric assist, or** bicycle which is in any manner involved in an accident 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. Every such operator of [~~a~~] **an electric scooter, bicycle with electric assist, or** 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, whether such accident 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. **Such report shall indicate whether the accident involved a motor vehicle, electric scooter, or bicycle with electric assist.**

§ 5. This act shall take effect on the thirtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.