

STATE OF NEW YORK

1901

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. GLICK, FAHY, SIMON, RAJKUMAR, OTIS, GIBBS, SEAWRIGHT, THIELE, GONZALEZ-ROJAS, CRUZ, DE LOS SANTOS, DAVILA, SILLITTI, CARROLL, EPSTEIN, DINOWITZ -- read once and referred 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. 1. Any report of an acci-
6 dent required under this article or under the rules and regulations of
7 the commissioner, in which any person is killed or injured shall be
8 provided, free of charge:

9 (a) to all persons injured as a result of such accident;

10 (b) to the next of kin of all persons killed or seriously injured as a
11 result of such accident; and

12 (c) to the parent or guardian of all persons under the age of eighteen
13 injured as a result of such accident.

14 2. Reports provided pursuant to this section shall be made available
15 electronically.

16 3. Reports provided pursuant to this section shall be provided within
17 twenty-four hours of processing by the department.

18 4. The commissioner shall promulgate such rules and regulations as are
19 necessary to effectuate the provisions of this section.

20 § 3. Section 606 of the vehicle and traffic law, as added by chapter
21 429 of the laws of 2015, is amended to read as follows:

22 § 606. Processing of required reports. The commissioner, when process-
23 ing reports of accidents filed pursuant to this article, and when

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

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1 distributing reports pursuant to section six hundred seven of this arti-
2 cle, shall give priority to reports involving persons under the age of
3 eighteen, serious physical injury (as defined in subdivision ten of
4 section 10.00 of the penal law), or death.

5 § 4. Subdivision 1 of section 227 of the vehicle and traffic law, as
6 amended by chapter 337 of the laws of 1970, is amended to read as
7 follows:

8 1. a. Every hearing for the adjudication of a traffic infraction, as
9 provided by this article, shall be held before a hearing officer
10 appointed by the commissioner. The burden of proof shall be upon the
11 people, and no charge may be established except by clear and convincing
12 evidence. The commissioner may prescribe, by rule or regulation, the
13 procedures for the conduct of such hearings.

14 b. The commissioner shall prescribe, by rule or regulation, procedures
15 for presentation of victim impact statements by individuals injured
16 during the course of a traffic infraction, or in the case of a death
17 resulting from such traffic infraction, from the deceased's next of kin,
18 at hearings for the adjudication of a traffic infraction under this
19 section.

20 § 5. The labor law is amended by adding a new section 202-m to read as
21 follows:

22 § 202-m. Leave of absence for traffic hearings; impact statements. 1.
23 For the purposes of this section, the following terms shall have the
24 following meanings:

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

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

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

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

46 4. The provisions of this section shall not prevent an employer from
47 granting a leave of absence to an employee providing a victim impact
48 statement at a traffic infraction adjudication hearing under section two
49 hundred twenty-seven of the vehicle and traffic law in addition to leave
50 allowed under any other provision of law. The provisions of this section
51 shall not affect an employee's rights with respect to any other employee
52 benefit otherwise provided by law.

53 § 6. 1. The superintendent of financial services is hereby authorized
54 and directed to conduct a study and prepare a report examining the unmet
55 resource needs facing persons injured in automobile crashes and next of
56 kin to persons killed in automobile crashes within the past three years

1 for which data and information is available. The superintendent of
2 financial services may request, and shall receive upon request, data and
3 information from insurers that provide no-fault or liability auto cover-
4 age, health insurance coverage, and from any other entities and relevant
5 sources to meet the purposes of the study. Such data and information
6 shall include but not be limited to:

7 (a) The number of persons injured in an automobile crash that filed a
8 no-fault claim;

9 (b) The number of persons injured in an automobile crash that filed
10 for a liability claim;

11 (c) The number of persons injured in an automobile crash that received
12 a no-fault award;

13 (d) The number of persons injured in an automobile crash that received
14 a liability award;

15 (e) The number of persons who filed for a no-fault death benefit on
16 behalf of a person killed in an automobile crash;

17 (f) The number of persons who filed a liability claim on behalf of a
18 person killed in an automobile crash;

19 (g) The number of persons who received a no-fault award on behalf of a
20 person killed in an automobile crash;

21 (h) The number of persons who received a liability award on behalf of
22 a person killed in an automobile crash;

23 (i) Aggregate data on no-fault and liability awards paid to persons
24 injured in an automobile crash, or to awards paid to persons on behalf
25 of a person killed in an automobile crash; and

26 (j) Any other data and information the superintendent of financial
27 services deems relevant to meet the purposes of the study required to be
28 completed under this section.

29 2. The report required to be prepared under subdivision one of this
30 section shall be submitted to the governor, the temporary president of
31 the senate and the speaker of the assembly on or before December 31,
32 2023. The superintendent of financial services shall include in such
33 report an extrapolation of any discernable trends in collected data, and
34 any recommendations he or she believes would improve access to resources
35 for automobile crash victims and their families.

36 3. The superintendent of financial services may consult with any state
37 or local office, agency, or department and request information from any
38 such entity that is relevant and material to the completion of the study
39 and report required to be completed under this section.

40 § 7. This act shall take effect on the one hundred eightieth day after
41 it shall have become a law.