

# STATE OF NEW YORK

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3839

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the vehicle and traffic law, 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:

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

3 § 105-a. Car carrier. A truck that is designed to carry one to three  
4 motor vehicles on a flat platform that slides or tilts to the ground to  
5 facilitate loading and unloading of such motor vehicles and to tow an  
6 additional motor vehicle behind it by the use of a wheel lift. For the  
7 purposes of this chapter, whenever such car carrier tows or carries a  
8 disabled, illegally parked or abandoned motor vehicle or a motor vehicle  
9 involved in [~~an accident~~] a crash, such car carrier shall be deemed to  
10 be a tow truck and shall comply with all provisions of this chapter, and  
11 any other law, ordinance, order, rule and regulation, applicable to tow  
12 trucks.

13 § 2. Section 107-b of the vehicle and traffic law, as added by chapter  
14 552 of the laws of 1994, is amended to read as follows:

15 § 107-b. Commercial towing. The moving or removing of disabled, ille-  
16 gally parked, or abandoned motor vehicles or motor vehicles involved in  
17 [~~accidents~~] crashes, by another motor vehicle, for which there is direct  
18 or indirect compensation. Commercial towing shall also include towing by  
19 a person, firm, corporation, or other entity pursuant to a contract or  
20 other agreement with a political subdivision.

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

LBD04017-01-3

§ 3. Section 114-b of the vehicle and traffic law, as amended by chapter 496 of the laws of 2021, 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, transporting human organs and/or medical personnel for the purpose of organ recovery or transplantation in a situation involving an imminent health risk where undue delay would jeopardize such recovery or transplantation, 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

1 whom may be served the summons in any action against him, growing out of  
2 any [~~accident~~] crash or collision in which such non-resident may be  
3 involved while using or operating such vehicle in this state or in which  
4 such vehicle may be involved while being used or operated in this state  
5 in the business of such non-resident or with the permission, express or  
6 implied, of such non-resident owner; and such use or operation shall be  
7 deemed a signification of his agreement that any such summons against  
8 him which is so served shall be of the same legal force and validity as  
9 if served on him personally within the state and within the territorial  
10 jurisdiction of the court from which the summons issues, and that such  
11 appointment of the secretary of state shall be irrevocable and binding  
12 upon his executor or administrator. Where such non-resident has died  
13 prior to the commencement of an action brought pursuant to this section,  
14 service of process shall be made on the executor or administrator of  
15 such non-resident in the same manner and on the same notice as is  
16 provided in the case of the non-resident himself. Where an action has  
17 been duly commenced under the provisions of this section against a non-  
18 resident who dies thereafter, the court must allow the action to be  
19 continued against his executor or administrator upon motion with such  
20 notice as the court deems proper.

21 § 11. Section 254 of the vehicle and traffic law, as amended by chap-  
22 ter 418 of the laws of 1964, is amended to read as follows:

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

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

38 § 301-a. Re-inspection of motor vehicles involved in certain [~~acci-~~  
39 ~~dents~~] crashes. 1. The commissioner may require that a motor vehicle  
40 registered in this state or elsewhere which is required to be inspected,  
41 be re-inspected after it is involved in a property damage [~~accident~~]  
42 crash which is required to be reported to the motor vehicle department.  
43 Such re-inspection shall be made within sixty days of the date of the  
44 [~~accident~~] crash if the motor vehicle is driven away from the [~~accident~~]  
45 crash site. Such re-inspection shall be made before the vehicle is oper-  
46 ated on the public highways if the motor vehicle is towed or transported  
47 from the [~~accident~~] crash site, except that a motor vehicle may be driv-  
48 en from a repair shop to an inspection station for the purpose of being  
49 re-inspected.

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

54 3. Failure to submit such proof of re-inspection as herein provided  
55 shall constitute ground for suspension or revocation of his privileges

1 of operating a motor vehicle in this state and of the operation within  
2 this state of any motor vehicle owned by him.

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

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

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

19 (a) Affording coverage as defined in the minimum provisions prescribed  
20 in a regulation which shall be promulgated by the superintendent at  
21 least ninety days prior to effective date of this act. The superinten-  
22 dent before promulgating such regulations or any amendment thereof,  
23 shall consult with all insurers licensed to write automobile liability  
24 insurance in this state and shall not prescribe minimum provisions which  
25 fail to reflect the provisions of automobile liability insurance poli-  
26 cies, other than motor vehicle liability policies as defined in section  
27 three hundred forty-five of this chapter, issued within this state at  
28 the date of such regulation or amendment thereof. Nothing contained in  
29 such regulation or in this article shall prohibit any insurer from  
30 affording coverage under an owner's policy of liability insurance more  
31 liberal than that required by said minimum provisions. Every such  
32 owner's policy of liability insurance shall provide insurance subject to  
33 said regulation against loss from the liability imposed by law for  
34 damages, including damages for care and loss of services, because of  
35 bodily injury to or death of any person and injury to or destruction of  
36 property arising out of the ownership, maintenance, use, or operation of  
37 a specific motor vehicle or motor vehicles within the state of New York,  
38 or elsewhere in the United States in North America or the Dominion of  
39 Canada, subject to a limit, exclusive of interest and costs, with  
40 respect to each such motor vehicle except a tow truck, of twenty-five  
41 thousand dollars because of bodily injuries to and fifty thousand  
42 dollars because of death of one person in any one [~~accident~~] ~~crash~~ and,  
43 subject to said limit for one person, to a limit of fifty thousand  
44 dollars because of bodily injury to and one hundred thousand dollars  
45 because of death of two or more persons in any one [~~accident~~] ~~crash~~, and  
46 to a limit of ten thousand dollars because of injury to or destruction  
47 of property of others in any one [~~accident~~] ~~crash~~ provided, however,  
48 that such policy need not be for a period coterminous with the registra-  
49 tion period of the vehicle insured. The limit, exclusive of interest and  
50 costs, with respect to a tow truck shall be a combined single limit of  
51 at least three hundred thousand dollars because of bodily injury or  
52 death to one or more persons or because of injury or destruction of  
53 property of others in any one [~~accident~~] ~~crash~~, and to a limit of twen-  
54 ty-five thousand dollars because of damage to a vehicle in the care,  
55 custody and control of the insured. Any insurer authorized to issue an  
56 owner's policy of liability insurance as provided for in this article

1 may, pending the issue of such a policy, make an agreement, to be known  
2 as a binder, or may, in lieu of such a policy, issue a renewal endorse-  
3 ment or evidence of renewal of an existing policy; each of which shall  
4 be construed to provide indemnity or protection in like manner and to  
5 the same extent as such a policy. The provisions of this article shall  
6 apply to such binders, renewal endorsements or evidences of renewal.  
7 Every such policy issued insuring private passenger vehicles and every  
8 renewal policy, renewal endorsement, or other evidence of renewal issued  
9 shall have attached thereto a rating information form which clearly  
10 specifies and defines the rating classification assigned thereto,  
11 including any applicable merit rating plan; and

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

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

27 § 16. Section 316 of the vehicle and traffic law, the third undesig-  
28 nated paragraph as amended by chapter 511 of the laws of 1999, and the  
29 fourth undesignated paragraph as added by chapter 316 of the laws of  
30 1972, is amended to read as follows:

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

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

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



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

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

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

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

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

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

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

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

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

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

55 § 19. Paragraphs (a) and (c) of subdivision 12 of section 318 of the  
56 vehicle and traffic law, paragraph (a) as amended by chapter 843 of the

1 laws of 1980, and paragraph (c) as amended by chapter 805 of the laws of  
2 1984, are amended to read as follows:

3 (a) If the owner or operator of a motor vehicle in any manner involved  
4 in [~~an accident~~] a crash occurring in this state resulting in death or  
5 bodily injuries to any person fails to produce satisfactory evidence as  
6 proof of financial security within forty-eight hours after the [~~acci-~~  
7 ~~dent~~] crash, the motor vehicle shall be subject to impoundment and any  
8 peace officer, acting pursuant to his special duties, or any police  
9 officer is authorized to impound and store such motor vehicle. If said  
10 motor vehicle is subject to impoundment and is not so impounded, the  
11 owner or his representative shall cause said motor vehicle to be stored  
12 in a public garage or storage place in this state as selected by the  
13 owner or representative and shall continue such storage for the period  
14 of time provided in this section. The aforementioned storage shall  
15 constitute "impoundment" within the meaning of this section. The cost of  
16 storage of any such impounded motor vehicle shall be borne by the owner.  
17 So long as the impoundment is in force no person shall remove the  
18 impounded vehicle or permit it to be removed from its place of impound-  
19 ment except upon the order of the commissioner.

20 (c) The impoundment shall continue until (1) there is a final disposi-  
21 tion of the claim for death or bodily injury of the person, resulting  
22 from the [~~accident~~] crash in which said motor vehicle was involved, by  
23 payment of a judgment or settlement by the owner, or by a final judgment  
24 in his favor, or (2) one year has elapsed since the date of the [~~acci-~~  
25 ~~dent~~] crash and no filing has been made pursuant to section five thou-  
26 sand two hundred eight of the insurance law, or (3) a release of the  
27 motor vehicle upon order of the commissioner. The commissioner may order  
28 the release of said motor vehicle upon the depositing with the commis-  
29 sioner of taxation and finance of security or a bond in such form and  
30 amount as may be approved by the commissioner. If said motor vehicle is  
31 not released from impoundment after the lapse of one year, the commis-  
32 sioner may dispose of it by public sale and remit the proceeds from the  
33 sale to the commissioner of taxation and finance to be held pending the  
34 final disposition of the claim.

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

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

46 § 21. Section 333 of the vehicle and traffic law, as amended by chap-  
47 ter 305 of the laws of 1995, is amended to read as follows:

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

feur) 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

1 such [~~accident~~] crash, to the settlement of a claim arising out of such  
2 [~~accident~~] crash, or upon assignment of the depositor, made after the  
3 expiration of one year after the date of such [~~accident~~] crash, to the  
4 settlement of an action at law begun not later than one year after the  
5 date of such [~~accident~~] crash. All of such payments made out of the  
6 deposited security shall be made as follows: Payment shall first be  
7 made to each of the judgment creditors and to each of the claimants who  
8 have agreed to settle their claims, whose damages were evaluated by the  
9 commissioner, in an amount not greater than the amount fixed in their  
10 respective evaluations. Whenever the commissioner shall be given  
11 evidence, satisfactory to him, that the amounts of all claims for  
12 damages against the depositor arising out of such [~~accident~~] crash are  
13 fixed, either by judgment or settlement agreement, payment shall be made  
14 out of any balance remaining after the first distribution to each of  
15 those persons whose judgments or settlement amounts have not been fully  
16 paid but whose damages were evaluated by the commissioner, in proportion  
17 to the amounts of their respective evaluations unless there is suffi-  
18 cient to make payment in full; and any balance remaining after the first  
19 and second distributions are completed shall be paid to those judgment  
20 creditors and those claimants who have agreed to settle their claims but  
21 whose damages were not evaluated, in proportion to the amounts of their  
22 respective judgments or settlement amounts unless there is sufficient to  
23 make payment in full. Such deposit, or any balance thereof, shall be  
24 returned to the depositor or his personal representative whenever after  
25 the expiration of such year, the commissioner shall be given evidence,  
26 satisfactory to him, that there is no such action pending and no such  
27 judgment unsatisfied or whenever, before the expiration of such year,  
28 the commissioner shall be given evidence, satisfactory to him, that  
29 there is no such judgment unsatisfied and that there is no existing  
30 cause of action against the depositor for damages arising out of such  
31 [~~accident~~] crash.

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

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

54 (e) In lieu of deposit of security when required pursuant to the  
55 provisions of this section the commissioner may accept a written agree-  
56 ment, executed and acknowledged by the person required to deposit secu-

1 rity and any person who has sustained bodily injury, including death, or  
2 damage to his property, or his legal representative, providing for the  
3 payment of an agreed amount in installments, with respect to the claims  
4 of such person for injuries or damages resulting from the [~~accident~~]  
5 crash. In the event of default in payment of any installment under such  
6 agreement, then upon notice of such default the commissioner shall  
7 forthwith suspend the license and registration certificates and regis-  
8 tration plates of the person in default until release has been filed  
9 with the commissioner indicating that the entire agreed amount has been  
10 paid. But in no case shall such agreement be used in lieu of proof of  
11 maintenance of financial responsibility in the future required pursuant  
12 to the provisions of this section.

13 § 23. Section 337 of the vehicle and traffic law, as amended by chap-  
14 ter 176 of the laws of 1990, is amended to read as follows:

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

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

47 Provided, however, that any person whose license or registration  
48 became subject to suspension or has been suspended pursuant to subdivi-  
49 sion (a) of section three hundred thirty-five of this article, whether  
50 or not such person has furnished security and proof of financial respon-  
51 sibility, shall be relieved from furnishing or maintaining proof of  
52 financial responsibility if (1) one year has elapsed since the date of  
53 the [~~accident~~] crash, (2) nine months have elapsed since the date of  
54 compliance with any suspension order made against such person because of  
55 such [~~accident~~] crash, (3) such person has neither paid nor agreed in  
56 writing to pay anything for damages resulting from such [~~accident~~]

1 crash, (4) no suit for damages because thereof has been brought against  
2 such person and (5) such person is not required to furnish or maintain  
3 proof of financial responsibility for some reason other than for having  
4 been involved in such [~~accident~~] crash. If a suit or suits for damages  
5 resulting from such [~~accident~~] crash shall have been brought and such  
6 suit or suits shall have resulted in a judgment or judgments, the  
7 successful person in such suit or suits shall be relieved from furnish-  
8 ing or maintaining proof of financial responsibility forthwith provided  
9 such person is not required to furnish or maintain such proof for  
10 reasons other than for having been involved in such [~~accident~~] crash  
11 and, in case such person has furnished security because of having been  
12 involved in such [~~accident~~] crash, it shall be returned to such person  
13 or the personal representative of such person forthwith notwithstanding  
14 the provisions of subdivision (c) of section three hundred thirty-five  
15 of this article. The fact of having been involved in such [~~accident~~]  
16 crash shall not bar the issuance of license and registration to a person  
17 who has been relieved from furnishing or maintaining proof of financial  
18 responsibility pursuant to the provisions of this paragraph.

19 (c) A discharge in bankruptcy following the rendering of any such  
20 judgment shall not relieve the judgment debtor from any of the require-  
21 ments of this article unless otherwise provided in subdivisions (a) and  
22 (b) of this section.

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

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

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

52 § 25. Section 341 of the vehicle and traffic law, as amended by chap-  
53 ter 305 of the laws of 1995, is amended to read as follows:

54 § 341. Amount of proof required. Proof of financial responsibility  
55 shall mean proof of ability to respond in damages for liability there-  
56 after incurred, arising out of the ownership, maintenance or use of a



1 motor vehicle, in the amount of twenty-five thousand dollars because of  
2 bodily injury to or fifty thousand dollars because of death of any one  
3 person, and subject to said limit respecting one person, in the amount  
4 of fifty thousand dollars because of bodily injury to or one hundred  
5 thousand dollars because of death of two or more persons in any one  
6 ~~[accident]~~ crash, and in the amount of ten thousand dollars because of  
7 injury to or destruction of property in any one ~~[accident]~~ crash. Such  
8 proof in such amounts shall be furnished for each motor vehicle regis-  
9 tered by such person.

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

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

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

28 (1) Said insurance carrier shall execute a power of attorney authoriz-  
29 ing the commissioner to accept service on its behalf of notice or proc-  
30 ess in any action arising out of a motor vehicle ~~[accident]~~ crash in  
31 this state.

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

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

39 (3) Shall insure the insured or such other person against loss from  
40 the liability imposed by law for damages, including damages for care and  
41 loss of services because of bodily injury to or death of any person and  
42 injury to or destruction of property arising out of the ownership, main-  
43 tenance, use, or operation of such motor vehicle or motor vehicles with-  
44 in the state of New York, or elsewhere in the United States in North  
45 America or the Dominion of Canada, subject to a limit, exclusive of  
46 interest and cost, with respect to each such motor vehicle, except a tow  
47 truck, of twenty-five thousand dollars because of bodily injury to or  
48 fifty thousand dollars because of death of one person in any one ~~[acci-~~  
49 ~~dent]~~ crash and, subject to said limit for one person, to a limit of  
50 fifty thousand dollars because of bodily injury to or one hundred thou-  
51 sand dollars because of death of two or more persons in any one ~~[acci-~~  
52 ~~dent]~~ crash, and to a limit of ten thousand dollars because of injury to  
53 or destruction of property of others in any one ~~[accident]~~ crash. The  
54 limit, exclusive of interest and costs, with respect to a tow truck  
55 shall be a combined single limit of three hundred thousand dollars  
56 because of bodily injury ~~[of]~~ or death to one or more persons or because

1 of injury or destruction of property of others in any one [~~accident~~]  
2 ~~crash~~, and to a limit of twenty-five thousand dollars because of damage  
3 to a vehicle in the care, custody and control of the insured.

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

6 (1) The liability of any company under a motor vehicle liability poli-  
7 cy shall become absolute whenever loss or damage covered by said policy  
8 occurs, and the satisfaction by the insured of a final judgment for such  
9 loss or damage shall not be a condition precedent to the right or duty  
10 of the carrier to make payment on account of such loss or damage. No  
11 such policy shall be cancelled or annulled as respects any loss or  
12 damage by any agreement between the carrier and the insured after the  
13 said insured has become responsible for such loss or damage, and any  
14 such cancellation or [~~annulment~~] ~~annulment~~ shall be void. If the death  
15 of the insured shall occur after the insured has become liable during  
16 the policy period for loss or damage covered by the policy, the policy  
17 shall not be deemed terminated by such death with respect to such  
18 liability and the company shall be liable thereunder in the same manner  
19 and to the same extent as though death had not occurred. Upon the recov-  
20 ery of a final judgment against any person for any such loss or damage,  
21 if the judgment debtor or the decedent whom he represents was at the  
22 accrual of the cause of action insured against liability therefor under  
23 a motor vehicle liability policy, the judgment creditor shall be enti-  
24 tled to have the insurance money applied to the satisfaction of the  
25 judgment. But the policy may provide that the insured, or any other  
26 person covered by the policy, shall reimburse the company for payments  
27 made on account of any [~~accident~~] ~~crash~~, claim or suit involving a  
28 breach of the terms, provisions or conditions of the policy; and  
29 further, if the policy shall provide for limits in excess of the limits  
30 designated in this section, the insurance carrier may plead against such  
31 judgment creditor, with respect to the amount of such excess limits of  
32 liability, any defenses which it may be entitled to plead against the  
33 insured. Any such policy may further provide for the prorating of the  
34 insurance thereunder with other applicable valid and collectible insur-  
35 ance. If the death, insolvency or bankruptcy of the insured shall occur  
36 within the policy period, the policy during the unexpired portion of  
37 such period shall cover the legal representatives of the insured. No  
38 statement made by the insured or on his behalf, and no violation of the  
39 terms of the policy, shall operate to defeat or avoid the policy so as  
40 to bar recovery within the limits provided in subdivision (b) of this  
41 section.

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

44 (2) In the event the person who has given proof of financial responsi-  
45 bility surrenders his operator's or chauffeur's license, registration  
46 certificates and registration plates to the commissioner, but the  
47 commissioner shall not release such proof in the event any action for  
48 damages upon a liability referred to in this article is then pending, or  
49 any judgment upon any such liability then outstanding and unsatisfied,  
50 or in the event the commissioner has received notice that such person  
51 has within the period of three months immediately preceding been  
52 involved as a driver in any motor vehicle [~~accident~~] ~~crash~~. An affida-  
53 vit of the applicant of the non-existence of such facts shall be suffi-  
54 cient evidence thereof in the absence of evidence to the contrary in the  
55 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 article, 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

1 respective judgments for damage or injury caused in the operation, main-  
2 tenance, use or the defective construction of such motor vehicle or  
3 motorcycle as follows:

4 3. A person, firm, association or corporation engaged in the business  
5 of renting or leasing rental vehicles to be operated upon the public  
6 highways for carrying passengers shall be subject to the provisions of  
7 this section in the same manner and to the same extent as if such  
8 person, firm, association or corporation were actually engaged in the  
9 business of carrying or transporting passengers for hire.

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

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

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

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

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

51 2. The height of a vehicle from under side of tire to top of vehicle,  
52 inclusive of load, shall be not more than thirteen and one-half feet.  
53 Any damage to highways, bridges or highway structures resulting from the  
54 use of a vehicle exceeding thirteen feet in height where such excess  
55 height is the proximate cause of the [~~accident~~] crash shall be compen-  
56 sated 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



1 and on forms prescribed by the commissioner. The application shall  
2 include at a minimum: the title or name of the course, the name of the  
3 organization submitting the application, proof of course ownership, and  
4 the names and addresses of all owners, officers, and directors of the  
5 agency or organization, and such other information or material as the  
6 commissioner may prescribe. An application shall not be considered to be  
7 complete until all information and material required by this chapter and  
8 by regulation of the commissioner has been submitted.

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

11 § 399-f. Proof of effectiveness. Proof of effectiveness shall be veri-  
12 fiable research documentation submitted by the applicant for sponsorship  
13 showing evidence of effectiveness comparable to that of the national  
14 safety council's defensive driving course as determined by the commis-  
15 sioner in terms of reduced convictions or [~~accidents~~] ~~crashes~~ or both.  
16 This research documentation shall employ accepted research principles  
17 and include treatment and non-treatment control groups comprised of  
18 samples of the representative driver base. In order to establish verifi-  
19 able effectiveness, each sample group should be comprised of a minimum  
20 of three thousand drivers selected randomly. The documentation shall  
21 include conviction or [~~accident~~] ~~crash~~ data for each motorist for a  
22 period of at least eighteen months prior to the course completion date  
23 and at least eighteen months subsequent to such date, and equivalent  
24 time periods for non-treatment control groups. The documentation shall  
25 also include a description of the sampling and analytic procedures used,  
26 and the motorist identification number and course completion date for  
27 all course attendees. The applicant for sponsorship shall provide, at  
28 the request of the commissioner and at the applicant's expense, all  
29 driving record data and analysis used in the development of the submit-  
30 ted research documentation. Submission of any fraudulent or inten-  
31 tionally misleading data will disqualify that organization and all  
32 owners and principals from participating or approval in the [~~accident~~]  
33 ~~crash~~ prevention course for a period of ten years from submission date.  
34 The commissioner may, by regulation, provide for a smaller sample group  
35 for specialized courses.

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

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

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

43 § 399-k. [~~Accident~~] ~~Crash~~ prevention course internet technology pilot  
44 program. The commissioner shall establish and implement a comprehensive  
45 pilot program to review and study internet, and other technologies as  
46 approved by the commissioner, as a training method for the adminis-  
47 tration and completion of an approved [~~accident~~] ~~crash~~ prevention course  
48 for the purposes of granting point and insurance premium reduction bene-  
49 fits.

50 § 44. Section 399-l of the vehicle and traffic law, as amended by  
51 section 1 of part ZZ of chapter 58 of the laws of 2020, is amended to  
52 read as follows:

53 § 399-l. Application. Applicants for participation in the pilot  
54 program established pursuant to this article shall be among those [~~acci-~~  
55 ~~dent~~] ~~crash~~ prevention course sponsoring agencies that have a course  
56 approved by the commissioner pursuant to article twelve-B of this title

1 and which deliver such course to the public. Provided, the commissioner  
2 shall, in his or her discretion, approve additional applications after  
3 the effective date of this article. In order to be approved for partic-  
4 ipation in such pilot program, the course must comply with the  
5 provisions of law, rules and regulations applicable thereto. The commis-  
6 sioner may, in his or her discretion, impose a fee for the submission of  
7 each application to participate in the pilot program established pursu-  
8 ant to this article. Such fee shall not exceed seven thousand five  
9 hundred dollars.

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

12 § 399-m. Pilot program scope and duration. The commissioner shall  
13 conduct a pilot program designed to evaluate utilizing internet, and  
14 other technologies as approved by the commissioner, for delivering  
15 [~~accident~~] crash prevention courses for point and insurance premium  
16 reduction benefits to the public by permitting qualifying applicants to  
17 participate in the pilot program for a period of five years.

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

20 § 399-n. Regulations. 1. The commissioner is authorized and directed  
21 to promulgate any rules and regulations necessary to implement the  
22 provisions of this article and to insure that internet, and other tech-  
23 nology as approved by the commissioner, delivered [~~accident~~] crash  
24 prevention courses established pursuant to this article can validate:  
25 student identity at registration and throughout the course; partic-  
26 ipation throughout the course; that the time requirements are met; and  
27 successful completion of the course. Provided, however, that any rules  
28 and regulations promulgated pursuant to this article shall not stipulate  
29 any particular location for delivery of [~~an accident~~] a crash prevention  
30 course or limit the time of day during which such course may be taken.

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

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

38 § 399-o. Report by commissioner. Within five years of the establish-  
39 ment and implementation of this article, the commissioner shall report  
40 to the governor, the temporary president of the senate and the speaker  
41 of the assembly on the [~~accident~~] crash prevention course internet, and  
42 other technology as approved by the commissioner, pilot program and its  
43 results. Such report shall include recommendations as to the future use  
44 of internet and other technologies as an effective way, in addition to  
45 classroom presentation, to deliver to the public approved [~~accident~~]  
46 crash prevention courses, and qualifications for participants in such  
47 approved internet and other technology-delivered programs.

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

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

55 § 49. Subdivision 2 of section 506 of the vehicle and traffic law, as  
56 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

1 hundred eighty-five, provided, however, that the disqualification shall  
2 terminate if the person has reduced the points to less than nine through  
3 the successful completion of a motor vehicle [~~accident~~] crash prevention  
4 course.

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

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

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

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

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

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

48 § 53. Subparagraph (v) of paragraph (b) and paragraphs (d), (e) and  
49 (f) of subdivision 1, subparagraph (iv) of paragraph (c) and paragraphs  
50 (e), (f) and (g) of subdivision 2 of section 509-cc of the vehicle and  
51 traffic law, subparagraph (v) of paragraph (b) of subdivision 1 as added  
52 by chapter 675 of the laws of 1985, paragraph (d) of subdivision 1 and  
53 paragraph (e) of subdivision 2 as amended by chapter 599 of the laws of  
54 1993, paragraphs (e) and (f) of subdivision 1 and paragraphs (f) and (g)  
55 of subdivision 2 as added by chapter 599 of the laws of 1993, and

1 subparagraph (iv) of paragraph (c) of subdivision 2 as amended by chap-  
2 ter 360 of the laws of 1986, are amended to read as follows:

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

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

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

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

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

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

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

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

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

7 § 58. Subparagraph (iii) of paragraph a of subdivision 2 of section  
8 510 of the vehicle and traffic law, as amended by chapter 47 of the laws  
9 of 1988, is amended to read as follows:

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

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

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

37 § 60. Section 520 of the vehicle and traffic law, as amended by chap-  
38 ter 607 of the laws of 1979, is amended to read as follows:

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

54 § 61. Section 523-b of the vehicle and traffic law, as added by chap-  
55 ter 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 section 4 of part AAA of chapter 59 of the laws of 2017, 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.

A violation of the provisions of paragraph a of this subdivision shall constitute a traffic infraction punishable by a fine of up to two hundred fifty dollars or a sentence of imprisonment for up to fifteen days or both such fine and imprisonment.

§ 64. Paragraph b of subdivision 2 of section 600 of the vehicle and traffic law, as amended by section 4 of part AAA of chapter 59 of the laws of 2017, 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

1 permit. Such report shall distinctly indicate and include information  
2 as to whether the inflatable restraint system inflated and deployed.  
3 Nothing contained in this subdivision shall be deemed to preclude a  
4 police officer from reporting any other ~~[accident]~~ crash which, in the  
5 judgment of such police officer, would be required to be reported to the  
6 commissioner by the operator of a vehicle pursuant to section six  
7 hundred five of this article.

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

22 § 66. Section 603-a of the vehicle and traffic law, as added by chap-  
23 ter 408 of the laws of 2001, subdivision 1 as amended by chapter 489 of  
24 the laws of 2017 and paragraph (b) of subdivision 1 as amended by chap-  
25 ter 27 of the laws of 2018, is amended to read as follows:

26 § 603-a. ~~[Accidents]~~ Crashes; police authorities to investigate.

27 1. In addition to the requirements of section six hundred three of  
28 this article, whenever a motor vehicle ~~[accident]~~ crash results in seri-  
29 ous physical injury or death to a person, and such ~~[accident]~~ crash  
30 either is discovered by a police officer, or reported to a police offi-  
31 cer within five days after such ~~[accident]~~ crash occurred, the police  
32 shall conduct an investigation of such ~~[accident]~~ crash.

33 (a) Such investigation shall be conducted for the purposes of making a  
34 determination of the following: the facts and circumstances of the  
35 ~~[accident]~~ crash; the type or types of vehicles involved, including  
36 passenger motor vehicles, commercial motor vehicles, motorcycles, limit-  
37 ed use motorcycles, off-highway motorcycles, and/or bicycles; whether  
38 pedestrians were involved; the contributing factor or factors; whether  
39 it can be determined if a violation or violations of this chapter  
40 occurred, and if so, the specific provisions of this chapter which were  
41 violated and by whom; and, the cause of such ~~[accident]~~ crash, where  
42 such cause can be determined.

43 (b) When present at the scene of such ~~[accident]~~ crash, the investi-  
44 gating officer shall also request that all operators of motor vehicles  
45 involved in such ~~[accident]~~ crash submit to field testing as defined in  
46 section eleven hundred ninety-four of this chapter provided there are  
47 reasonable grounds to believe such motor vehicle operator committed a  
48 serious traffic violation in the same ~~[accident]~~ crash. The results of  
49 such field testing or refusal of such testing shall be included in the  
50 police investigation report. For the purposes of this section, "serious  
51 traffic violation" shall mean operating a motor vehicle in violation of  
52 any of the following provisions of this chapter: articles twenty-three,  
53 twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine and  
54 thirty and sections five hundred eleven, six hundred and twelve hundred  
55 twelve.

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

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

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

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

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

12 § 603-b. [~~Accidents~~] Crashes; police to indicate serious physical  
13 injury and death on simplified traffic information or summons and  
14 compliant. In addition to the requirements of section six hundred three  
15 of this article and subdivision twelve of section eleven hundred nine-  
16 ty-two of this chapter, in every case where a law enforcement officer is  
17 required to report pursuant to section six hundred three of this article  
18 and a person is charged with a violation of this chapter arising out of  
19 such [~~accident~~] crash, the law enforcement officer alleging such charge  
20 shall make a clear notation in the "Description of Violation" section of  
21 a simplified traffic information, or in an area provided on a summons  
22 and complaint pursuant to subdivision one of section two hundred twen-  
23 ty-six of this chapter, if, arising out of the same [~~accident~~] crash,  
24 someone other than the person charged was killed or suffered serious  
25 physical injury as defined in section 10.00 of the penal law; such nota-  
26 tion shall be in the form of a "D" if someone other than the person  
27 charged was killed and such notation shall be in the form of a "S.P.I."  
28 if someone other than the person charged suffered serious physical inju-  
29 ry; provided however, that the failure to make such notation shall in no  
30 way affect a charge for a violation of this chapter.

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

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

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

51 § 605. Report required upon [~~accident~~] crash. (a) 1. Every person  
52 operating a motor vehicle, except a police officer (as defined in subdi-  
53 vision thirty-four of section 1.20 of the criminal procedure law), a  
54 correction officer, or a firefighter, operating a police department, a  
55 correction department, or fire department vehicle respectively while on  
56 duty, if a report has been filed by the owner of such vehicle, which is



1 in any manner involved in [~~an accident~~] a crash, anywhere within the  
2 boundaries of this state, in which any person is killed or injured, or  
3 in which damage to the property of any one person, including himself, in  
4 excess of one thousand dollars is sustained, shall within ten days after  
5 such [~~accident~~] crash, report the matter in writing to the commissioner.  
6 If such operator or chauffeur be physically incapable of making such  
7 report and there be another participant in the [~~accident~~] crash not  
8 incapacitated, such participant shall make such report within ten days  
9 after such [~~accident~~] crash. If the operator or chauffeur involved in  
10 such [~~accident~~] crash be unable to make such report, the owner of the  
11 motor vehicle involved in such [~~accident~~] crash, if such owner be not  
12 involved in such [~~accident~~] crash or incapacitated, shall within ten  
13 days after he learns of the fact of such [~~accident~~] crash report the  
14 matter to the commissioner together with such information as may have  
15 come to his knowledge relating to such [~~accident~~] crash. Every such  
16 operator or chauffeur of a motor vehicle, or participant in any such  
17 [~~accident~~] crash, or owner of the motor vehicle involved in any such  
18 [~~accident~~] crash, shall make such other and additional reports as the  
19 commissioner shall require.

20 2. Failure to report an [~~accident~~] crash as herein provided or failure  
21 to give correctly the information required of him by the commissioner in  
22 connection with such report shall be a misdemeanor and shall constitute  
23 a ground for suspension or revocation of the operator's (or chauffeur's)  
24 license or all certificates of registration for any motor vehicle, or of  
25 both, of the person failing to make such report as herein required. In  
26 addition, the commissioner may temporarily suspend the driver's license  
27 or permit or certificate of registration of the motor vehicle involved  
28 in the [~~accident~~] crash, or of both, of the person failing to report [~~an~~  
29 ~~accident~~] a crash within the period prescribed in paragraph one of this  
30 subdivision, until such report has been filed. However, no suspension or  
31 a revocation shall be made of a license or certificate of registration  
32 of any police officer, correction officer, or firefighter involved in  
33 [~~an accident~~] a crash while on duty for failure to report such [~~acci-~~  
34 ~~dent~~] crash within ten days thereof if a report has been filed by the  
35 owner of such vehicle.

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

40 4. When a report required by this section is made by an owner or an  
41 operator of a fire vehicle, as defined by section one hundred fifteen-a  
42 of this chapter, or a police vehicle, as defined by section one hundred  
43 thirty-two-a of this chapter, when such [~~accident~~] crash occurred during  
44 the operation of such vehicle in response to an emergency where the  
45 operator was responding to a call to duty as a paid or volunteer member  
46 of any fire department, or in the case of a police vehicle, when such  
47 [~~accident~~] crash occurred during emergency operation, as defined by  
48 section one hundred fourteen-b of this chapter, the commissioner shall  
49 omit the event described in such report from the operator's external  
50 license abstract. Provided, however, the commissioner shall not omit  
51 the event described in such report from the operator's external license  
52 abstract if as a result of such event such operator has either (i) been  
53 charged with a violation of this chapter or of the penal law, unless the  
54 commissioner receives evidence that such charge has been dismissed, or  
55 that the action has otherwise been terminated in favor of the accused  
56 pursuant to section 160.50 of the criminal procedure law, or that the

1 charge has otherwise been adjudicated in an administrative or other  
2 proceeding in favor of the defendant operator or (ii) been found to have  
3 been grossly negligent by a final order of a court of competent juris-  
4 diction.

5 (b) Every person operating a bicycle which is in any manner involved  
6 in [~~an accident~~] a crash on a public highway in this state in which any  
7 person is killed, other than the operator, or suffers serious physical  
8 injury as defined pursuant to subdivision ten of section 10.00 of the  
9 penal law, shall within ten days after such operator learns of the fact  
10 of such death or serious physical injury, report the matter in writing  
11 to the commissioner. If such operator is physically incapable of making  
12 such report within ten days, he or she shall make the report immediately  
13 upon recovery from the physical incapacity. If such operator is an  
14 unemancipated minor who is incapable of making such report for any  
15 reason, the parent or guardian of such operator shall make such report  
16 within ten days after learning of the fact of such [~~accident~~] crash.  
17 Every such operator of a bicycle, or parent or guardian of such uneman-  
18 cipated minor operator, shall make such other and additional reports as  
19 the commissioner shall require.

20 (c) The report required by this section shall be made in such form and  
21 number as the commissioner may prescribe. Such report shall include  
22 information on the width and length of trucks, tractors, trailers and  
23 semitrailers, which are in excess of ninety-five inches in width or  
24 thirty-four feet in length and which are involved in such [~~accidents~~]  
25 crashes, whether such [~~accident~~] crash took place in a work area and  
26 whether it was being operated with an overweight or over dimension  
27 permit. Such report shall distinctly indicate and include information as  
28 to whether the inflatable restraint system inflated and deployed.

29 § 70. Section 606 of the vehicle and traffic law, as added by chapter  
30 429 of the laws of 2015, is amended to read as follows:

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

35 § 71. Paragraphs 2 and 3 of subdivision (m) of section 1111-a of the  
36 vehicle and traffic law, as amended by section 10 of part TT of chapter  
37 58 of the laws of 2019, are amended to read as follows:

38 2. within each borough of such city, the aggregate number, type and  
39 severity of [~~accidents~~] crashes reported at intersections where a traff-  
40 ic-control signal photo violation-monitoring system is used for the  
41 three years preceding the installation of such system, to the extent the  
42 information is maintained by the department of motor vehicles of this  
43 state;

44 3. within each borough of such city, the aggregate number, type and  
45 severity of [~~accidents~~] crashes reported at intersections where a traff-  
46 ic-control signal photo violation-monitoring system is used for the  
47 reporting year, as well as for the preceding three years that the traff-  
48 ic-control signal photo violation-monitoring system has been opera-  
49 tional, to the extent the information is maintained by the department of  
50 motor vehicles of this state;

51 § 72. Paragraphs 2 and 3 of subdivision (n) of section 1111-b of the  
52 vehicle and traffic law, as amended by section 11 of part TT of chapter  
53 58 of the laws of 2019, are amended to read as follows:

54 2. the aggregate number, type and severity of [~~accidents~~] crashes  
55 reported at intersections where a traffic-control signal photo viola-  
56 tion-monitoring system is used for the three years preceding the instal-

lation 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 for the reporting year, as well as for each year that the traffic-control signal photo violation-monitoring system has been operational, 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 amended by section 12 of part TT of chapter 58 of the laws of 2019, 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 three years 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 for the reporting year, as well as for each year that the traffic-control signal photo violation-monitoring system has been operational, to the extent the information is maintained by the department of motor vehicles of this state;

§ 74. Paragraphs 2 and 3 of subdivision (n) of section 1111-b of the vehicle and traffic law, as amended by section 13 of part TT of chapter 58 of the laws of 2019, 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 three years 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 for the reporting year, as well as for each year that the traffic-control signal photo violation-monitoring system has been operational, to the extent the information is maintained by the department of motor vehicles of this state;

§ 75. Paragraphs 2 and 3 of subdivision (m) of section 1111-d of the vehicle and traffic law, as amended by section 14 of part TT of chapter 58 of the laws of 2019, 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 three years 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 for the reporting year, as well as for each year that the traffic-control signal photo violation-monitoring system has been operational, 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 amended by section 15 of part TT of chapter 58 of the laws of 2019, 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 three years preceding the instal-

lation 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 for the reporting year, as well as for each year that the traffic-control signal photo violation-monitoring system has been operational, 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 amended by section 16 of part TT of chapter 58 of the laws of 2019, 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 three years 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 for the reporting year, as well as for each year that the traffic-control signal photo violation-monitoring system has been operational, 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-e of the vehicle and traffic law, as amended by section 17 of part TT of chapter 58 of the laws of 2019, 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 three years 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 for the reporting year, as well as for each year that the traffic-control signal photo violation-monitoring system has been operational, to the extent the information is maintained by the department of motor vehicles of this state;

§ 79. 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

1 motor vehicles from using shoulders or slopes when directed by police  
2 officers or flagpersons, nor does it prevent motor vehicles from stop-  
3 ping, standing, or parking on shoulders or slopes where such stopping,  
4 standing, or parking is lawful.

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

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

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

22 2. Any person convicted of a violation of this section resulting in  
23 [~~an accident~~] a crash which causes physical injury, as that term is  
24 defined pursuant to subdivision nine of section 10.00 of the penal law,  
25 serious physical injury, as that term is defined pursuant to subdivision  
26 ten of section 10.00 of the penal law, or death to another person, shall  
27 be guilty of a class E felony.

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

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

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

52 1. Arrest and field testing. (a) Arrest. Notwithstanding the  
53 provisions of section 140.10 of the criminal procedure law, a police  
54 officer may, without a warrant, arrest a person, in case of a violation  
55 of subdivision one of section eleven hundred ninety-two of this article,  
56 if such violation is coupled with [~~an accident~~] a crash or collision in



1 which such person is involved, which in fact has been committed, though  
2 not in the police officer's presence, when the officer has reasonable  
3 cause to believe that the violation was committed by such person.

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

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

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

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

21 § 1229-a. Pedestrians, animals, and non-motorized vehicles prohibited  
22 on state expressway highways or state interstate route highways includ-  
23 ing the entrances thereto and exits therefrom. No person, unless other-  
24 wise directed by a police officer shall: (a) As a pedestrian, occupy any  
25 space within the limits of a state expressway highway or state inter-  
26 state route highway, including the entrances thereto and exits there-  
27 from, except: in a rest area, parking area, or scenic overlook; in the  
28 performance of public works or official duties; as a result of an emer-  
29 gency caused by [~~an accident~~] a crash or breakdown of a motor vehicle or  
30 to obtain assistance; where a sidewalk, footpath or pedestrian crossing  
31 of such a highway is provided; (b) Occupy any space of a state express-  
32 way highway or state interstate route highway, including the entrances  
33 thereto and exits therefrom, with: an animal-drawn vehicle; herded  
34 animals, a pushcart; a bicycle; except in the performance of public  
35 works or official duties, or on paths or parts of such highway provided  
36 for such uses.

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

40 (b) Notwithstanding any other provision of this section to the contra-  
41 ry, standing passengers may be permitted without limitation as to number  
42 during the first ten days of session in each school year, and in circum-  
43 stances where a breakdown, [~~accident~~] crash, or other unforeseen occur-  
44 rence necessitates the transportation of standing passengers.

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

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

§ 88. 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.

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

§ 90. 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.

§ 91. 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.

1 7. To obtain and assemble motor vehicle [~~accident~~] crash data, and to  
2 analyze, study and consolidate such data for educational and informa-  
3 tional purposes.

4 8. Coordinate and direct local activities related to the implementa-  
5 tion of the state highway safety program, as approved by the governor or  
6 his designee.

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

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

22 § 93. Section 2413 of the vehicle and traffic law, as added by chapter  
23 402 of the laws of 1986, is amended to read as follows:

24 § 2413. [~~Accidents~~] Crashes; reports. 1. The operator of any ATV  
25 involved in any [~~accident~~] crash resulting in injuries to or death of  
26 any person or in which property damage in the estimated amount of six  
27 hundred dollars or more is sustained, shall immediately notify the near-  
28 est law enforcement agency and shall within ten days after such [~~acci-~~  
29 ~~dent~~] crash report the matter in writing to the department, with a copy  
30 thereof to the sheriff or police commissioner of the county in which  
31 said [~~accident~~] crash occurred. If such operator is physically incapable  
32 of making such report and there is another participant in the [~~accident~~]  
33 crash not so incapacitated such participant shall make the report within  
34 the allotted time after such [~~accident~~] crash. In the event that there  
35 is no other participant and the operator is other than the owner, then  
36 the owner shall within the prescribed period of time, after learning of  
37 the facts of such [~~accident~~] crash, report the matter to the department,  
38 together with such information as may have come to his knowledge relat-  
39 ing to such [~~accident~~] crash. Every such operator of an ATV, or partic-  
40 ipant of any such [~~accident~~] crash, or the owner, of the ATV involved in  
41 any such [~~accident~~] crash, shall make such other and additional reports  
42 as the commissioner shall require.

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

52 3. A peace, police, or judicial officer who investigates or receives  
53 information of [~~an accident~~] a crash involving an ATV shall make a writ-  
54 ten report of the investigation or information received, and such addi-  
55 tional facts relating to the [~~accident~~] crash as may come to his know-

ledge 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.

§ 94. 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.

§ 95. Paragraph (g) of subdivision 5 and paragraph (a) of subdivision 6 of section 396-z of the general business law, as amended by chapter 109 of the laws of 2018, are amended to read as follows:

(g) (i) For purposes of this subdivision, each of the following shall constitute an "incident report form": (A) a motor vehicle [~~accident~~] crash report pursuant to section six hundred five of the vehicle and traffic law; or (B) any similar appropriate form furnished by the rental vehicle company.

(ii) An incident report form described in clause (B) of subparagraph (i) of this paragraph:

(A) may be sent or given to a renter and/or authorized driver, as applicable, with a request that the renter and/or authorized driver provide information pursuant to this section concerning damage to a vehicle rented to the renter or operated by an authorized driver, as the case may be; and

(B) such a form may also be made available as a fill-in form on the rental vehicle company's website, and the renter or authorized driver, as the case may be, shall be advised of the availability of such web-based fill-in form when a request for incident information is made under this subdivision.

(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 an authorized driver shall not be liable for any normal wear and tear or mechanical damage that could reasonably be expected from normal use of the vehicle. For the purposes of this subdivision, the term "normal wear and tear" shall mean the deterioration of the condition of the vehicle or its component parts due to repetitive use and does not include damage that materially diminishes the value of the vehicle and arises from a specific occurrence or [~~accident~~] crash during the time the rental vehicle is subject to the rental agreement; and the term "actual and reasonable costs" shall mean the cost to repair the vehicle including all discounts and price adjustments available to the rental vehicle company and shall include costs for towing, storage, and impound fees where applicable.

§ 96. Paragraph (g) of subdivision 5 and paragraph (a) of subdivision 6 of section 369-z of the general business law, as amended by chapter 731 of the laws of 2006, are 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.

(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~~] 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.

§ 97. Paragraphs 1, 2 and 3 of subsection (f) of section 3420 of the insurance law, paragraph 1 and subparagraph (A) of paragraph 2 as amended by section 19 of part III of chapter 59 of the laws of 2019 and paragraph 2 as separately amended by chapters 547 and 568 of the laws of 1997, are 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 or an altered motor vehicle commonly referred to as a "stretch limousine" having a seating capacity of eight or more passengers used in the business of carrying or transporting passengers for hire, by the insured shall be issued or delivered by any authorized insurer upon any motor vehicle or an altered motor vehicle commonly referred to as a "stretch limousine" having a seating capacity of eight or more passengers used in the business of carrying or transporting passengers for hire, 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,



1 including death resulting therefrom, sustained by the insured, caused by  
2 [~~accident~~] a crash occurring in this state and arising out of the owner-  
3 ship, maintenance or use of such motor vehicle. No payment for non-eco-  
4 nomic loss shall be made under such policy provision to a covered person  
5 unless such person has incurred a serious injury, as such terms are  
6 defined in section five thousand one hundred two of this chapter. Such  
7 policy shall not duplicate any element of basic economic loss provided  
8 for under article fifty-one of this chapter. No payments of first party  
9 benefits for basic economic loss made pursuant to such article shall  
10 diminish the obligations of the insurer under this policy provision for  
11 the payment of non-economic loss and economic loss in excess of basic  
12 economic loss. Notwithstanding any inconsistent provisions of section  
13 three thousand four hundred twenty-five of this article, any such policy  
14 which does not contain the aforesaid provisions shall be construed as if  
15 such provisions were embodied therein.

16 (2) (A) Any such policy shall, at the option of the insured, also  
17 provide supplementary uninsured/underinsured motorists insurance for  
18 bodily injury, in an amount up to the bodily injury liability insurance  
19 limits of coverage provided under such policy, subject to a maximum of  
20 two hundred fifty thousand dollars because of bodily injury to or death  
21 of one person in any one [~~accident~~] crash and, subject to such limit for  
22 one person, up to five hundred thousand dollars because of bodily injury  
23 to or death of two or more persons in any one [~~accident~~] crash, or a  
24 combined single limit policy of five hundred thousand dollars because of  
25 bodily injury to or death of one or more persons in any one [~~accident~~]  
26 crash; and any such policy insuring against loss resulting from liabil-  
27 ity imposed by law for bodily injury or death suffered by any natural  
28 person arising out of the ownership, maintenance, and use of an altered  
29 motor vehicle commonly referred to as a "stretch limousine" having a  
30 seating capacity of eight or more passengers used in the business of  
31 carrying or transporting passengers for hire, shall provide supplementa-  
32 ry uninsured/underinsured motorists insurance for bodily injury, in an  
33 amount of a combined single limit of one million five hundred thousand  
34 dollars because of bodily injury or death of one or more persons in any  
35 one [~~accident~~] crash. Provided however, an insurer issuing any such  
36 policy, except a policy insuring against loss resulting from liability  
37 imposed by law for bodily injury or death suffered by any natural person  
38 arising out of the ownership, maintenance, and use of an altered motor  
39 vehicle commonly referred to as a "stretch limousine" having a seating  
40 capacity of eight or more passengers used in the business of carrying or  
41 transporting passengers for hire, in lieu of offering to the insured the  
42 coverages stated above, may provide supplementary uninsured/underinsured  
43 motorists insurance for bodily injury, in an amount up to the bodily  
44 injury liability insurance limits of coverage provided under such poli-  
45 cy, subject to a maximum of one hundred thousand dollars because of  
46 bodily injury to or death of one person in any one [~~accident~~] crash and,  
47 subject to such limit for one person, up to three hundred thousand  
48 dollars because of bodily injury to or death of two or more persons in  
49 any one [~~accident~~] crash, or a combined single limit policy of three  
50 hundred thousand dollars because of bodily injury to or death of one or  
51 more persons in any one [~~accident~~] crash, if such insurer also makes  
52 available a personal umbrella policy with liability coverage limits up  
53 to at least five hundred thousand dollars which also provides coverage  
54 for supplementary uninsured/underinsured motorists claims. Supplementary  
55 uninsured/underinsured motorists insurance shall provide coverage, in  
56 any state or Canadian province, if the limits of liability under all

1 bodily injury liability bonds and insurance policies of another motor  
2 vehicle liable for damages are in a lesser amount than the bodily injury  
3 liability insurance limits of coverage provided by such policy. Upon  
4 written request by any insured covered by supplemental  
5 uninsured/underinsured motorists insurance or his duly authorized repre-  
6 sentative and upon disclosure by the insured of the insured's bodily  
7 injury and supplemental uninsured/underinsured motorists insurance  
8 coverage limits, the insurer of any other owner or operator of another  
9 motor vehicle against which a claim has been made for damages to the  
10 insured shall disclose, within forty-five days of the request, the bodi-  
11 ly injury liability insurance limits of its coverage provided under the  
12 policy or all bodily injury liability bonds. The time of the insured to  
13 make any supplementary uninsured/underinsured motorist claim, shall be  
14 tolled during the period the insurer of any other owner or operator of  
15 another motor vehicle that may be liable for damages to the insured,  
16 fails to so disclose its coverage. As a condition precedent to the obli-  
17 gation of the insurer to pay under the supplementary  
18 uninsured/underinsured motorists insurance coverage, the limits of  
19 liability of all bodily injury liability bonds or insurance policies  
20 applicable at the time of the [accident] crash shall be exhausted by  
21 payment of judgments or settlements.

22 (B) In addition to the notice provided, upon issuance of a policy of  
23 motor vehicle liability insurance pursuant to regulations promulgated by  
24 the superintendent, insurers shall notify insureds, in writing, of the  
25 availability of supplementary uninsured/underinsured motorists coverage.  
26 Such notification shall contain an explanation of supplementary  
27 uninsured/underinsured motorists coverage and the amounts in which it  
28 can be purchased. Subsequently, a notification of availability shall be  
29 provided at least once a year and may be simplified pursuant to regu-  
30 lations promulgated by the superintendent, but must include a concise  
31 statement that supplementary uninsured/underinsured motorists coverage  
32 is available, an explanation of such coverage, and the coverage limits  
33 that can be purchased from the insurer.

34 (3) The protection provided by this subsection shall not apply to any  
35 cause of action by an insured person arising out of a motor vehicle  
36 [accident] crash occurring in this state against a person whose identity  
37 is unascertainable, unless the bodily injury to the insured person arose  
38 out of physical contact of the motor vehicle causing the injury with the  
39 insured person or with a motor vehicle which the insured person was  
40 occupying (meaning in or upon or entering into or alighting from) at the  
41 time of the [accident] crash.

42 § 97-a. Subparagraph (A) and clause (i) of subparagraph (B) of para-  
43 graph 2-a of subsection (f) of section 3420 of the insurance law, as  
44 amended by chapter 15 of the laws of 2018, are amended to read as  
45 follows:

46 (A) Notwithstanding paragraph two of this subsection, this paragraph  
47 shall apply to any new insurance policy or contract subject to this  
48 subsection entered into after the effective date of this paragraph.  
49 This paragraph shall not be deemed to apply to any policies originally  
50 entered into prior to the effective date of this paragraph, but renewed  
51 after the effective date of this paragraph, or to any policy of commer-  
52 cial risk insurance. Any new insurance policy or contract entered into  
53 after the effective date of this paragraph shall, at the option of the  
54 first named insured, also provide supplementary uninsured/underinsured  
55 motorists insurance for bodily injury, in an amount equal to the bodily  
56 injury liability insurance limits of coverage provided under such motor

1 vehicle liability insurance policy; provided, however, that a first  
2 named insured may exercise the choice to decline such supplementary  
3 uninsured/underinsured motorists insurance or select a lower amount of  
4 coverage through a written waiver signed, or electronically signed, by  
5 such insured, subject to the requirements of subparagraph (B) of this  
6 paragraph. Supplementary uninsured/underinsured motorists insurance  
7 shall provide coverage, in any state or Canadian province, if the limits  
8 of liability under all bodily injury liability bonds and insurance poli-  
9 cies of any other motor vehicle liable for damages are in a lesser  
10 amount than the bodily injury liability insurance limits of coverage  
11 provided by such policy. Upon written request by any insured covered by  
12 supplemental uninsured/underinsured motorists insurance or a duly  
13 authorized representative and upon disclosure by the insured of the  
14 insured's bodily injury and supplemental uninsured/underinsured motor-  
15 ists insurance coverage limits, the insurer of any other owner or opera-  
16 tor of another motor vehicle against which a claim has been made for  
17 damages to the insured shall disclose, within forty-five days of the  
18 request, the bodily injury liability insurance limits of its coverage  
19 provided under the policy or all bodily injury liability bonds. The time  
20 of the insured to make any supplementary uninsured/underinsured motorist  
21 claim, shall be tolled during the period the insurer of any other owner  
22 or operator of another motor vehicle that may be liable for damages to  
23 the insured, fails to so disclose its coverage. As a condition precedent  
24 to the obligation of the insurer to pay under the supplementary  
25 uninsured/underinsured motorists insurance coverage, the limits of  
26 liability of all bodily injury liability bonds or insurance policies  
27 applicable at the time of the [~~accident~~] crash shall be exhausted by  
28 payment of judgments or settlements.

29 (i) The form shall also advise that supplementary  
30 uninsured/underinsured motorists coverage (sum coverage) provides insur-  
31 ance protection for any person included as insured under your policy if  
32 he or she is injured in [~~an accident~~] a crash involving another motor  
33 vehicle whose owner or operator was negligent but who has either no  
34 bodily injury or liability insurance, or less than the insurance you  
35 carry. Sum coverage shall be equal to the level of the bodily injury  
36 liability coverage of your motor vehicle liability insurance policy  
37 unless you sign a waiver requesting lower coverage or declining the  
38 coverage. You are urged to carefully consider this decision.

39 § 97-b. Paragraph 2 of subsection (d) of section 3420 of the insurance  
40 law, as amended by chapter 388 of the laws of 2008, is amended to read  
41 as follows:

42 (2) If under a liability policy issued or delivered in this state, an  
43 insurer shall disclaim liability or deny coverage for death or bodily  
44 injury arising out of a motor vehicle [~~accident~~] crash or any other type  
45 of [~~accident~~] crash occurring within this state, it shall give written  
46 notice as soon as is reasonably possible of such disclaimer of liability  
47 or denial of coverage to the insured and the injured person or any other  
48 claimant.

49 § 98. Paragraphs 2 and 3 of subsection (a) of section 5102 of the  
50 insurance law, paragraph 2 as amended by chapter 320 of the laws of  
51 1991, are amended to read as follows:

52 (2) Loss of earnings from work which the person would have performed  
53 had he not been injured, and reasonable and necessary expenses incurred  
54 by such person in obtaining services in lieu of those that he would have  
55 performed for income, up to two thousand dollars per month for not more  
56 than three years from the date of the [~~accident~~] crash causing the inju-

ry. 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.

§ 98-a. Paragraph 1 of subsection (a) of section 5102 of the insurance law, as amended by chapter 601 of the laws of 2022, is 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 (provided that treatment is rendered pursuant to a referral); (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.

§ 99. Paragraph 1 of subsection (d) of section 5106 of the insurance law, as amended by section 8 of part AAA of chapter 59 of the laws of 2017, is amended to read as follows:

(1) Except as provided in paragraph two of this subsection, 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 regulations 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 the motor vehicle [accident] crash indemnification corporation.

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

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

§ 101. 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.

§ 102. 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.

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

§ 301-c. [~~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.

§ 104. 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



1 prevention course" shall mean a motor vehicle [~~accident~~] crash  
2 prevention course approved by the department of motor vehicles pursuant  
3 to article twelve-B of the vehicle and traffic law;

4 § 105. Section 387 of the public authorities law, as added by chapter  
5 700 of the laws of 2004, is amended to read as follows:

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

18 § 106. Section 66-a of the public officers law, as amended by chapter  
19 169 of the laws of 1994 and subdivision 3 as added by chapter 179 of the  
20 laws of 2000, is amended to read as follows:

21 § 66-a. [~~Accident~~] Crash reports kept by police authorities to be open  
22 to the inspection of persons interested. 1. Notwithstanding any incon-  
23 sistent provisions of law, general, special or local, or any limitation  
24 contained in the provision of any city charter, all reports and records  
25 of any [~~accident~~] crash, kept or maintained by the state police or by  
26 the police department or force of any county, city, town, village or  
27 other district of the state, shall be open to the inspection of any  
28 person having an interest therein, or of such person's attorney or  
29 agent, even though the state or a municipal corporation or other subdi-  
30 vision thereof may have been involved in the [~~accident~~] crash; except  
31 that the authorities having custody of such reports or records may  
32 prescribe reasonable rules and regulations in regard to the time and  
33 manner of such inspection, and may withhold from inspection any reports  
34 or records the disclosure of which would interfere with the investi-  
35 gation or prosecution by such authorities of a crime involved in or  
36 connected with the [~~accident~~] crash.

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

47 3. Notwithstanding the provisions of section twenty-three hundred  
48 seven of the civil practice law and rules, this chapter, or any other  
49 law to the contrary, the county of Nassau, upon adoption of a local law,  
50 is hereby authorized to require the police department of the county of  
51 Nassau to charge fees for the search and copy of [~~accident~~] crash  
52 reports and photographs. A search fee of ten dollars per [~~accident~~]  
53 crash report shall be charged, with no additional fee for a photocopy.  
54 An additional fee of ten dollars shall be charged for a certified copy  
55 of any [~~accident~~] crash report. A fee of fifteen dollars per photograph

1 or contact sheet shall be charged. The fees for investigative reports  
2 shall be the same as those for [~~accident~~] crash reports.

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

6 § 89-g. [~~Accident~~] Crash prevention course internet, and other tech-  
7 nology pilot program fund. 1. There is hereby established in the joint  
8 custody of the state comptroller and the commissioner of taxation and  
9 finance a special fund to be known as the "[~~accident~~] crash prevention  
10 course internet, and other technology pilot program fund".

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

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

18 § 108. Section 217 of the transportation law, as added by chapter 428  
19 of the laws of 1983, subdivision 5 as amended, subdivision 7 as added  
20 and subdivision 8 as renumbered by chapter 84 of the laws of 1985 and  
21 subdivision 9 as added by section 1 of part C of chapter 58 of the laws  
22 of 2018, is amended to read as follows:

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

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

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

32 3. To review, in connection with the investigation of [~~accidents~~]  
33 crashes, the safety, maintenance and training programs of public trans-  
34 portation facilities or systems whether publicly or privately owned and  
35 recommend the establishment of equipment and safety standards in  
36 connection therewith;

37 4. To adopt, promulgate, amend and rescind suitable rules and regu-  
38 lations to carry out the provisions and purposes of this article or to  
39 enforce any standards established hereunder;

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

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

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

54 8. To render each year to the governor and to the legislature a writ-  
55 ten report of its activities.

1 9. To enforce the requirements of section five thousand three hundred  
2 twenty-nine of title forty-nine of the United States Code, as amended  
3 from time to time, as it pertains to oversight of rail fixed guideway  
4 public transportation systems.

5 § 109. Wherever the term "accident" or any equivalent expression ther-  
6 eof is used in any provision of the vehicle and traffic law or the  
7 insurance law, such term shall be deemed to mean and refer to "crash" or  
8 variation thereof.

9 § 110. This act shall take effect immediately; provided, however,  
10 that:

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

14 b. the amendments to paragraphs 2 and 3 of subdivision (m) of section  
15 1111-a of the vehicle and traffic law made by section seventy-one of  
16 this act shall not affect the repeal of such section and shall be deemed  
17 repealed therewith;

18 c. the amendments to paragraphs 2 and 3 of subdivision (n) of section  
19 1111-b of the vehicle and traffic law made by section seventy-two of  
20 this act shall not affect the repeal of such section and shall be deemed  
21 repealed therewith;

22 d. the amendments to paragraphs 2 and 3 of subdivision (m) of section  
23 1111-b of the vehicle and traffic law made by section seventy-three of  
24 this act shall not affect the repeal of such section and shall be deemed  
25 repealed therewith;

26 e. the amendments to paragraphs 2 and 3 of subdivision (n) of section  
27 1111-b of the vehicle and traffic law made by section seventy-four of  
28 this act shall not affect the repeal of such section and shall be deemed  
29 repealed therewith;

30 f. the amendments to paragraphs 2 and 3 of subdivision (m) of section  
31 1111-d of the vehicle and traffic law made by section seventy-five of  
32 this act shall not affect the repeal of such section and shall be deemed  
33 repealed therewith;

34 g. the amendments to paragraphs 2 and 3 of subdivision (m) of section  
35 1111-d of the vehicle and traffic law made by section seventy-six of  
36 this act shall not affect the repeal of such section and shall be deemed  
37 repealed therewith;

38 h. the amendments to paragraphs 2 and 3 of subdivision (m) of section  
39 1111-d of the vehicle and traffic law made by section seventy-seven of  
40 this act shall not affect the repeal of such section and shall be deemed  
41 repealed therewith;

42 i. the amendments to paragraph (g) of subdivision 5 and paragraph (a)  
43 of subdivision 6 of section 396-z of the general business law made by  
44 section ninety-five of this act shall be subject to the expiration and  
45 reversion of such section pursuant to section 4 of chapter 109 of the  
46 laws of 2018, as amended, when upon such date the provisions of section  
47 ninety-six of this act shall take effect;

48 j. the amendments to paragraph 2-a of subsection (f) of section 3420  
49 of the insurance law made by section ninety-seven-a of this act shall  
50 not affect the repeal of such subdivision and shall be deemed repealed  
51 therewith;

52 k. if chapter 601 of the laws of 2022 shall not have taken effect on  
53 or before such date then section ninety-eight-a of this act shall take  
54 effect on the same date and in the same manner as such chapter of the  
55 laws of 2022 takes effect;

1     l. the amendments to subdivision 3 of section 66-a of the public offi-  
2     cers law made by section one hundred six of this act shall not affect  
3     the repeal of such subdivision and shall be deemed repealed therewith;  
4     and  
5     m. the amendments to section 89-g of the state finance law made by  
6     section one hundred seven of this act shall not affect the repeal of  
7     such section and shall be deemed repealed therewith.