

STATE OF NEW YORK

7628--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. BORES, DE LOS SANTOS, SEAWRIGHT, ZINERMAN, ARDILA, GONZALEZ-ROJAS, GLICK, O'DONNELL, SIMON, SIMONE, CHANG, EPSTEIN, LEVENBERG, LEMONDES -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Subdivision 1 of section 603 of the vehicle and traffic
2 law, as amended by chapter 432 of the laws of 1997, is amended to read
3 as follows:
4 1. Every police or judicial officer to whom an accident resulting in
5 injury to a person shall have been reported, pursuant to the foregoing
6 provisions of this chapter or pursuant to the provisions of sections
7 twelve hundred forty or twelve hundred forty-one of this chapter involv-
8 ing a bicycle with electric assist or pursuant to the provisions of
9 sections twelve hundred eighty-seven or twelve hundred eighty-eight of
10 this chapter, shall immediately investigate the facts, or cause the same
11 to be investigated, and report the matter to the commissioner forthwith;
12 provided, however, that the report of the accident is made to the police
13 officer or judicial officer within five days after such accident. Every
14 coroner, or other official performing like functions, shall likewise
15 make a report to the commissioner with respect to all deaths found to
16 have been the result of motor vehicle [~~ex~~], motorcycle, electric scoot-
17 er, or bicycle with electric assist accidents. Such report shall include
18 information regarding the type or types of vehicles involved, including
19 passenger motor vehicles, commercial motor vehicles, motorcycles, limit-

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

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1 ed use motorcycles, off-highway motorcycles, electric scooters, bicycles
2 with electric assist and/or bicycles. Such report shall include informa-
3 tion on the width and length of trucks, tractors, trailers and semi-
4 trailers, which are in excess of ninety-five inches in width or thirty-
5 four feet in length and which are involved in such accidents, whether
6 such accident took place in a work area and whether it was being oper-
7 ated with an overweight or overdimension permit. Such report shall
8 distinctly indicate and include information as to whether the inflatable
9 restraint system inflated and deployed. Nothing contained in this
10 subdivision shall be deemed to preclude a police officer from reporting
11 any other accident which, in the judgment of such police officer, would
12 be required to be reported to the commissioner by the operator of a
13 vehicle pursuant to section six hundred five of this article.

14 § 2. The opening paragraph and paragraph (a) of subdivision 1 of
15 section 603-a of the vehicle and traffic law, as amended by chapter 489
16 of the laws of 2017, are amended to read as follows:

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

23 (a) Such investigation shall be conducted for the purposes of making a
24 determination of the following: the facts and circumstances of the acci-
25 dent; the type or types of vehicles involved, including passenger motor
26 vehicles, commercial motor vehicles, motorcycles, limited use motorcy-
27 cles, off-highway motorcycles, electric scooters, bicycles with electric
28 assist, and/or bicycles; whether pedestrians were involved; the contrib-
29 uting factor or factors; whether it can be determined if a violation or
30 violations of this chapter occurred, and if so, the specific provisions
31 of this chapter which were violated and by whom; and, the cause of such
32 accident, where such cause can be determined.

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

35 § 604. Reports; contents; preparation; distribution; filing. Reports
36 of accidents required under [~~the preceding section~~] sections six hundred
37 three and six hundred three-a of this article, or under the rules and
38 regulations of the commissioner, shall be upon forms prepared by [~~him~~]
39 the commissioner and contain such information as [~~he~~] the commissioner
40 shall prescribe; provided, however, that the commissioner shall provide
41 space on such forms to indicate the type or types of vehicles involved,
42 including passenger motor vehicles, commercial motor vehicles, motorcy-
43 cles, limited use motorcycles, off-highway motorcycles, electric scoot-
44 ers, bicycles with electric assist, and/or bicycles. Blank forms for
45 such reports shall be printed by the commissioner and a supply sent to
46 all city, town and village clerks and to the chief officer of every city
47 police department for general distribution and use as herein provided.
48 Reports of accidents, required under the preceding section, shall be
49 sent to and filed with the commissioner at the main office of the bureau
50 of motor vehicles in the city of Albany, except as otherwise provided by
51 the rules and regulations of the commissioner.

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

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

16 (c) The report required by this section shall be made in such form and
17 number as the commissioner may prescribe. Such report shall include
18 information on the width and length of trucks, tractors, trailers and
19 semitrailers, which are in excess of ninety-five inches in width or
20 thirty-four feet in length and which are involved in such accidents,
21 whether such accident took place in a work area and whether it was being
22 operated with an overweight or over dimension permit. Such report shall
23 distinctly indicate and include information as to whether the inflatable
24 restraint system inflated and deployed. Such report shall include
25 information on the type or types of vehicles involved, including passen-
26 ger motor vehicles, commercial motor vehicles, motorcycles, limited use
27 motorcycles, off-highway motorcycles, electric scooters, bicycles with
28 electric assist, and/or bicycles.

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