§ 605. Report required upon accident. (a) 1. Every person operating a motor vehicle, except a police officer (as defined in subdivision thirty-four of section 1.20 of the criminal procedure law), a correction officer, or a firefighter, operating a police department, a correction department, or fire department vehicle respectively while on duty, if a report has been filed by the owner of such vehicle, which is in any manner involved in an accident, anywhere within the boundaries of this state, in which any person is killed or injured, or in which damage to the property of any one person, including himself, in excess of one thousand dollars is sustained, shall within ten days after such accident, report the matter in writing to the commissioner. If such operator or chauffeur be physically incapable of making such report and there be another participant in the accident not incapacitated, such participant shall make such report within ten days after such accident. If the operator or chauffeur involved in such accident be unable to make such report, the owner of the motor vehicle involved in such accident, if such owner be not involved in such accident or incapacitated, shall within ten days after he learns of the fact of such accident report the matter to the commissioner together with such information as may have come to his knowledge relating to such accident. Every such operator or chauffeur of a motor vehicle, or participant in any such accident, or owner of the motor vehicle involved in any such accident, shall make such other and additional reports as the commissioner shall require.

2. Failure to report an accident 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 operator's (or chauffeur's) license or all certificates of registration for any motor vehicle, or of both, of the person failing to make such report as herein required. In addition, the commissioner may temporarily suspend the driver's license or permit or certificate of registration of the motor vehicle involved in the accident, or of both, of the person failing to report an accident within the period prescribed in paragraph one of this subdivision, until such report has been filed. However, no suspension or a revocation shall be made of a license or certificate of registration of any police officer, correction officer, or firefighter involved in an accident

while on duty for failure to report such accident within ten days thereof if a report has been filed by the owner of such vehicle.

3. In the case of a non-resident the failure to report an accident as herein provided shall constitute ground for suspension or revocation of his privileges of operating a motor vehicle in this state and of the operation within this state of any motor vehicle owned by him.

4. When a report required by this section is made by an owner or an operator of a fire vehicle, as defined by section one hundred fifteen-a of this chapter, or a police vehicle, as defined by section one hundred thirty-two-a of this chapter, when such accident occurred during the operation of such vehicle in response to an emergency where the operator was responding to a call to duty as a paid or volunteer member of any fire department, or in the case of a police vehicle, when such accident occurred during emergency operation, as defined by section one hundred fourteen-b of this chapter, the commissioner shall omit the event described in such report from the operator's external license abstract. Provided, however, the commissioner shall not omit the event described in such report from the operator's external license abstract if as a result of such event such operator has either (i) been charged with a violation of this chapter or of the penal law, unless the commissioner receives evidence that such charge has been dismissed, or that the action has otherwise been terminated in favor of the accused pursuant to section 160.50 of the criminal procedure law, or that the charge has otherwise been adjudicated in an administrative or other proceeding in favor of the defendant operator or (ii) been found to have been grossly negligent by a final order of a court of competent jurisdiction.

(b) Every person operating an electric scooter or a bicycle which is in any manner involved in an accident on a public highway in this state in which any person is killed, other than the operator, or suffers serious physical injury as defined pursuant to subdivision ten of section 10.00 of the penal law, shall within ten days after such operator learns of the fact of such death or serious physical injury, report the matter in writing to the commissioner. If such operator is physically incapable of making such report within ten days, he or she shall make the report immediately upon recovery from the physical

incapacity. If such operator is an unemancipated minor who is incapable of making such report for any reason, the parent or guardian of such operator shall make such report within ten days after learning of the fact of such accident. Every such operator of an electric scooter or a bicycle, or parent or guardian of such unemancipated minor operator, shall make such other and additional reports as the commissioner shall require.

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