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Int. No. 212

By Council Members Lander, Koo, Chin, Gentile, Levine, Mendez, Rodriguez and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to serious collision victims' access to information and collision victims' resources.

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-155 to read as follows:

§14-155. Collision Victim Access to Information.

a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. "Family representative" shall mean, upon written proof, the duly authorized executor of the serious collision victim's estate or any attorney retained by such victim or his or her next of kin;

2. "Next of kin" shall mean the closest living relative of the victim of a serious collision that has died or is rendered unconscious as a result of the injuries sustained in such serious collision. For the purposes of this

section, the next of kin order of precedence shall be as follows: (i) spouse; (ii) issue; (iii) parent(s); (iv) other legal guardian(s); and (v) sibling(s);

3. “Serious collision” shall mean a motor vehicle collision involving one or more motor vehicles where the collision results in a serious physical injury as defined by article ten of the New York State Penal Law; and

4. “Victim” shall mean any person, including a motor vehicle operator, a motor vehicle passenger, a bicyclist, or a pedestrian, who as a result of a serious collision suffers a serious physical injury as defined by article ten of the New York State Penal Law.

b. Online access to serious collision information.

1. Within six months of the enactment of the law creating this section, the department shall create and maintain a secure website where the victim of a serious collision, the next of kin of such victim, attorney or other agent of such victim will be able to access certain information about such serious collision pursuant to rules set forth by the commissioner of the department. Such website shall include information such as: (i) date of the serious collision; (ii) location of the serious collision; (iii) investigation status; (iv) whether or not any summonses have been issued or arrests affected; and (iv) whether or not any witnesses have been identified and interviewed.

2. The department shall make the serious collision information available via the website created and maintained pursuant to this section within a reasonable timeframe after the occurrence of such serious collision (s) and shall update the serious collision information within a reasonable timeframe after such new or updated information becomes available to the department; except that the department may withhold the disclosure of any information which would: (i) interfere with the investigation or prosecution of a crime involved in or connected with the collision; or (ii) be exempt from disclosure pursuant to section eighty-seven of the New York State Public Officer’s Law;

3. The commissioner of the department shall make and promulgate such rules and regulations as he or she deems necessary for the proper implementation of this section. The rules promulgated by the commissioner

shall include, but not be limited to:

(i) the process by which a victim, next of kin of such victim, or other family representatives of such victim, shall request access to the website created pursuant to this section;

(ii) the documentation necessary to prove that the person requesting website access is in fact a serious collision victim, the next of kin of such victim, or an attorney or agent of such victim; and

(iii) the manner in which the department will provide a serious collision victim, next of kin of such victim, or an attorney or agent of such victim with online access to the serious collision information website created pursuant to this section.

§2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-156 to read as follows:

§14-156. Collision Victim Resources.

a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. “Collision” shall mean any incident where (i) one or more motor vehicles comes in physical contact with another motor vehicle, a pedestrian, or a bicyclist; or (ii) one or more motor vehicles is operated in a manner that causes a pedestrian or bicyclist to sustain a physical injury or injuries, as defined by article ten of the New York State Penal Law, without coming into physical contact with such pedestrian or bicyclist;

2. “Victim” shall mean any a person, including a motor vehicle operator, a motor vehicle passenger, a bicyclist, or a pedestrian, who suffers physical injury, as defined by article ten of the New York State Penal Law, as a result of a collision, as defined by this section.

b. Collision Victim Resources.

1. Every victim of a collision shall be provided with a copy of the collision victim resources at the scene of such collision by the responding officer of the department in a form and manner to be determined by the commissioner of the department.

2. The collision victim resources shall be posted in every police precinct house, in a publicly visible

location, and in a form and manner to be determined by the commissioner of the department.

3. The department shall conspicuously post the collision victim resources on the department's website.

4. The collision victim resources shall state the following information:

(i) All victims of a collision who are injured or suffered property damage are entitled to have an official police report, known as an MV-104AN, completed by an officer responding to the scene of the collision, whether or not there was contact between the victim and the vehicle that caused the victim's injuries;

(ii) All victims can request that a responding police officer complete an MV-104AN at the scene of the collision and thereafter provide such victim with the report number;

(iii) All victims of a collision are entitled to receive a copy of an MV-104AN from the precinct in which the collision occurred, within a reasonable timeframe thereafter, for a non-refundable fee of ten dollars, payable by check or money order to the "City of New York, Police Department";

(iv) All victims of a collision are entitled to obtain the insurance information of all motor vehicles involved in such collision and this information is included in the official police report;

(v) All collision victims are entitled to no-fault insurance benefits from either the insurance carrier covering the vehicle in which such victim was passenger or operator, or the insurance carrier of another vehicle involved in the collision, even if the victim is a pedestrian or bicyclist without his or her own automobile insurance;

(vi) In the event that an officer was not called, or did not respond, to the scene of a collision, all victims of a collision should report the collision to the police within twenty-four hours of its occurrence or risk losing access to no-fault insurance benefits;

(vii) No-fault insurance benefits are available to victims of a collision regardless of whether or not the parties to a collision file a lawsuit. No-fault benefits cover, with no deductibles or co-payments, medical bills, ambulance transportation, a portion of lost wages, and any out-of-pocket expenses, if applicable and supported by medical documentation;

(viii) In order to be eligible for no-fault insurance benefits, a victim of a collision must complete, sign, and deliver a no-fault application to the no-fault insurance carrier within thirty days of the collision;

(ix) All victims of a collision are also entitled to file a lawsuit for pain and suffering, disability, and any economic loss not covered by no-fault insurance if a serious injury, as defined by New York State Insurance Law Section 5102(d), has been sustained;

c. Authority to promulgate rules. The commissioner shall have the authority to promulgate rules as he or she deems necessary and appropriate for the implementation of this section.

§3. This local law shall take effect sixty days after its enactment into law.

CJG
LS 5245
2/15/2014