Legislation Details (With Text)

File #:	Int 0796-2022	**Version:**	*	**Name:**	Resources for victims of motor vehicle collisions.
Type:	Introduction			**Status:**	Filed (End of Session)
				In control:	Committee on Public Safety
On agenda:	10/27/2022				
Enactment date:				**Enactment #:**	
Title:	A Local Law to amend the administrative code of the city of New York, in relation to resources for victims of motor vehicle collisions				
Sponsors:					
Indexes:					
Attachments:	1. Summary of Int. No. 796, 2. Int. No. 796, 3. October 27, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 10-27-22, 5. Minutes of the Stated Meeting - October 27, 2022				

Date	Ver.	Action By	Action	Result
10/27/2022	*	City Council	Introduced by Council	
10/27/2022	*	City Council	Referred to Comm by Council	
12/31/2023	*	City Council	Filed (End of Session)	

Int. No. 796

By Council Members Narcisse, Louis and Restler

A Local Law to amend the administrative code of the city of New York, in relation to resources for victims of motor vehicle collisions

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§ 14-193 Collision victim resources. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Collision. The term "collision" means an incident when (i) one or more motor vehicles comes in physical contact with another motor vehicle or a person; or (ii) one or more motor vehicles is operated in a manner that causes a physical injury, as defined by section 10 of the penal law, without making physical contact.

Collision victim resources. The term "collision victim resources" means the guide for collision victims created by the department of transportation pursuant to section 19-182.4.

Family representative. The term "family representative" means the duly authorized executor of a serious collision victim's estate or any attorney retained by such victim or their next of kin.

Next of kin. The term "next of kin" means 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 is as follows: (i) spouse; (ii) issue; (iii) parent(s); (iv) other legal guardian(s); and (v) sibling(s).

Serious collision. The term "serious collision" means a collision where the collision results in a serious physical injury as defined by section 10 of the penal law.

Victim. The term "victim" means any person who, as a result of a collision, suffers a physical injury as defined by section 10 of the penal law.

b. Online access to serious collision information. 1. No later than June 30, 2023, the department shall create and maintain a secure website where victims of a serious collision, their family representative, their next of kin, their attorneys or agents may access information regarding the serious collision that resulted in serious physical injury to the victim. Such website must make the following information available:

(a) The date of the serious collision;

(b) The location of the serious collision;

(c) The status of the investigation;

(d) Whether any summonses have been issued in connection to the serious collision;

(e) Whether any arrests have been made in connection to the serious collision; and

(f) Whether any witnesses have been identified.

2. The department shall make information regarding a serious collision available on the website created pursuant to this section within 72 hours after the occurrence of such serious collision and shall update the information within 72 hours after new or updated information becomes available to the department.

3. Notwithstanding paragraphs 1 and 2, the department may withhold the disclosure of any information that would interfere with the investigation or prosecution of a crime connected to the serious collision or is exempt from disclosure pursuant to section 87 of the public officers law.

c. Collision victim resources. 1. The department shall provide a copy of the collision victim resources to each party to the collision at the scene of such collision.

2. The department shall post the collision victim resources in every police precinct house, in a publicly visible location.

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

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-182.4 to read as follows:

§ 19-182.4 Collision victim resources. a. Definitions. The definitions set forth in subdivision a of section 14-193 apply to the terms used in this section.

b. The department shall create a guide for collision victims known as the collision victim resources. The collision victim resources must include the following information:

1. All parties to a collision are entitled to an official police report, known as an MV-104AN, completed by an officer responding to the collision;

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

3. 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 MV-104AN;

4. How to obtain a copy of an MV-104AN;

5. Who may qualify for no-fault insurance benefits and what those benefits may cover;

6. How to apply for no-fault insurance benefits and any associated deadlines an applicant should be aware of; and

7. Other avenues of recourse a victim may pursue.

c. The department shall post the collision victim resources on its website.

§ 3. This local law take effect 120 days after it becomes law.

Session 12
AM
LS #8633
9/27/22

Session 11
CJG/JDK
LS #366

Int. #121-2018