



Legislation Text

File #: Res 1436-2012, Version: *

Res. No. 1436

Resolution calling on the Commissioner of the New York City Police Department to revise the Department's patrol guide to ensure that any time a motor vehicle causes a bicyclist to be injured, regardless of whether or not there was contact between the vehicle and bicycle, all of the motor vehicle's identifying and insurance information is provided to the responding officer and made available to the injured cyclist.

By Council Members Levin, Lander, Mark-Viverito, Chin, Comrie, Gentile, James, Koppell, Mendez, Rose and Williams

Whereas, Every day New Yorkers choose to ride a bicycle for a variety of reasons, such as commuting to work, as a form of exercise, and for recreational purposes; and

Whereas, While designated bicycle lanes provide a safe space for cyclists to ride their bicycles, unfortunately, accidents occur on the road; and

Whereas, According to the New York State Department of Motor Vehicles, in 2010, there were more than 3,000 New York City traffic accidents involving cyclists, and 18 cyclists died from accidents; and

Whereas, There are different kind of accidents that can occur, such as: bicycle on bicycle; bicycle on pedestrian; bicycle on motor vehicle; and bicyclists by themselves; and

Whereas, The New York City Police Department ("NYPD") is responsible for responding to and investigating all traffic accidents in New York City; and

Whereas, The NYPD currently reports accidents involving bicycles using two methods; and

Whereas, One method involves completing a motor vehicle accident report (MV-104), which is used to record vehicle accidents with bicycles when a vehicle and a bicycle come into contact with one another; and

Whereas, The other method involves completing an Aided Report for accidents that involve multiple bicycles colliding, bicycles colliding with pedestrians, or bicyclists by themselves; and

Whereas, The difference between the two reports is that an Aided Report does not include any information on the motor vehicle driver, owner or their insurance company, which is necessary for the injured party when submitting a No-Fault insurance claim; and

Whereas, If a bicyclist is injured due to the actions of a vehicle operator that did not include contact with the bicyclist, an Aided Report would be filled out as opposed to an MV-104, thereby arguably making it difficult for the injured cyclist to have his or her medical treatments paid for; and

Whereas, At a recent City Council Public Safety Committee hearing, the Committee heard testimony from a civil litigation attorney, who represents injured bicyclists, that many of his cases involve bicyclists who swerve or stop abruptly in order to avoid a reckless driver and sustain injuries as a result; and

Whereas, The Committee also heard testimony indicating that even if the driver of the motor vehicle remains at the scene of the incident, the responding officer will not prepare an MV-104 or otherwise obtain the driver's insurance information, and only prepares an Aided Report, which does not mention the motor vehicle and thereby leaves the injured bicyclists without any recourse to obtain compensation from the negligent driver's insurance company; and

Whereas, The NYPD should complete an MV-104, or otherwise obtain all relevant driver, owner, and insurance information, for all bicycle accidents involving a motor vehicle, regardless of whether there was vehicle contact; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Commissioner of the New York City Police Department to revise the Department's patrol guide to ensure that any time a motor vehicle causes a

bicyclist to be injured, regardless of whether or not there was contact between the vehicle and bicycle, all of the motor vehicle's identifying and insurance information is provided to the responding officer and made available to the injured cyclist.

LS # 3873

SA

7/24/12