

"P" 3 (2016)

Albany, New York

March 2, 2016

TO: All Enforcement Agencies

SUBJECT: Traffic Accidents Resulting in Death or Serious Physical Injury

This is a reminder that Section 603-b of the Vehicle and Traffic Law (VTL) requires a law enforcement officer to make certain notations on a simplified traffic information or on a summons and complaint when death or serious physical injury arises from a traffic accident.

The section provides that when a police officer files an accident report and a person is charged with a violation of the VTL arising out of such accident, the officer must note in the "Description of Violation" section of the summons a "D" or "SPI" if someone other than the person charged with the violation suffered death or serious physical injury. Please do not use any other letters to indicate death or serious physical injury.

Section 10.00(10) of the Penal Law defines serious physical injury as "physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ."

A copy of Section 603-b is printed below.

§ 603-b. Accidents; police to indicate serious physical injury and death on simplified traffic information or summons and complaint. In addition to the requirements of section six hundred three of this article and subdivision twelve of section eleven hundred ninety-two of this chapter, in every case where a law enforcement officer is required to report pursuant to section six hundred three of this article and a person is charged with a violation of this chapter arising out of such accident, the law enforcement officer alleging such charge shall make a clear notation in the "Description of Violation"

section of a simplified traffic information, or in an area provided on a summons and complaint pursuant to subdivision one of section two hundred twenty-six of this chapter, if, arising out of the same accident, someone other than the person charged was killed or suffered serious physical injury as defined in section 10.00 of the penal law; such notation shall be in the form of a "D" if someone other than the person charged was killed and such notation shall be in the form of a "S.P.I." if someone other than the person charged suffered serious physical injury; provided however, that the failure to make such notation shall in no way affect a charge for a violation of this chapter.

Please share this information with appropriate staff. Thank you.

Theresa L. Egan  
Executive Deputy Commissioner