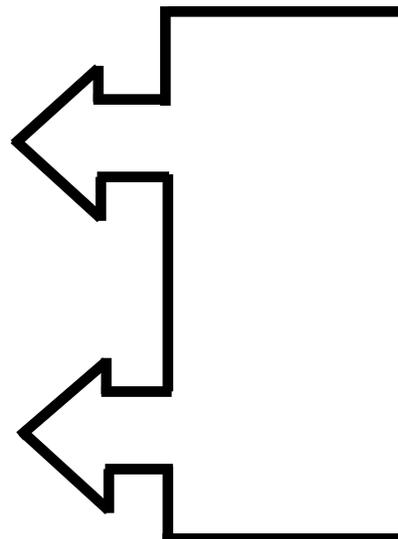


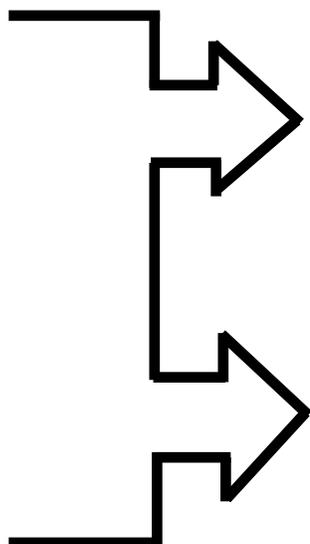
**STATE OF NEW YORK**

**DEPARTMENT  
OF  
MOTOR VEHICLES**



**POLICE  
ACCIDENT REPORT  
MANUAL**

**WITH  
TRUCK AND  
BUS SUPPLEMENT**



# TABLE OF CONTENTS

Police Reporting of Motor Vehicle Accidents .....	1
Statutory Requirements.....	1
Reports by Drivers .....	2
Police Accident Report Forms .....	3
Ordering Forms.....	3
Filing Accident Reports .....	4
SECTION 1 - Instructions for Completing "Police Accident Report" Forms MV-104A and MV-104AN .....	5-45
SECTION 2 - Instructions for Amending Forms MV-104A and MV-104AN.....	47-51
SECTION 3 - Instructions for Completing "Truck and Bus Supplemental Police Accident Report" Form MV-104S .....	53-69
SECTION 4 - Instructions for Completing "Early Notification of a Fatal Accident" Form MV-104EN and "Police Report for Fatal Motor Vehicle Accidents" Form MV-104D .....	71-81
SECTION 5 - Instructions for Amending Forms MV-104S and MV-104D .....	83-87
SECTION 6 - Instructions for Completing "Report of Motor Vehicle Accident Police Line of Duty Accident" Form MV-104L.....	89-93
APPENDICES .....	95-99
A - "Enforcement Agency Forms Requisition" Form MV-14P	
B - State/Canadian Province Abbreviations	
C - Vehicle Type	
D - Global Information System Notification	

## POLICE REPORTING OF MOTOR VEHICLE ACCIDENTS

This manual is designed to assist police officers throughout New York State in reporting motor vehicle and all-terrain vehicle accidents (ATV), as required by the Vehicle and Traffic Law. Report the accident on one of two forms approved by the Commissioner of Motor Vehicles:

- **“Police Accident Report”, form MV-104A**, is for use in all areas of the state except New York City;
- **“Police Accident Report”, form MV-104AN**, is for use only in New York City.

**“Truck and Bus Supplemental Police Accident Report”, form MV-104S**, must be used to report certain accidents involving commercial truck and bus vehicles.

**“Police Report for Fatal Motor Vehicle Accidents”, form MV-104D**, must be used to report fatal accidents.

**“Report of Motor Vehicle Accident Police Line of Duty Accident”, form MV-104L**, may be used to report on-duty accidents by owners/operators of police vehicles.

By law, police officers must investigate and report motor vehicle accidents involving death or personal injury. Accident investigation and report data is a valuable contribution to state and federal programs which reduce the number and/or severity of accidents.

## STATUTORY REQUIREMENTS

The New York State Vehicle and Traffic Law requires that:

*Every police or judicial officer to whom an accident resulting in injury to a person is reported, shall (as required by Sections 600, 601, 602, 603, and 604) immediately investigate the facts, or cause the same to be investigated, and shall report the matter forthwith to the Commissioner of Motor Vehicles provided, however, that the report of the accident is made to the police officer or judicial officer within five days after such accident. Section 603 also says the police are not precluded from reporting any other accident which, in the judgment of such police officer, would be required to be reported to the Commissioner by the operator of a vehicle per Section 605.*

*It shall be the duty of any member of a law enforcement agency who is at the scene of the accident to request the operator or operators of the motor vehicles, when physically capable of doing so, to exchange the information required above. The member of a law enforcement agency shall assist the vehicle operator or operators in making the exchange of information in a reasonable and harmonious manner.*

**Airbag Deployment** - Police officers are required to include such information in the accident reports.

**ATV** - If an all-terrain vehicle (ATV)\* is involved in an accident, the driver's and owner's name and address and the registration plate number must be given to all injured persons, the owners of damaged property and the police.

*\*“All-terrain vehicle” or “ATV” means any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or one thousand pounds dry weight. Provided, however, this definition shall not include a “snowmobile” or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts, or cleats which utilize an endless belt tread.*

*“Reports of accidents required under the preceding section, or under the rules and regulations of the commissioner, shall be upon forms prepared by him and contain such information as he shall prescribe. Blank forms for such reports shall be printed by the commissioner and a supply sent to all city, town and village clerks and to the chief officer of every city police department for general distribution and use as herein provided. Reports of accidents, required under the preceding section, shall be sent to and filed with the commissioner at the main office of the bureau (department) of motor vehicles in the city of Albany, except as otherwise provided by the rules and regulations of the commissioner.” (V&T Sec. 604)*

## REPORTS BY DRIVERS

**Motorists are required to report accidents, on form MV-104, "Report of Motor Vehicle Accident", involving:**

- **death.**
- **personal injury; or**
- **property damage to any one person in excess of \$1,000.**

Form MV-104 is available from DMV offices, local police, insurance agents, or the DMV website at: [www.dmv.ny.gov](http://www.dmv.ny.gov).

Section 605 of the Vehicle and Traffic Law, which requires such report, states:

*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), or a firefighter, operating a police department or fire department vehicle 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. . .*

*Failure to report an accident as 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 both, of the person failing to make such reports as required...*

Section 2413 of the Vehicle and Traffic Law states:

*The operator of any ATV involved in any accident resulting in injuries to or death of any person or in which property damage in the estimated amount of six hundred dollars or more is sustained, shall immediately notify the nearest law enforcement agency and shall within ten days after such accident report the matter in writing to the department, with a copy thereof to the sheriff or police commissioner of the county in which said accident occurred...*

*Failure of any person 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 ATV safety certificate of any person or the certificate of registration of any ATV involved in the accident. The commissioner may temporarily suspend the ATV safety certificate of the person failing to make such report or the certificate of registration of the ATV involved in the accident until such report has been filed.*

## POLICE ACCIDENT REPORT FORMS

### Form MV-104A (upstate agencies)

- Each report set consists of a cover sheet, an original ("DMV COPY") and two copies ("POLICE AGENCY COPY 1" and "POLICE AGENCY COPY 2").
- Reports are packaged in pads of 20.
- Pads are bound in cardboard and have a "bleed through" sheet.
- Record additional data on the back of the Police Agency copy.
- Each pad includes a courtesy copy of forms MV-104D ("Police Fatal Motor Vehicle Accident") and MV-104S ("Truck and Bus Supplemental"). (The MV-104D and MV-104S are also available as separate forms.)

### Form MV-104AN (New York City agencies)

Police Accident Report form MV-104AN consists of a cover sheet and a two-sided, 8½" x 11" report. The questions and answer choices on the cover sheet and the front of the accident report are identical to form MV-104A.

The back of the cover sheet of the MV-104AN contains a hospital list for New York City and the surrounding area, and additional information is required on the back of the report form.

You are required to follow the instructions in this manual to complete form MV-104AN. Contact the New York City Police training officer in your precinct for instructions on how to complete additional fields on the back of the form MV-104AN.

### Cover Sheet

Each pad of the MV-104A and each copy of the MV-104AN has an attached **cover sheet** with categories/response codes (boxes 1 - 30). At the scene of the accident, the investigating officer should choose the appropriate code for each category and **print** the corresponding number or letter in the designated box on the report form, using a **black ballpoint pen**.

## ORDERING FORMS

Use the "Enforcement Agency Forms Requisition", form MV-14P (see Appendix A) to order forms MV-104A, MV-104AN, MV-104S and MV-104D:

NYS DMV  
TSLE&D PROGRAM  
6 EMPIRE STATE PLAZA, RM 424E  
ALBANY NY 12228  
Telephone: (518) 486-6583  
Fax: (518) 473-6597  
Email: [tsledsupply@dmv.ny.gov](mailto:tsledsupply@dmv.ny.gov)

## FILING ACCIDENT REPORTS

Promptly send completed reports to the Department of Motor Vehicles after an accident. Section 603 of the Vehicle and Traffic Law states that police or judicial officers hearing of and investigating accidents should "report the matter to the commissioner forthwith (immediately)." Section 605 directs that motorists, participants, or owners of vehicles involved in reportable accidents shall "within ten days after such an accident report the matter in writing to the commissioner."

A peace, police or judicial officer who investigates or receives information of an accident involving an ATV should submit a written report and mail it to DMV within 48 hours; a copy should be retained in the local records.

Promptly send completed reports to the Department of Motor Vehicles after an accident. Section 603 of the Vehicle and Traffic Law states that police or judicial officers hearing of and investigating accidents should "report the matter to the commissioner forthwith (immediately)." Section 605 directs that motorists, participants, or owners of vehicles involved in reportable accidents shall "within ten days after such an accident report the matter in writing to the commissioner."

**Please note: DMV must receive the original, first page ("DMV Copy"), of the accident report.**

The **New York City Police Department** should send completed accident reports to:

NYS DMV  
CRASH RECORDS CENTER  
PO BOX 2605  
ALBANY NY 12220-0605

**All other NYS law enforcement agencies** should send completed accident reports to:

NYS DMV  
CRASH RECORDS CENTER  
PO BOX 2606  
ALBANY NY 12220-0606

Requests for information and advice about these forms should also be directed to the Crash Records Center, or you may call (518) 474-6518.

If you want to **Express Mail** an accident report to DMV, please mail to this address:

NYS DMV  
CRASH RECORDS CENTER  
6 EMPIRE STATE PLAZA  
ALBANY NY 12228

### **Fatal Accidents or Accident Reports Involving Commercial Vehicles**

Mail supplemental form MV-104 D (for fatalities) or MV-104S (for truck/bus) with the MV-104A/AN accident report to this address:

NYS DMV  
CRASH RECORDS CENTER  
PO BOX 2084  
ALBANY NY 12220-2084