

MV104F GUIDELINES

NEW YORK STATE SCHOOL VEHICLE ACCIDENT REPORTING REQUIREMENTS

If the following conditions are met, the bus driver must file NYS DMV Form MVJ 04F, "Accident Report for School Vehicles," within 10 days. Failure to file is a misdemeanor and can result in a license or registration suspension.

Use the MV104F only if the following conditions are met:

IF the school vehicle involved in the accident (see below) was owned or contracted for by a school;

(Note: "school vehicle" may include any type of vehicle, including a passenger car or van, so long as it is owned or contracted for by a public or private school and being used for transportation to or from school or school activities. The term "school vehicle" is NOT limited to yellow school buses.)

AND the school vehicle was in the process of transporting, or picking up or discharging, students, children of students, teachers, bus monitors, or supervisory personnel;

* (Note: the bus is considered "involved in the accident" even if it didn't physically contact another vehicle or person, if the bus driver had activated, or should have activated, the flashing yellow overhead warning lights as the bus approaches a stop, or has stopped with its red flashers activated, until children are safely out of the road way and at least 15' from the bus.)

(Note: if no passengers were being transported, picked up, or discharged when the accident occurred - for instance, a bus driver "deadheading" back to base, or a mechanic road-testing a bus - do not use the MV104F.)

And one or both of the following:

An injury or death occurred to any party involved in the accident (injury can range from complaint of pain with no visible injury, to severe injuries - see the back of the MV104F for definition of injury categories); **and/or**

Property damage (including damage to a vehicle or a fixed object such as a fence, house, pole, etc.) occurs to any one party in excess of \$1000.

If the above conditions are not met, do not file an MV104F. However, you may still be required to file an MV104, "Report of Motor Vehicle Accident."

If the above conditions are met, the bus driver must file the report within 10 days. Your supervisor should have a blank MV104F form, or they may be obtained from DMV; ask your supervisor for assistance in completing the form.

Follow these guidelines in completing the form:

Print legibly, using black ink - or type.

Your vehicle (the school vehicle) is Vehicle No. 1 (left side of form) If you are filing the report because damage to an other vehicle or fixed property is in excess of \$1000, clearly state that damage was in excess of \$1000 in the section "Describe Damage to (Vehicle No. 2)" on right side, middle, of form.

All sections of the form must be filled out. This includes the center "SCH" section (which runs the entire width of the form) which asks for information about bus driver experience and training and Date," as well as the 11 boxes along the right side of the form (fold the form in half vertically so the back matches with the front, for an explanation of what the boxes mean).

If more than two vehicles were involved, use a second MV104F. Note page numbers at top of forms.

In the "ALL PERSONS INVOLVED" section, names of all passengers on the bus must be listed, not just those injured. For injuries, consult the "Injury Codes" section on the back of the MV104F to determine classifications. Note that even a "complaint of pain - no visual injury" constitutes an injury in this instance.

In describing the accident, carefully and honestly explain your version of what happened. The form is a legal document. Answer this question in your explanation: "How did you first become aware that an accident was going to occur or had occurred?" Attach additional sheet(s) of description if you wish.

Non-collision injuries

Injuries that result from non-collision events, such as a student falling from a bus seat, may still need to be reported on the MV104F. NYS Vehicle and Traffic Law (Section 605) does not restrict accident reporting requirements to collisions but to "a motor vehicle which is in any way involved in a accident" (emphasis added). Report non-collision school vehicle injuries on the MV104F if:

If the injury resulted from the actions of the bus driver or another motorist.

For instance, if the injury occurs when a student falls from the bus seat because the bus swerved suddenly to avoid a car running a stop sign, the MV104F should be filed, because careless actions on the part of the other motorist contributed to the injury.

Or, if the bus goes off the road because the bus driver failed to properly negotiate a curve, and the student falls from the seat when the bus hits a bump on the shoulder, the MV104F should be filed.

Or, if a student riding in a wheelchair tips over and is injured, a MV104F should be filed, since the wheelchair was not adequately secured during transport.

However, if one student injures another during a fight on the bus, or a student slips and falls on the bus steps, a MV104F does not have to be filed, since bus driver actions did not contribute to the injury.

Note: additional requirements beyond reporting an accident according to the above guidelines, such as drug and alcohol testing, may also apply after an accident. Ask your Supervisor or Manager for assistance.

**MV104F forms may be obtained from the following web site:
<http://www.dmv.ny.gov/forms/mv104F.pdf>**

**For questions about reporting a school bus accident, contact the
Pupil Transportation Safety Institute at 800-836-2210.**
