

9486--A

I N A S S E M B L Y

March 10, 2016

Introduced by M. of A. DenDEKKER, SIMON -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to eliminating the time of day restrictions on the use of photo speed violation monitoring systems in school zones in the city of New York; and to amend chapter 189 of the laws of 2013 amending the vehicle and traffic law and the public officers law relating to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, in relation to eliminating the expiration and repeal of the provisions thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 1 of subdivision (a) of section 1180-b of the
2 vehicle and traffic law, as amended by chapter 43 of the laws of 2014,
3 is amended to read as follows:
4 1. Notwithstanding any other provision of law, the city of New York is
5 hereby authorized to establish a demonstration program imposing monetary
6 liability on the owner of a vehicle for failure of an operator thereof
7 to comply with posted maximum speed limits in a school speed zone within
8 the city (i) when a school speed limit is in effect as provided in para-
9 graphs one and two of subdivision (c) of section eleven hundred eighty
10 of this article or (ii) when other speed limits are in effect as
11 provided in subdivision (b), (d), (f) or (g) of section eleven hundred
12 eighty of this article [during the following times: (A) on school days
13 during school hours and one hour before and one hour after the school
14 day, and (B) a period during student activities at the school and up to
15 thirty minutes immediately before and up to thirty minutes immediately
16 after such student activities]. Such demonstration program shall empower
17 the city to install photo speed violation monitoring systems within no
18 more than one hundred forty school speed zones within the city at any
19 one time and to operate such systems within such zones (iii) when a
20 school speed limit is in effect as provided in paragraphs one and two of

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 subdivision (c) of section eleven hundred eighty of this article or (iv)
2 when other speed limits are in effect as provided in subdivision (b),
3 (d), (f) or (g) of section eleven hundred eighty of this article [during
4 the following times: (A) on school days during school hours and one hour
5 before and one hour after the school day, and (B) a period during
6 student activities at the school and up to thirty minutes immediately
7 before and up to thirty minutes immediately after such student activ-
8 ities]. In selecting a school speed zone in which to install and operate
9 a photo speed violation monitoring system, the city shall consider
10 criteria including, but not limited to the speed data, crash history,
11 and the roadway geometry applicable to such school speed zone.

12 S 2. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle
13 and traffic law, as added by chapter 189 of the laws of 2013, is amended
14 to read as follows:

15 1. Notwithstanding any other provision of law, the city of New York is
16 hereby authorized to establish a demonstration program imposing monetary
17 liability on the owner of a vehicle for failure of an operator thereof
18 to comply with posted maximum speed limits in a school speed zone within
19 the city (i) when a school speed limit is in effect as provided in para-
20 graphs one and two of subdivision (c) of section eleven hundred eighty
21 of this article or (ii) when other speed limits are in effect as
22 provided in subdivision (b), (d), (f) or (g) of section eleven hundred
23 eighty of this article [during the following times: (A) on school days
24 during school hours and one hour before and one hour after the school
25 day, and (B) a period during student activities at the school and up to
26 thirty minutes immediately before and up to thirty minutes immediately
27 after such student activities]. Such demonstration program shall empower
28 the city to install photo speed violation monitoring systems within no
29 more than twenty school speed zones within the city at any one time and
30 to operate such systems within such zones (iii) when a school speed
31 limit is in effect as provided in paragraphs one and two of subdivision
32 (c) of section eleven hundred eighty of this article or (iv) when other
33 speed limits are in effect as provided in subdivision (b), (d), (f) or
34 (g) of section eleven hundred eighty of this article [during the follow-
35 ing times: (A) on school days during school hours and one hour before
36 and one hour after the school day, and (B) a period during student
37 activities at the school and up to thirty minutes immediately before and
38 up to thirty minutes immediately after such student activities]. In
39 selecting a school speed zone in which to install and operate a photo
40 speed violation monitoring system, the city shall consider criteria
41 including, but not limited to the speed data, crash history, and the
42 roadway geometry applicable to such school speed zone.

43 S 3. Subdivision (b) of section 1180-b of the vehicle and traffic law,
44 as added by chapter 189 of the laws of 2013, is amended to read as
45 follows:

46 (b) If the city of New York establishes a demonstration program pursu-
47 ant to subdivision (a) of this section, the owner of a vehicle shall be
48 liable for a penalty imposed pursuant to this section if such vehicle
49 was used or operated with the permission of the owner, express or
50 implied, within a school speed zone in violation of subdivision (c) [or
51 during the times authorized pursuant to subdivision (a)] of this section
52 in violation of subdivision (b), (d), (f) or (g) of section eleven
53 hundred eighty of this article, such vehicle was traveling at a speed of
54 more than ten miles per hour above the posted speed limit in effect
55 within such school speed zone, and such violation is evidenced by infor-
56 mation obtained from a photo speed violation monitoring system; provided

1 however that no owner of a vehicle shall be liable for a penalty imposed
2 pursuant to this section where the operator of such vehicle has been
3 convicted of the underlying violation of subdivision (b), (c), (d), (f)
4 or (g) of section eleven hundred eighty of this article.

5 S 4. The opening paragraph of section 15 of chapter 189 of the laws
6 of 2013 amending the vehicle and traffic law and the public officers law
7 relating to establishing in a city with a population of one million or
8 more a demonstration program implementing speed violation monitoring
9 systems in school speed zones by means of photo devices is amended to
10 read as follows:

11 S 15. This act shall take effect on the thirtieth day after it shall
12 have become a law [and shall expire 5 years after such effective date
13 when upon such date the provisions of this act shall be deemed
14 repealed]; [and] provided [further] that any rules necessary for the
15 implementation of this act on its effective date shall be promulgated on
16 or before such effective date, provided FURTHER that:

17 S 5. This act shall take effect immediately, except that sections one
18 and three of this act shall take effect on the thirtieth day after it
19 shall have become a law; provided that the amendments to paragraph 1 of
20 subdivision (a) of section 1180-b of the vehicle and traffic law, made
21 by section one of this act, shall not affect the expiration and rever-
22 sion of such paragraph pursuant to section 12 of chapter 43 of the laws
23 of 2014, as amended, when upon such date section two of this act shall
24 take effect.