

STATE OF NEW YORK

8119

2025-2026 Regular Sessions

IN ASSEMBLY

May 1, 2025

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a speed zone camera demonstration program in the village of Mount Kisco; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1180-h to read as follows:

3 § 1180-h. Owner liability for failure of operator to comply with
4 certain posted maximum speed limits. (a) 1. Notwithstanding any other
5 provision of law, the village of Mount Kisco is hereby authorized to
6 establish a demonstration program imposing monetary liability on the
7 owner of a vehicle for failure of an operator thereof to comply with
8 posted maximum speed limits in a speed zone within such village. Such
9 demonstration program shall empower the village of Mount Kisco to
10 install photo speed violation monitoring systems within no more than
11 eight speed zones within such village at any one time. In selecting a
12 speed zone in which to install and operate a photo speed violation moni-
13 toring system, the village shall consider criteria including, but not
14 limited to, the speed data, crash history, and the roadway geometry
15 applicable to such speed zone.

16 2. No photo speed violation monitoring system shall be used in a speed
17 zone unless (i) on the day it is to be used it has successfully passed a
18 self-test of its functions; and (ii) it has undergone an annual cali-
19 bration check performed pursuant to paragraph four of this subdivision.
20 The village shall install signs giving notice that a photo speed
21 violation monitoring system is in use to be mounted on advance warning
22 signs notifying motor vehicle operators of such upcoming speed zone

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

LBD11699-01-5

1 and/or on speed limit signs applicable within such speed zone, in
2 conformance with standards established in the MUTCD.

3 3. Operators of photo speed violation monitoring systems shall have
4 completed training in the procedures for setting up, testing, and oper-
5 ating such systems. Each such operator shall complete and sign a daily
6 set-up log for each such system that they operate that (i) states the
7 date and time when, and the location where, the system was set up that
8 day, and (ii) states that such operator successfully performed, and the
9 system passed, the self-tests of such system before producing a recorded
10 image that day. The village shall retain each such daily log until the
11 later of the date on which the photo speed violation monitoring system
12 to which it applies has been permanently removed from use or the final
13 resolution of all cases involving notices of liability issued based on
14 photographs, microphotographs, videotape or other recorded images
15 produced by such system.

16 4. Each photo speed violation monitoring system shall undergo an annu-
17 al calibration check performed by an independent calibration laboratory
18 which shall issue a signed certificate of calibration. The village shall
19 keep each such annual certificate of calibration on file until the final
20 resolution of all cases involving a notice of liability issued during
21 such year which were based on photographs, microphotographs, videotape
22 or other recorded images produced by such photo speed violation monitor-
23 ing system.

24 5. (i) Such demonstration program shall utilize necessary technologies
25 to ensure, to the extent practicable, that photographs, microphoto-
26 graphs, videotape or other recorded images produced by such photo speed
27 violation monitoring systems shall not include images that identify the
28 driver, the passengers, or the contents of the vehicle. Provided,
29 however, that no notice of liability issued pursuant to this section
30 shall be dismissed solely because such a photograph, microphotograph,
31 videotape or other recorded image allows for the identification of the
32 driver, the passengers, or the contents of vehicles where the village
33 shows that it made reasonable efforts to comply with the provisions of
34 this paragraph in such case.

35 (ii) Photographs, microphotographs, videotape or any other recorded
36 image from a photo speed violation monitoring system shall be for the
37 exclusive use of the village for the purpose of the adjudication of
38 liability imposed pursuant to this section and of the owner receiving a
39 notice of liability pursuant to this section, and shall be destroyed by
40 the village upon the final resolution of the notice of liability to
41 which such photographs, microphotographs, videotape or other recorded
42 images relate, or one year following the date of issuance of such notice
43 of liability, whichever is later. Notwithstanding the provisions of any
44 other law, rule or regulation to the contrary, photographs, microphoto-
45 graphs, videotape or any other recorded image from a photo speed
46 violation monitoring system shall not be open to the public, nor subject
47 to civil or criminal process or discovery, nor used by any court or
48 administrative or adjudicatory body in any action or proceeding therein
49 except that which is necessary for the adjudication of a notice of
50 liability issued pursuant to this section, and no public entity or
51 employee, officer or agent thereof shall disclose such information,
52 except that such photographs, microphotographs, videotape or any other
53 recorded images from such systems:

54 (A) shall be available for inspection and copying and use by the motor
55 vehicle owner and operator for so long as such photographs, microphoto-

1 graphs, videotape or other recorded images are required to be maintained
2 or are maintained by such public entity, employee, officer or agent; and
3 (B) (1) shall be furnished when described in a search warrant issued
4 by a court authorized to issue such a search warrant pursuant to article
5 six hundred ninety of the criminal procedure law or a federal court
6 authorized to issue such a search warrant under federal law, where such
7 search warrant states that there is reasonable cause to believe such
8 information constitutes evidence of, or tends to demonstrate that, a
9 misdemeanor or felony offense was committed in this state or another
10 state, or that a particular person participated in the commission of a
11 misdemeanor or felony offense in this state or another state, provided,
12 however, that if such offense was against the laws of another state, the
13 court shall only issue a warrant if the conduct comprising such offense
14 would, if occurring in this state, constitute a misdemeanor or felony
15 against the laws of this state; and

16 (2) shall be furnished in response to a subpoena duces tecum signed by
17 a judge of competent jurisdiction and issued pursuant to article six
18 hundred ten of the criminal procedure law or a judge or magistrate of a
19 federal court authorized to issue such a subpoena duces tecum under
20 federal law, where the judge finds and the subpoena states that there is
21 reasonable cause to believe such information is relevant and material to
22 the prosecution, or the defense, or the investigation by an authorized
23 law enforcement official, of the alleged commission of a misdemeanor or
24 felony in this state or another state, provided, however, that if such
25 offense was against the laws of another state, such judge or magistrate
26 shall only issue such subpoena if the conduct comprising such offense
27 would, if occurring in this state, constitute a misdemeanor or felony in
28 this state; and

29 (3) may, if lawfully obtained pursuant to this clause and clause (A)
30 of this subparagraph and otherwise admissible, be used in such criminal
31 action or proceeding.

32 (b) If the village of Mount Kisco establishes a demonstration program
33 pursuant to subdivision (a) of this section, the owner of a vehicle
34 shall be liable for a penalty imposed pursuant to this section if such
35 vehicle was used or operated with the permission of the owner, express
36 or implied, within a speed zone in violation of subdivision (c) of
37 section eleven hundred eighty of this article or during the times
38 authorized pursuant to subdivision (a) of this section, in violation of
39 subdivision (b), (d), (f) or (g) of such section eleven hundred eighty,
40 such vehicle was traveling at a speed of more than ten miles per hour
41 above the posted speed limit in effect within such speed zone, and such
42 violation is evidenced by information obtained from a photo speed
43 violation monitoring system; provided however that no owner of a vehicle
44 shall be liable for a penalty imposed pursuant to this section where the
45 operator of such vehicle has been convicted of the underlying violation
46 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
47 eighty of this article.

48 (c) For purposes of this section, the following terms shall have the
49 following meanings:

50 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
51 the manual and specifications for a uniform system of traffic control
52 devices maintained by the commissioner of transportation pursuant to
53 section sixteen hundred eighty of this chapter;

54 2. "owner" shall have the meaning provided in article two-B of this
55 chapter; and

1 3. "photo speed violation monitoring system" shall mean a vehicle
2 sensor installed to work in conjunction with a speed measuring device
3 which automatically produces two or more photographs, two or more micro-
4 photographs, a videotape or other recorded images of each vehicle at the
5 time it is used or operated in a speed zone in violation of subdivision
6 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
7 cle in accordance with the provisions of this section.

8 (d) A certificate, sworn to or affirmed by a technician employed by
9 the village of Mount Kisco, or a facsimile thereof, based upon
10 inspection of photographs, microphotographs, videotape or other recorded
11 images produced by a photo speed violation monitoring system, shall be
12 prima facie evidence of the facts contained therein. Any photographs,
13 microphotographs, videotape or other recorded images evidencing such a
14 violation shall include at least two date and time stamped images of the
15 rear of the motor vehicle that include the same stationary object near
16 the motor vehicle and shall be available for inspection reasonably in
17 advance of and at any proceeding to adjudicate the liability for such
18 violation pursuant to this section.

19 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
20 or (g) of section eleven hundred eighty of this article pursuant to a
21 demonstration program established pursuant to this section shall be
22 liable for monetary penalties in accordance with a schedule of fines and
23 penalties to be promulgated by the Westchester county department of
24 public safety in conjunction with the village court. The liability of
25 the owner pursuant to this section shall not exceed fifty dollars for a
26 first violation, seventy-five dollars for a second violation within an
27 eighteen-month period, and one hundred dollars for a third and subse-
28 quent violations within an eighteen-month period; provided, however,
29 that such department of public safety in conjunction with the village
30 court may provide for an additional penalty not in excess of twenty-five
31 dollars for each violation for the failure to respond to a notice of
32 liability within the prescribed time period.

33 (f) An imposition of liability under the demonstration program estab-
34 lished pursuant to this section shall not be deemed a conviction as an
35 operator and shall not be made part of the operating record of the
36 person upon whom such liability is imposed nor shall it be used for
37 insurance purposes in the provision of motor vehicle insurance coverage.

38 (g) 1. A notice of liability shall be sent by first class mail to each
39 person alleged to be liable as an owner for a violation of subdivision
40 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
41 cle pursuant to this section, within fourteen business days if such
42 owner is a resident of this state and within forty-five business days if
43 such owner is a non-resident. Personal delivery on the owner shall not
44 be required. A manual or automatic record of mailing prepared in the
45 ordinary course of business shall be prima facie evidence of the facts
46 contained therein.

47 2. A notice of liability shall contain the name and address of the
48 person alleged to be liable as an owner for a violation of subdivision
49 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
50 cle pursuant to this section, the registration number of the vehicle
51 involved in such violation, the location where such violation took
52 place, the date and time of such violation, the identification number of
53 the camera which recorded the violation or other document locator
54 number, at least two date and time stamped images of the rear of the
55 motor vehicle that include the same stationary object near the motor
56 vehicle, and the certificate charging the liability.

1 3. The notice of liability shall contain information advising the
2 person charged of the manner and the time in which such person may
3 contest the liability alleged in the notice. Such notice of liability
4 shall also contain a prominent warning to advise the person charged that
5 failure to contest in the manner and time provided shall be deemed an
6 admission of liability and that a default judgment may be entered there-
7 on.

8 4. The notice of liability shall be prepared and mailed by the village
9 of Mount Kisco, or by any other entity authorized by the village to
10 prepare and mail such notice of liability.

11 (h) Adjudication of the liability imposed upon owners of this section
12 shall be by the Westchester county department of public safety in
13 conjunction with the village court.

14 (i) If an owner receives a notice of liability pursuant to this
15 section for any time period during which the vehicle or the number plate
16 or plates of such vehicle was reported to the police department as
17 having been stolen, it shall be a valid defense to an allegation of
18 liability for a violation of subdivision (b), (c), (d), (f) or (g) of
19 section eleven hundred eighty of this article pursuant to this section
20 that the vehicle or the number plate or plates of such vehicle had been
21 reported to the police as stolen prior to the time the violation
22 occurred and had not been recovered by such time. For purposes of
23 asserting the defense provided by this subdivision, it shall be suffi-
24 cient that a certified copy of the police report on the stolen vehicle
25 or number plate or plates of such vehicle be sent by first class mail to
26 the village of Mount Kisco Westchester county department of public safe-
27 ty in conjunction with the village court or by any other entity author-
28 ized by the village to prepare and mail such notice of liability.

29 (j) Adjudication of the liability imposed upon owners of this section
30 shall be by the Westchester county department of public safety in
31 conjunction with the village court.

32 (k) 1. An owner who is a lessor of a vehicle to which a notice of
33 liability was issued pursuant to subdivision (g) of this section shall
34 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)
35 of section eleven hundred eighty of this article pursuant to this
36 section, provided that:

37 (i) prior to the violation, the lessor has filed with such department
38 of public safety in conjunction with the village court in accordance
39 with the provisions of section two hundred thirty-nine of this chapter;
40 and

41 (ii) within thirty-seven days after receiving notice from such bureau
42 of the date and time of a liability, together with the other information
43 contained in the original notice of liability, the lessor submits to
44 such bureau the correct name and address of the lessee of the vehicle
45 identified in the notice of liability at the time of such violation,
46 together with such other additional information contained in the rental,
47 lease or other contract document, as may be reasonably required by such
48 bureau pursuant to regulations that may be promulgated for such purpose.

49 2. Failure to comply with subparagraph (ii) of paragraph one of this
50 subdivision shall render the owner liable for the penalty prescribed in
51 this section.

52 3. Where the lessor complies with the provisions of paragraph one of
53 this subdivision, the lessee of such vehicle on the date of such
54 violation shall be deemed to be the owner of such vehicle for purposes
55 of this section, shall be subject to liability for such violation pursu-

1 ant to this section and shall be sent a notice of liability pursuant to
2 subdivision (g) of this section.

3 (l) 1. If the owner liable for a violation of subdivision (c) or (d)
4 of section eleven hundred eighty of this article pursuant to this
5 section was not the operator of the vehicle at the time of the
6 violation, the owner may maintain an action for indemnification against
7 the operator.

8 2. Notwithstanding any other provision of this section, no owner of a
9 vehicle shall be subject to a monetary fine imposed pursuant to this
10 section if the operator of such vehicle was operating such vehicle with-
11 out the consent of the owner at the time such operator operated such
12 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
13 eleven hundred eighty of this article. For purposes of this subdivision
14 there shall be a presumption that the operator of such vehicle was oper-
15 ating such vehicle with the consent of the owner at the time such opera-
16 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)
17 or (g) of section eleven hundred eighty of this article.

18 (m) Nothing in this section shall be construed to limit the liability
19 of an operator of a vehicle for any violation of subdivision (c) or (d)
20 of section eleven hundred eighty of this article.

21 (n) If the village adopts a demonstration program pursuant to subdivi-
22 sion (a) of this section it shall conduct a study and submit an annual
23 report on the results of the use of photo devices to the governor, the
24 temporary president of the senate and the speaker of the assembly on or
25 before the first day of June next succeeding the effective date of this
26 section and on the same date in each succeeding year in which the demon-
27 stration program is operable. Such report shall include:

28 1. the locations where and dates when photo speed violation monitoring
29 systems were used;

30 2. the aggregate number, type and severity of crashes, fatalities,
31 injuries and property damage reported within all speed zones within the
32 village, to the extent the information is maintained by the department
33 of motor vehicles of this state;

34 3. the aggregate number, type and severity of crashes, fatalities,
35 injuries and property damage reported within speed zones where photo
36 speed violation monitoring systems were used, to the extent the informa-
37 tion is maintained by the department of motor vehicles of this state;

38 4. the number of violations recorded within all speed zones within the
39 village, in the aggregate on a daily, weekly and monthly basis;

40 5. the number of violations recorded within each speed zone where a
41 photo speed violation monitoring system is used, in the aggregate on a
42 daily, weekly and monthly basis;

43 6. the number of violations recorded within all speed zones within the
44 village that were:

45 (i) more than ten but not more than twenty miles per hour over the
46 posted speed limit;

47 (ii) more than twenty but not more than thirty miles per hour over the
48 posted speed limit;

49 (iii) more than thirty but not more than forty miles per hour over the
50 posted speed limit; and

51 (iv) more than forty miles per hour over the posted speed limit;

52 7. the number of violations recorded within each speed zone where a
53 photo speed violation monitoring system is used that were:

54 (i) more than ten but not more than twenty miles per hour over the
55 posted speed limit;

1 (ii) more than twenty but not more than thirty miles per hour over the
2 posted speed limit;

3 (iii) more than thirty but not more than forty miles per hour over the
4 posted speed limit; and

5 (iv) more than forty miles per hour over the posted speed limit;

6 8. the total number of notices of liability issued for violations
7 recorded by such systems;

8 9. the number of fines and total amount of fines paid after the first
9 notice of liability issued for violations recorded by such systems;

10 10. the number of violations adjudicated and the results of such adju-
11 dications including breakdowns of dispositions made for violations
12 recorded by such systems;

13 11. the total amount of revenue realized by the village in connection
14 with the program;

15 12. the expenses incurred by the village in connection with the
16 program; and

17 13. the quality of the adjudication process and its results.

18 (o) It shall be a defense to any prosecution for a violation of subdi-
19 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
20 this article pursuant to this section that such photo speed violation
21 monitoring system was malfunctioning at the time of the alleged
22 violation.

23 § 2. Subdivision 2 of section 87 of the public officers law is amended
24 by adding a new paragraph (v) to read as follows:

25 (v) are photographs, microphotographs, videotape or other recorded
26 images prepared under the authority of section eleven hundred eighty-h
27 of the vehicle and traffic law.

28 § 3. The purchase or lease of equipment for a demonstration program
29 established pursuant to section 1180-h of the vehicle and traffic law,
30 as added by section one of this act, shall be subject to the provisions
31 of section 103 of the general municipal law.

32 § 4. This act shall take effect on the thirtieth day after it shall
33 have become a law and shall expire December 31, 2030, when upon such
34 date the provisions of this act shall be deemed repealed. Effective
35 immediately, the addition, amendment and/or repeal of any rule or regu-
36 lation necessary for the implementation of this act on its effective
37 date are authorized to be made and completed on or before such effective
38 date.