

STATE OF NEW YORK

8488--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 19, 2025

Introduced by M. of A. BUTTENSCHON -- 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 and the public officers law, in relation to establishing a school speed zone camera demonstration program in the County of Oneida; 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; county of Oneida. (a) 1. Notwith-
5 standing any other provision of law, the county of Oneida is hereby
6 authorized to establish a demonstration program imposing monetary
7 liability on the owner of a vehicle for failure of an operator thereof
8 to comply with posted maximum speed limits in a school speed zone within
9 such county (i) when a school speed limit is in effect as provided in
10 paragraphs one and two of subdivision (c) of section eleven hundred
11 eighty of this article or (ii) when other speed limits are in effect as
12 provided in subdivision (b), (d), (f) or (g) of section eleven hundred
13 eighty of this article during the following times: (A) on school days
14 during school hours and one hour before and one hour after the school
15 day, and (B) a period during student activities at the school and up to
16 thirty minutes immediately before and up to thirty minutes immediately
17 after such student activities. Such demonstration program shall empower
18 the county of Oneida to install photo speed violation monitoring systems
19 within no more than eight school speed zones within such county at any
20 one time and to operate such systems within such zones (iii) when a
21 school speed limit is in effect as provided in paragraphs one and two of
22 subdivision (c) of section eleven hundred eighty of this article or (iv)

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

LBD13147-04-5

1 when other speed limits are in effect as provided in subdivision (b),
2 (d), (f) or (g) of section eleven hundred eighty of this article during
3 the following times: (A) on school days during school hours and one hour
4 before and one hour after the school day, and (B) a period during
5 student activities at the school and up to thirty minutes immediately
6 before and up to thirty minutes immediately after such student activ-
7 ities. Provided, however, that no photo speed violation monitoring
8 system shall be installed and operated by such county except on roadways
9 under the jurisdiction of such county. In selecting a school speed zone
10 in which to install and operate a photo speed violation monitoring
11 system, the county shall consider criteria including, but not limited
12 to, the speed data, crash history, and the roadway geometry applicable
13 to such school speed zone.

14 2. No photo speed violation monitoring system shall be used in a
15 school speed zone unless (i) on the day it is to be used it has success-
16 fully passed a self-test of its functions; and (ii) it has undergone an
17 annual calibration check performed pursuant to paragraph four of this
18 subdivision. The county shall install signs giving notice that a photo
19 speed violation monitoring system is in use to be mounted on advance
20 warning signs notifying motor vehicle operators of such upcoming school
21 speed zone and/or on speed limit signs applicable within such school
22 speed zone, in conformance with standards established in the MUTCD.

23 3. Operators of photo speed violation monitoring systems shall have
24 completed training in the procedures for setting up, testing, and oper-
25 ating such systems. Each such operator shall complete and sign a daily
26 set-up log for each such system that the operator operates that (i)
27 states the date and time when, and the location where, the system was
28 set up that day, and (ii) states that such operator successfully
29 performed, and the system passed, the self-tests of such system before
30 producing a recorded image that day. The county shall retain each such
31 daily log until the later of the date on which the photo speed violation
32 monitoring system to which it applies has been permanently removed from
33 use or the final resolution of all cases involving notices of liability
34 issued based on photographs, microphotographs, videotape or other
35 recorded images produced by such system.

36 4. Each photo speed violation monitoring system shall undergo an annu-
37 al calibration check performed by an independent calibration laboratory
38 which shall issue a signed certificate of calibration. The county shall
39 keep each such annual certificate of calibration on file until the final
40 resolution of all cases involving a notice of liability issued during
41 such year which were based on photographs, microphotographs, videotape
42 or other recorded images produced by such photo speed violation monitor-
43 ing system.

44 5. (i) Such demonstration program shall utilize necessary technologies
45 to ensure, to the extent practicable, that photographs, microphoto-
46 graphs, videotape or other recorded images produced by such photo speed
47 violation monitoring systems shall not include images that identify the
48 driver, the passengers, or the contents of the vehicle. Provided,
49 however, that no notice of liability issued pursuant to this section
50 shall be dismissed solely because such a photograph, microphotograph,
51 videotape or other recorded image allows for the identification of the
52 driver, the passengers, or the contents of vehicles where the county
53 shows that it made reasonable efforts to comply with the provisions of
54 this paragraph in such case.

55 (ii) Photographs, microphotographs, videotape or any other recorded
56 image from a photo speed violation monitoring system shall be for the

exclusive use of the county for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by the county upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

(A) shall be available for inspection and copying and use by the motor vehicle owner and operator for so long as such photographs, microphotographs, videotape or other recorded images are required to be maintained or are maintained by such public entity, employee, officer or agent; and

(B) (1) shall be furnished when described in a search warrant issued by a court authorized to issue such a search warrant pursuant to article six hundred ninety of the criminal procedure law or a federal court authorized to issue such a search warrant under federal law, where such search warrant states that there is reasonable cause to believe such information constitutes evidence of, or tends to demonstrate that, a misdemeanor or felony offense was committed in this state or another state, or that a particular person participated in the commission of a misdemeanor or felony offense in this state or another state, provided, however, that if such offense was against the laws of another state, the court shall only issue a warrant if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony against the laws of this state; and

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

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

(b) If the county of Oneida establishes a demonstration program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a school speed zone in violation of subdivision (c) or during the times authorized pursuant to subdivision (a) of this section

1 in violation of subdivision (b), (d), (f) or (g) of section eleven
2 hundred eighty of this article, such vehicle was traveling at a speed of
3 more than ten miles per hour above the posted speed limit in effect
4 within such school speed zone, and such violation is evidenced by infor-
5 mation obtained from a photo speed violation monitoring system; provided
6 however that no owner of a vehicle shall be liable for a penalty imposed
7 pursuant to this section where the operator of such vehicle has been
8 convicted of the underlying violation of subdivision (b), (c), (d), (f)
9 or (g) of section eleven hundred eighty of this article.

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

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

16 2. "owner" shall have the meaning provided in article two-B of this
17 chapter;

18 3. "photo speed violation monitoring system" shall mean a vehicle
19 sensor installed to work in conjunction with a speed measuring device
20 which automatically produces two or more photographs, two or more micro-
21 photographs, a videotape or other recorded images of each vehicle at the
22 time it is used or operated in a school speed zone in violation of
23 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
24 of this article in accordance with the provisions of this section; and

25 4. "school speed zone" shall mean a distance not to exceed one thou-
26 sand three hundred twenty feet on a highway passing a school building,
27 entrance or exit of a school abutting on the highway.

28 (d) A certificate, sworn to or affirmed by a technician employed by
29 the county of Oneida, or a facsimile thereof, based upon inspection of
30 photographs, microphotographs, videotape or other recorded images
31 produced by a photo speed violation monitoring system, shall be prima
32 facie evidence of the facts contained therein. Any photographs, micro-
33 photographs, videotape or other recorded images evidencing such a
34 violation shall include at least two date and time stamped images of the
35 rear of the motor vehicle that include the same stationary object near
36 the motor vehicle and shall be available for inspection reasonably in
37 advance of and at any proceeding to adjudicate the liability for such
38 violation pursuant to this section.

39 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
40 or (g) of section eleven hundred eighty of this article pursuant to a
41 demonstration program established pursuant to this section shall be
42 liable for monetary penalties not to exceed fifty dollars for each
43 violation; provided, however, that an additional penalty not in excess
44 of twenty-five dollars for each violation may be imposed for the failure
45 to respond to a notice of liability within the prescribed time period.

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

51 (g) 1. A notice of liability shall be sent by first class mail to each
52 person alleged to be liable as an owner for a violation of subdivision
53 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
54 cle pursuant to this section, within fourteen business days if such
55 owner is a resident of this state and within forty-five business days if
56 such owner is a non-resident. Personal delivery on the owner shall not

1 be required. A manual or automatic record of mailing prepared in the
2 ordinary course of business shall be prima facie evidence of the facts
3 contained therein.

4 2. A notice of liability shall contain the name and address of the
5 person alleged to be liable as an owner for a violation of subdivision
6 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
7 cle pursuant to this section, the registration number of the vehicle
8 involved in such violation, the location where such violation took
9 place, the date and time of such violation, the identification number of
10 the camera which recorded the violation or other document locator
11 number, at least two date and time stamped images of the rear of the
12 motor vehicle that include the same stationary object near the motor
13 vehicle, and the certificate charging the liability.

14 3. The notice of liability shall contain information advising the
15 person charged of the manner and the time in which the person may
16 contest the liability alleged in the notice. Such notice of liability
17 shall also contain a prominent warning to advise the person charged that
18 failure to contest in the manner and time provided shall be deemed an
19 admission of liability and that a default judgment may be entered there-
20 on.

21 4. The notice of liability shall be prepared and mailed by the county
22 of Oneida, or by any other entity authorized by the county to prepare
23 and mail such notice of liability.

24 (h) Adjudication of the liability imposed upon owners by this section
25 shall be by a traffic violations bureau established pursuant to section
26 three hundred seventy of the general municipal law where the violation
27 occurred or, if there be none, by the court having jurisdiction over
28 traffic infractions.

29 (i) If an owner receives a notice of liability pursuant to this
30 section for any time period during which the vehicle or the number plate
31 or plates of such vehicle was reported to the police department as
32 having been stolen, it shall be a valid defense to an allegation of
33 liability for a violation of subdivision (b), (c), (d), (f) or (g) of
34 section eleven hundred eighty of this article pursuant to this section
35 that the vehicle or the number plate or plates of such vehicle had been
36 reported to the police as stolen prior to the time the violation
37 occurred and had not been recovered by such time. For purposes of
38 asserting the defense provided by this subdivision, it shall be suffi-
39 cient that a certified copy of the police report on the stolen vehicle
40 or number plate or plates of such vehicle be sent by first class mail to
41 the traffic violations bureau or court having jurisdiction.

42 (j) An owner who is a lessor of a vehicle to which a notice of liabil-
43 ity was issued pursuant to subdivision (g) of this section shall not be
44 liable for the violation of subdivision (b), (c), (d), (f) or (g) of
45 section eleven hundred eighty of this article pursuant to this section,
46 provided that such lessor sends to the traffic violations bureau or
47 court having jurisdiction a copy of the rental, lease or other such
48 contract document covering such vehicle on the date of the violation,
49 with the name and address of the lessee clearly legible, within thirty-
50 seven days after receiving notice from the bureau or court of the date
51 and time of such violation, together with the other information
52 contained in the original notice of liability. Failure to send such
53 information within such thirty-seven day time period shall render the
54 owner liable for the penalty prescribed by this section. Where the
55 lessor complies with the provisions of this subdivision, the lessee of
56 such vehicle on the date of such violation shall be deemed to be the

owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article.

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

(m) If the county adopts a demonstration program pursuant to subdivision (a) of this section it shall conduct a study and submit an annual report on the results of the use of photo devices to the governor, the temporary president of the senate and the speaker of the assembly on or before the first day of June next succeeding the effective date of this section and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include:

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

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

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

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

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

6. the number of violations recorded within all school speed zones within the county that were:

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

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

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

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

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

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

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

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

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

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

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

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

17 11. the total amount of revenue realized by the county in connection
18 with the program;

19 12. the expenses incurred by the county in connection with the
20 program; and

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

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

27 § 2. Section 1803 of the vehicle and traffic law is amended by adding
28 a new subdivision 18 to read as follows:

29 18. Where the county of Oneida has established a demonstration program
30 imposing monetary liability on the owner of a vehicle for failure of an
31 operator thereof to comply with subdivision (b), (c), (d), (f) or (g) of
32 section eleven hundred eighty of this chapter in accordance with section
33 eleven hundred eighty-h of this chapter, any fine or penalty collected
34 by a court, judge, magistrate or other officer for an imposition of
35 liability which occurs within a town or village within such county
36 pursuant to such program shall be paid to the state comptroller within
37 the first ten days of the month following collection, except as other-
38 wise provided in subdivision three of section ninety-nine-a of the state
39 finance law. Every such payment shall be accompanied by a statement in
40 such form and detail as the comptroller shall provide. The comptroller
41 shall pay eighty percent of any such fine or penalty imposed for such
42 liability to the county of Oneida, and twenty percent of any such fine
43 or penalty to the town or village in which the violation giving rise to
44 the liability occurred. All fines, penalties and forfeitures paid to a
45 town or village pursuant to the provisions of this subdivision shall be
46 credited to the general fund of such town or village, unless a different
47 disposition is prescribed by charter, special law, local law or ordi-
48 nance.

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

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

54 § 4. The purchase or lease of equipment for a demonstration program
55 established pursuant to section 1180-h of the vehicle and traffic law,

1 as added by section one of this act, shall be subject to the provisions
2 of section 103 of the general municipal law.
3 § 5. This act shall take effect on the thirtieth day after it shall
4 have become a law and shall expire December 31, 2030, when upon such
5 date the provisions of this act shall be deemed repealed. Effective
6 immediately, the addition, amendment and/or repeal of any rule or regu-
7 lation necessary for the implementation of this act on its effective
8 date are authorized to be made and completed on or before such effective
9 date.