STATE OF NEW YORK

10034

IN SENATE

April 24, 2026

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing and empowering each municipality of the state and the department of transportation to implement a program for imposing fines for littering using photo violation-monitoring systems; and to amend the public officers law, in relation to accessing records

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

Section 1. Section 1220 of the vehicle and traffic law is amended by adding two new subdivisions (d) and (e) to read as follows:

(d) 1. For purposes of this subdivision, the term:

(A) "owner" shall have the meaning provided in article two-B of this chapter.

(B) "photo violation-monitoring system" shall mean a vehicle sensor which automatically produces two or more photographs, two or more micro-photographs, a videotape or other recorded images of a vehicle at the time an occupant of such vehicle violates the provisions of this section.

2. Notwithstanding any other provision of law, each municipality of the state is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a program imposing monetary liability on the owner of a vehicle for failure of an occupant thereof to comply with the provisions of this section in such municipality in accordance with the provisions of this subdivision.

3. Any participating municipality shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such photo violation-monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such municipality has made a reasonable effort to comply with the provisions of this subdivision.

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

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4. In any municipality which has adopted a local law or ordinance pursuant to paragraph two of this subdivision, 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, and an occupant thereof violated the provisions of this section, and such violation is evidenced by information obtained from a photo violation-monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of this section.

5. A certificate, sworn to or affirmed by a technician employed by the municipality in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo violation-monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to a local law or ordinance adopted pursuant to this subdivision.

6. An owner liable for a violation of this section pursuant to a local law or ordinance adopted pursuant to this subdivision shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be set forth in such local law or ordinance, except that in a municipality which, by local law or ordinance, has authorized the adjudication of such owner liability by a parking violations bureau, such schedule shall be promulgated by such bureau. The liability of the owner pursuant to this section shall not exceed fifty dollars for each violation; provided, however, that such local law or ordinance may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

7. (A) A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of this section pursuant to this subdivision. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

(B) A notice of liability shall contain the name and address of the person alleged to be liable as an owner for such violation, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

(C) The notice of liability shall contain information advising the person charged of the manner and the time in which they may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(D) The notice of liability shall be prepared and mailed by the municipality having jurisdiction over where the violation occurred, or by any other entity authorized by the municipality to prepare and mail such notification of violation.

8. Adjudication of the liability imposed upon owners by this subdivision shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law or, if there

be none, by the court having jurisdiction over traffic infractions, except that any municipality which has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations may, by local law, authorize such adjudication by such tribunal.

9. If an owner receives a notice of liability pursuant to this subdivision for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section pursuant to this subdivision that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this paragraph it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the traffic violations bureau, court having jurisdiction or parking violations bureau.

10. (A) In a municipality where the adjudication of liability imposed upon owners pursuant to this subdivision is by a traffic violations bureau or a court having jurisdiction, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to paragraph seven of this subdivision shall not be liable for the violation of this section, provided that such lessor sends to the traffic violations bureau or court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of such violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bureau or court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this subdivision. Where the lessor complies with the provisions of this subparagraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this subdivision, shall be subject to liability for the violation of this section pursuant to this subdivision and shall be sent a notice of liability pursuant to paragraph seven of this subdivision.

(B) (i) In a municipality which, by local law or ordinance, has authorized the adjudication of liability imposed upon owners by this subdivision by a parking violations bureau, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to paragraph seven of this subdivision shall not be liable for the violation of this section, provided that:

a. prior to the violation, the lessor has filed with the bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

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

(ii) Failure to comply with this subparagraph shall render the owner liable for the penalty prescribed in this section.

(iii) Where the lessor complies with the provisions of this subparagraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this subdivision, shall be subject to liability for such violation pursuant to this subdivision and shall be sent a notice of liability pursuant to paragraph seven of this subdivision.

11. If the owner liable for a violation of this section pursuant to this subdivision was not the occupant of the vehicle which violated this section, the owner may maintain an action for indemnification against such occupant. Notwithstanding any other provision of this subdivision, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this subdivision if such vehicle was being operated or occupied without the consent of the owner at the time of such violation. For purposes of this paragraph, there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time of such violation.

12. Nothing in this section shall be construed to limit the liability of any person for any violation of this section.

13. Any municipality that adopts a program pursuant to this subdivision shall submit an annual report detailing the results of the use of such program to the governor, the temporary president of the senate and the speaker of the assembly on or before June first of each year in which the program is operable. Such report shall include, but not be limited to:

(A) a description of the locations where photo violation-monitoring systems were used;

(B) the amount of litter found on and adjacent to highways now monitored by the program for the three years preceding the installation of such system;

(C) the amount of litter found on and adjacent to highways monitored by the program for each year since the installation of such system;

(D) the number of events and number of violations recorded where a photo violation-monitoring system is used and in the aggregate on a daily, weekly and monthly basis;

(E) the number of notices of liability issued for violations recorded by each such system;

(F) the number of fines imposed and total amount of fines paid after first notice of liability issued for violations recorded by such systems;

(G) the number and percentage of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;

(H) the total amount of revenue realized by such municipality from such adjudications, including but not limited to a breakdown of revenue realized by such municipality for each year since deployment of its photo violation-monitoring system;

(I) expenses incurred by such municipality in connection with the program including but not limited to any part of fines imposed by the system paid out to lease such system; and

(J) quality of the adjudication process and its results.

(e) 1. For purposes of this subdivision, the term:

(A) "owner" shall have the meaning provided in article two-B of this chapter.

(B) "photo violation-monitoring system" shall mean a vehicle sensor which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the

time an occupant of such vehicle violates the provisions of this section.

2. Notwithstanding any other provision of law, the department of transportation is hereby authorized and empowered to establish a program imposing monetary liability on the owner of a vehicle for failure of an occupant thereof to comply with the provisions of this section on state highways in accordance with the provisions of this subdivision.

3. The department of transportation shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such photo violation-monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that the department of transportation has made a reasonable effort to comply with the provisions of this subdivision.

4. On any state highway, 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, and an occupant thereof violated the provisions of this section, and such violation is evidenced by information obtained from a photo violation-monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of this section.

5. A certificate, sworn to or affirmed by a technician employed by the department of transportation, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo violation-monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant this subdivision.

6. An owner liable for a violation of this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be set forth in such local law or ordinance, except that in a municipality which, by local law or ordinance, has authorized the adjudication of such owner liability by a parking violations bureau, such schedule shall be promulgated by such bureau. The liability of the owner pursuant to this section shall not exceed fifty dollars for each violation.

7. (A) A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of this section pursuant to this subdivision. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

(B) A notice of liability shall contain the name and address of the person alleged to be liable as an owner for such violation, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

(C) The notice of liability shall contain information advising the person charged of the manner and the time in which they may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest

in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

(D) The notice of liability shall be prepared and mailed by the municipality having jurisdiction over where the violation occurred, or by any other entity authorized by the municipality to prepare and mail such notification of violation.

8. Adjudication of the liability imposed upon owners by this subdivision shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law or, if there be none, by the court having jurisdiction over traffic infractions, except that any municipality which has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations may, by local law, authorize such adjudication by such tribunal.

9. If an owner receives a notice of liability pursuant to this subdivision for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of this section pursuant to this subdivision that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this paragraph it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the traffic violations bureau, court having jurisdiction or parking violations bureau.

10. (A) In a municipality where the adjudication of liability imposed upon owners pursuant to this subdivision is by a traffic violations bureau or a court having jurisdiction, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to paragraph seven of this subdivision shall not be liable for the violation of this section, provided that such lessor sends to the traffic violations bureau or court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of such violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bureau or court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this subdivision. Where the lessor complies with the provisions of this subparagraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this subdivision, shall be subject to liability for the violation of this section pursuant to this subdivision and shall be sent a notice of liability pursuant to paragraph seven of this subdivision.

(B) (i) In a municipality which, by local law or ordinance, has authorized the adjudication of liability imposed upon owners by this subdivision by a parking violations bureau, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to paragraph seven of this subdivision shall not be liable for the violation of this section, provided that:

a. prior to the violation, the lessor has filed with the bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

b. within thirty-seven days after receiving notice from the bureau of the date and time of a liability, together with the other information

contained in the original notice of liability, the lessor submits to the bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the bureau pursuant to regulations that may be promulgated for such purpose.

(ii) Failure to comply with this subparagraph shall render the owner liable for the penalty prescribed in this section.

(iii) Where the lessor complies with the provisions of this subparagraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this subdivision, shall be subject to liability for such violation pursuant to this subdivision and shall be sent a notice of liability pursuant to paragraph seven of this subdivision.

11. If the owner liable for a violation of this section pursuant to this subdivision was not the occupant of the vehicle which violated this section, the owner may maintain an action for indemnification against such occupant. Notwithstanding any other provision of this subdivision, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this subdivision if such vehicle was being operated or occupied without the consent of the owner at the time of such violation. For purposes of this paragraph, there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time of such violation.

12. Nothing in this section shall be construed to limit the liability of any person for any violation of this section.

13. The department of transportation shall submit an annual report detailing the results of the use of such program to the governor, the temporary president of the senate and the speaker of the assembly on or before June first of each year in which the program is operable. Such report shall include, but not be limited to:

(A) a description of the locations where photo violation-monitoring systems were used;

(B) the amount of litter found on and adjacent to highways now monitored by the program for the three years preceding the installation of such system;

(C) the amount of litter found on and adjacent to highways monitored by the program for each year since the installation of such system;

(D) the number of events and number of violations recorded where a photo violation-monitoring system is used and in the aggregate on a daily, weekly and monthly basis;

(E) the number of notices of liability issued for violations recorded by each such system;

(F) the number of fines imposed and total amount of fines paid after first notice of liability issued for violations recorded by such systems;

(G) the number and percentage of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;

(H) the total amount of revenue realized from such adjudications, including but not limited to a breakdown of revenue realized by each municipality where photo violation-monitoring systems were used for each year since deployment of its photo violation-monitoring system;

(I) expenses incurred by the department of transportation and each municipality where photo violation-monitoring systems were used in

connection with the program including but not limited to any part of fines imposed by the system paid out to lease such system; and

(J) quality of the adjudication process and its results.

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

(w) are photographs, microphotographs, videotape or other recorded images prepared under authority of subdivisions (d) and (e) of section twelve hundred twenty of the vehicle and traffic law.

§ 3. This act shall take effect immediately.