

STATE OF NEW YORK

7945

2025-2026 Regular Sessions

IN SENATE

May 14, 2025

Introduced by Sen. PALUMBO -- 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 and the public officers law, in relation to authorizing the village of East Hampton in the town of East Hampton, county of Suffolk to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits; 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 the operator to comply with
4 certain posted maximum speed limits; village of East Hampton, town of
5 East Hampton, county of Suffolk. (a) 1. Notwithstanding any other
6 provision of law, the village of East Hampton, in the town of East Hamp-
7 ton, county of Suffolk is hereby authorized to establish a demonstration
8 program imposing monetary liability on the owner of a vehicle for fail-
9 ure of an operator thereof to comply with posted maximum speed limits on
10 any road in such village in accordance with the provisions of this
11 section. Such village, for purposes of the implementation of the demon-
12 stration program, shall operate photo speed violation monitoring systems
13 within such village at no more than five locations at any one time
14 during any year of such program. Such photo speed violation monitoring
15 systems may be stationary or mobile and shall be activated at locations
16 selected by such village. Such photo speed violation monitoring systems
17 shall be placed at locations based on criteria, including but not limit-
18 ed to whether the location is within a quarter mile of a school, speed-
19 ing data, accident history, proximity to facilities for senior citizens
20 or disabled persons, roadway geometry and equitable geographic distrib-
21 ution.

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

LBD13031-01-5

1 2. No photo speed violation monitoring system shall be used in a
2 village authorized to establish a demonstration program pursuant to this
3 section unless (i) on the day it is to be used it has successfully
4 passed a self-test of its functions; and (ii) it has undergone an annual
5 calibration check performed pursuant to paragraph four of this subdivi-
6 sion. The village shall install signs giving notice that a photo speed
7 violation monitoring system is in use to be mounted on advance warning
8 signs notifying motor vehicle operators of such upcoming speed zone
9 and/or on speed limit signs applicable within such speed zone, in
10 conformance with standards established in the MUTCD.

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

24 4. Each photo speed violation monitoring system shall undergo an annu-
25 al calibration check performed by an independent calibration laboratory
26 which shall issue a signed certificate of calibration. The village shall
27 keep each such annual certificate of calibration on file until the final
28 resolution of all cases involving a notice of liability issued during
29 such year which were based on photographs, microphotographs, videotape
30 or other recorded images produced by such photo speed violation monitor-
31 ing system.

32 5. (i) Such demonstration programs shall utilize necessary technolo-
33 gies to ensure, to the extent practicable, that photographs, microphoto-
34 graphs, videotape or other recorded images produced by such photo speed
35 violation monitoring systems shall not include images that identify the
36 driver, the passengers, or the contents of the vehicle. Provided, howev-
37 er, that no notice of liability issued pursuant to this section shall be
38 dismissed solely because such a photograph, microphotograph, videotape
39 or other recorded image allows for the identification of the driver, the
40 passengers, or the contents of vehicles where the village shows that it
41 made reasonable efforts to comply with the provisions of this paragraph
42 in such case.

43 (ii) Photographs, microphotographs, videotape or any other recorded
44 image from a photo speed violation monitoring system shall be for the
45 exclusive use of the village for the purpose of the adjudication of
46 liability imposed pursuant to this section and of the owner receiving a
47 notice of liability pursuant to this section, and shall be destroyed by
48 the village upon the final resolution of the notice of liability to
49 which such photographs, microphotographs, videotape or other recorded
50 images relate, or one year following the date of issuance of such notice
51 of liability, whichever is later. Notwithstanding the provisions of any
52 other law, rule or regulation to the contrary, photographs, microphoto-
53 graphs, videotape or any other recorded image from a photo speed
54 violation monitoring system shall not be open to the public, nor subject
55 to civil or criminal process or discovery, nor used by any court or
56 administrative or adjudicatory body in any action or proceeding therein

1 except that which is necessary for the adjudication of a notice of
2 liability issued pursuant to this section, and no public entity or
3 employee, officer or agent thereof shall disclose such information,
4 except that such photographs, microphotographs, videotape or any other
5 recorded images from such systems:

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

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

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

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

39 (b) Where a village has established a demonstration program pursuant
40 to subdivision (a) of this section, the owner of a vehicle shall be
41 liable for a penalty imposed pursuant to this section if such vehicle
42 was used or operated with the permission of the owner, express or
43 implied, in violation of subdivision (c) or (d) of section eleven
44 hundred eighty of this article, and such violation is evidenced by
45 information obtained from a photo speed violation monitoring system;
46 provided however that no owner of a vehicle shall be liable for a penal-
47 ty imposed pursuant to this section where the operator of such vehicle
48 has been convicted of the underlying violation of subdivision (c) or (d)
49 of section eleven hundred eighty of this article.

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

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

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

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

10 (d) A certificate, sworn to or affirmed by a technician employed by
11 the county in which the charged violation occurred or its vendor or
12 contractor, or a facsimile thereof, based upon inspection of photo-
13 graphs, microphotographs, videotape or other recorded images produced by
14 a photo speed violation monitoring system, shall be prima facie evidence
15 of the facts contained therein. Any photographs, microphotographs, vide-
16 otape or other recorded images evidencing such a violation shall be
17 available for inspection in any proceeding to adjudicate the liability
18 for such violation pursuant to this section.

19 (e) An owner liable for a violation of subdivision (c) or (d) of
20 section eleven hundred eighty of this article pursuant to a demon-
21 stration program established pursuant to this section shall be liable
22 for monetary penalties in accordance with a schedule of fines and penal-
23 ties promulgated by the parking violations bureau of such county;
24 provided, however, that the monetary penalty for driving at a speed in
25 excess of the maximum speed limit by ten or more miles per hour and less
26 than thirty miles per hour shall not exceed fifty dollars, and the mone-
27 tary penalty for driving in excess of the maximum speed limit by thirty
28 or more miles per hour shall not exceed one hundred dollars; provided,
29 further, that an owner shall be liable for an additional penalty not to
30 exceed twenty-five dollars for each violation for the failure to respond
31 to a notice of liability within the prescribed time period.

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

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

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

55 3. The notice of liability shall contain information advising the
56 person charged of the manner and the time in which the person may

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

6 4. The notice of liability shall be prepared and mailed by the agency
7 or agencies designated by the village authorized to implement a demon-
8 stration program pursuant to this section.

9 (h) If an owner of a vehicle receives a notice of liability pursuant
10 to this section for any time period during which such vehicle was
11 reported to the police department as having been stolen, it shall be a
12 valid defense to an allegation of liability for a violation of subdivi-
13 sion (c) or (d) of section eleven hundred eighty of this article that
14 the vehicle had been reported to the police as stolen prior to the time
15 the violation occurred and had not been recovered by such time. For
16 purposes of asserting the defense provided by this subdivision it shall
17 be sufficient that an original incident form issued by the police on the
18 stolen vehicle be sent by first class mail to the justice court of said
19 village.

20 (i) 1. An owner who is a lessor of a vehicle to which a notice of
21 liability was issued pursuant to subdivision (g) of this section shall
22 not be liable for the violation of subdivision (c) or (d) of section
23 eleven hundred eighty of this article, provided that:

24 (i) prior to the violation, the lessor has filed with such village in
25 accordance with the provisions of section two hundred thirty-nine of
26 this chapter; and

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

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

38 3. Where the lessor complies with the provisions of paragraph one of
39 this subdivision, the lessee of such vehicle on the date of such
40 violation shall be deemed to be the owner of such vehicle for purposes
41 of this section, shall be subject to liability for such violation pursu-
42 ant to this section and shall be sent a notice of liability pursuant to
43 subdivision (g) of this section.

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

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

51 (l) Where a village adopts a demonstration program pursuant to subdivi-
52 vision (a) of this section, such village shall submit a report on the
53 results of the use of photo speed violation monitoring systems to the
54 governor, the temporary president of the senate and the speaker of the
55 assembly on or before the first day of June next succeeding the effec-
56 tive date of this section and on the same date in each succeeding year

1 in which the demonstration program is operable. Such report shall
2 include, but not be limited to:

3 1. a description of the locations where photo speed violation monitor-
4 ing systems were used;

5 2. the number of violations recorded at each such location and in the
6 aggregate on a daily, weekly and monthly basis;

7 3. the total number of notices of liability issued;

8 4. the number of fines and total amount of fines paid after first
9 notice of liability;

10 5. the number of violations adjudicated and results of such adjudi-
11 cations including breakdowns of dispositions made;

12 6. the total amount of revenue realized by such village; and

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

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

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

19 § 3. This act shall take effect on the thirtieth day after it shall
20 have become a law and shall expire December 1, 2030 when upon such date
21 the provisions of this act shall be deemed repealed.