

8031

2009-2010 Regular Sessions

I N A S S E M B L Y

May 1, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices

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 1111-c to read as follows:
3 S 1111-C. TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES;
4 PROHIBITIONS AND PROTECTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF
5 LAW, RULE OR REGULATION TO THE CONTRARY, A CITY AUTHORIZED TO INSTALL
6 AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES
7 PURSUANT TO THE PROVISIONS OF SECTION ELEVEN HUNDRED ELEVEN-B OF THIS
8 ARTICLE SHALL ADOPT AND ENFORCE MEASURES TO PROTECT THE PRIVACY OF DRIVERS,
9 PASSENGERS, PEDESTRIANS AND CYCLISTS WHOSE IDENTIFYING INFORMATION
10 MAY BE CAPTURED BY SUCH DEVICES. SUCH PRIVACY-PROTECTION MEASURES SHALL
11 INCLUDE, BUT NOT BE LIMITED TO:
12 1. UTILIZATION OF NECESSARY TECHNOLOGIES TO ENSURE, TO THE EXTENT
13 PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH TRAFFIC-CONTROL SIGNAL
14 PHOTO VIOLATION-MONITORING DEVICES SHALL NOT INCLUDE IMAGES THAT IDENTIFY
15 THE DRIVER, THE PASSENGERS, OR THE CONTENTS OF THE VEHICLE. HOWEVER,
16 NO NOTICE OF LIABILITY ISSUED PURSUANT TO SECTION ELEVEN HUNDRED
17 ELEVEN-B OF THIS ARTICLE SHALL BE DISMISSED SOLELY BECAUSE A PHOTOGRAPH
18 OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS OF A VEHICLE,
19 PROVIDED THAT SUCH CITY HAS MADE A REASONABLE EFFORT TO COMPLY WITH
20 THE PROVISIONS OF THIS SECTION;
21 2. PROHIBITION ON THE USE OR DISSEMINATION OF VEHICLE'S LICENSE PLATE
22 INFORMATION AND OTHER INFORMATION AND IMAGES CAPTURED BY TRAFFIC-CONTROL
23 SIGNAL PHOTO VIOLATION-MONITORING DEVICES EXCEPT AS REQUIRED TO ESTABLISH
24 LIABILITY UNDER THIS SECTION OR COLLECT PAYMENT OF PENALTIES; OR
25 UNLESS AUTHORIZED BY A COURT ORDERED SUBPOENA OR SEARCH WARRANT ISSUED

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

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1 IN RESPONSE TO A REQUEST BY LAW ENFORCEMENT OFFICIALS PERTAINING TO A
2 SPECIFIC ACCIDENT OR SPECIFIC INCIDENT OF ALLEGED CRIMINAL CONDUCT; OR
3 EXCEPT AS OTHERWISE REQUIRED BY LAW;
4 3. DESTRUCTION OF IMAGES OBTAINED BY THE TRAFFIC-CONTROL SIGNAL PHOTO
5 VIOLATION-MONITORING DEVICES NO LATER THAN THIRTY DAYS FROM THE DATE
6 SUCH IMAGES WERE RECORDED; OR IMMEDIATELY UPON ADJUDICATION OF THE
7 LIABILITY AND PAYMENT OF FINES, AS PROVIDED IN PARAGRAPH (H) OF SUBDIVI-
8 SION TWO OF SECTION ELEVEN HUNDRED ELEVEN-B OF THIS ARTICLE, IF EITHER
9 EVENT OCCURS LATER THAN THIRTY DAYS FROM THE DATE SUCH IMAGES ARE
10 RECORDED;
11 4. THE DELETION OF IDENTIFYING INFORMATION, INCLUDING VEHICLES'
12 LICENSE PLATE INFORMATION, FROM RECORDS MAINTAINED FOR RESEARCH PURPOSES
13 OR FOR REPORTING PURPOSES AS DETAILED IN PARAGRAPH (M) OF SUBDIVISION
14 TWO OF SECTION ELEVEN HUNDRED ELEVEN-B OF THIS ARTICLE; AND
15 5. OVERSIGHT PROCEDURES TO ENSURE COMPLIANCE WITH THE AFOREMENTIONED
16 PRIVACY-PROTECTION MEASURES.
17 S 2. This act shall take effect immediately.