

6186

2011-2012 Regular Sessions

I N A S S E M B L Y

March 9, 2011

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-d to read as follows:
3 S 1111-D. 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 OR COUNTY AUTHORIZED TO
6 INSTALL AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING
7 DEVICES PURSUANT TO THE PROVISIONS OF SECTION ELEVEN HUNDRED ELEVEN-B OF
8 THIS ARTICLE SHALL ADOPT AND ENFORCE MEASURES TO PROTECT THE PRIVACY OF
9 DRIVERS, PASSENGERS, PEDESTRIANS AND CYCLISTS WHOSE IDENTIFYING INFORMATION
10 MAY BE CAPTURED BY SUCH DEVICES. SUCH PRIVACY-PROTECTION MEASURES
11 SHALL 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 OR COUNTY HAS MADE A REASONABLE EFFORT TO
20 COMPLY WITH 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 SECTION ELEVEN HUNDRED
8 ELEVEN-B OF THIS ARTICLE, IF EITHER EVENT OCCURS LATER THAN THIRTY DAYS
9 FROM THE DATE SUCH IMAGES ARE RECORDED;
10 4. THE DELETION OF IDENTIFYING INFORMATION, INCLUDING VEHICLES'
11 LICENSE PLATE INFORMATION, FROM RECORDS MAINTAINED FOR RESEARCH PURPOSES
12 OR FOR REPORTING PURPOSES AS DETAILED IN SECTION ELEVEN HUNDRED ELEVEN-B
13 OF THIS ARTICLE; AND
14 5. OVERSIGHT PROCEDURES TO ENSURE COMPLIANCE WITH THE AFOREMENTIONED
15 PRIVACY-PROTECTION MEASURES.
16 S 2. This act shall take effect immediately.