S T A T E O F N E W Y O R K

7491

I N S E N A T E

May 25, 2012

Introduced by Sen. SQUADRON -- 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 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:

Section 1. The vehicle and traffic law is amended by adding a new section 1111-d to read as follows:

S 1111-D. TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES; PROHIBITIONS AND PROTECTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, A CITY OR COUNTY AUTHORIZED TO INSTALL AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES PURSUANT TO THE PROVISIONS OF SECTION ELEVEN HUNDRED ELEVEN-B OF THIS ARTICLE SHALL ADOPT AND ENFORCE MEASURES TO PROTECT THE PRIVACY OF DRIVERS, PASSENGERS, PEDESTRIANS AND CYCLISTS WHOSE IDENTIFYING INFORMATION MAY BE CAPTURED BY SUCH DEVICES. SUCH PRIVACY-PROTECTION MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO:

1. UTILIZATION OF NECESSARY TECHNOLOGIES TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSENGERS, OR THE CONTENTS OF THE VEHICLE. HOWEVER, NO NOTICE OF LIABILITY ISSUED PURSUANT TO SECTION ELEVEN HUNDRED ELEVEN-B OF THIS ARTICLE SHALL BE DISMISSED SOLELY BECAUSE A PHOTOGRAPH OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS OF A VEHICLE, PROVIDED THAT SUCH CITY OR COUNTY HAS MADE A REASONABLE EFFORT TO COMPLY WITH THE PROVISIONS OF THIS SECTION;

2. PROHIBITION ON THE USE OR DISSEMINATION OF VEHICLE'S LICENSE PLATE INFORMATION AND OTHER INFORMATION AND IMAGES CAPTURED BY TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES EXCEPT AS REQUIRED TO ESTABLISH LIABILITY UNDER THIS SECTION OR COLLECT PAYMENT OF PENALTIES; OR UNLESS AUTHORIZED BY A COURT ORDERED SUBPOENA OR SEARCH WARRANT ISSUED IN RESPONSE TO A REQUEST BY LAW ENFORCEMENT OFFICIALS PERTAINING TO A SPECIFIC ACCIDENT OR SPECIFIC INCIDENT OF ALLEGED CRIMINAL CONDUCT; OR EXCEPT AS OTHERWISE REQUIRED BY LAW;

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

3. DESTRUCTION OF IMAGES OBTAINED BY THE TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES NO LATER THAN THIRTY DAYS FROM THE DATE SUCH IMAGES WERE RECORDED; OR IMMEDIATELY UPON ADJUDICATION OF THE LIABILITY AND PAYMENT OF FINES, AS PROVIDED IN SECTION ELEVEN HUNDRED ELEVEN-B OF THIS ARTICLE, IF EITHER EVENT OCCURS LATER THAN THIRTY DAYS FROM THE DATE SUCH IMAGES ARE RECORDED;

4. THE DELETION OF IDENTIFYING INFORMATION, INCLUDING VEHICLES' LICENSE PLATE INFORMATION, FROM RECORDS MAINTAINED FOR RESEARCH PURPOSES OR FOR REPORTING PURPOSES AS DETAILED IN SECTION ELEVEN HUNDRED ELEVEN-B OF THIS ARTICLE; AND

5. OVERSIGHT PROCEDURES TO ENSURE COMPLIANCE WITH THE AFOREMENTIONED PRIVACY-PROTECTION MEASURES.

S 2. This act shall take effect immediately.