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

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:

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

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

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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;

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.