

5028

2013-2014 Regular Sessions

I N S E N A T E

May 6, 2013

Introduced by Sen. YOUNG -- 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 education law, in relation to authorizing the installation and use of safety cameras on school buses for the purpose of monitoring overtaking and passing of school bus violations; to amend the vehicle and traffic law, in relation to owner liability for an operator illegally overtaking or passing a school bus; to amend the penal law, in relation to assault in the third degree and criminally negligent homicide; to amend the vehicle and traffic law and the education law, in relation to establishing the school bus safety education program, and to amend the state finance law, in relation to establishing the school bus safety education fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "school bus camera safety act".
3 S 2. Section 375 of the vehicle and traffic law is amended by adding a
4 new subdivision 21-j to read as follows:
5 21-J. SCHOOL BUSES OWNED OR CONTRACTED FOR BY A SCHOOL DISTRICT WHICH
6 HAS ADOPTED A RESOLUTION PROVIDING FOR THE INSTALLATION OF SCHOOL BUS
7 SAFETY CAMERAS, AS DEFINED IN SECTION ELEVEN HUNDRED SEVENTY-FOUR-A OF
8 THIS CHAPTER, MAY BE EQUIPPED WITH AND OPERATE SUCH CAMERAS. THE COMMIS-
9 SIONER SHALL PROMULGATE RULES AND REGULATIONS FOR THE INSTALLATION OF
10 SCHOOL BUS SAFETY CAMERAS.
11 S 3. The vehicle and traffic law is amended by adding a new section
12 1174-a to read as follows:
13 S 1174-A. OWNER LIABILITY FOR OPERATOR ILLEGALLY OVERTAKING OR PASSING
14 A SCHOOL BUS. (A) FOR THE PURPOSES OF THIS SECTION:
15 1. "SCHOOL BUS SAFETY CAMERA" MEANS AN AUTOMATED PHOTO MONITORING
16 DEVICE AFFIXED TO A SCHOOL BUS AND DESIGNED TO DETECT AND STORE AN IMAGE

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

LBD10771-02-3

1 OF MOTOR VEHICLES WHICH OVERTAKE OR PASS SCHOOL BUSES IN VIOLATION OF
2 SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

3 2. "OWNER" SHALL HAVE THE SAME MEANING PROVIDED IN ARTICLE TWO-B OF
4 THIS CHAPTER.

5 (B) 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD OF EDUCA-
6 TION OR OF TRUSTEES OF A SCHOOL DISTRICT IS HEREBY AUTHORIZED AND
7 EMPOWERED TO ADOPT A RESOLUTION PROVIDING FOR THE INSTALLATION AND OPER-
8 ATION OF SCHOOL BUS SAFETY CAMERAS UPON SCHOOL BUSES OPERATED BY OR
9 CONTRACTED WITH SUCH DISTRICT, AND PROVIDING FOR THE FORWARDING OF
10 IMAGES FROM SUCH CAMERAS TO A LAW ENFORCEMENT AGENCY HAVING JURISDICTION
11 IN THE AREA IN WHICH SUCH SCHOOL BUSES OPERATE, FOR THE PURPOSE OF
12 IMPOSING MONETARY LIABILITY ON THE OWNER OF A MOTOR VEHICLE FOR ILLEGAL-
13 LY OVERTAKING OR PASSING A SCHOOL BUS IN VIOLATION OF SUBDIVISION (A) OF
14 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

15 2. THE BOARD OF EDUCATION OR OF TRUSTEES OF THE SCHOOL DISTRICT MAY,
16 FURTHERMORE, ENTER INTO AN AGREEMENT WITH A PRIVATE VENDOR FOR THE
17 INSTALLATION, OPERATION, NOTICE PROCESSING AND ADMINISTRATION, AND MAIN-
18 TENANCE OF SCHOOL BUS SAFETY CAMERAS ON BUSES WITHIN SUCH DISTRICT'S
19 FLEET, WHETHER OWNED OR LEASED.

20 3. SUCH SCHOOL BUS SAFETY CAMERAS SHALL UTILIZE NECESSARY TECHNOLOGIES
21 TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH
22 CAMERAS SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSEN-
23 GERS OR THE CONTENTS OF THE VEHICLE; SHALL ONLY PRODUCE A PHOTOGRAPHIC
24 IMAGE OF THE FRONT OR REAR REGISTRATION NUMBER PLATE OF THE MOTOR VEHI-
25 CLE; AND SHALL ONLY PRODUCE A PHOTOGRAPHIC IMAGE OF A VEHICLE WHICH
26 PASSES OR OVERTAKES THE SCHOOL BUS, IN VIOLATION OF SUBDIVISION (A) OF
27 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE, WHILE THE SCHOOL
28 BUS IS AT A FULL STOP AND THE RED VISUAL SIGNAL, AS SPECIFIED IN SUBDI-
29 VISION TWENTY OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS CHAPTER, IS
30 BEING OPERATED. PROVIDED, HOWEVER, THAT NO SIMPLIFIED TRAFFIC INFORMA-
31 TION ISSUED PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE A
32 PHOTOGRAPH OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS
33 OF A MOTOR VEHICLE.

34 4. SUCH A SCHOOL DISTRICT MAY ENTER INTO AN INTERGOVERNMENTAL AGREE-
35 MENT WITH A LOCAL GOVERNING AUTHORITY TO OFFSET THE EXPENSES RELATING TO
36 THE ONGOING OPERATION OF SCHOOL BUS SAFETY CAMERAS AND THE IMPLEMENTA-
37 TION OF THE PROVISIONS OF THIS SECTION.

38 (C) IN ANY SCHOOL DISTRICT IN WHICH SCHOOL BUS SAFETY CAMERAS ARE
39 INSTALLED AND OPERATED PURSUANT TO SUBDIVISION (B) OF THIS SECTION, THE
40 OWNER OF A MOTOR VEHICLE, UPON ISSUANCE OF A SIMPLIFIED TRAFFIC INFORMA-
41 TION BY A POLICE OFFICER, SHALL BE LIABLE FOR A CIVIL PENALTY EQUAL TO
42 THE FINES ESTABLISHED IN SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
43 SEVENTY-FOUR OF THIS ARTICLE IF SUCH VEHICLE WAS USED OR OPERATED WITH
44 THE PERMISSION OF THE OWNER, EXPRESS OR IMPLIED, IN VIOLATION OF SUBDI-
45 VISION (A) OF SUCH SECTION, AND SUCH VIOLATION IS EVIDENCED BY INFORMA-
46 TION OBTAINED FROM A SCHOOL BUS SAFETY CAMERA; PROVIDED, HOWEVER, THAT
47 NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO
48 THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN CONVICTED OF
49 THE UNDERLYING VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED
50 SEVENTY-FOUR OF THIS ARTICLE.

51 (D) AFTER A SCHOOL DISTRICT FORWARDS THE IMAGES FROM ITS SCHOOL BUS
52 SAFETY CAMERAS TO A LAW ENFORCEMENT AGENCY, A POLICE OFFICER SHALL
53 INSPECT SUCH IMAGES TO DETERMINE WHETHER A VIOLATION OF SUBDIVISION (A)
54 OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE WAS COMMITTED. IF
55 SUCH POLICE OFFICER FINDS THAT SUCH A VIOLATION OCCURRED, HE OR SHE
56 SHALL ISSUE A SIMPLIFIED TRAFFIC INFORMATION ALLEGING THE VIOLATION, AND

1 SUCH INFORMATION WITH A COPY OF THE PHOTOGRAPHIC IMAGE OF THE VIOLATION
2 SHALL BE MAILED TO THE OWNER OF THE MOTOR VEHICLE BY FIRST CLASS MAIL
3 WITHIN THIRTY DAYS OF THE ALLEGED VIOLATION. THE IMAGES PRODUCED BY A
4 SCHOOL BUS SAFETY CAMERA SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
5 CONTAINED THEREIN. ALL PHOTOGRAPHIC IMAGES OF MOTOR VEHICLES WHICH DO
6 NOT DEPICT OR RESULT IN LIABILITY FOR VIOLATION OF SUBDIVISION (A) OF
7 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE SHALL BE DESTROYED
8 BY THE APPROPRIATE SCHOOL DISTRICT AND LAW ENFORCEMENT AGENCY WITHIN TWO
9 DAYS.

10 (E) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE
11 DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF THE
12 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR
13 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-
14 CLE INSURANCE COVERAGE.

15 (F) 1. A SIMPLIFIED TRAFFIC INFORMATION AND THE PHOTOGRAPHIC IMAGE OF
16 THE ALLEGED VIOLATION SHALL BE SENT BY FIRST CLASS MAIL TO EACH PERSON
17 ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION (A) OF
18 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS
19 SECTION. PERSONAL DELIVERY ON THE OWNER SHALL NOT BE REQUIRED. A MANUAL
20 OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDINARY COURSE OF BUSI-
21 NESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.

22 2. A SIMPLIFIED TRAFFIC INFORMATION SHALL CONTAIN THE NAME AND ADDRESS
23 OF THE PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDI-
24 VISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSU-
25 ANT TO THIS SECTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN
26 SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE
27 AND TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE SCHOOL
28 BUS SAFETY CAMERA WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR
29 NUMBER.

30 3. THE SIMPLIFIED TRAFFIC INFORMATION SHALL CONTAIN INFORMATION ADVIS-
31 ING THE PERSON CHARGED OF THE MANNER, THE TIME, THE PLACE AND THE COURT
32 OR ADMINISTRATIVE BODY IN WHICH HE OR SHE MAY CONTEST THE LIABILITY
33 ALLEGED IN THE SIMPLIFIED TRAFFIC INFORMATION. SUCH SIMPLIFIED TRAFFIC
34 INFORMATION SHALL ALSO CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED
35 THAT FAILURE TO ANSWER IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED
36 AN ADMISSION OF LIABILITY AND THAT HE OR SHE SHALL BE LIABLE FOR FAILURE
37 TO RESPOND TO A SUMMONS.

38 (G) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION
39 SHALL BE BY A TRAFFIC VIOLATIONS BUREAU ESTABLISHED PURSUANT TO SECTION
40 THREE HUNDRED SEVENTY OF THE GENERAL MUNICIPAL LAW OR, IF THERE BE NONE,
41 BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS.

42 (H) IF AN OWNER RECEIVES A SIMPLIFIED TRAFFIC INFORMATION PURSUANT TO
43 THIS SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED
44 TO A LAW ENFORCEMENT AGENCY AS HAVING BEEN STOLEN, IT SHALL BE A VALID
45 DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION (A)
46 OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS
47 SECTION THAT THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR
48 TO THE TIME THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH
49 TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION
50 IT SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE
51 STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE TRAFFIC VIOLATIONS
52 BUREAU, COURT HAVING JURISDICTION OR PARKING VIOLATIONS BUREAU.

53 (I) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A SIMPLIFIED TRAF-
54 FIC INFORMATION WAS ISSUED PURSUANT TO THIS SECTION SHALL NOT BE LIABLE
55 FOR THE VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-
56 FOUR OF THIS ARTICLE, PROVIDED THAT HE OR SHE SENDS TO THE COURT HAVING

1 JURISDICTION A COPY OF THE RENTAL, LEASE OR OTHER SUCH CONTRACT DOCUMENT
2 COVERING SUCH VEHICLE ON THE DATE OF THE VIOLATION, WITH THE NAME AND
3 ADDRESS OF THE LESSEE CLEARLY LEGIBLE, WITHIN THIRTY-SEVEN DAYS AFTER
4 RECEIVING NOTICE FROM THE COURT OF THE DATE AND TIME OF SUCH VIOLATION,
5 TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL SIMPLIFIED
6 TRAFFIC INFORMATION. FAILURE TO SEND SUCH INFORMATION WITHIN SUCH THIR-
7 TY-SEVEN DAY TIME PERIOD SHALL RENDER THE OWNER LIABLE FOR THE PENALTY
8 PRESCRIBED BY THIS SECTION. WHERE THE LESSOR COMPLIES WITH THE
9 PROVISIONS OF THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE
10 OF SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR
11 PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR THE
12 VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF
13 THIS ARTICLE PURSUANT TO THIS SECTION AND SHALL BE SENT A SIMPLIFIED
14 TRAFFIC INFORMATION PURSUANT TO THIS SECTION.

15 (J) IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (A) OF SECTION
16 ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE PURSUANT TO THIS SECTION WAS
17 NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER
18 MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

19 (K) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY
20 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (A) OF
21 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

22 (L) THE SCHOOL BUS SAFETY CAMERAS INSTALLED AND OPERATED PURSUANT TO
23 THIS SECTION SHALL BE USED SOLELY FOR THE PURPOSES OF CARRYING OUT
24 PHOTO-MONITORING OF VIOLATIONS OF SUBDIVISION (A) OF SECTION ELEVEN
25 HUNDRED SEVENTY-FOUR OF THIS ARTICLE.

26 S 4. Section 3621 of the education law is amended by adding a new
27 subdivision 16 to read as follows:

28 16. "SCHOOL BUS SAFETY CAMERA" SHALL MEAN AN AUTOMATED PHOTO MONITOR-
29 ING DEVICE AUTHORIZED TO BE INSTALLED AND OPERATED IN A SCHOOL BUS
30 PURSUANT TO SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAF-
31 FIC LAW.

32 S 5. Paragraph c of subdivision 2 of section 3623-a of the education
33 law, as amended by chapter 453 of the laws of 2005, is amended to read
34 as follows:

35 c. The purchase of equipment deemed a proper school district expense,
36 including: (i) the purchase of two-way radios to be used on old and new
37 school buses, (ii) the purchase of stop-arms, to be used on old and new
38 school buses, (iii) the purchase and installation of seat safety belts
39 on school buses in accordance with the provisions of section thirty-six
40 hundred thirty-five-a of this article, (iv) the purchase of school bus
41 back up beepers, (v) the purchase of school bus front crossing arms,
42 (vi) the purchase of school bus safety sensor devices, (vii) the
43 purchase and installation of exterior reflective marking on school
44 buses, (viii) the purchase of automatic engine fire extinguishing
45 systems for school buses used to transport students who use wheelchairs
46 or other assistive mobility devices, (IX) THE PURCHASE OF SCHOOL BUS
47 SAFETY CAMERAS, and [(ix)] (X) the purchase of other equipment as
48 prescribed in the regulations of the commissioner; and

49 S 6. Subdivision 3 and paragraph a of subdivision 4 of section 227 of
50 the vehicle and traffic law, subdivision 3 as amended by chapter 337 of
51 the laws of 1970 and renumbered by chapter 288 of the laws of 1989 and
52 paragraph a of subdivision 4 as amended by section 7 of part J of chap-
53 ter 62 of the laws of 2003, are amended to read as follows:

54 3. After due consideration of the evidence and arguments offered in a
55 contested case, the hearing officer shall determine whether the charges
56 have been established. IN THE CASE OF AN OWNER CHARGED AS SUCH PURSUANT

1 TO THIS ARTICLE, IT SHALL BE A COMPLETE DEFENSE TO SUCH CHARGE THAT A
2 VEHICLE ALLEGED TO BE IN VIOLATION WAS OPERATED WITHOUT THE PERMISSION
3 OF SUCH OWNER OR HIS AGENT AND THE ESTABLISHMENT OF LACK OF PERMISSION
4 SHALL RESULT IN AN ORDER DISMISSING SUCH CHARGE AGAINST SUCH OWNER.
5 Where the charges have not been established, an order dismissing the
6 charges shall be entered. Where a determination is made that a charge
7 has been established, either in a contested case or in an uncontested
8 case where there is an appearance before a hearing officer, or if an
9 answer admitting the charge otherwise has been received, an appropriate
10 order shall be entered in the department's records.

11 a. An order entered upon the failure to answer or appear or after the
12 receipt of an answer admitting the charge or where a determination is
13 made that the charge has been established shall be civil in nature, but
14 shall be treated as a conviction for the purposes of this chapter. The
15 commissioner or his designee may include in such order an imposition of
16 any penalty authorized by any provision of this chapter for a conviction
17 of such violation, except that no penalty [therefore] THEREFOR shall
18 include imprisonment, nor, if monetary, exceed the amount of the fine
19 which could have been imposed had the charge been heard by a court. The
20 driver's license or privileges, or, if the charge involves a violation
21 of section three hundred eighty-five or section four hundred one of this
22 chapter by a registrant who was not the operator of the vehicle, the
23 registration of such vehicle or privilege of operation of any motor
24 vehicle owned by such registrant may be suspended pending the payment of
25 any penalty so imposed; HOWEVER, IN THE CASE OF AN OWNER CHARGED AS SUCH
26 PURSUANT TO THIS ARTICLE, HIS OR HER DRIVER'S LICENSE OR PRIVILEGE SHALL
27 NOT BE AFFECTED BY SUCH ORDER OR DETERMINATION OTHER THAN AS SUSPENSION
28 THEREOF FOR FAILURE TO APPEAR OR PAY AS SET FORTH IN THIS ARTICLE, NOR
29 SHALL A CONVICTION HEREUNDER OF SUCH OWNER AS SUCH RESULT IN DEPART-
30 MENTAL ADMINISTRATIVE SANCTIONS AFFECTING HIS OR HER DRIVER'S LICENSE OR
31 PRIVILEGE. Any suspension issued pursuant to this paragraph shall be
32 subject to the provisions of paragraph (j-1) of subdivision two of
33 section five hundred three of this chapter.

34 S 7. Paragraph k of subdivision 3 of section 510 of the vehicle and
35 traffic law, as amended by chapter 124 of the laws of 1992, is amended
36 and a new paragraph l is added to read as follows:

37 k. for a period of up to ninety days because of the conviction of the
38 holder of the offenses of menacing as defined in section 120.15 of the
39 penal law, where such offense was committed against a traffic enforce-
40 ment agent employed by the city of New York or the city of Buffalo while
41 such agent was enforcing or attempting to enforce the traffic regu-
42 lations of such city[.];

43 L. FOR A PERIOD OF UP TO SIXTY DAYS FOR A VIOLATION OF SECTION ELEVEN
44 HUNDRED SEVENTY-FOUR OF THIS CHAPTER.

45 S 8. Section 120.00 of the penal law is amended to read as follows:

46 S 120.00 Assault in the third degree.

47 A person is guilty of assault in the third degree when:

48 1. With intent to cause physical injury to another person, he OR SHE
49 causes such injury to such person or to a third person; or

50 2. He OR SHE recklessly causes physical injury to another person; or

51 3. With criminal negligence, he OR SHE causes physical injury to
52 another person by means of a deadly weapon or a dangerous instrument[.];

53 OR

54 4. HE OR SHE CAUSES PHYSICAL INJURY TO ANOTHER PERSON WHILE OPERATING
55 A MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN
56 HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.

1 Assault in the third degree is a class A misdemeanor.

2 S 9. Section 125.10 of the penal law is amended to read as follows:

3 S 125.10 Criminally negligent homicide.

4 A person is guilty of criminally negligent homicide when[, with]:

5 1. WITH criminal negligence, he OR SHE causes the death of another
6 person[.]; OR

7 2. HE OR SHE CAUSES THE DEATH OF ANOTHER PERSON WHILE OPERATING A
8 MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED
9 SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.

10 Criminally negligent homicide is a class E felony.

11 S 10. The vehicle and traffic law is amended by adding a new section
12 223-a to read as follows:

13 S 223-A. SCHOOL BUS SAFETY EDUCATION PROGRAM. THE COMMISSIONER SHALL,
14 IN CONJUNCTION WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE, THE DEPART-
15 MENTS OF EDUCATION AND TRANSPORTATION, THE DIVISION OF STATE POLICE, AND
16 THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL,
17 DESIGN AND IMPLEMENT A PUBLIC EDUCATION PROGRAM TO EDUCATE MOTORISTS
18 UPON THE DANGERS OF PASSING OR OVERTAKING A SCHOOL BUS IN VIOLATION OF
19 SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS CHAPTER, TO REDUCE THE
20 NUMBER OF SUCH INCIDENTS, AND TO PROMOTE SCHOOL BUS SAFETY.

21 S 11. Subdivision 3 of section 1809 of the vehicle and traffic law, as
22 amended by chapter 309 of the laws of 1996, is amended to read as
23 follows:

24 3. The mandatory surcharge provided for in subdivision one of this
25 section shall be paid to the clerk of the court or administrative tribu-
26 nal that rendered the conviction. Within the first ten days of the month
27 following collection of the mandatory surcharge the collecting authority
28 shall determine the amount of mandatory surcharge collected and, if it
29 is an administrative tribunal or a town or village justice court, it
30 shall pay such money to the state comptroller who shall deposit such
31 money in the state treasury pursuant to section one hundred twenty-one
32 of the state finance law to the credit of the general fund; PROVIDED,
33 HOWEVER, THAT THE COMPTROLLER SHALL DEPOSIT SUCH MONEY COLLECTED FOR
34 VIOLATIONS OF SECTION ELEVEN HUNDRED SEVENTY-FOUR AND FOR LIABILITY
35 PURSUANT TO SECTION ELEVEN HUNDRED SEVENTY-FOUR-A OF THIS CHAPTER TO THE
36 CREDIT OF THE SCHOOL BUS SAFETY EDUCATION FUND ESTABLISHED PURSUANT TO
37 SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW. If such collecting
38 authority is any other court of the unified court system, it shall,
39 within such period, pay such money to the [state] commissioner of taxa-
40 tion and finance to the credit of the criminal justice improvement
41 account established by section ninety-seven-bb of the state finance law;
42 PROVIDED, HOWEVER, THAT THE COMMISSIONER OF TAXATION AND FINANCE SHALL
43 DEPOSIT SUCH MONEY COLLECTED FOR VIOLATIONS OF SECTION ELEVEN HUNDRED
44 SEVENTY-FOUR AND FOR LIABILITY PURSUANT TO SECTION ELEVEN HUNDRED SEVEN-
45 TY-FOUR-A OF THIS CHAPTER TO THE CREDIT OF THE SCHOOL BUS MOTORIST SAFE-
46 TY FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-H OF THE STATE
47 FINANCE LAW. The crime victim assistance fee provided for in subdivi-
48 sion one of this section shall be paid to the clerk of the court or
49 administrative tribunal that rendered the conviction. Within the first
50 ten days of the month following collection of the crime victim assist-
51 ance fee, the collecting authority shall determine the amount of crime
52 victim assistance fee collected and, if it is an administrative tribunal
53 or a town or village justice court, it shall pay such money to the state
54 comptroller who shall deposit such money in the state treasury pursuant
55 to section one hundred twenty-one of the state finance law to the credit

1 of the criminal justice improvement account established by section nine-
2 ty-seven-bb of the state finance law.

3 S 12. Subdivision 1 of section 3650 of the education law is amended by
4 adding a new paragraph f to read as follows:

5 F. AWARD AND DISTRIBUTE GRANTS, FOLLOWING APPROPRIATION, WHICH MAY
6 INCLUDE THE FUNDS OF THE SCHOOL BUS SAFETY EDUCATION FUND ESTABLISHED
7 PURSUANT TO SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW, FOR THE
8 STUDY OF ISSUES INVOLVING THE ILLEGAL PASSING AND OVERTAKING OF STOPPED
9 SCHOOL BUSES, THE DEVELOPMENT OF PROPOSALS TO REDUCE THE NUMBER OF
10 MOTORISTS PASSING SCHOOL BUSES IN VIOLATION OF SECTION ELEVEN HUNDRED
11 SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW, AND TO PROMOTE SCHOOL BUS
12 SAFETY.

13 S 13. The state finance law is amended by adding a new section 89-h to
14 read as follows:

15 S 89-H. THE SCHOOL BUS SAFETY EDUCATION FUND. 1. THERE IS HEREBY
16 ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
17 COMMISSIONER OF TAXATION AND FINANCE A FUND KNOWN AS THE SCHOOL BUS
18 SAFETY EDUCATION FUND.

19 2. SUCH FUND SHALL CONSIST OF MONIES RECEIVED BY THE STATE FROM ANY
20 COURT PURSUANT TO SECTION EIGHTEEN HUNDRED NINE OF THE VEHICLE AND TRAF-
21 FIC LAW FOR VIOLATIONS OF SECTION ELEVEN HUNDRED SEVENTY-FOUR AND FOR
22 LIABILITY PURSUANT TO SECTION ELEVEN HUNDRED SEVENTY-FOUR-A OF SUCH LAW,
23 AND ALL OTHER FINES, FEES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED,
24 APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE.

25 3. (A) FIFTY PERCENT OF THE MONIES OF THE FUND, FOLLOWING APPROPRI-
26 ATION, SHALL BE MADE AVAILABLE TO THE STATE COMPREHENSIVE SCHOOL BUS
27 DRIVER SAFETY TRAINING COUNCIL FOR THE STUDY OF THE ILLEGAL PASSING AND
28 OVERTAKING OF STOPPED SCHOOL BUSES BY MOTORISTS, AND THE DEVELOPMENT OF
29 PROPOSALS TO REDUCE THE NUMBER OF MOTORISTS PASSING AND OVERTAKING
30 SCHOOL BUSES IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE
31 VEHICLE AND TRAFFIC LAW.

32 (B) THE REMAINING FIFTY PERCENT OF THE MONIES OF SUCH FUND SHALL BE
33 MADE AVAILABLE TO THE DEPARTMENT OF MOTOR VEHICLES FOR THE DESIGN AND
34 IMPLEMENTATION, IN CONJUNCTION WITH THE GOVERNOR'S TRAFFIC SAFETY
35 COMMITTEE, THE DEPARTMENTS OF EDUCATION AND TRANSPORTATION, THE DIVISION
36 OF THE STATE POLICE, AND THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFE-
37 TY TRAINING COUNCIL, OF A PUBLIC EDUCATION PROGRAM TO FURTHER EDUCATE
38 MOTORISTS OF THE DANGERS OF PASSING OR OVERTAKING A SCHOOL BUS IN
39 VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND
40 TRAFFIC LAW, TO REDUCE THE NUMBER OF SUCH INCIDENTS, AND TO PROMOTE
41 SCHOOL BUS SAFETY.

42 4. THE MONIES OF THE FUND MADE AVAILABLE PURSUANT TO PARAGRAPH (A) OF
43 SUBDIVISION THREE OF THIS SECTION SHALL BE PAID OUT ON THE AUDIT AND
44 WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE
45 COMMISSIONER OF EDUCATION. THE MONIES OF THE FUND MADE AVAILABLE PURSU-
46 ANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION SHALL BE PAID
47 OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND
48 CERTIFIED BY THE COMMISSIONER OF MOTOR VEHICLES. AT THE END OF EACH
49 FISCAL YEAR ANY MONIES REMAINING IN THE FUND SHALL BE RETAINED IN THE
50 FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE INTEREST AND INCOME
51 EARNED ON MONEY IN THE FUND, AFTER DEDUCTING ANY APPLICABLE CHARGES,
52 SHALL BE CREDITED TO THE FUND.

53 S 14. This act shall take effect on the first of November next
54 succeeding the date on which it shall have become a law; except that
55 sections four, five, ten and twelve of this act shall take effect on the
56 first of April next succeeding the effective date of this act.