

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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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

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

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1 UNLESS AUTHORIZED BY A COURT ORDERED SUBPOENA OR SEARCH WARRANT ISSUED  
2 IN RESPONSE TO A REQUEST BY LAW ENFORCEMENT OFFICIALS PERTAINING TO A  
3 SPECIFIC ACCIDENT OR SPECIFIC INCIDENT OF ALLEGED CRIMINAL CONDUCT; OR  
4 EXCEPT AS OTHERWISE REQUIRED BY LAW;

5 3. DESTRUCTION OF IMAGES OBTAINED BY THE TRAFFIC-CONTROL SIGNAL PHOTO  
6 VIOLATION-MONITORING DEVICES NO LATER THAN THIRTY DAYS FROM THE DATE  
7 SUCH IMAGES WERE RECORDED; OR IMMEDIATELY UPON ADJUDICATION OF THE  
8 LIABILITY AND PAYMENT OF FINES, AS PROVIDED IN SECTION ELEVEN HUNDRED  
9 ELEVEN-B OF THIS ARTICLE, IF EITHER EVENT OCCURS LATER THAN THIRTY DAYS  
10 FROM THE DATE SUCH IMAGES ARE 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 SECTION ELEVEN HUNDRED ELEVEN-B  
14 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.