

7350

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 14, 2013

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Introduced by M. of A. MAGNARELLI -- read once and referred 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

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

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

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

k. for a period of up to ninety days because of the conviction of the holder of the offenses of menacing as defined in section 120.15 of the penal law, where such offense was committed against a traffic enforcement agent employed by the city of New York or the city of Buffalo while such agent was enforcing or attempting to enforce the traffic regulations of such city[.];

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

S 8. Section 120.00 of the penal law is amended to read as follows:  
S 120.00 Assault in the third degree.

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

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

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

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

4. HE OR SHE CAUSES PHYSICAL INJURY TO ANOTHER PERSON WHILE OPERATING A MOTOR VEHICLE IN VIOLATION OF SUBDIVISION (A) OF SECTION ELEVEN 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.