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

6115

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. ESPAILLAT -- 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 administrative code of the city of New York, in relation to traffic-control indications for cities of one million or more; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and repealing certain provisions of the vehicle and traffic law and the administrative code of the city of New York relating thereto

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

Section 1. Subdivision (a) of section 1111-a of the vehicle and traffic law, as amended by chapter 658 of the laws of 2006 and paragraph 1 as amended by chapter 18 of the laws of 2009, is amended to read as follows:

(a) 1. Notwithstanding any other provision of law, each city with a population of one million or more is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a [demonstration] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such city in accordance with the provisions of this section. Such [demonstration] program shall empower a city to install and operate traffic-control signal photo violation-monitoring devices [at no more than one hundred fifty intersections] within such city [at any one time].

2. Such [demonstration] program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such

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

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traffic-control signal photo violation-monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such city has made a reasonable effort to comply with the provisions of this paragraph.

S 2. Subdivision (m) of section 1111-a of the vehicle and traffic law is REPEALED.

S 3. Subdivision (a) of section 19-210 of the administrative code of the city of New York, as amended by chapter 658 of the laws of 2006 and paragraph 1 as amended by chapter 18 of the laws of 2009, is amended to read as follows:

(a) 1. Notwithstanding any other provision of law, the parking violations bureau is hereby authorized and empowered to establish a [demonstration] program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in accordance with the provisions of this section. The department of transportation, for purposes of implementation of such program, shall be authorized to install and operate traffic-control signal photo violation-monitoring devices [at no more than one hundred fifty intersections at any one time].

2. Such [demonstration] program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such city has made a reasonable effort to comply with the provisions of this paragraph.

S 4. Subdivisions (n) and (o) of section 19-210 of the administrative code of the city of New York are REPEALED.

S 5. Section 16 of chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, is amended to read as follows:

S 16. The purchase or lease of equipment for a [demonstration] program established pursuant to section eleven hundred eleven-a of the vehicle and traffic law shall be subject to the provisions of section one hundred three of the general municipal law.

S 6. Section 17 of chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, as amended by chapter 18 of the laws of 2009, is amended to read as follows:

S 17. This act shall take effect on the thirtieth day after it shall have become a law [and shall remain in full force and effect until December 1, 2014 when upon such date the amendments and provisions made by this act shall be deemed repealed; provided, however, any such local laws as may be enacted pursuant to this act shall remain in full force and effect only until the expiration on December 1, 2014].

S 7. Section 2 of local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal

violations, as amended by chapter 18 of the laws of 2009, is amended to read as follows:

S 2. This local law shall take effect immediately [and shall expire on December 1, 2014].

S 8. This act shall take effect immediately; provided, however, that sections one through five of this act shall take effect one year after it shall have become a law.