

9861--A

I N A S S E M B L Y

April 20, 2016

Introduced by M. of A. GLICK, O'DONNELL, MOSLEY, COOK, SIMON, SEAWRIGHT, CRESPO, GOTTFRIED, BLAKE, MILLER, BENEDETTO, BICHOTTE, SIMOTAS, LINARES, ORTIZ, SEPULVEDA, JOYNER, RODRIGUEZ, KIM -- Multi-Sponsored by -- M. of A. BRENNAN, CYMBROWITZ, DINOWITZ, FARRELL, LENTOL, MARKEY, ROSENTHAL, THIELE -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to establishing photo speed violation monitoring systems in school speed zones in the city of New York; and to amend chapter 189 of the laws of 2013, amending the vehicle and traffic law and the public officers law relating to establishing in a city with a population of one million people or more a demonstration program implementing speed violation monitoring systems in school zones by means of photo devices and chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, in relation to the effectiveness thereof

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

1 Section 1. Paragraph 1 of subdivision (a) of section 1180-b of the
2 vehicle and traffic law, as amended by chapter 43 of the laws of 2014,
3 is amended to read as follows:
4 1. Notwithstanding any other provision of law, the city of New York is
5 hereby authorized to establish a [demonstration] program imposing mone-
6 tary liability on the owner of a vehicle for failure of an operator
7 thereof to comply with posted maximum speed limits in a school speed
8 zone within the city (i) when a school speed limit is in effect as
9 provided in paragraphs one and two of subdivision (c) of section eleven
10 hundred eighty of this article or (ii) when other speed limits are in
11 effect as provided in subdivision (b), (d), (f) or (g) of section eleven
12 hundred eighty of this article [during the following times: (A) on
13 school days during school hours and one hour before and one hour after
14 the school day, and (B) a period during student activities at the school

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

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1 and up to thirty minutes immediately before and up to thirty minutes
2 immediately after such student activities]. Such [demonstration] program
3 shall empower the city to install photo speed violation monitoring
4 systems within [no more than one hundred forty] ALL school speed zones
5 within the city [at any one time] and to operate such systems within
6 such zones (iii) when a school speed limit is in effect as provided in
7 paragraphs one and two of subdivision (c) of section eleven hundred
8 eighty of this article or (iv) when other speed limits are in effect as
9 provided in subdivision (b), (d), (f) or (g) of section eleven hundred
10 eighty of this article [during the following times: (A) on school days
11 during school hours and one hour before and one hour after the school
12 day, and (B) a period during student activities at the school and up to
13 thirty minutes immediately before and up to thirty minutes immediately
14 after such student activities]. In selecting a school speed zone in
15 which to install and operate a photo speed violation monitoring system,
16 the city shall consider criteria including, but not limited to the speed
17 data, crash history, and the roadway geometry applicable to such school
18 speed zone.

19 S 2. The opening paragraph of section 12 of chapter 43 of the laws of
20 2014, amending the vehicle and traffic law, the public officers law and
21 the general municipal law relating to photo speed violation monitoring
22 systems in school speed zones in the city of New York, is amended to
23 read as follows:

24 This act shall take effect on the thirtieth day after it shall have
25 become a law [and]; PROVIDED THAT SECTIONS ONE THROUGH TEN OF THIS ACT
26 shall expire 4 years after such effective date when upon such date the
27 provisions of this act shall be deemed repealed; and provided further
28 that any rules necessary for the implementation of this act on its
29 effective date shall be promulgated on or before such effective date,
30 provided that:

31 S 3. Subparagraph (i) of paragraph 5 of subdivision (a) of section
32 1180-b of the vehicle and traffic law, as added by chapter 189 of the
33 laws of 2013, is amended to read as follows:

34 (i) Such [demonstration] program shall utilize necessary technologies
35 to ensure, to the extent practicable, that photographs, microphoto-
36 graphs, videotape or other recorded images produced by such photo speed
37 violation monitoring systems shall not include images that identify the
38 driver, the passengers, or the contents of the vehicle. Provided,
39 however, that no notice of liability issued pursuant to this section
40 shall be dismissed solely because such a photograph, microphotograph,
41 videotape or other recorded image allows for the identification of the
42 driver, the passengers, or the contents of vehicles where the city shows
43 that it made reasonable efforts to comply with the provisions of this
44 paragraph in such case.

45 S 4. Subdivision (b) of section 1180-b of the vehicle and traffic law,
46 as added by chapter 189 of the laws of 2013, is amended to read as
47 follows:

48 (b) If the city of New York establishes a [demonstration] program
49 pursuant to subdivision (a) of this section, the owner of a vehicle
50 shall be liable for a penalty imposed pursuant to this section if such
51 vehicle was used or operated with the permission of the owner, express
52 or implied, within a school speed zone in violation of subdivision (c)
53 or during the times authorized pursuant to subdivision (a) of this
54 section in violation of subdivision (b), (d), (f) or (g) of section
55 eleven hundred eighty of this article, such vehicle was traveling at a
56 speed of more than ten miles per hour above the posted speed limit in

1 effect within such school speed zone, and such violation is evidenced by
2 information obtained from a photo speed violation monitoring system;
3 provided however that no owner of a vehicle shall be liable for a penal-
4 ty imposed pursuant to this section where the operator of such vehicle
5 has been convicted of the underlying violation of subdivision (b), (c),
6 (d), (f) or (g) of section eleven hundred eighty of this article.

7 S 5. Subdivision (f) of section 1180-b of the vehicle and traffic law,
8 as added by chapter 189 of the laws of 2013, is amended to read as
9 follows:

10 (f) An imposition of liability under the [demonstration] program
11 established pursuant to this section shall not be deemed a conviction as
12 an operator and shall not be made part of the operating record of the
13 person upon whom such liability is imposed nor shall it be used for
14 insurance purposes in the provision of motor vehicle insurance coverage.

15 S 6. The opening paragraph of subdivision (n) of section 1180-b of the
16 vehicle and traffic law, as added by chapter 189 of the laws of 2013, is
17 amended to read as follows:

18 If the city adopts a [demonstration] program pursuant to subdivision
19 [one of] (A) OF this section it shall conduct a study and submit a
20 report on the results of the use of photo devices to the governor, the
21 temporary president of the senate and the speaker of the assembly. Such
22 report shall include:

23 S 7. The opening paragraph of section 15 of chapter 189 of the laws of
24 2013, amending the vehicle and traffic law and the public officers law
25 relating to establishing in a city with a population of one million
26 people or more a demonstration program implementing speed violation
27 monitoring systems in school zones by means of photo devices, is amended
28 to read as follows:

29 This act shall take effect on the thirtieth day after it shall have
30 become a law [and shall expire 5 years after such effective date when
31 upon such date the provisions of this act shall be deemed repealed; and]
32 provided [further] that any rules necessary for the implementation of
33 this act on its effective date shall be promulgated on or before such
34 effective date, provided that:

35 S 8. This act shall take effect on the sixtieth day after it shall
36 have become a law.