

163--A

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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 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-f to read as follows:
3 S 1111-F. 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 INFORMA-
10 TION 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 IDENTI-
15 FY 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 VEHI-
19 CLE, PROVIDED THAT SUCH CITY OR COUNTY HAS MADE A REASONABLE EFFORT TO
20 COMPLY WITH THE PROVISIONS OF THIS SECTION;

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

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1 2. PROHIBITION ON THE USE OR DISSEMINATION OF VEHICLE'S LICENSE PLATE
2 INFORMATION AND OTHER INFORMATION AND IMAGES CAPTURED BY TRAFFIC-CONTROL
3 SIGNAL PHOTO VIOLATION-MONITORING DEVICES EXCEPT AS REQUIRED TO ESTAB-
4 LISH LIABILITY UNDER THIS SECTION OR COLLECT PAYMENT OF PENALTIES; OR
5 UNLESS AUTHORIZED BY A COURT ORDERED SUBPOENA OR SEARCH WARRANT ISSUED
6 IN RESPONSE TO A REQUEST BY LAW ENFORCEMENT OFFICIALS PERTAINING TO A
7 SPECIFIC ACCIDENT OR SPECIFIC INCIDENT OF ALLEGED CRIMINAL CONDUCT; OR
8 EXCEPT AS OTHERWISE REQUIRED BY LAW;

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

15 4. THE DELETION OF IDENTIFYING INFORMATION, INCLUDING VEHICLES'
16 LICENSE PLATE INFORMATION, FROM RECORDS MAINTAINED FOR RESEARCH PURPOSES
17 OR FOR REPORTING PURPOSES AS DETAILED IN SECTION ELEVEN HUNDRED ELEVEN-B
18 OF THIS ARTICLE; AND

19 5. OVERSIGHT PROCEDURES TO ENSURE COMPLIANCE WITH THE AFOREMENTIONED
20 PRIVACY-PROTECTION MEASURES.

21 S 2. This act shall take effect immediately.