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

5233--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 13, 2015

Introduced by M. of A. DINOWITZ, PEOPLES-STOKES, WALTER, MILLER, COOK, PICHARDO, STIRPE, GOTTFRIED, GALEF, HOOPER -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, GLICK, KEARNS, SIMON, SOLAGES -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to banning the use of automatic license plate reader systems

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

Section 1. The general business law is amended by adding a new section 397-b to read as follows:

S 397-B. USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS PROHIBITED. 1. AS USED IN THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (A) "AUTOMATIC LICENSE PLATE READER SYSTEM" SHALL MEAN A SYSTEM OF ONE OR MORE MOBILE OR FIXED HIGH SPEED CAMERAS USED IN COMBINATION WITH COMPUTER ALGORITHMS TO CONVERT IMAGES OF LICENSE PLATES INTO COMPUTER-READABLE DATA.

(B) "ELECTRONIC TOLL COLLECTION SYSTEM" SHALL MEAN A SYSTEM OF COLLECTING TOLLS OR CHARGES WHICH IS CAPABLE OF CHARGING AN ACCOUNT HOLDER THE APPROPRIATE TOLL OR CHARGE BY TRANSMISSION OF INFORMATION FROM AN ELECTRONIC DEVICE ON A MOTOR VEHICLE TO THE TOLL LANE IN ACCORDANCE WITH THE TOLL COLLECTION REGULATION OF A PUBLIC AUTHORITY WHICH OPERATES A TOLL HIGHWAY, BRIDGE AND/OR TUNNEL FACILITY, WHICH INFORMATION IS USED BY SUCH PUBLIC AUTHORITY TO CHARGE THE ACCOUNT THE APPROPRIATE TOLL OR CHARGE.

(C) "PHOTO-MONITORING SYSTEM" SHALL MEAN A VEHICLE SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A TOLL COLLECTION FACILITY WHICH AUTOMATICALLY PRODUCES ONE OR MORE PHOTOGRAPHS, ONE OR MORE MICROPHOTOGRAPHS, A VIDE-

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

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OTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE AT THE TIME IT IS USED OR OPERATED IN VIOLATION OF TOLL COLLECTION REGULATIONS OF A PUBLIC AUTHORITY WHICH OPERATES A TOLL HIGHWAY, BRIDGE AND/OR TUNNEL FACILITY.

(D) "TOLL COLLECTION REGULATIONS" SHALL MEAN THOSE RULES AND REGULATIONS OF A PUBLIC AUTHORITY PROVIDING FOR AND REQUIRING THE PAYMENT OF TOLLS AND/OR CHARGES PRESCRIBED BY SUCH PUBLIC AUTHORITY FOR THE USE OF BRIDGES, TUNNELS OR HIGHWAYS UNDER ITS JURISDICTION.

2. IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM, PARTNERSHIP, CORPORATION, OR ASSOCIATION, TO USE AN AUTOMATIC LICENSE PLATE READER SYSTEM.

3. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO AN ELECTRONIC TOLL COLLECTION SYSTEM OR PHOTO-MONITORING SYSTEM.

4. A VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A VIOLATION, AND UPON CONVICTION THEREOF SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS. EACH UNLAWFULLY INSTALLED OR MAINTAINED DEVICE SHALL CONSTITUTE A SEPARATE AND DISTINCT VIOLATION.

S 2. This act shall take effect immediately.