

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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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:

1     Section 1. Subdivision (a) of section 1111-a of the vehicle and traf-  
2     fic law, as amended by chapter 658 of the laws of 2006 and paragraph 1  
3     as amended by chapter 18 of the laws of 2009, is amended to read as  
4     follows:  
5     (a) 1. Notwithstanding any other provision of law, each city with a  
6     population of one million or more is hereby authorized and empowered to  
7     adopt and amend a local law or ordinance establishing a [demonstration]  
8     program imposing monetary liability on the owner of a vehicle for fail-  
9     ure of an operator thereof to comply with traffic-control indications in  
10    such city in accordance with the provisions of this section. Such  
11    [demonstration] program shall empower a city to install and operate  
12    traffic-control signal photo violation-monitoring devices [at no more

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

LBD01900-01-5

1 than one hundred fifty intersections] within such city [at any one  
2 time].

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

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13 is REPEALED.

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

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

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

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

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

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

46 S 6. Section 17 of chapter 746 of the laws of 1988 amending the vehi-  
47 cle and traffic law, the general municipal law and the public officers  
48 law, relating to the civil liability of vehicle owners for traffic  
49 control signal violations, as amended by chapter 134 of the laws of  
50 2014, is amended to read as follows:

51 S 17. This act shall take effect on the thirtieth day after it shall  
52 have become a law [and shall remain in full force and effect until  
53 December 1, 2019 when upon such date the amendments and provisions made  
54 by this act shall be deemed repealed; provided, however, any such local  
55 laws as may be enacted pursuant to this act shall remain in full force  
56 and effect only until the expiration on December 1, 2019].

1 S 7. Section 2 of local law number 46 of the city of New York for the  
2 year 1989 amending the administrative code of the city of New York  
3 relating to civil liability of vehicle owners for traffic control signal  
4 violations, as amended by chapter 134 of the laws of 2014, is amended to  
5 read as follows:  
6 S 2. This local law shall take effect immediately [and shall expire on  
7 December 1, 2019].  
8 S 8. This act shall take effect immediately; provided, however, that  
9 sections one through five of this act shall take effect one year after  
10 it shall have become a law.