

6913--A

I N S E N A T E

March 4, 2016

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed 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 eliminating the time of day restrictions on the use of photo speed violation monitoring systems in school 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 or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, in relation to eliminating the expiration and repeal of the provisions 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 monetary
6 liability on the owner of a vehicle for failure of an operator thereof
7 to comply with posted maximum speed limits in a school speed zone within
8 the city (i) when a school speed limit is in effect as provided in para-
9 graphs one and two of subdivision (c) of section eleven hundred eighty
10 of this article or (ii) when other speed limits are in effect as
11 provided in subdivision (b), (d), (f) or (g) of section eleven hundred
12 eighty of this article [during the following times: (A) on school days
13 during school hours and one hour before and one hour after the school
14 day, and (B) a period during student activities at the school and up to
15 thirty minutes immediately before and up to thirty minutes immediately
16 after such student activities]. Such demonstration program shall empower
17 the city to install photo speed violation monitoring systems within no
18 more than one hundred forty school speed zones within the city at any
19 one time and to operate such systems within such zones (iii) when a

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

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1 school speed limit is in effect as provided in paragraphs one and two of
2 subdivision (c) of section eleven hundred eighty of this article or (iv)
3 when other speed limits are in effect as provided in subdivision (b),
4 (d), (f) or (g) of section eleven hundred eighty of this article [during
5 the following times: (A) on school days during school hours and one hour
6 before and one hour after the school day, and (B) a period during
7 student activities at the school and up to thirty minutes immediately
8 before and up to thirty minutes immediately after such student activ-
9 ities]. In selecting a school speed zone in which to install and operate
10 a photo speed violation monitoring system, the city shall consider
11 criteria including, but not limited to the speed data, crash history,
12 and the roadway geometry applicable to such school speed zone.

13 S 2. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle
14 and traffic law, as added by chapter 189 of the laws of 2013, is amended
15 to read as follows:

16 1. Notwithstanding any other provision of law, the city of New York is
17 hereby authorized to establish a demonstration program imposing monetary
18 liability on the owner of a vehicle for failure of an operator thereof
19 to comply with posted maximum speed limits in a school speed zone within
20 the city (i) when a school speed limit is in effect as provided in para-
21 graphs one and two of subdivision (c) of section eleven hundred eighty
22 of this article or (ii) when other speed limits are in effect as
23 provided in subdivision (b), (d), (f) or (g) of section eleven hundred
24 eighty of this article [during the following times: (A) on school days
25 during school hours and one hour before and one hour after the school
26 day, and (B) a period during student activities at the school and up to
27 thirty minutes immediately before and up to thirty minutes immediately
28 after such student activities]. Such demonstration program shall empower
29 the city to install photo speed violation monitoring systems within no
30 more than twenty school speed zones within the city at any one time and
31 to operate such systems within such zones (iii) when a school speed
32 limit is in effect as provided in paragraphs one and two of subdivision
33 (c) of section eleven hundred eighty of this article or (iv) when other
34 speed limits are in effect as provided in subdivision (b), (d), (f) or
35 (g) of section eleven hundred eighty of this article [during the follow-
36 ing times: (A) on school days during school hours and one hour before
37 and one hour after the school day, and (B) a period during student
38 activities at the school and up to thirty minutes immediately before and
39 up to thirty minutes immediately after such student activities]. In
40 selecting a school speed zone in which to install and operate a photo
41 speed violation monitoring system, the city shall consider criteria
42 including, but not limited to the speed data, crash history, and the
43 roadway geometry applicable to such school speed zone.

44 S 3. Subdivision (b) of section 1180-b of the vehicle and traffic law,
45 as added by chapter 189 of the laws of 2013, is amended to read as
46 follows:

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

1 mation obtained from a photo speed violation monitoring system; provided
2 however that no owner of a vehicle shall be liable for a penalty imposed
3 pursuant to this section where the operator of such vehicle has been
4 convicted of the underlying violation of subdivision (b), (c), (d), (f)
5 or (g) of section eleven hundred eighty of this article.

6 S 4. The opening paragraph of section 15 of chapter 189 of the laws
7 of 2013 amending the vehicle and traffic law and the public officers law
8 relating to establishing in a city with a population of one million or
9 more a demonstration program implementing speed violation monitoring
10 systems in school speed zones by means of photo devices is amended to
11 read as follows:

12 S 15. This act shall take effect on the thirtieth day after it shall
13 have become a law [and shall expire 5 years after such effective date
14 when upon such date the provisions of this act shall be deemed
15 repealed]; [and] provided [further] that any rules necessary for the
16 implementation of this act on its effective date shall be promulgated on
17 or before such effective date, provided FURTHER that:

18 S 5. This act shall take effect immediately, except that sections one
19 and three of this act shall take effect on the thirtieth day after it
20 shall have become a law; provided that the amendments to paragraph 1 of
21 subdivision (a) of section 1180-b of the vehicle and traffic law, made
22 by section one of this act, shall not affect the expiration and rever-
23 sion of such paragraph pursuant to section 12 of chapter 43 of the laws
24 of 2014, as amended, when upon such date section two of this act shall
25 take effect.