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I N   S E N A T E

June 13, 2016

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Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to photo speed violation monitoring systems in school speed zones in the city of New York; and to repeal certain provisions of such law relating thereto

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3 is REPEALED.  
4     S 2. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle  
5 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
6 to read as follows:  
7     1. Notwithstanding any other provision of law, the city of New York is  
8 hereby authorized to establish a demonstration program imposing monetary  
9 liability on the owner of a vehicle for failure of an operator thereof  
10 to comply with posted maximum speed limits in a school speed zone within  
11 [the] SUCH city (i) when a school speed limit is in effect as provided  
12 in paragraphs one and two of subdivision (c) of section eleven hundred  
13 eighty of this article or (ii) when other speed limits are in effect as  
14 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
15 eighty of this article [during the following times: (A)] on school days  
16 [during school hours and one hour before and one hour after the school  
17 day, and (B) a period during student activities at the school and up to  
18 thirty minutes immediately before and up to thirty minutes immediately  
19 after such student activities] BETWEEN THE HOURS OF SEVEN O'CLOCK A.M.  
20 AND SEVEN O'CLOCK P.M. Such demonstration program shall empower the  
21 city OF NEW YORK to install photo speed violation monitoring systems  
22 within no more than [twenty] TWO HUNDRED school speed zones within [the]  
23 SUCH city at any one time and to operate such systems within such zones  
24 (iii) when a school speed limit is in effect as provided in paragraphs  
25 one and two of subdivision (c) of section eleven hundred eighty of this  
26 article or (iv) when other speed limits are in effect as provided in  
27 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of

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

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1 this article [during the following times: (A)] on school days [during  
2 school hours and one hour before and one hour after the school day, and  
3 (B) a period during student activities at the school and up to thirty  
4 minutes immediately before and up to thirty minutes immediately after  
5 such student activities] BETWEEN THE HOURS OF SEVEN O'CLOCK A.M. AND  
6 SEVEN O'CLOCK P.M. In selecting a school speed zone in which to install  
7 and operate a photo speed violation monitoring system, the city OF NEW  
8 YORK shall consider criteria including, but not limited to, the speed  
9 data, crash history, and the roadway geometry applicable to such school  
10 speed zone. A PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL NOT BE  
11 INSTALLED ON A CONTROLLED-ACCESS HIGHWAY EXIT RAMP OR WITHIN THREE  
12 HUNDRED FEET ALONG A HIGHWAY THAT CONTINUES FROM THE END OF A CONT-  
13 ROLLED-ACCESS HIGHWAY EXIT RAMP.

14 S 3. Paragraph 2 of subdivision (a) of section 1180-b of the vehicle  
15 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
16 to read as follows:

17 2. No photo speed violation monitoring system shall be used in a  
18 school speed zone unless (i) on the day it is to be used it has success-  
19 fully passed a self-test of its functions; and (ii) it has undergone an  
20 annual calibration check performed pursuant to paragraph four of this  
21 subdivision. The city [may] SHALL install signs giving notice that a  
22 photo speed violation monitoring system is in use to be mounted on  
23 advance warning signs notifying motor vehicle operators of such upcoming  
24 school speed zone and/or on speed limit signs applicable within OR  
25 APPROACHING such school speed zone, PROVIDED THAT SUCH SPEED LIMIT SIGNS  
26 SHALL BE NO MORE THAN THREE HUNDRED FEET FROM SUCH SCHOOL SPEED ZONE, in  
27 conformance with standards established in the MUTCD.

28 S 4. Paragraph 4 of subdivision (c) of section 1180-b of the vehicle  
29 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
30 to read as follows:

31 4. "school speed zone" shall mean a RADIAL distance not to exceed one  
32 thousand three hundred twenty feet [on a highway passing] FROM a school  
33 building, entrance or exit [of a school abutting on the highway].

34 S 5. Subdivision (j) of section 1180-b of the vehicle and traffic law  
35 is REPEALED and subdivisions (k), (l), (m), (n) and (o) are relettered  
36 subdivisions (j), (k), (l), (m) and (n), respectively.

37 S 6. Paragraphs 2 and 3 of subdivision (j) of section 1180-b of the  
38 vehicle and traffic law, as added by chapter 189 of the laws of 2013 and  
39 such subdivision as relettered by section five of this act, are amended  
40 to read as follows:

41 2. Failure to comply with subparagraph (ii) of paragraph [(a)] ONE of  
42 this subdivision shall render the owner liable for the penalty  
43 prescribed in this section.

44 3. Where the lessor complies with the provisions of paragraph [(a)]  
45 ONE of this subdivision, the lessee of such vehicle on the date of such  
46 violation shall be deemed to be the owner of such vehicle for purposes  
47 of this section, shall be subject to liability for such violation pursu-  
48 ant to this section and shall be sent a notice of liability pursuant to  
49 subdivision [nine] (G) of this section.

50 S 7. This act shall take effect immediately; provided that the amend-  
51 ments to section 1180-b of the vehicle and traffic law made by this act  
52 shall not affect the repeal of such section and shall be deemed repealed  
53 therewith.