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

8106

I N S E N A T E

June 13, 2016

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:

Section 1. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle and traffic law, as amended by chapter 43 of the laws of 2014, is REPEALED.

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

1. Notwithstanding any other provision of law, the city of New York is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a school speed zone within [the] SUCH city (i) when a school speed limit is in effect as provided in paragraphs one and two of subdivision (c) of section eleven hundred eighty of this article or (ii) when other speed limits are in effect as provided in subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article [during the following times: (A)] on school days [during school hours and one hour before and one hour after the school day, and (B) a period during student activities at the school and up to thirty minutes immediately before and up to thirty minutes immediately after such student activities] BETWEEN THE HOURS OF SEVEN O'CLOCK A.M. AND SEVEN O'CLOCK P.M. Such demonstration program shall empower the city OF NEW YORK to install photo speed violation monitoring systems within no more than [twenty] TWO HUNDRED school speed zones within [the] SUCH city at any one time and to operate such systems within such zones (iii) when a school speed limit is in effect as provided in paragraphs one and two of subdivision (c) of section eleven hundred eighty of this article or (iv) when other speed limits are in effect as provided in 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.

LBD15815-02-6

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

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

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

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

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

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

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

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

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

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