STATE OF NEW YORK

8557

2017-2018 Regular Sessions

IN ASSEMBLY

July 10, 2017

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of traffic-control signal photo violation-monitoring devices

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 1111-f to read as follows:

§ 1111-f. Traffic-control signal photo violation-monitoring devices; prohibitions and protections. Notwithstanding any other provision of law, rule or regulation to the contrary, a city or county authorized to install and operate traffic-control signal photo violation-monitoring devices pursuant to the provisions of section eleven hundred eleven-b of this article shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identifying information may be captured by such devices. Such privacy-protection measures shall include, but not be limited to:

1. utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring devices shall not include images that identify the driver, the passengers, or the contents of the vehicle. However, no notice of liability issued pursuant to section eleven hundred eleven-b of this article shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such city or county has made a reasonable effort to comply with the provisions of this section;

2. prohibition on the use or dissemination of vehicle's license plate information and other information and images captured by traffic-control signal photo violation-monitoring devices except as required to establish liability under this section or collect payment of penalties; or unless authorized by a court ordered subpoena or search warrant issued

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

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in response to a request by law enforcement officials pertaining to a specific accident or specific incident of alleged criminal conduct; or except as otherwise required by law;

3. destruction of images obtained by the traffic-control signal photo violation-monitoring devices no later than thirty days from the date such images were recorded; or immediately upon adjudication of the liability and payment of fines, as provided in section eleven hundred eleven-b of this article, if either event occurs later than thirty days from the date such images are recorded;

4. the deletion of identifying information, including vehicles' license plate information, from records maintained for research purposes or for reporting purposes as detailed in section eleven hundred eleven-b of this article; and

5. oversight procedures to ensure compliance with the aforementioned privacy-protection measures.

§ 2. This act shall take effect immediately.