STATE OF NEW YORK

9123

IN SENATE

June 22, 2018

Introduced by Sens. LANZA, GOLDEN, FELDER -- 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; to amend chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, in relation to making technical corrections thereto; 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 the effectiveness thereof; to amend the vehicle and traffic law, in relation to doubling the fines for traffic infractions and traffic misdemeanors committed in school traffic control zones; and to amend the vehicle and traffic law, in relation to certain monetary penalties

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 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 [~~tho~~] 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

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

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after such student activities. Such demonstration program shall empower the city **of New York** to install photo speed violation monitoring systems within no more than one hundred forty 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 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. 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. **Such city shall prioritize the placement of photo speed violation monitoring systems in school speed zones based upon speed data or the crash history of a school speed zone. A photo speed violation monitoring system shall not be installed or operated 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.**

§ 2. 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 **approaching** motor vehicle operators of such upcoming school speed zone and/or on speed limit signs applicable within such school speed zone, in conformance with standards established in the MUTCD. **Such advance warning signs shall also, to the extent authorized by the MUTCD, contain the words "speed camera ahead" and be no more than three hundred feet from such photo speed violation monitoring system.**

§ 3. Subdivision (n) 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:

(n) If the city adopts a demonstration program pursuant to subdivision [~~one~~] **(a)** of this section it shall conduct a study and submit [~~a~~] **an annual** report on the results of the use of photo devices to the governor, the temporary president of the senate and the speaker of the assembly **on or before June first, two thousand nineteen and on the same date in each succeeding year in which the demonstration program is operable**. Such report shall include:

1. the locations where and dates when photo speed violation monitoring systems were used;

2. the aggregate number, type and severity of crashes, fatalities, injuries and property damage reported within all school speed zones within the city, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of crashes, fatalities, injuries and property damage reported within school speed zones where photo speed violation monitoring systems were used, to the extent the information is maintained by the department of motor vehicles of this state;

4. the number of violations recorded within all school speed zones within the city, in the aggregate on a daily, weekly and monthly basis;

5. the number of violations recorded within each school speed zone where a photo speed violation monitoring system is used, in the aggregate on a daily, weekly and monthly basis;

6. the number of violations recorded within all school speed zones within the city that were:

(i) more than ten but not more than twenty miles per hour over the posted speed limit;

(ii) more than twenty but not more than thirty miles per hour over the posted speed limit;

(iii) more than thirty but not more than forty miles per hour over the posted speed limit; and

(iv) more than forty miles per hour over the posted speed limit;

7. the number of violations recorded within each school speed zone where a photo speed violation monitoring system is used that were:

(i) more than ten but not more than twenty miles per hour over the posted speed limit;

(ii) more than twenty but not more than thirty miles per hour over the posted speed limit;

(iii) more than thirty but not more than forty miles per hour over the posted speed limit; and

(iv) more than forty miles per hour over the posted speed limit;

8. the total number of notices of liability issued for violations recorded by such systems;

9. the number of fines and total amount of fines paid after the first notice of liability issued for violations recorded by such systems;

10. the number of violations adjudicated and the results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;

11. the total amount of revenue realized by the city in connection with the program;

12. the expenses incurred by the city in connection with the program; [~~and~~]

13. the quality of the adjudication process and its results**; and**

14. the effectiveness and adequacy of the hours of operation for such program to determine the impact on speeding violations and prevention of crashes.

§ 4. The opening paragraph of section 12 of chapter 43 of the laws of 2014, amending the vehicle and traffic law, the public officers law and the general municipal law relating to photo speed violation monitoring systems in school speed zones in the city of New York, is amended to read as follows:

This act shall take effect on the thirtieth day after it shall have become a law [~~and~~]**; provided that sections one through ten of this act** shall expire 4 years after such effective date when upon such date the provisions of **such sections of** this act shall be deemed repealed; and provided further that any rules necessary for the implementation of this act on its effective date shall be promulgated on or before such effective date, provided that:

§ 5. The opening paragraph of section 15 of 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, is amended to read as follows:

This act shall take effect on the thirtieth day after it shall have become a law and shall expire 5 years **and 6 months** after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that any rules necessary for the implementation of this act on its effective date shall be promulgated on or before such effective date, provided that:

§ 6. The vehicle and traffic law is amended by adding two new sections 1800-a and 1801-a to read as follows:

§ 1800-a. School traffic control zone; traffic infractions. Notwithstanding the provisions of section eighteen hundred of this article and any rule or regulation to the contrary, that part of any highway adjacent to a school where maximum school speed limits have been established, shall also be designated a school traffic control zone and shall be clearly marked with the placement of either a traffic light or stop sign at every intersection or corner immediately surrounding a school safety zone within such school zone. All fines for traffic infractions pursuant to this chapter which are committed in a school traffic control zone shall be double the maximum amount otherwise set out in this chapter for such infractions.

§ 1801-a. School traffic control zone; misdemeanors. Notwithstanding the provisions of section eighteen hundred one of this article and any rule or regulation to the contrary, all fines for misdemeanor convictions pursuant to this chapter, which are committed in a school traffic control zone, as designated pursuant to section eighteen hundred-a of this article, shall be double the maximum amount otherwise set out in this chapter for such misdemeanor convictions.

§ 7. Subdivision (e) 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:

(e) An owner liable for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to a demonstration program established pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the parking violations bureau of the city of New York. The liability of the owner pursuant to this section shall not exceed fifty dollars for each violation; provided, however, that such parking violations bureau may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period. **All monetary penalties collected pursuant to this section shall be used exclusively for the purpose of the placement of either a traffic light or stop sign at every intersection or corner immediately surrounding a school safety zone within such school zone pursuant to section eighteen hundred-a of this chapter.**

§ 8. This act shall take effect immediately:

(a) provided that the amendments to section 1180-b of the vehicle and traffic law made by sections one, two, three and seven of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further that the amendments to paragraph 2 of subdivision (a) of section 1180-b of the vehicle and traffic law made by

section two of this act shall take effect on the ninetieth day after this act shall have become a law; and

(b) provided, however, that the provisions of sections six and seven of this act shall take effect on the ninetieth day after it shall have become a law. Provided that the commissioner of motor vehicles is immediately authorized and directed to promulgate, amend and/or repeal any rules and regulations necessary to implement the provisions of this act on its effective date.