

9123

I N S E N A T E

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:

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] SUCH city (i) when a school speed limit is in effect as provided  
9 in paragraphs one and two of subdivision (c) of section eleven hundred  
10 eighty 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

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

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1 after such student activities. Such demonstration program shall empower  
2 the city OF NEW YORK to install photo speed violation monitoring systems  
3 within no more than one hundred forty school speed zones within [the]  
4 SUCH city at any one time and to operate such systems within such zones  
5 (iii) when a school speed limit is in effect as provided in paragraphs  
6 one and two of subdivision (c) of section eleven hundred eighty of this  
7 article or (iv) when other speed limits are in effect as provided in  
8 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of  
9 this article during the following times: (A) on school days during  
10 school hours and one hour before and one hour after the school day, and  
11 (B) a period during student activities at the school and up to thirty  
12 minutes immediately before and up to thirty minutes immediately after  
13 such student activities. In selecting a school speed zone in which to  
14 install and operate a photo speed violation monitoring system, the city  
15 OF NEW YORK shall consider criteria including, but not limited to, the  
16 speed data, crash history, and the roadway geometry applicable to such  
17 school speed zone. SUCH CITY SHALL PRIORITIZE THE PLACEMENT OF PHOTO  
18 SPEED VIOLATION MONITORING SYSTEMS IN SCHOOL SPEED ZONES BASED UPON  
19 SPEED DATA OR THE CRASH HISTORY OF A SCHOOL SPEED ZONE. A PHOTO SPEED  
20 VIOLATION MONITORING SYSTEM SHALL NOT BE INSTALLED OR OPERATED ON A  
21 CONTROLLED-ACCESS HIGHWAY EXIT RAMP OR WITHIN THREE HUNDRED FEET ALONG A  
22 HIGHWAY THAT CONTINUES FROM THE END OF A CONTROLLED-ACCESS HIGHWAY EXIT  
23 RAMP.

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

27 2. No photo speed violation monitoring system shall be used in a  
28 school speed zone unless (i) on the day it is to be used it has success-  
29 fully passed a self-test of its functions; and (ii) it has undergone an  
30 annual calibration check performed pursuant to paragraph four of this  
31 subdivision. The city [may] SHALL install signs giving notice that a  
32 photo speed violation monitoring system is in use to be mounted on  
33 advance warning signs notifying APPROACHING motor vehicle operators of  
34 such upcoming school speed zone and/or on speed limit signs applicable  
35 within such school speed zone, in conformance with standards established  
36 in the MUTCD. SUCH ADVANCE WARNING SIGNS SHALL ALSO, TO THE EXTENT  
37 AUTHORIZED BY THE MUTCD, CONTAIN THE WORDS "SPEED CAMERA AHEAD" AND BE  
38 NO MORE THAN THREE HUNDRED FEET FROM SUCH PHOTO SPEED VIOLATION MONITOR-  
39 ING SYSTEM.

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

43 (n) If the city adopts a demonstration program pursuant to subdivision  
44 [one] (A) of this section it shall conduct a study and submit [a] AN  
45 ANNUAL report on the results of the use of photo devices to the gover-  
46 nor, the temporary president of the senate and the speaker of the assem-  
47 bly ON OR BEFORE JUNE FIRST, TWO THOUSAND NINETEEN AND ON THE SAME DATE  
48 IN EACH SUCCEEDING YEAR IN WHICH THE DEMONSTRATION PROGRAM IS OPERABLE.  
49 Such report shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 10. the number of violations adjudicated and the results of such adju-  
34 dications including breakdowns of dispositions made for violations  
35 recorded by such systems;

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

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

40 13. the quality of the adjudication process and its results; AND

41 14. THE EFFECTIVENESS AND ADEQUACY OF THE HOURS OF OPERATION FOR SUCH  
42 PROGRAM TO DETERMINE THE IMPACT ON SPEEDING VIOLATIONS AND PREVENTION OF  
43 CRASHES.

44 S 4. The opening paragraph of section 12 of chapter 43 of the laws of  
45 2014, amending the vehicle and traffic law, the public officers law and  
46 the general municipal law relating to photo speed violation monitoring  
47 systems in school speed zones in the city of New York, is amended to  
48 read as follows:

49 This act shall take effect on the thirtieth day after it shall have  
50 become a law [and]; PROVIDED THAT SECTIONS ONE THROUGH TEN OF THIS ACT  
51 shall expire 4 years after such effective date when upon such date the  
52 provisions of SUCH SECTIONS OF this act shall be deemed repealed; and  
53 provided further that any rules necessary for the implementation of this  
54 act on its effective date shall be promulgated on or before such effec-  
55 tive date, provided that:

1 S 5. The opening paragraph of section 15 of chapter 189 of the laws of  
2 2013, amending the vehicle and traffic law and the public officers law  
3 relating to establishing in a city with a population of one million or  
4 more a demonstration program implementing speed violation monitoring  
5 systems in school speed zones by means of photo devices, is amended to  
6 read as follows:

7 This act shall take effect on the thirtieth day after it shall have  
8 become a law and shall expire 5 years AND 6 MONTHS after such effective  
9 date when upon such date the provisions of this act shall be deemed  
10 repealed; and provided further that any rules necessary for the imple-  
11 mentation of this act on its effective date shall be promulgated on or  
12 before such effective date, provided that:

13 S 6. The vehicle and traffic law is amended by adding two new sections  
14 1800-a and 1801-a to read as follows:

15 S 1800-A. SCHOOL TRAFFIC CONTROL ZONE; TRAFFIC INFRACTIONS. NOTWITH-  
16 STANDING THE PROVISIONS OF SECTION EIGHTEEN HUNDRED OF THIS ARTICLE AND  
17 ANY RULE OR REGULATION TO THE CONTRARY, THAT PART OF ANY HIGHWAY ADJA-  
18 CENT TO A SCHOOL WHERE MAXIMUM SCHOOL SPEED LIMITS HAVE BEEN ESTAB-  
19 LISHED, SHALL ALSO BE DESIGNATED A SCHOOL TRAFFIC CONTROL ZONE AND SHALL  
20 BE CLEARLY MARKED WITH THE PLACEMENT OF EITHER A TRAFFIC LIGHT OR STOP  
21 SIGN AT EVERY INTERSECTION OR CORNER IMMEDIATELY SURROUNDING A SCHOOL  
22 SAFETY ZONE WITHIN SUCH SCHOOL ZONE. ALL FINES FOR TRAFFIC INFRACTIONS  
23 PURSUANT TO THIS CHAPTER WHICH ARE COMMITTED IN A SCHOOL TRAFFIC CONTROL  
24 ZONE SHALL BE DOUBLE THE MAXIMUM AMOUNT OTHERWISE SET OUT IN THIS CHAP-  
25 TER FOR SUCH INFRACTIONS.

26 S 1801-A. SCHOOL TRAFFIC CONTROL ZONE; MISDEMEANORS. NOTWITHSTANDING  
27 THE PROVISIONS OF SECTION EIGHTEEN HUNDRED ONE OF THIS ARTICLE AND ANY  
28 RULE OR REGULATION TO THE CONTRARY, ALL FINES FOR MISDEMEANOR  
29 CONVICTIONS PURSUANT TO THIS CHAPTER, WHICH ARE COMMITTED IN A SCHOOL  
30 TRAFFIC CONTROL ZONE, AS DESIGNATED PURSUANT TO SECTION EIGHTEEN  
31 HUNDRED-A OF THIS ARTICLE, SHALL BE DOUBLE THE MAXIMUM AMOUNT OTHERWISE  
32 SET OUT IN THIS CHAPTER FOR SUCH MISDEMEANOR CONVICTIONS.

33 S 7. Subdivision (e) of section 1180-b of the vehicle and traffic law,  
34 as added by chapter 189 of the laws of 2013, is amended to read as  
35 follows:

36 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)  
37 or (g) of section eleven hundred eighty of this article pursuant to a  
38 demonstration program established pursuant to this section shall be  
39 liable for monetary penalties in accordance with a schedule of fines and  
40 penalties to be promulgated by the parking violations bureau of the city  
41 of New York. The liability of the owner pursuant to this section shall  
42 not exceed fifty dollars for each violation; provided, however, that  
43 such parking violations bureau may provide for an additional penalty not  
44 in excess of twenty-five dollars for each violation for the failure to  
45 respond to a notice of liability within the prescribed time period. ALL  
46 MONETARY PENALTIES COLLECTED PURSUANT TO THIS SECTION SHALL BE USED  
47 EXCLUSIVELY FOR THE PURPOSE OF THE PLACEMENT OF EITHER A TRAFFIC LIGHT  
48 OR STOP SIGN AT EVERY INTERSECTION OR CORNER IMMEDIATELY SURROUNDING A  
49 SCHOOL SAFETY ZONE WITHIN SUCH SCHOOL ZONE PURSUANT TO SECTION EIGHTEEN  
50 HUNDRED-A OF THIS CHAPTER.

51 S 8. This act shall take effect immediately:

52 (a) provided that the amendments to section 1180-b of the vehicle and  
53 traffic law made by sections one, two, three and seven of this act shall  
54 not affect the repeal of such section and shall be deemed repealed ther-  
55 ewith; and provided further that the amendments to paragraph 2 of subdi-  
56 vision (a) of section 1180-b of the vehicle and traffic law made by

1 section two of this act shall take effect on the ninetieth day after  
2 this act shall have become a law; and  
3 (b) provided, however, that the provisions of sections six and seven  
4 of this act shall take effect on the ninetieth day after it shall have  
5 become a law. Provided that the commissioner of motor vehicles is imme-  
6 diately authorized and directed to promulgate, amend and/or repeal any  
7 rules and regulations necessary to implement the provisions of this act  
8 on its effective date.