

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:

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

3 § 1111-f. Traffic-control signal photo violation-monitoring devices;
4 prohibitions and protections. Notwithstanding any other provision of
5 law, rule or regulation to the contrary, a city or county authorized to
6 install and operate traffic-control signal photo violation-monitoring
7 devices pursuant to the provisions of section eleven hundred eleven-b of
8 this article shall adopt and enforce measures to protect the privacy of
9 drivers, passengers, pedestrians and cyclists whose identifying informa-
10 tion may be captured by such devices. Such privacy-protection measures
11 shall include, but not be limited to:

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

21 2. prohibition on the use or dissemination of vehicle's license plate
22 information and other information and images captured by traffic-control
23 signal photo violation-monitoring devices except as required to estab-
24 lish liability under this section or collect payment of penalties; or
25 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.

LBD00809-01-7

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

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

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

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

16 § 2. This act shall take effect immediately.