STATE OF NEW YORK

357

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing photo speed violation monitoring systems in school speed zones in the city of New York; and 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 people or more a demonstration program implementing speed violation monitoring systems in school zones by means of photo devices and 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 the effectiveness thereof

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 the 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~~

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

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~~immediately after such student activities~~]. Such [~~demonstration~~] program shall empower the city to install photo speed violation monitoring systems within [~~no more than one hundred forty~~] **all** school speed zones within the 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 shall consider criteria including, but not limited to the speed data, crash history, and the roadway geometry applicable to such school speed zone.

§ 2. 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 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:

§ 3. Subparagraph (i) of paragraph 5 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:

(i) Such [~~demonstration~~] program shall utilize necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of vehicles where the city shows that it made reasonable efforts to comply with the provisions of this paragraph in such case.

§ 4. Subdivision (b) 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:

(b) If the city of New York establishes a [~~demonstration~~] program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a school speed zone in violation of subdivision (c) or during the times authorized pursuant to subdivision (a) of this section in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such school speed zone, and such violation is evidenced by

information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article.

§ 5. Subdivision (f) 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:

(f) An imposition of liability under the [~~demonstration~~] program established pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

§ 6. The opening paragraph of 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:

If the city adopts a [~~demonstration~~] program pursuant to subdivision [~~one of~~] **(a) of** this section it shall conduct a study and submit a 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. Such report shall include:

§ 7. 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 people or more a demonstration program implementing speed violation monitoring systems in school 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 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:

§ 8. This act shall take effect on the sixtieth day after it shall have become a law.