

# 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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1 ~~immediately after such student activities~~]. Such [~~demonstration~~] program  
2 shall empower the city to install photo speed violation monitoring  
3 systems within [~~no more than one hundred forty~~] all school speed zones  
4 within the city [~~at any one time~~] and to operate such systems within  
5 such zones (iii) when a school speed limit is in effect as provided in  
6 paragraphs one and two of subdivision (c) of section eleven hundred  
7 eighty of this article or (iv) when other speed limits are in effect as  
8 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
9 eighty of this article [~~during the following times: (A) on school days~~  
10 ~~during school hours and one hour before and one hour after the school~~  
11 ~~day, and (B) a period during student activities at the school and up to~~  
12 ~~thirty minutes immediately before and up to thirty minutes immediately~~  
13 ~~after such student activities~~]. In selecting a school speed zone in  
14 which to install and operate a photo speed violation monitoring system,  
15 the city shall consider criteria including, but not limited to the speed  
16 data, crash history, and the roadway geometry applicable to such school  
17 speed zone.

18 § 2. The opening paragraph of section 12 of chapter 43 of the laws of  
19 2014, amending the vehicle and traffic law, the public officers law and  
20 the general municipal law relating to photo speed violation monitoring  
21 systems in school speed zones in the city of New York, is amended to  
22 read as follows:

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26 provisions of this act shall be deemed repealed; and provided further  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

30 § 3. Subparagraph (i) of paragraph 5 of subdivision (a) of section  
31 1180-b of the vehicle and traffic law, as added by chapter 189 of the  
32 laws of 2013, is amended to read as follows:

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

44 § 4. Subdivision (b) of section 1180-b of the vehicle and traffic law,  
45 as added by chapter 189 of the laws of 2013, is amended to read as  
46 follows:

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

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

6 § 5. Subdivision (f) of section 1180-b of the vehicle and traffic law,  
7 as added by chapter 189 of the laws of 2013, is amended to read as  
8 follows:

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

14 § 6. The opening paragraph of subdivision (n) of section 1180-b of the  
15 vehicle and traffic law, as added by chapter 189 of the laws of 2013, is  
16 amended to read as follows:

17 If the city adopts a [~~demonstration~~] program pursuant to subdivision  
18 [~~one of~~] (a) of this section it shall conduct a study and submit a  
19 report on the results of the use of photo devices to the governor, the  
20 temporary president of the senate and the speaker of the assembly. Such  
21 report shall include:

22 § 7. The opening paragraph of section 15 of chapter 189 of the laws of  
23 2013, amending the vehicle and traffic law and the public officers law  
24 relating to establishing in a city with a population of one million  
25 people or more a demonstration program implementing speed violation  
26 monitoring systems in school zones by means of photo devices, is amended  
27 to read as follows:

28 This act shall take effect on the thirtieth day after it shall have  
29 become a law [~~and shall expire 5 years after such effective date when~~  
30 ~~upon such date the provisions of this act shall be deemed repealed, and~~]  
31 provided [~~further~~] that any rules necessary for the implementation of  
32 this act on its effective date shall be promulgated on or before such  
33 effective date, provided that:

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