STATE OF NEW YORK

590--A

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sens. PERALTA, KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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; 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; and to repeal subdivision (j) of section 1180-b of the vehicle and traffic law relating to adjudications by the New York city parking violations bureau

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

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

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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~~]. 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. **A photo speed violation monitoring system shall not be installed 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 motor vehicle operators of such upcoming school speed zone and/or on speed limit signs applicable within **or approaching** such school speed zone, **provided that such speed limit signs shall be no more than three hundred feet from such school speed zone,** in conformance with standards established in the MUTCD.

§ 3. Paragraph 4 of subdivision (c) 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:

4. "school speed zone" shall mean a **radial** distance not to exceed one thousand three hundred twenty feet [~~on a highway passing~~] **from** a school building, entrance or exit [~~of a school abutting on the highway~~].

§ 4. Subdivision (j) of section 1180-b of the vehicle and traffic law is REPEALED, and subdivisions (k), (l), (m), (n) and (o) are relettered subdivisions (j), (k), (l), (m) and (n).

§ 5. Paragraphs 2 and 3 of subdivision (j) of section 1180-b of the vehicle and traffic law, as added by chapter 189 of the laws of 2013 and such subdivision as relettered by section four of this act, are amended to read as follows:

2. Failure to comply with subparagraph (ii) of paragraph [~~(a)~~] **one** of this subdivision shall render the owner liable for the penalty prescribed in this section.

3. Where the lessor complies with the provisions of paragraph [~~(a)~~] **one** of this subdivision, the lessee of such vehicle on the date of such

violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision [~~nine~~] **(g)** of this section.

§ 6. 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:

§ 7. 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.

§ 8. 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) **of this section** 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.

§ 9. 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.

§ 10. 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 and such subdivision as relettered by section four of this act, 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:

§ 11. 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**, further,** that:

§ 12. This act shall take effect immediately.