

# STATE OF NEW YORK

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590--A

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

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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:

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 mone-  
6 tary liability on the owner of a vehicle for failure of an operator  
7 thereof to comply with posted maximum speed limits in a school speed  
8 zone within the city (i) when a school speed limit is in effect as  
9 provided in paragraphs one and two of subdivision (c) of section eleven  
10 hundred eighty of this article or (ii) when other speed limits are in  
11 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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1 hundred eighty of this article [~~during the following times: (A) on~~  
2 ~~school days during school hours and one hour before and one hour after~~  
3 ~~the school day, and (B) a period during student activities at the school~~  
4 ~~and up to thirty minutes immediately before and up to thirty minutes~~  
5 ~~immediately after such student activities~~]. Such ~~[demonstration]~~ program  
6 shall empower the city to install photo speed violation monitoring  
7 systems within [~~no more than one hundred forty~~] all school speed zones  
8 within the city [~~at any one time~~] and to operate such systems within  
9 such zones (iii) when a school speed limit is in effect as provided in  
10 paragraphs one and two of subdivision (c) of section eleven hundred  
11 eighty of this article or (iv) when other speed limits are in effect as  
12 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
13 eighty of this article [~~during the following times: (A) on school days~~  
14 ~~during school hours and one hour before and one hour after the school~~  
15 ~~day, and (B) a period during student activities at the school and up to~~  
16 ~~thirty minutes immediately before and up to thirty minutes immediately~~  
17 ~~after such student activities~~]. In selecting a school speed zone in  
18 which to install and operate a photo speed violation monitoring system,  
19 the city shall consider criteria including, but not limited to the speed  
20 data, crash history, and the roadway geometry applicable to such school  
21 speed zone. A photo speed violation monitoring system shall not be  
22 installed on a controlled-access highway exit ramp or within three  
23 hundred feet along a highway that continues from the end of a cont-  
24 rolled-access highway exit ramp.

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

28 2. No photo speed violation monitoring system shall be used in a  
29 school speed zone unless (i) on the day it is to be used it has success-  
30 fully passed a self-test of its functions; and (ii) it has undergone an  
31 annual calibration check performed pursuant to paragraph four of this  
32 subdivision. The city [~~may~~] shall install signs giving notice that a  
33 photo speed violation monitoring system is in use to be mounted on  
34 advance warning signs notifying motor vehicle operators of such upcoming  
35 school speed zone and/or on speed limit signs applicable within or  
36 approaching such school speed zone, provided that such speed limit signs  
37 shall be no more than three hundred feet from such school speed zone, in  
38 conformance with standards established in the MUTCD.

39 § 3. Paragraph 4 of subdivision (c) of section 1180-b of the vehicle  
40 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
41 to read as follows:

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

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

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

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

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

1 violation shall be deemed to be the owner of such vehicle for purposes  
2 of this section, shall be subject to liability for such violation pursu-  
3 ant to this section and shall be sent a notice of liability pursuant to  
4 subdivision ~~[nine]~~ (g) of this section.

5 § 6. The opening paragraph of section 12 of chapter 43 of the laws of  
6 2014, amending the vehicle and traffic law, the public officers law and  
7 the general municipal law relating to photo speed violation monitoring  
8 systems in school speed zones in the city of New York, is amended to  
9 read as follows:

10 This act shall take effect on the thirtieth day after it shall have  
11 become a law ~~[and]~~; provided that sections one through ten of this act  
12 shall expire 4 years after such effective date when upon such date the  
13 provisions of this act shall be deemed repealed; and provided further  
14 that any rules necessary for the implementation of this act on its  
15 effective date shall be promulgated on or before such effective date,  
16 provided that:

17 § 7. Subparagraph (i) of paragraph 5 of subdivision (a) of section  
18 1180-b of the vehicle and traffic law, as added by chapter 189 of the  
19 laws of 2013, is amended to read as follows:

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

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

34 (b) If the city of New York establishes a ~~[demonstration]~~ program  
35 pursuant to subdivision (a) of this section, the owner of a vehicle  
36 shall be liable for a penalty imposed pursuant to this section if such  
37 vehicle was used or operated with the permission of the owner, express  
38 or implied, within a school speed zone in violation of subdivision (c)  
39 of this section or during the times authorized pursuant to subdivision  
40 (a) of this section in violation of subdivision (b), (d), (f) or (g) of  
41 section eleven hundred eighty of this article, such vehicle was travel-  
42 ing at a speed of more than ten miles per hour above the posted speed  
43 limit in effect within such school speed zone, and such violation is  
44 evidenced by information obtained from a photo speed violation monitor-  
45 ing system; provided however that no owner of a vehicle shall be liable  
46 for a penalty imposed pursuant to this section where the operator of  
47 such vehicle has been convicted of the underlying violation of subdivi-  
48 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this  
49 article.

50 § 9. Subdivision (f) of section 1180-b of the vehicle and traffic law,  
51 as added by chapter 189 of the laws of 2013, is amended to read as  
52 follows:

53 (f) An imposition of liability under the ~~[demonstration]~~ program  
54 established pursuant to this section shall not be deemed a conviction as  
55 an operator and shall not be made part of the operating record of the

1 person upon whom such liability is imposed nor shall it be used for  
2 insurance purposes in the provision of motor vehicle insurance coverage.

3 § 10. The opening paragraph of subdivision (n) of section 1180-b of  
4 the vehicle and traffic law, as added by chapter 189 of the laws of 2013  
5 and such subdivision as relettered by section four of this act, is  
6 amended to read as follows:

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

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

18 This act shall take effect on the thirtieth day after it shall have  
19 become a law [~~and shall expire 5 years after such effective date when~~  
20 ~~upon such date the provisions of this act shall be deemed repealed,~~  
21 ~~and~~]; provided [~~further~~] that any rules necessary for the implementation  
22 of this act on its effective date shall be promulgated on or before such  
23 effective date, provided, further, that:

24 § 12. This act shall take effect immediately.