

STATE OF NEW YORK

4927--B

2019-2020 Regular Sessions

IN SENATE

March 29, 2019

Introduced by Sen. LIU -- 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 -- 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 requiring photographs of all parking violations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 223-a to read as follows:

§ 223-a. Camera technology required for purchases or upgrades of parking violation devices. 1. On and after the effective date of this section, the commissioner shall require that all purchases, upgrades or replacements of devices used to identify parking violations at the site of the violation shall contain a camera capable of conspicuously photographing the vehicle, producing a time/date stamp, and any other factors relevant to the enforcement of parking violations pursuant to article two-B of this title. The commissioner shall also require any state or local entity that currently possesses such camera technology to immediately implement the technology and comply with the provisions of this section.

2. Nothing in this section shall interfere with any rights, benefits, including the terms and conditions of employment, or the civil service and collective bargaining status of any existing or new employees.

§ 2. The vehicle and traffic law is amended by adding a new section 223-b to read as follows:

§ 223-b. Photographs required for parking violations. 1. The commissioner shall require that all parking violations issued pursuant to article two-B of this title be accompanied with a photograph of the alleged violation. Such photograph shall be time/date stamped and

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

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1 conspicuously display the vehicle and relevant parking sign, if applica-
2 ble.

3 2. Such photographs shall be stored with the bureau to be furnished
4 whenever requested by the person charged pursuant to subdivision six-a
5 of section two hundred thirty-seven of this title.

6 3. The commissioner shall ensure, to the extent practicable, that
7 photographs required pursuant to subdivision one of this section shall
8 not include images that identify the driver, the passengers, the
9 contents of the vehicle, pedestrians or cyclists. Provided, however,
10 that no violation issued pursuant to this section shall be dismissed
11 solely because a photograph allows for the identification of the
12 contents of a vehicle, provided that the bureau has made a reasonable
13 effort to comply with the provisions of this subdivision. Provided,
14 further, that the use or dissemination of the vehicle's license plate
15 information and other information and images captured by such photo-
16 graphs shall not be permitted except: (a) as required to establish
17 liability under this section or to collect payment of penalties; (b) as
18 required by court order; or (c) as otherwise required by law.

19 § 3. Section 237 of the vehicle and traffic law is amended by adding a
20 new subdivision 6-a to read as follows:

21 6-a. To compile and maintain the photographs associated with each
22 parking violation issued. The bureau shall furnish within a reasonable
23 period of time to the person charged on his or her request, a copy of
24 such photograph;

25 § 4. Subdivision 2 of section 238 of the vehicle and traffic law, as
26 amended by chapter 224 of the laws of 1995, is amended to read as
27 follows:

28 2. A notice of violation shall be served personally upon the operator
29 of a motor vehicle who is present at the time of service, and his name,
30 together with the plate designation and the plate type as shown by the
31 registration plates of said vehicle and the expiration date; the make or
32 model, and body type of said vehicle; a description of the charged
33 violation, including but not limited to a reference to the applicable
34 traffic rule or provision of this chapter; information as to the days
35 and hours the applicable rule or provision of this chapter is in effect,
36 unless always in effect pursuant to rule or this chapter and where
37 appropriate the word ALL when the days and/or hours in effect are every-
38 day and/or twenty-four hours a day; the meter number for a meter
39 violation, where appropriate; ~~and~~ the date, time and particular place
40 of occurrence of the charged violation; and a notice and information
41 regarding how the person charged may request a photograph of the alleged
42 violation, shall be inserted therein. A mere listing of a meter number
43 in cases of charged meter violations shall not be deemed to constitute a
44 sufficient description of a particular place of occurrence for purposes
45 of this subdivision. The notice of violation shall be served upon the
46 owner of the motor vehicle if the operator is not present, by affixing
47 such notice to said vehicle in a conspicuous place. Whenever such notice
48 is so affixed, in lieu of inserting the name of the person charged with
49 the violation in the space provided for the identification of said
50 person, the words "owner of the vehicle bearing license" may be inserted
51 to be followed by the plate designation and plate type as shown by the
52 registration plates of said vehicle together with the expiration date;
53 the make or model, and body type of said vehicle; a description of the
54 charged violation, including but not limited to a reference to the
55 applicable traffic rule or provision of this chapter; information as to
56 the days and hours the applicable rule or provision of this chapter is

1 in effect unless always in effect pursuant to rule or this chapter and
2 where appropriate the word ALL when the days and/or hours in effect are
3 every day and/or twenty-four hours a day; the meter number for a meter
4 violation where appropriate; ~~and~~ the date, time and particular place
5 of occurrence of the charged violation; and a notice and information
6 regarding how the person charged may request a photograph of the alleged
7 violation. Service of the notice of violation, or a duplicate thereof
8 by affixation as herein provided shall have the same force and effect
9 and shall be subject to the same penalties for disregard thereof as
10 though the same was personally served with the name of the person
11 charged with the violation inserted therein.

12 § 5. Subdivision 2-a of section 238 of the vehicle and traffic law is
13 amended by adding a new paragraph (b-1) to read as follows:

14 (b-1) The time/date stamped photograph required pursuant to section
15 two hundred twenty-three-b of this title shall be preserved to use as
16 evidence until a final determination on the notice is made pursuant to
17 this article.

18 § 6. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law. Effective immediately, the addition, amend-
20 ment and/or repeal of any rule or regulation necessary for the implemen-
21 tation of this act on its effective date are authorized to be made and
22 completed on or before such effective date.