STATE OF NEW YORK

132

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. LIU -- 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 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 conspicuously display the vehicle and relevant parking sign, if applicable.

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

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

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

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

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

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

2. A notice of violation shall be served personally upon the operator of a motor vehicle who is present at the time of service, and his name, together with the plate designation and the plate type as shown by the registration plates of said vehicle and the expiration date; the make or model, and body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect, unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are every-day and/or twenty-four hours a day; the meter number for a meter violation, where appropriate; [~~and~~] the date, time and particular place of occurrence of the charged violation**; and a notice and information regarding how the person charged may request a photograph of the alleged violation**, shall be inserted therein. A mere listing of a meter number in cases of charged meter violations shall not be deemed to constitute a sufficient description of a particular place of occurrence for purposes of this subdivision. The notice of violation shall be served upon the owner of the motor vehicle if the operator is not present, by affixing such notice to said vehicle in a conspicuous place. Whenever such notice is so affixed, in lieu of inserting the name of the person charged with the violation in the space provided for the identification of said person, the words "owner of the vehicle bearing license" may be inserted to be followed by the plate designation and plate type as shown by the registration plates of said vehicle together with the expiration date; the make or model, and body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are

every day and/or twenty-four hours a day; the meter number for a meter violation where appropriate; [~~and~~] the date, time and particular place of occurrence of the charged violation**; and a notice and information regarding how the person charged may request a photograph of the alleged violation**. Service of the notice of violation, or a duplicate thereof by affixation as herein provided shall have the same force and effect and shall be subject to the same penalties for disregard thereof as though the same was personally served with the name of the person charged with the violation inserted therein.

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

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

§ 6. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.