STATE OF NEW YORK

6681

2021-2022 Regular Sessions

IN ASSEMBLY

March 25, 2021

Introduced by M. of A. GLICK, GOTTFRIED -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to 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 or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, 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. Section 201 of the vehicle and traffic law is amended by adding a new subdivision 13 to read as follows:

13. The commissioner shall be required to maintain all records of vehicle registrations whose owners have been documented violating subdivisions (b), (c) , (d), (f) or (g) of section eleven hundred eighty of this chapter at least five times within a two year period and may inform the company which insures the vehicle of all such documented violations.

§ 2. Subdivision 2 of section 510 of the vehicle and traffic law is amended by adding a new paragraph b-1 to read as follows:

b-1. Mandatory registration suspension. Such registration shall be suspended for a period of ninety days where the holder is found liable of six or more violations under section eleven hundred eighty-b of this chapter within a period of two years. Such registration suspension shall commence on the tenth day after the notice of liability for violations has been mailed pursuant to subdivision (g) of section eleven hundred eighty-b of this chapter.

§ 3. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle and traffic law, as amended by chapter 30 of the laws of 2019, is amended to read as follows:

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

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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 such 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 weekdays between the hours of six o'clock A.M. and ten o'clock P.M~~]. Such demonstration program shall empower the city of New York to install photo speed violation monitoring systems within no more than seven hundred fifty school speed zones within such 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 week-days between the hours of six o'clock A.M. and ten o'clock P.M~~]. In selecting a school speed zone in which to install and operate a photo speed violation monitoring system, the city of New York shall consider criteria including, but not limited to, the speed data, crash history, and the roadway geometry applicable to such school speed zone. Such city shall prioritize the placement of photo speed violation monitoring systems in school speed zones based upon speed data or the crash history of a school speed zone. A photo speed violation monitoring system shall not be installed or operated 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.

§ 4. Paragraph 3 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:

3. **(i)** Operators of **mobile** photo speed violation monitoring systems shall have completed training in the procedures for setting up, testing, and operating such **mobile** systems.

(ii) Entities operating fixed photo speed violation monitoring systems shall establish and maintain procedures for setting up, testing, and operating such fixed systems.

(iii) Each [~~such~~] operator **of a mobile photo speed violation monitoring system, or each entity that operates a fixed photo speed violation monitoring system,** shall [~~complete and sign~~] **maintain** a daily [~~set-up~~] **camera** log **report** for each such system that [~~he or she operates that (i)~~] **(A)** states the date and time when, and the location where, the system was set up that day, and [~~(ii)~~] **(B)** states that such operator **or entity** successfully performed, and the system passed, the self-tests of such system before producing a recorded image that day.

(iv) The city shall retain each such daily **camera** log **report** until the later of the date on which the **mobile or fixed** photo speed violation monitoring system to which it applies has been permanently removed from use or the final resolution of all cases involving notices of liability issued based on photographs, microphotographs, video or other recorded images produced by such system.

§ 5. Paragraph 3 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:

3. "photo speed violation monitoring system" shall mean a **mobile or fixed** vehicle sensor installed to work in conjunction with a speed meas-

uring device which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in a school speed zone in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article in accordance with the provisions of this section; and

§ 6. Subdivisions (e) and (f) of section 1180-b of the vehicle and traffic law, as added by chapter 189 of the laws of 2013, are amended to read as follows:

(e) An owner liable for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to a demonstration program established pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the parking violations bureau of the city of New York. The liability of the owner pursuant to this section shall not exceed [~~fifty dollars for each violation~~] **the dollar amounts prescribed in this subdivision for the following number of violations, committed within a period of two years: fifty dollars for the first two violations, one hundred dollars for the third violation, two hundred dollars for the fourth violation, three hundred fifty dollars for the fifth violation, and five hundred dollars for the sixth or more violation**; provided, however, that such parking violations bureau may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(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~~] **A notice of liability issued pursuant to this section, if such notice indicates a fifth violation within a two year period of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to the demonstration program established in this section shall be forwarded by the parking violations bureau of the city of New York to the commissioner of motor vehicles, as defined in section two hundred of this chapter, for the purposes of compliance with subdivision thirteen of section two hundred one of this chapter**.

§ 7. Paragraph 2 of subdivision (g) 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. A notice of liability shall contain **(i)** the name and address of the person alleged to be liable as an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section, **(ii)** the registration number of the vehicle involved in such violation, **(iii)** the location where such violation took place, **(iv)** the date and time of such violation, **(v)** the identification number of the camera which recorded the violation or other document locator number, **(vi)** at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle, and **(vii)** the certificate charging the liability**, which shall be a statement within the notice of liability that an owner violated subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section and is liable for penalties in accordance with this section**.

§ 8. 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 or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, as amended by chapter 30 of the laws of 2019, 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 and be deemed repealed July 1, [~~2022~~] 2025; 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:

§ 9. This act shall take effect on the sixtieth day after it shall have become a law; provided that the amendments to section 1180-b of the vehicle and traffic law made by sections three, four, five, six and seven of this act shall not affect the expiration of such section and shall expire and be deemed repealed therewith.