

# STATE OF NEW YORK

5602

2021-2022 Regular Sessions

## IN SENATE

March 12, 2021

Introduced by Sen. GOUNARDES -- 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 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:

1 Section 1. Section 201 of the vehicle and traffic law is amended by  
2 adding a new subdivision 13 to read as follows:

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

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

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

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

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

LBD10466-02-1

1 1. Notwithstanding any other provision of law, the city of New York is  
2 hereby authorized to establish a demonstration program imposing monetary  
3 liability on the owner of a vehicle for failure of an operator thereof  
4 to comply with posted maximum speed limits in a school speed zone within  
5 such city [~~(i) when a school speed limit is in effect as provided in~~  
6 ~~paragraphs one and two of subdivision (c) of section eleven hundred~~  
7 ~~eighty of this article or (ii) when other speed limits are in effect as~~  
8 ~~provided in subdivision (b), (d), (f) or (g) of section eleven hundred~~  
9 ~~eighty of this article weekdays between the hours of six o'clock A.M.~~  
10 ~~and ten o'clock P.M.]. Such demonstration program shall empower the city~~  
11 of New York to install photo speed violation monitoring systems within  
12 no more than seven hundred fifty school speed zones within such city at  
13 any one time and to operate such systems within such zones [~~(iii) when a~~  
14 ~~school speed limit is in effect as provided in paragraphs one and two of~~  
15 ~~subdivision (c) of section eleven hundred eighty of this article or (iv)~~  
16 ~~when other speed limits are in effect as provided in subdivision (b),~~  
17 ~~(d), (f) or (g) of section eleven hundred eighty of this article week-~~  
18 ~~days between the hours of six o'clock A.M. and ten o'clock P.M.]. In~~  
19 selecting a school speed zone in which to install and operate a photo  
20 speed violation monitoring system, the city of New York shall consider  
21 criteria including, but not limited to, the speed data, crash history,  
22 and the roadway geometry applicable to such school speed zone. Such city  
23 shall prioritize the placement of photo speed violation monitoring  
24 systems in school speed zones based upon speed data or the crash history  
25 of a school speed zone. A photo speed violation monitoring system shall  
26 not be installed or operated on a controlled-access highway exit ramp or  
27 within three hundred feet along a highway that continues from the end of  
28 a controlled-access highway exit ramp.

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

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

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

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

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

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

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

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

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

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

26 (f) [~~An imposition of liability under the demonstration program estab-~~  
27 ~~lished pursuant to this section shall not be deemed a conviction as an~~  
28 ~~operator and shall not be made part of the operating record of the~~  
29 ~~person upon whom such liability is imposed nor shall it be used for~~  
30 ~~insurance purposes in the provision of motor vehicle insurance coverage]~~

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

39 § 7. Paragraph 2 of subdivision (g) 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 2. A notice of liability shall contain (i) the name and address of the  
43 person alleged to be liable as an owner for a violation of subdivision  
44 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-  
45 cle pursuant to this section, (ii) the registration number of the vehi-  
46 cle involved in such violation, (iii) the location where such violation  
47 took place, (iv) the date and time of such violation, (v) the identifi-  
48 cation number of the camera which recorded the violation or other docu-  
49 ment locator number, (vi) at least two date and time stamped images of  
50 the rear of the motor vehicle that include the same stationary object  
51 near the motor vehicle, and (vii) the certificate charging the  
52 liability, which shall be a statement within the notice of liability  
53 that an owner violated subdivision (b), (c), (d), (f) or (g) of section  
54 eleven hundred eighty of this article pursuant to this section and is  
55 liable for penalties in accordance with this section.

1 § 8. The opening paragraph of section 15 of chapter 189 of the laws of  
2 2013, amending the vehicle and traffic law and the public officers law  
3 relating to establishing in a city with a population of one million or  
4 more a demonstration program implementing speed violation monitoring  
5 systems in school speed zones by means of photo devices, as amended by  
6 chapter 30 of the laws of 2019, is amended to read as follows:

7 This act shall take effect on the thirtieth day after it shall have  
8 become a law and shall expire and be deemed repealed July 1, [~~2022~~]  
9 2025; and provided further that any rules necessary for the implementa-  
10 tion of this act on its effective date shall be promulgated on or before  
11 such effective date, provided that:

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