

STATE OF NEW YORK

9283

IN ASSEMBLY

February 23, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to owner liability for failure of operator to comply with certain posted maximum speed limits; and to amend the general municipal law, in relation to making technical corrections

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-e of the
2 vehicle and traffic law, as added by chapter 421 of the laws of 2021, is
3 amended to read as follows:

4 1. (a) Notwithstanding any other provision of law, the commissioner of
5 transportation is hereby authorized to establish a demonstration program
6 imposing monetary liability on the owner of a vehicle for failure of an
7 operator thereof to comply with posted maximum speed limits in a highway
8 construction or maintenance work area located on a controlled-access
9 highway (i) when highway construction or maintenance work is occurring
10 and a work area speed limit is in effect as provided in paragraph two of
11 subdivision (d) or subdivision (f) of section eleven hundred eighty of
12 this article or (ii) when highway construction or maintenance work is
13 occurring and other speed limits are in effect as provided in subdivi-
14 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
15 hundred eighty of this article. Such demonstration program shall empower
16 the commissioner to install photo speed violation monitoring systems
17 within no more than twenty highway construction or maintenance work
18 areas located on controlled-access highways and to operate such systems
19 within such work areas (iii) when highway construction or maintenance
20 work is occurring and a work area speed limit is in effect as provided
21 in paragraph two of subdivision (d) or subdivision (f) of section eleven
22 hundred eighty of this article or (iv) when highway construction or
23 maintenance work is occurring and other speed limits are in effect as
24 provided in subdivision (b) or (g) or paragraph one of subdivision (d)
25 of section eleven hundred eighty of this article. The commissioner, in
26 consultation with the superintendent of the division of state police,

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

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1 shall determine the location of the highway construction or maintenance
2 work areas located on a controlled-access highway in which to install
3 and operate photo speed violation monitoring systems. In selecting a
4 highway construction or maintenance work area in which to install and
5 operate a photo speed violation monitoring system, the commissioner
6 shall consider criteria including, but not limited to, the speed data,
7 crash history, and roadway geometry applicable to such highway
8 construction or maintenance work area. A photo speed violation monitor-
9 ing system shall not be installed or operated on a controlled-access
10 highway exit ramp.

11 (b) Counties, cities, towns and villages, with respect to highways in
12 such counties, cities, towns and villages, but not including state high-
13 ways maintained by the state, may install and operate photo speed
14 violation monitoring systems: (i) when highway construction or mainte-
15 nance work is occurring and a work area speed limit is in effect as
16 provided in paragraph two of subdivision (d) or subdivision (f) of
17 section eleven hundred eighty of this article; or (ii) when highway
18 construction or maintenance work is occurring and other speed limits are
19 in effect as provided in subdivision (g) or paragraph one of subdivision
20 (d) of section eleven hundred eighty of this article.

21 § 2. Section 371-a of the general municipal law, as separately added
22 by chapters 421, 460 and 773 of the laws of 2021, is amended to read as
23 follows:

24 § 371-a. Additional jurisdiction and procedure related to the adjudi-
25 cation of certain notices of liability. A traffic violations bureau
26 established pursuant to subdivision one and a traffic and parking
27 violations agency established pursuant to subdivision two of section
28 three hundred seventy-one of this article may be authorized to adjudi-
29 cate, in accordance with the provisions of this article, the liability
30 of owners: (a) for violations of subdivision (d) of section eleven
31 hundred eleven of the vehicle and traffic law imposed pursuant to a
32 local law or ordinance imposing monetary liability on the owner of a
33 vehicle for failure of an operator thereof to comply with traffic-con-
34 trol indications through the installation and operation of traffic-con-
35 trol signal photo violation-monitoring systems, in accordance with arti-
36 cle twenty-four of the vehicle and traffic law; or (b) for violations of
37 section eleven hundred seventy-four of the vehicle and traffic law when
38 meeting a school bus marked and equipped as provided in subdivisions
39 twenty and twenty-one-c of section three hundred seventy-five of the
40 vehicle and traffic law imposed pursuant to a local law or ordinance
41 imposing monetary liability on the owner of a vehicle for failure of an
42 operator thereof to comply with school bus red visual signals through
43 the installation and operation of school bus photo violation monitoring
44 systems, in accordance with article twenty-nine of the vehicle and traf-
45 fic law; or (c) for violations of subdivision (b), (d), (f) or (g) of
46 section eleven hundred eighty of the vehicle and traffic law imposed
47 pursuant to a demonstration program imposing monetary liability on the
48 owner of a vehicle for failure of an operator thereof to comply with
49 such posted maximum speed limits within a [highway] construction or
50 maintenance work area through the installation and operation of photo
51 speed violation monitoring systems, in accordance with article thirty of
52 [~~this chapter~~] the vehicle and traffic law.

53 § 3. This act shall take effect on the ninetieth day after it shall
54 have become a law; provided that the amendments to section 1180-e of the
55 vehicle and traffic law made by section one of this act shall not affect
56 the repeal of such section and shall be deemed repealed therewith.