

STATE OF NEW YORK

9304

IN SENATE

May 10, 2024

Introduced by Sen. HARCKHAM -- 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 owner liability for failure of operator to comply with certain posted maximum speed limits in the town of Yorktown, Westchester county; 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. This act shall be known and may be cited as "Jake's Law".
2 § 2. Paragraph 1 of subdivision (a) of section 1180-e of the vehicle
3 and traffic law, as added by chapter 421 of the laws of 2021, is amended
4 to read as follows:
5 1. (a) Notwithstanding any other provision of law, the commissioner of
6 transportation is hereby authorized to establish a demonstration program
7 imposing monetary liability on the owner of a vehicle for failure of an
8 operator thereof to comply with posted maximum speed limits in a highway
9 construction or maintenance work area located on a controlled-access
10 highway (i) when highway construction or maintenance work is occurring
11 and a work area speed limit is in effect as provided in paragraph two of
12 subdivision (d) or subdivision (f) of section eleven hundred eighty of
13 this article or (ii) when highway construction or maintenance work is
14 occurring and other speed limits are in effect as provided in subdivi-
15 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
16 hundred eighty of this article. Such demonstration program shall empower
17 the commissioner to install photo speed violation monitoring systems
18 within no more than twenty highway construction or maintenance work
19 areas located on controlled-access highways and to operate such systems
20 within such work areas (iii) when highway construction or maintenance
21 work is occurring and a work area speed limit is in effect as provided
22 in paragraph two of subdivision (d) or subdivision (f) of section eleven
23 hundred eighty of this article or (iv) when highway construction or
24 maintenance work is occurring and other speed limits are in effect as
25 provided in subdivision (b) or (g) or paragraph one of subdivision (d)
26 of section eleven hundred eighty of this article. The commissioner, in
27 consultation with the superintendent of the division of state police,
28 shall determine the location of the highway construction or maintenance

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

LBD10952-05-4

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

10 (b) The town of Yorktown, Westchester county, with respect to highways
11 in such town, but not including state highways maintained by the state,
12 may install and operate photo speed violation monitoring systems: (i)
13 when highway construction or maintenance work is occurring and a work
14 area speed limit is in effect as provided in paragraph two of subdivi-
15 sion (d) or subdivision (f) of section eleven hundred eighty of this
16 article; or (ii) when highway construction or maintenance work is occur-
17 ring and other speed limits are in effect as provided in subdivision (g)
18 or paragraph one of subdivision (d) of section eleven hundred eighty of
19 this article.

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

23 § 371-a. Additional jurisdiction and procedure related to the adjudi-
24 cation of certain notices of liability. A traffic violations bureau
25 established pursuant to subdivision one and a traffic and parking
26 violations agency established pursuant to subdivision two of section
27 three hundred seventy-one of this article may be authorized to adjudi-
28 cate, in accordance with the provisions of this article, the liability
29 of owners: (a) for violations of subdivision (d) of section eleven
30 hundred eleven of the vehicle and traffic law imposed pursuant to a
31 local law or ordinance imposing monetary liability on the owner of a
32 vehicle for failure of an operator thereof to comply with traffic-con-
33 trol indications through the installation and operation of traffic-con-
34 trol signal photo violation-monitoring systems, in accordance with arti-
35 cle twenty-four of the vehicle and traffic law; or (b) for violations of
36 section eleven hundred seventy-four of the vehicle and traffic law when
37 meeting a school bus marked and equipped as provided in subdivisions
38 twenty and twenty-one-c of section three hundred seventy-five of the
39 vehicle and traffic law imposed pursuant to a local law or ordinance
40 imposing monetary liability on the owner of a vehicle for failure of an
41 operator thereof to comply with school bus red visual signals through
42 the installation and operation of school bus photo violation monitoring
43 systems, in accordance with article twenty-nine of the vehicle and traf-
44 fic law; or (c) for violations of subdivision (b), (d), (f) or (g) of
45 section eleven hundred eighty of the vehicle and traffic law imposed
46 pursuant to a demonstration program imposing monetary liability on the
47 owner of a vehicle for failure of an operator thereof to comply with
48 such posted maximum speed limits within a [~~highway~~] construction or
49 maintenance work area through the installation and operation of photo
50 speed violation monitoring systems, in accordance with article thirty of
51 [~~this chapter~~] the vehicle and traffic law.

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