# STATE OF NEW YORK

5302

2023-2024 Regular Sessions

# IN ASSEMBLY

March 7, 2023

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Education

AN ACT to amend the vehicle and traffic law and the education law, in relation to allowing boards of cooperative educational services to install school bus stop sign cameras

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Paragraphs 1, 1-a, 1-b, 2 and 3 of subdivision (a) of section 1174-a of the vehicle and traffic law, as added by chapter 145 of the laws of 2019, are amended to read as follows:

1. Notwithstanding any other provision of law, a county, city, town or village located within a school district ("district") **or a board of cooperative educational services ("BOCES")** is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village, in accordance with the provisions of this section. Such demonstration program shall empower such county, city, town or village to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district **or BOCES** within such county, city, town or village, on school buses owned and operated by such school district **or BOCES** or privately owned and operated for compensation under contract with such district **or BOCES**. Provided, however, that (a) no stationary school bus photo violation monitoring system shall be installed or operated by a county, city, town or village except on roadways under the jurisdiction of such county, city, town or village, and (b) no mobile school bus photo violation

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

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monitoring system shall be installed or operated on any such school buses unless such county, city, town or village and such district **or BOCES** enter into an agreement for such installation and operation.

1-a. Any county, city, town or village, located within a school district **or BOCES**, that has adopted a local law or ordinance pursuant to this section establishing a demonstration program imposing liability on the owner of a vehicle for failure of an operator thereof to comply with section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village may enter into an agreement with the applicable school district **or BOCES** for the installation, maintenance and use of school bus photo violation monitoring systems on school buses pursuant to this section and section twenty-two of the chapter of the laws of two thousand nineteen which added this section, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the applicable county, city, town or village. Any agreement entered into hereunder shall be approved by each participating county, city, town or village by a majority vote of the voting strength of its governing body and by resolution of the district **or BOCES** pursuant to section sixteen hundred four, section seventeen hundred nine, section twenty-five hundred three, section twenty-five hundred fifty-four or section twenty-five hundred ninety-h of the education law, as applicable. Provided, however, that where a district **or BOCES** has entered an agreement as provided hereunder with a county, no cities, towns or villages within the same county may enter into, or be a party to, any agreement with such district **or BOCES** pursuant to this section. Provided further, however, that no county shall enter an agreement with any city school district **or BOCES** wholly contained within a city. Nothing in this section shall be construed to prevent a county, city, town, village or district **or BOCES** at any time to withdraw from or terminate an agreement entered pursuant to this section and section twenty-two of the chapter of the laws of [~~2019~~] **two-thousand nineteen** which added this section.

1-b. The total cost to the district **or BOCES** of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to this section shall be borne entirely by the county, city, town or village within the district **or BOCES** which is a party to such agreement. On or before September first of each year, the district **or BOCES** shall determine and certify to each county, city, town or village with which it has entered into an agreement pursuant to this section the total cost to the district **or BOCES** for the school year ending the preceding June thirtieth of installing, maintaining and using such systems within each such county, city, town or village, respectively, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the applicable county, city, town or village. On or before the following December first of each year, each such county, city, town or village shall pay to the district **or BOCES** such cost so certified to it on or before the preceding September first. Not later than twenty days after each such payment is submitted or is due, whichever occurs first, the district **or BOCES** shall submit to the director of the budget and the chairpersons of the fiscal committees of

the legislature a report for each such county, city, town and village showing the amount of costs so certified and the amount of payments so received or due. If a county, city, town or village fails to make the payment required to the district **or BOCES** by the twentieth day after the date such payment was due, (i) the district **or BOCES** shall notify the director of the budget and the chairpersons of the fiscal committees of the legislature of such occurrence within twenty-four hours of such day; and (ii) the demonstration program shall be suspended within such county, city, town, or village until such time as such county, city, town, or village makes the payment required to the district **or BOCES**. The district **or BOCES** shall notify the director of the budget and the chairpersons of the fiscal committees of the legislature of such payment within seven business days of its receipt. Provided, however, that any notice of liability issued prior to such date shall not be voided.

2. Any image or images captured by school bus photo violation monitoring systems shall be inadmissible in any disciplinary proceeding convened by any school district **or BOCES** or any school bus contractor thereof, and any proceeding initiated by the department involving licensure privileges of school bus operators. Any school bus photo violation monitoring device mounted on a school bus shall be directed outwardly from such school bus to capture images of vehicles operated in violation of section eleven hundred seventy-four of this chapter, and images produced by such device shall not be used for any other purpose.

3. (i) Any participating school district **or BOCES** shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images or data from school bus photo violation monitoring systems but shall provide, pursuant to an agreement with a county, city, town or village as provided in this section, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the applicable county, city, town or village for the purpose of determining whether a motor vehicle was operated in violation of subdivision (a) of section eleven hundred seventy-four of this title and imposing monetary liability on the owner of such motor vehicle therefor.

(ii) Photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (A) ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this section or (B) upon final disposition of a notice of liability issued pursuant to this section.

§ 2. Section 1950 of the education law is amended by adding a new subdivision 20 to read as follows:

**20. To pass a resolution, in the discretion of the board of such board of cooperative educational services, authorizing the entering of an agreement with a county, city, village or town within such district, for the installation and use of school bus photo violation monitoring systems pursuant to section eleven hundred seventy-four-a of the vehicle and traffic law, provided that the purchase, lease, installation, operation and maintenance, or any other costs associated with such cameras shall not be considered an aidable expense pursuant to section thirty-six hundred twenty-three-a of this chapter.**

§ 3. This act shall take effect immediately.