

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 Assem-
bly, do enact as follows:

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

4 1. Notwithstanding any other provision of law, a county, city, town or
5 village located within a school district ("district") or a board of
6 cooperative educational services ("BOCES") is hereby authorized and
7 empowered to adopt and amend a local law or ordinance establishing a
8 demonstration program imposing monetary liability on the owner of a
9 vehicle for failure of an operator thereof to comply with section eleven
10 hundred seventy-four of this chapter when meeting a school bus marked
11 and equipped as provided in subdivisions twenty and twenty-one-c of
12 section three hundred seventy-five of this chapter and operated in such
13 county, city, town or village, in accordance with the provisions of this
14 section. Such demonstration program shall empower such county, city,
15 town or village to install and operate school bus photo violation moni-
16 toring systems which may be stationary or mobile, and which may be
17 installed, pursuant to an agreement with a school district or BOCES
18 within such county, city, town or village, on school buses owned and
19 operated by such school district or BOCES or privately owned and oper-
20 ated for compensation under contract with such district or BOCES.
21 Provided, however, that (a) no stationary school bus photo violation
22 monitoring system shall be installed or operated by a county, city, town
23 or village except on roadways under the jurisdiction of such county,
24 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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1 monitoring system shall be installed or operated on any such school
2 buses unless such county, city, town or village and such district or
3 BOCES enter into an agreement for such installation and operation.

4 1-a. Any county, city, town or village, located within a school
5 district or BOCES, that has adopted a local law or ordinance pursuant to
6 this section establishing a demonstration program imposing liability on
7 the owner of a vehicle for failure of an operator thereof to comply with
8 section eleven hundred seventy-four of this chapter when meeting a
9 school bus marked and equipped as provided in subdivisions twenty and
10 twenty-one-c of section three hundred seventy-five of this chapter and
11 operated in such county, city, town or village may enter into an agree-
12 ment with the applicable school district or BOCES for the installation,
13 maintenance and use of school bus photo violation monitoring systems on
14 school buses pursuant to this section and section twenty-two of the
15 chapter of the laws of two thousand nineteen which added this section,
16 for the proper handling and custody of photographs, microphotographs,
17 videotapes, other recorded images and data produced by such systems, and
18 for the forwarding of such photographs, microphotographs, videotapes,
19 other recorded images and data to the applicable county, city, town or
20 village. Any agreement entered into hereunder shall be approved by each
21 participating county, city, town or village by a majority vote of the
22 voting strength of its governing body and by resolution of the district
23 or BOCES pursuant to section sixteen hundred four, section seventeen
24 hundred nine, section twenty-five hundred three, section twenty-five
25 hundred fifty-four or section twenty-five hundred ninety-h of the educa-
26 tion law, as applicable. Provided, however, that where a district or
27 BOCES has entered an agreement as provided hereunder with a county, no
28 cities, towns or villages within the same county may enter into, or be a
29 party to, any agreement with such district or BOCES pursuant to this
30 section. Provided further, however, that no county shall enter an agree-
31 ment with any city school district or BOCES wholly contained within a
32 city. Nothing in this section shall be construed to prevent a county,
33 city, town, village or district or BOCES at any time to withdraw from or
34 terminate an agreement entered pursuant to this section and section
35 twenty-two of the chapter of the laws of [~~2019~~] two-thousand nineteen
36 which added this section.

37 1-b. The total cost to the district or BOCES of the installation,
38 maintenance and use of school bus photo violation monitoring systems
39 pursuant to this section shall be borne entirely by the county, city,
40 town or village within the district or BOCES which is a party to such
41 agreement. On or before September first of each year, the district or
42 BOCES shall determine and certify to each county, city, town or village
43 with which it has entered into an agreement pursuant to this section the
44 total cost to the district or BOCES for the school year ending the
45 preceding June thirtieth of installing, maintaining and using such
46 systems within each such county, city, town or village, respectively,
47 for the proper handling and custody of photographs, microphotographs,
48 videotapes, other recorded images and data produced by such systems, and
49 for the forwarding of such photographs, microphotographs, videotapes,
50 other recorded images and data to the applicable county, city, town or
51 village. On or before the following December first of each year, each
52 such county, city, town or village shall pay to the district or BOCES
53 such cost so certified to it on or before the preceding September first.
54 Not later than twenty days after each such payment is submitted or is
55 due, whichever occurs first, the district or BOCES shall submit to the
56 director of the budget and the chairpersons of the fiscal committees of

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

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

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

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

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

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

54 § 3. This act shall take effect immediately.