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:

Section 1. Paragraph 1 of subdivision (a) of section 1180-e of the vehicle and traffic law, as added by chapter 421 of the laws of 2021, is amended to read as follows:

1. **(a)** Notwithstanding any other provision of law, the commissioner of transportation is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on a controlled-access highway (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such demonstration program shall empower the commissioner to install photo speed violation monitoring systems within no more than twenty highway construction or maintenance work areas located on controlled-access highways and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The commissioner, in 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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shall determine the location of the highway construction or maintenance work areas located on a controlled-access highway in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the commissioner shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such highway construction or maintenance work area. A photo speed violation monitoring system shall not be installed or operated on a controlled-access highway exit ramp.

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

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

§ 371-a. Additional jurisdiction and procedure related to the adjudication of certain notices of liability. A traffic violations bureau established pursuant to subdivision one and a traffic and parking violations agency established pursuant to subdivision two of section three hundred seventy-one of this article may be authorized to adjudicate, in accordance with the provisions of this article, the liability of owners: (a) for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of the vehicle and traffic law; or (b) for violations of section eleven hundred seventy-four of the vehicle and traffic law when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of the vehicle and traffic law imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of the vehicle and traffic law; or (c) for violations of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the vehicle and traffic law imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a [~~highway~~] construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of [~~this chapter~~] **the vehicle and traffic law**.

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