

# STATE OF NEW YORK

8488--A

2025-2026 Regular Sessions

## IN ASSEMBLY

May 19, 2025

Introduced by M. of A. BUTTENSCHON -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a school speed zone camera demonstration program in the County of Oneida; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 1180-h to read as follows:

3 § 1180-h. Owner liability for failure of operator to comply with  
4 certain posted maximum speed limits; county of Oneida. (a) 1. Notwith-  
5 standing any other provision of law, the county of Oneida is hereby  
6 authorized to establish a demonstration program imposing monetary  
7 liability on the owner of a vehicle for failure of an operator thereof  
8 to comply with posted maximum speed limits in a school speed zone within  
9 such county (i) when a school speed limit is in effect as provided in  
10 paragraphs one and two of subdivision (c) of section eleven hundred  
11 eighty of this article or (ii) when other speed limits are in effect as  
12 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
13 eighty of this article during the following times: (A) on school days  
14 during school hours and one hour before and one hour after the school  
15 day, and (B) a period during student activities at the school and up to  
16 thirty minutes immediately before and up to thirty minutes immediately  
17 after such student activities. Such demonstration program shall empower  
18 the county of Oneida to install photo speed violation monitoring systems  
19 within no more than eight school speed zones within such county at any  
20 one time and to operate such systems within such zones (iii) when a  
21 school speed limit is in effect as provided in paragraphs one and two of  
22 subdivision (c) of section eleven hundred eighty of this article or (iv)

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

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1 when other speed limits are in effect as provided in subdivision (b),  
2 (d), (f) or (g) of section eleven hundred eighty of this article during  
3 the following times: (A) on school days during school hours and one hour  
4 before and one hour after the school day, and (B) a period during  
5 student activities at the school and up to thirty minutes immediately  
6 before and up to thirty minutes immediately after such student activ-  
7 ities. Provided, however, that no photo speed violation monitoring  
8 system shall be installed and operated by such county except on roadways  
9 under the jurisdiction of such county. In selecting a school speed zone  
10 in which to install and operate a photo speed violation monitoring  
11 system, the county shall consider criteria including, but not limited  
12 to, the speed data, crash history, and the roadway geometry applicable  
13 to such school speed zone.

14 2. No photo speed violation monitoring system shall be used in a  
15 school speed zone unless (i) on the day it is to be used it has success-  
16 fully passed a self-test of its functions; and (ii) it has undergone an  
17 annual calibration check performed pursuant to paragraph four of this  
18 subdivision. The county shall install signs giving notice that a photo  
19 speed violation monitoring system is in use to be mounted on advance  
20 warning signs notifying motor vehicle operators of such upcoming school  
21 speed zone and/or on speed limit signs applicable within such school  
22 speed zone, in conformance with standards established in the MUTCD.

23 3. Operators of photo speed violation monitoring systems shall have  
24 completed training in the procedures for setting up, testing, and oper-  
25 ating such systems. Each such operator shall complete and sign a daily  
26 set-up log for each such system that the operator operates that (i)  
27 states the date and time when, and the location where, the system was  
28 set up that day, and (ii) states that such operator successfully  
29 performed, and the system passed, the self-tests of such system before  
30 producing a recorded image that day. The county shall retain each such  
31 daily log until the later of the date on which the photo speed violation  
32 monitoring system to which it applies has been permanently removed from  
33 use or the final resolution of all cases involving notices of liability  
34 issued based on photographs, microphotographs, videotape or other  
35 recorded images produced by such system.

36 4. Each photo speed violation monitoring system shall undergo an annu-  
37 al calibration check performed by an independent calibration laboratory  
38 which shall issue a signed certificate of calibration. The county shall  
39 keep each such annual certificate of calibration on file until the final  
40 resolution of all cases involving a notice of liability issued during  
41 such year which were based on photographs, microphotographs, videotape  
42 or other recorded images produced by such photo speed violation monitor-  
43 ing system.

44 5. (i) Such demonstration program shall utilize necessary technologies  
45 to ensure, to the extent practicable, that photographs, microphoto-  
46 graphs, videotape or other recorded images produced by such photo speed  
47 violation monitoring systems shall not include images that identify the  
48 driver, the passengers, or the contents of the vehicle. Provided,  
49 however, that no notice of liability issued pursuant to this section  
50 shall be dismissed solely because such a photograph, microphotograph,  
51 videotape or other recorded image allows for the identification of the  
52 driver, the passengers, or the contents of vehicles where the county  
53 shows that it made reasonable efforts to comply with the provisions of  
54 this paragraph in such case.

55 (ii) Photographs, microphotographs, videotape or any other recorded  
56 image from a photo speed violation monitoring system shall be for the

1 exclusive use of the county for the purpose of the adjudication of  
2 liability imposed pursuant to this section and of the owner receiving a  
3 notice of liability pursuant to this section, and shall be destroyed by  
4 the county upon the final resolution of the notice of liability to which  
5 such photographs, microphotographs, videotape or other recorded images  
6 relate, or one year following the date of issuance of such notice of  
7 liability, whichever is later. Notwithstanding the provisions of any  
8 other law, rule or regulation to the contrary, photographs, microphoto-  
9 graphs, videotape or any other recorded image from a photo speed  
10 violation monitoring system shall not be open to the public, nor subject  
11 to civil or criminal process or discovery, nor used by any court or  
12 administrative or adjudicatory body in any action or proceeding therein  
13 except that which is necessary for the adjudication of a notice of  
14 liability issued pursuant to this section, and no public entity or  
15 employee, officer or agent thereof shall disclose such information,  
16 except that such photographs, microphotographs, videotape or any other  
17 recorded images from such systems:

18 (A) shall be available for inspection and copying and use by the motor  
19 vehicle owner and operator for so long as such photographs, microphoto-  
20 graphs, videotape or other recorded images are required to be maintained  
21 or are maintained by such public entity, employee, officer or agent; and

22 (B) (1) shall be furnished when described in a search warrant issued  
23 by a court authorized to issue such a search warrant pursuant to article  
24 six hundred ninety of the criminal procedure law or a federal court  
25 authorized to issue such a search warrant under federal law, where such  
26 search warrant states that there is reasonable cause to believe such  
27 information constitutes evidence of, or tends to demonstrate that, a  
28 misdemeanor or felony offense was committed in this state or another  
29 state, or that a particular person participated in the commission of a  
30 misdemeanor or felony offense in this state or another state, provided,  
31 however, that if such offense was against the laws of another state, the  
32 court shall only issue a warrant if the conduct comprising such offense  
33 would, if occurring in this state, constitute a misdemeanor or felony  
34 against the laws of this state; and

35 (2) shall be furnished in response to a subpoena duces tecum signed by  
36 a judge of competent jurisdiction and issued pursuant to article six  
37 hundred ten of the criminal procedure law or a judge or magistrate of a  
38 federal court authorized to issue such a subpoena duces tecum under  
39 federal law, where the judge finds and the subpoena states that there is  
40 reasonable cause to believe such information is relevant and material to  
41 the prosecution, or the defense, or the investigation by an authorized  
42 law enforcement official, of the alleged commission of a misdemeanor or  
43 felony in this state or another state, provided, however, that if such  
44 offense was against the laws of another state, such judge or magistrate  
45 shall only issue such subpoena if the conduct comprising such offense  
46 would, if occurring in this state, constitute a misdemeanor or felony in  
47 this state; and

48 (3) may, if lawfully obtained pursuant to this clause and clause (A)  
49 of this subparagraph and otherwise admissible, be used in such criminal  
50 action or proceeding.

51 (b) If the county of Oneida establishes a demonstration program pursu-  
52 ant to subdivision (a) of this section, the owner of a vehicle shall be  
53 liable for a penalty imposed pursuant to this section if such vehicle  
54 was used or operated with the permission of the owner, express or  
55 implied, within a school speed zone in violation of subdivision (c) or  
56 during the times authorized pursuant to subdivision (a) of this section

1 in violation of subdivision (b), (d), (f) or (g) of section eleven  
2 hundred eighty of this article, such vehicle was traveling at a speed of  
3 more than ten miles per hour above the posted speed limit in effect  
4 within such school speed zone, and such violation is evidenced by infor-  
5 mation obtained from a photo speed violation monitoring system; provided  
6 however that no owner of a vehicle shall be liable for a penalty imposed  
7 pursuant to this section where the operator of such vehicle has been  
8 convicted of the underlying violation of subdivision (b), (c), (d), (f)  
9 or (g) of section eleven hundred eighty of this article.

10 (c) For purposes of this section, the following terms shall have the  
11 following meanings:

12 1. "manual on uniform traffic control devices" or "MUTCD" shall mean  
13 the manual and specifications for a uniform system of traffic control  
14 devices maintained by the commissioner of transportation pursuant to  
15 section sixteen hundred eighty of this chapter;

16 2. "owner" shall have the meaning provided in article two-B of this  
17 chapter;

18 3. "photo speed violation monitoring system" shall mean a vehicle  
19 sensor installed to work in conjunction with a speed measuring device  
20 which automatically produces two or more photographs, two or more micro-  
21 photographs, a videotape or other recorded images of each vehicle at the  
22 time it is used or operated in a school speed zone in violation of  
23 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty  
24 of this article in accordance with the provisions of this section; and

25 4. "school speed zone" shall mean a distance not to exceed one thou-  
26 sand three hundred twenty feet on a highway passing a school building,  
27 entrance or exit of a school abutting on the highway.

28 (d) A certificate, sworn to or affirmed by a technician employed by  
29 the county of Oneida, or a facsimile thereof, based upon inspection of  
30 photographs, microphotographs, videotape or other recorded images  
31 produced by a photo speed violation monitoring system, shall be prima  
32 facie evidence of the facts contained therein. Any photographs, micro-  
33 photographs, videotape or other recorded images evidencing such a  
34 violation shall include at least two date and time stamped images of the  
35 rear of the motor vehicle that include the same stationary object near  
36 the motor vehicle and shall be available for inspection reasonably in  
37 advance of and at any proceeding to adjudicate the liability for such  
38 violation pursuant to this section.

39 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)  
40 or (g) of section eleven hundred eighty of this article pursuant to a  
41 demonstration program established pursuant to this section shall be  
42 liable for monetary penalties not to exceed fifty dollars for each  
43 violation; provided, however, that an additional penalty not in excess  
44 of twenty-five dollars for each violation may be imposed for the failure  
45 to respond to a notice of liability within the prescribed time period.

46 (f) An imposition of liability under the demonstration program estab-  
47 lished pursuant to this section shall not be deemed a conviction as an  
48 operator and shall not be made part of the operating record of the  
49 person upon whom such liability is imposed nor shall it be used for  
50 insurance purposes in the provision of motor vehicle insurance coverage.

51 (g) 1. A notice of liability shall be sent by first class mail to each  
52 person alleged to be liable as an owner for a violation of subdivision  
53 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-  
54 cle pursuant to this section, within fourteen business days if such  
55 owner is a resident of this state and within forty-five business days if  
56 such owner is a non-resident. Personal delivery on the owner shall not

1 be required. A manual or automatic record of mailing prepared in the  
2 ordinary course of business shall be prima facie evidence of the facts  
3 contained therein.

4 2. A notice of liability shall contain the name and address of the  
5 person alleged to be liable as an owner for a violation of subdivision  
6 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-  
7 cle pursuant to this section, the registration number of the vehicle  
8 involved in such violation, the location where such violation took  
9 place, the date and time of such violation, the identification number of  
10 the camera which recorded the violation or other document locator  
11 number, at least two date and time stamped images of the rear of the  
12 motor vehicle that include the same stationary object near the motor  
13 vehicle, and the certificate charging the liability.

14 3. The notice of liability shall contain information advising the  
15 person charged of the manner and the time in which the person may  
16 contest the liability alleged in the notice. Such notice of liability  
17 shall also contain a prominent warning to advise the person charged that  
18 failure to contest in the manner and time provided shall be deemed an  
19 admission of liability and that a default judgment may be entered there-  
20 on.

21 4. The notice of liability shall be prepared and mailed by the county  
22 of Oneida, or by any other entity authorized by the county to prepare  
23 and mail such notice of liability.

24 (h) Adjudication of the liability imposed upon owners by this section  
25 shall be by a traffic violations bureau established pursuant to section  
26 three hundred seventy of the general municipal law where the violation  
27 occurred or, if there be none, by the court having jurisdiction over  
28 traffic infractions.

29 (i) If an owner receives a notice of liability pursuant to this  
30 section for any time period during which the vehicle or the number plate  
31 or plates of such vehicle was reported to the police department as  
32 having been stolen, it shall be a valid defense to an allegation of  
33 liability for a violation of subdivision (b), (c), (d), (f) or (g) of  
34 section eleven hundred eighty of this article pursuant to this section  
35 that the vehicle or the number plate or plates of such vehicle had been  
36 reported to the police as stolen prior to the time the violation  
37 occurred and had not been recovered by such time. For purposes of  
38 asserting the defense provided by this subdivision, it shall be suffi-  
39 cient that a certified copy of the police report on the stolen vehicle  
40 or number plate or plates of such vehicle be sent by first class mail to  
41 the traffic violations bureau or court having jurisdiction.

42 (j) An owner who is a lessor of a vehicle to which a notice of liabil-  
43 ity was issued pursuant to subdivision (g) of this section shall not be  
44 liable for the violation of subdivision (b), (c), (d), (f) or (g) of  
45 section eleven hundred eighty of this article pursuant to this section,  
46 provided that such lessor sends to the traffic violations bureau or  
47 court having jurisdiction a copy of the rental, lease or other such  
48 contract document covering such vehicle on the date of the violation,  
49 with the name and address of the lessee clearly legible, within thirty-  
50 seven days after receiving notice from the bureau or court of the date  
51 and time of such violation, together with the other information  
52 contained in the original notice of liability. Failure to send such  
53 information within such thirty-seven day time period shall render the  
54 owner liable for the penalty prescribed by this section. Where the  
55 lessor complies with the provisions of this subdivision, the lessee of  
56 such vehicle on the date of such violation shall be deemed to be the

1 owner of such vehicle for purposes of this section, shall be subject to  
2 liability for the violation of subdivision (b), (c), (d), (f) or (g) of  
3 section eleven hundred eighty of this article pursuant to this section  
4 and shall be sent a notice of liability pursuant to subdivision (g) of  
5 this section.

6 (k) 1. If the owner liable for a violation of subdivision (c) or (d)  
7 of section eleven hundred eighty of this article pursuant to this  
8 section was not the operator of the vehicle at the time of the  
9 violation, the owner may maintain an action for indemnification against  
10 the operator.

11 2. Notwithstanding any other provision of this section, no owner of a  
12 vehicle shall be subject to a monetary fine imposed pursuant to this  
13 section if the operator of such vehicle was operating such vehicle with-  
14 out the consent of the owner at the time such operator operated such  
15 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section  
16 eleven hundred eighty of this article. For purposes of this subdivision  
17 there shall be a presumption that the operator of such vehicle was oper-  
18 ating such vehicle with the consent of the owner at the time such opera-  
19 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)  
20 or (g) of section eleven hundred eighty of this article.

21 (l) Nothing in this section shall be construed to limit the liability  
22 of an operator of a vehicle for any violation of subdivision (c) or (d)  
23 of section eleven hundred eighty of this article.

24 (m) If the county adopts a demonstration program pursuant to subdivi-  
25 sion (a) of this section it shall conduct a study and submit an annual  
26 report on the results of the use of photo devices to the governor, the  
27 temporary president of the senate and the speaker of the assembly on or  
28 before the first day of June next succeeding the effective date of this  
29 section and on the same date in each succeeding year in which the demon-  
30 stration program is operable. Such report shall include:

31 1. the locations where and dates when photo speed violation monitoring  
32 systems were used;

33 2. the aggregate number, type and severity of crashes, fatalities,  
34 injuries and property damage reported within all school speed zones  
35 within the county, to the extent the information is maintained by the  
36 department of motor vehicles of this state;

37 3. the aggregate number, type and severity of crashes, fatalities,  
38 injuries and property damage reported within school speed zones where  
39 photo speed violation monitoring systems were used, to the extent the  
40 information is maintained by the department of motor vehicles of this  
41 state;

42 4. the number of violations recorded within all school speed zones  
43 within the county, in the aggregate on a daily, weekly and monthly  
44 basis;

45 5. the number of violations recorded within each school speed zone  
46 where a photo speed violation monitoring system is used, in the aggre-  
47 gate on a daily, weekly and monthly basis;

48 6. the number of violations recorded within all school speed zones  
49 within the county that were:

50 (i) more than ten but not more than twenty miles per hour over the  
51 posted speed limit;

52 (ii) more than twenty but not more than thirty miles per hour over the  
53 posted speed limit;

54 (iii) more than thirty but not more than forty miles per hour over the  
55 posted speed limit; and

56 (iv) more than forty miles per hour over the posted speed limit;

1 7. the number of violations recorded within each school speed zone  
2 where a photo speed violation monitoring system is used that were:

3 (i) more than ten but not more than twenty miles per hour over the  
4 posted speed limit;

5 (ii) more than twenty but not more than thirty miles per hour over the  
6 posted speed limit;

7 (iii) more than thirty but not more than forty miles per hour over the  
8 posted speed limit; and

9 (iv) more than forty miles per hour over the posted speed limit;

10 8. the total number of notices of liability issued for violations  
11 recorded by such systems;

12 9. the number of fines and total amount of fines paid after the first  
13 notice of liability issued for violations recorded by such systems;

14 10. the number of violations adjudicated and the results of such adju-  
15 dications including breakdowns of dispositions made for violations  
16 recorded by such systems;

17 11. the total amount of revenue realized by the county in connection  
18 with the program;

19 12. the expenses incurred by the county in connection with the  
20 program; and

21 13. the quality of the adjudication process and its results.

22 (n) It shall be a defense to any prosecution for a violation of subdivi-  
23 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of  
24 this article pursuant to this section that such photo speed violation  
25 monitoring system was malfunctioning at the time of the alleged  
26 violation.

27 § 2. Section 1803 of the vehicle and traffic law is amended by adding  
28 a new subdivision 18 to read as follows:

29 18. Where the county of Oneida has established a demonstration program  
30 imposing monetary liability on the owner of a vehicle for failure of an  
31 operator thereof to comply with subdivision (b), (c), (d), (f) or (g) of  
32 section eleven hundred eighty of this chapter in accordance with section  
33 eleven hundred eighty-h of this chapter, any fine or penalty collected  
34 by a court, judge, magistrate or other officer for an imposition of  
35 liability which occurs within a town or village within such county  
36 pursuant to such program shall be paid to the state comptroller within  
37 the first ten days of the month following collection, except as other-  
38 wise provided in subdivision three of section ninety-nine-a of the state  
39 finance law. Every such payment shall be accompanied by a statement in  
40 such form and detail as the comptroller shall provide. The comptroller  
41 shall pay eighty percent of any such fine or penalty imposed for such  
42 liability to the county of Oneida, and twenty percent of any such fine  
43 or penalty to the town or village in which the violation giving rise to  
44 the liability occurred. All fines, penalties and forfeitures paid to a  
45 town or village pursuant to the provisions of this subdivision shall be  
46 credited to the general fund of such town or village, unless a different  
47 disposition is prescribed by charter, special law, local law or ordi-  
48 nance.

49 § 3. Subdivision 2 of section 87 of the public officers law is amended  
50 by adding a new paragraph (v) to read as follows:

51 (v) are photographs, microphotographs, videotape or other recorded  
52 images prepared under the authority of section eleven hundred eighty-h  
53 of the vehicle and traffic law.

54 § 4. The purchase or lease of equipment for a demonstration program  
55 established pursuant to section 1180-h of the vehicle and traffic law,

1 as added by section one of this act, shall be subject to the provisions  
2 of section 103 of the general municipal law.

3 § 5. This act shall take effect on the thirtieth day after it shall  
4 have become a law and shall expire December 31, 2030, when upon such  
5 date the provisions of this act shall be deemed repealed. Effective  
6 immediately, the addition, amendment and/or repeal of any rule or regu-  
7 lation necessary for the implementation of this act on its effective  
8 date are authorized to be made and completed on or before such effective  
9 date.