STATE OF NEW YORK

8703

2025-2026 Regular Sessions

IN ASSEMBLY

May 30, 2025

Introduced by M. of A. MAGNARELLI -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to school bus stop-arm cameras; and to amend the general municipal law, in relation to the establishment of traffic violations bureaus

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

Section 1. Paragraphs 1, 1-a and 2 of subdivision (a) of section 1174-a of the vehicle and traffic law, as amended by section 1 of part AA of chapter 56 of the laws of 2024, 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") is hereby authorized and empowered to adopt and amend a local law or ordinance **applicable to all roadways within its boundaries** establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (a) of section eleven hundred seventy-four of this article 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~~] **any** school district within such county, city, town or village, on school buses owned and operated by such school district or privately owned and operated for compensation under contract with [~~such~~] **a** district. 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 monitoring system shall be

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

LBD13028-01-5

installed [~~or operated~~] on any such school buses unless such county, city, town or village and [~~such~~] **a** district enter into an agreement for such installation [~~and operation~~].

1-a. Any county, city, town or village, located within a school district, 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 subdivision (a) of section eleven hundred seventy-four of this article 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~~] **an** applicable school district 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~~] **a** district 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 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 pursuant to this section. Provided further, however, that no county shall enter an agreement with any city school district wholly contained within a city. Nothing in this section shall be construed to prevent a county, city, town, village or district at any time to withdraw from or terminate an agreement entered pursuant to this section and section twenty-two of chapter one hundred forty-five of the laws of two thousand nineteen which added this section.

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 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 subdivision (a) of section eleven hundred seventy-four of this article, and **except as provided by section eleven hundred eleven-c of this title,** images produced by such device shall not be used for any other purpose.

§ 2. Subdivision (c) of section 1174-a of the vehicle and traffic law, as added by chapter 145 of the laws of 2019, is amended to read as follows:

(c) For purposes of this section, the following terms shall have the following meanings: **"administrative tribunal" shall mean a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting**

parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal; "court having jurisdiction over traffic violations where the violation occurred" shall mean the department of motor vehicles; "county" shall have the meaning provided in section three of the county law, except that such term shall not include any county wholly contained within a city; "manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section sixteen hundred eighty of this chapter; "hearing officer" shall mean a hearing officer, judicial hearing officer, administrative law judge or local court justice, as applicable; "owner" shall have the meaning provided in article two-B of this chapter; "school district" shall have the same meaning as "educational agency" as provided in section two-d of the education law; and "school bus photo violation monitoring system" shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of subdivision (a) of section eleven hundred seventy-four of this article.

§ 3. Paragraph 2 of subdivision (g) of section 1174-a of the vehicle and traffic law, as amended by section 4 of part AA of chapter 56 of the laws of 2024, is amended to read as follows:

2. A notice of liability shall at a minimum contain the following information:

(i) the name and address of the person alleged to be liable as an owner for a violation of subdivision (a) of section eleven hundred seventy-four of this article pursuant to this section[~~,~~];

(ii) the registration number of the vehicle involved in such violation[~~,~~];

(iii) the location where such violation took place[~~,~~];

(iv) the date and time of such violation[~~,~~];

(v) the identification number of the school bus photo violation monitoring system which recorded the violation or other document locator number[~~, and~~];

(vi) the registration number of the school bus on which the school bus photo violation monitoring system which recorded the violation was installed[~~,~~];

(vii) the instructions for payment, noting that payment is deemed an admission of liability;

(viii) the information advising the person charged of the manner and the time in which such person may contest the liability alleged in the notice within thirty-seven days of receipt, which may include an in-person hearing in accordance with the provisions of subdivision (h) of this section, and at the discretion of the administrative tribunal, may also include options for contestation by mail through submission of a written explanation or an online video conference hearing; and

(ix) the warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon or an entity may be directed to collect penalties in the form of debt.

§ 4. Paragraph 3 of subdivision (g) of section 1174-a of the vehicle and traffic law, as added by chapter 145 of the laws of 2019, is amended to read as follows:

3. [~~The notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.~~] Failure to contain all information in paragraph two of this subdivision on the notice of liability shall subject the notice of liability to dismissal. For the purposes of this section, the notice of liability containing the information set forth in paragraph two of this subdivision shall be deemed sufficient to initiate proceedings in accordance with the procedures set forth in this subdivision and subdivision (h) of this section.

§ 5. Subdivision (h) of section 1174-a of the vehicle and traffic law, as added by chapter 145 of the laws of 2019, is amended to read as follows:

(h) [~~Adjudication of the liability imposed upon owners by this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal.~~] Notwithstanding any other provision of law, adjudication of the liability imposed upon owners by this section who have submitted a request to contest liability shall be by the administrative tribunal designated by the county, city, town or village which has established the demonstration program.

(i) Within thirty-seven days of receipt of a timely request to contest liability, the county, city, town, or village imposing liability shall provide a copy of the notice of liability and the request to contest liability, including the manner for contesting liability selected by the owner to the applicable administrative tribunal which shall thereafter have jurisdiction over the matter. If an in-person hearing is requested, the administrative tribunal shall set a date for such hearing, and, in its sole discretion, may provide options for the hearing to be held via online video conference. The administrative tribunal or its designee, which may be any other entity authorized by such county, city, town or village, shall mail a notice of hearing to the owner, which shall include the date and time of the hearing. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. In lieu of an in-person or hearing by online video conference, the administrative tribunal may, in its discretion, provide the owner an option to challenge liability through submission of a written explanation.

(ii) In all manners in which the owner challenges the liability, due process shall govern the proceedings except that the rules of evidence shall not apply. The decision of the hearing officer shall be based upon a preponderance of the evidence. During the hearing, or in preparation thereof, the hearing officer shall access and review photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems in the custody of the county, city, town or village in which the violation occurred, or any other entity authorized by such county, city, town or village. The hearing officer shall also review documentation which may refute the liability submitted by the owner contesting the liability.

(iii) Within fourteen business days after the hearing officer has rendered a decision, a notice of decision shall be prepared and sent by first class mail to the owner by the administrative tribunal or its designee. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. If the owner is deemed liable, such owner shall be notified of the civil penalty imposed pursuant to subdivision (e) of this section and methods of payment. Failure to pay within thirty days of the posted date of the notice shall be deemed a default and shall subject the owner to additional penalties and actions as prescribed in subdivisions (d) and (e) of this section.

§ 6. Subdivision 10 of section 1803 of the vehicle and traffic law, as added by chapter 145 of the laws of 2019, is amended to read as follows:

10. Except as otherwise provided in paragraph e of subdivision one of this section, where a county, city, town, or village has established 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 in accordance with section eleven hundred seventy-four-a of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs within such county, city, town or village pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. The comptroller shall pay ninety percent of any such fine or penalty imposed for such liability to the county, city, town, or village administering the demonstration program in which the violation giving rise to the liability occurred, and ten percent of any such fine or penalty to the [~~city, town or village in which the violation giving rise to the liability occurred~~] administrative tribunal, designated by the county, city, town, or village administering the demonstration program, pursuant to subdivision (h) of section eleven hundred seventy-four-a of this chapter.

§ 7. Subdivision (h) 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:

(h) Adjudication of the liability imposed upon owners of this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal. For courts having jurisdiction over traffic infractions where the violation occurred that adjudicate liability imposed upon owners by this section, a notice of liability validly imposed in accordance with subdivision (g) of this section shall be valid for purposes of such court adjudicating such liability as if it was a uniform traffic ticket or simplified traffic information, and such court shall adjudicate such liability in a manner not inconsistent with sections two hundred forty and two hundred forty-one of this chapter, provided that subsequent judicial review may be sought pursuant to article seventy-eight of the civil practice law and rules. Notwithstanding any inconsistent provision of law, such courts may adjudicate such liability remotely.

§ 8. Subdivision 1 of section 370 of the general municipal law, as added by chapter 496 of the laws of 1990, is amended to read as follows:

1. The legislative body of a city, village or town, may by ordinance or local law authorize the court having jurisdiction of traffic cases to establish a traffic violations bureau to assist the court in the disposition of infractions in relation to traffic violations. **Provided, additionally, that any legislative body that has established or establishes a traffic violations bureau pursuant to this subdivision shall notify the state comptroller within ninety days of the effective date of a chapter of the laws of two thousand twenty-five that amended this subdivision of the existence of such bureau, and that any legislative body that eliminates or repeals a traffic violations bureau shall notify the state comptroller of such elimination or repeal.**

§ 9. Within 180 days of the effective date of this act, the commissioner of motor vehicles, in consultation with the chief administrative judge, shall provide each court and traffic violations bureau within the state, to the extent such information is available, with a notification advising such court or bureau of their municipality's obligation to notify the office of the state comptroller of the existence or continued operation of a traffic violations bureau, and if such bureau no longer ceases to operate, pursuant to section 370 of the general municipal law.

§ 10. This act shall take effect immediately, provided that:

(a) The amendments to paragraphs 1, 1-a and 2 of subdivision (a), subdivision (c), paragraphs 2 and 3 of subdivision (g) and subdivision (h) of section 1174-a of the vehicle and traffic law made by sections one, two, three, four and five respectively of this act shall not affect the repeal of such paragraphs and shall be deemed repealed therewith;

(b) The amendments to subdivision 10 of section 1803 of the vehicle and traffic law made by section six of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; and

(c) The amendments to subdivision (h) of section 1180-e of the vehicle and traffic law made by section seven of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.