

STATE OF NEW YORK

10156--A

IN SENATE

May 1, 2026

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed 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 village of Pelham; 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-i to read as follows:

3 § 1180-i. Owner liability for failure of operator to comply with
4 certain posted maximum speed limits; village of Pelham. (a) 1. Notwith-
5 standing any other provision of law, the village of Pelham 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 village (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 village of Pelham to install photo speed violation monitoring
19 systems within no more than seven school speed zones within such village
20 at any one time and to operate such systems within such zones (iii) when
21 a school speed limit is in effect as provided in paragraphs one and two
22 of subdivision (c) of section eleven hundred eighty of this article or
23 (iv) when other speed limits are in effect as provided in subdivision
24 (b), (d), (f) or (g) of section eleven hundred eighty of this article

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

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1 during the following times: (A) on school days during school hours and
2 one hour before and one hour after the school day, and (B) a period
3 during student activities at the school and up to thirty minutes imme-
4 diately before and up to thirty minutes immediately after such student
5 activities. In selecting a school speed zone in which to install and
6 operate a photo speed violation monitoring system, the village shall
7 consider criteria including, but not limited to, the speed data, crash
8 history, and the roadway geometry applicable to such school speed zone.

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

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

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

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

50 (ii) Photographs, microphotographs, videotape or any other recorded
51 image from a photo speed violation monitoring system shall be for the
52 exclusive use of the village for the purpose of the adjudication of
53 liability imposed pursuant to this section and of the owner receiving a
54 notice of liability pursuant to this section, and shall be destroyed by
55 the village upon the final resolution of the notice of liability to
56 which such photographs, microphotographs, videotape or other recorded

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

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

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

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

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

46 (b) If the village of Pelham establishes a demonstration program
47 pursuant to subdivision (a) of this section, the owner of a vehicle
48 shall be liable for a penalty imposed pursuant to this section if such
49 vehicle was used or operated with the permission of the owner, express
50 or implied, within a school speed zone in violation of subdivision (c)
51 or during the times authorized pursuant to subdivision (a) of this
52 section in violation of subdivision (b), (d), (f) or (g) of section
53 eleven hundred eighty of this article, such vehicle was traveling at a
54 speed of more than ten miles per hour above the posted speed limit in
55 effect within such school speed zone, and such violation is evidenced by
56 information obtained from a photo speed violation monitoring system;

1 provided however that no owner of a vehicle shall be liable for a penal-
2 ty imposed pursuant to this section where the operator of such vehicle
3 has been convicted of the underlying violation of subdivision (b), (c),
4 (d), (f) or (g) of section eleven hundred eighty of this article.

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

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

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

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

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

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

34 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
35 or (g) of section eleven hundred eighty of this article pursuant to a
36 demonstration program established pursuant to this section shall be
37 liable for monetary penalties in accordance with a schedule of fines and
38 penalties to be set forth in such local law or ordinance. The liability
39 of the owner pursuant to this section shall not exceed fifty dollars for
40 each violation; provided, however, that such local law or ordinance may
41 provide for an additional penalty not in excess of twenty-five dollars
42 for each violation for the failure to respond to a notice of liability
43 within the prescribed time period.

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

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

1 ordinary course of business shall be prima facie evidence of the facts
2 contained therein.

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

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

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

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

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

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

1 section and shall be sent a notice of liability pursuant to subdivision
2 (g) of this section.

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

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

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

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

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

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

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

39 4. the number of violations recorded within all school speed zones
40 within the village, in the aggregate on a daily, weekly and monthly
41 basis;

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

45 6. the number of violations recorded within all school speed zones
46 within the village that were:

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

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

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

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

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

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

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

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

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

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

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

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

15 11. the total amount of revenue realized by the village in connection
16 with the program;

17 12. the expenses incurred by the village in connection with the
18 program; and

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

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

25 § 2. Subdivision 2 of section 87 of the public officers law is amended
26 by adding a new paragraph (w) to read as follows:

27 (w) are photographs, microphotographs, videotape or other recorded
28 images prepared under the authority of section eleven hundred eighty-i
29 of the vehicle and traffic law.

30 § 3. The purchase or lease of equipment for a demonstration program
31 established pursuant to section 1180-i of the vehicle and traffic law,
32 as added by section one of this act, shall be subject to the provisions
33 of section 103 of the general municipal law.

34 § 4. This act shall take effect on the thirtieth day after it shall
35 have become a law and shall expire December 31, 2031, when upon such
36 date the provisions of this act shall be deemed repealed. Effective
37 immediately, the addition, amendment and/or repeal of any rule or regu-
38 lation necessary for the implementation of this act on its effective
39 date are authorized to be made and completed on or before such effective
40 date.