

STATE OF NEW YORK

10196--A

IN SENATE

May 5, 2026

Introduced by Sen. FAHY -- 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 city of Amsterdam; 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; city of Amsterdam. (a) 1. Notwith-
5 standing any other provision of law, the city of Amsterdam 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 city (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 city of Amsterdam to install photo speed violation monitoring
19 systems within no more than five school speed zones within such city at
20 any 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)
23 when other speed limits are in effect as provided in subdivision (b),
24 (d), (f) or (g) of section eleven hundred eighty of this article during

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

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1 the following times: (A) on school days during school hours and one hour
2 before and one hour after the school day, and (B) a period during
3 student activities at the school and up to thirty minutes immediately
4 before and up to thirty minutes immediately after such student activ-
5 ities. In selecting a school speed zone in which to install and operate
6 a photo speed violation monitoring system, the city shall consider
7 criteria including, but not limited to, the speed data, crash history,
8 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 city 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 such 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 city 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 city 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, howev-
44 er, that no notice of liability issued pursuant to this section shall be
45 dismissed solely because such a photograph, microphotograph, videotape
46 or other recorded image allows for the identification of the driver, the
47 passengers, or the contents of vehicles where the city shows that it
48 made reasonable efforts to comply with the provisions of this paragraph
49 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 city for the purpose of the adjudication of liabil-
53 ity imposed pursuant to this section and of the owner receiving a notice
54 of liability pursuant to this section, and shall be destroyed by the
55 city upon the final resolution of the notice of liability to which such
56 photographs, microphotographs, videotape or other recorded images

1 relate, or one year following the date of issuance of such notice of
2 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 city of Amsterdam 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 city of Amsterdam, 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, except that if
39 the city of Amsterdam, by local law, has authorized the adjudication of
40 such owner liability by a parking violations bureau, such schedule shall
41 be promulgated by such bureau. The liability of the owner pursuant to
42 this section shall not exceed fifty dollars for each violation;
43 provided, however, that such local law or ordinance may provide for an
44 additional penalty not in excess of twenty-five dollars for each
45 violation for the failure to respond to a notice of liability within the
46 prescribed time period.

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

52 (g) 1. A notice of liability shall be sent by first class mail to each
53 person alleged to be liable as an owner for a violation of subdivision
54 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
55 cle pursuant to this section, within fourteen business days if such
56 owner is a resident of this state and within forty-five business days if

1 such owner is a non-resident. Personal delivery on the owner shall not
2 be required. A manual or automatic record of mailing prepared in the
3 ordinary course of business shall be prima facie evidence of the facts
4 contained therein.

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

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

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

25 (h) Adjudication of the liability imposed upon owners by this section
26 shall be by a traffic violations bureau established pursuant to section
27 three hundred seventy of the general municipal law where the violation
28 occurred or, if there be none, by the court having jurisdiction over
29 traffic infractions where the violation occurred, except that if the
30 city of Amsterdam has established an administrative tribunal to hear and
31 determine complaints of traffic infractions constituting parking, stand-
32 ing or stopping violations such city may, by local law, authorize such
33 adjudication by such tribunal.

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

48 (j) 1. Where the adjudication of liability imposed upon owners pursu-
49 ant to this section is by a traffic violations bureau or a court having
50 jurisdiction, an owner who is a lessor of a vehicle to which a notice of
51 liability was issued pursuant to subdivision (g) of this section shall
52 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)
53 of section eleven hundred eighty of this article pursuant to this
54 section, provided that the owner sends to the traffic violations bureau
55 or court having jurisdiction a copy of the rental, lease or other such
56 contract document covering such vehicle on the date of the violation,

1 with the name and address of the lessee clearly legible, within thirty-
2 seven days after receiving notice from the bureau or court of the date
3 and time of such violation, together with the other information
4 contained in the original notice of liability. Failure to send such
5 information within such thirty-seven day time period shall render the
6 owner liable for the penalty prescribed by this section. Where the
7 lessor complies with the provisions of this paragraph, the lessee of
8 such vehicle on the date of such violation shall be deemed to be the
9 owner of such vehicle for purposes of this section, shall be subject to
10 liability for the violation of subdivision (b), (c), (d), (f) or (g) of
11 section eleven hundred eighty of this article pursuant to this section
12 and shall be sent a notice of liability pursuant to subdivision (g) of
13 this section.

14 2. (i) If the city of Amsterdam, by local law, has authorized the
15 adjudication of liability imposed upon owners by this section by a park-
16 ing violations bureau, an owner who is a lessor of a vehicle to which a
17 notice of liability was issued pursuant to subdivision (g) of this
18 section shall not be liable for the violation of subdivision (b), (c),
19 (d), (f) or (g) of section eleven hundred eighty of this article pursu-
20 ant to this section, provided that:

21 (A) prior to the violation, the lessor has filed with the bureau in
22 accordance with the provisions of section two hundred thirty-nine of
23 this chapter; and

24 (B) within thirty-seven days after receiving notice from the bureau of
25 the date and time of a liability, together with the other information
26 contained in the original notice of liability, the lessor submits to the
27 bureau the correct name and address of the lessee of the vehicle identi-
28 fied in the notice of liability at the time of such violation, together
29 with such other additional information contained in the rental, lease or
30 other contract document, as may be reasonably required by the bureau
31 pursuant to regulations that may be promulgated for such purpose.

32 (ii) Failure to comply with clause (B) of subparagraph (i) of this
33 paragraph shall render the owner liable for the penalty prescribed in
34 this section.

35 (iii) Where the lessor complies with the provisions of this paragraph,
36 the lessee of such vehicle on the date of such violation shall be deemed
37 to be the owner of such vehicle for purposes of this section, shall be
38 subject to liability for such violation pursuant to this section and
39 shall be sent a notice of liability pursuant to subdivision (g) of this
40 section.

41 (k) 1. If the owner liable for a violation of subdivision (c) or (d)
42 of section eleven hundred eighty of this article pursuant to this
43 section was not the operator of the vehicle at the time of the
44 violation, the owner may maintain an action for indemnification against
45 the operator.

46 2. Notwithstanding any other provision of this section, no owner of a
47 vehicle shall be subject to a monetary fine imposed pursuant to this
48 section if the operator of such vehicle was operating such vehicle with-
49 out the consent of the owner at the time such operator operated such
50 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
51 eleven hundred eighty of this article. For purposes of this subdivision
52 there shall be a presumption that the operator of such vehicle was oper-
53 ating such vehicle with the consent of the owner at the time such opera-
54 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)
55 or (g) of section eleven hundred eighty of this article.

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

4 (m) If the city adopts a demonstration program pursuant to subdivision
5 (a) of this section it shall conduct a study and submit an annual report
6 on the results of the use of photo devices to the governor, the tempo-
7 rary president of the senate and the speaker of the assembly on or
8 before the first day of June next succeeding the effective date of this
9 section and on the same date in each succeeding year in which the demon-
10 stration program is operable. Such report shall include:

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

13 2. the aggregate number, type and severity of crashes, fatalities,
14 injuries and property damage reported within all school speed zones
15 within the city, to the extent the information is maintained by the
16 department of motor vehicles of this state;

17 3. the aggregate number, type and severity of crashes, fatalities,
18 injuries and property damage reported within school speed zones where
19 photo speed violation monitoring systems were used, to the extent the
20 information is maintained by the department of motor vehicles of this
21 state;

22 4. the number of violations recorded within all school speed zones
23 within the city, in the aggregate on a daily, weekly and monthly basis;

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

27 6. the number of violations recorded within all school speed zones
28 within the city that were:

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

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

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

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

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

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

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

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

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

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

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

49 10. the number of violations adjudicated and the results of such adju-
50 dications including breakdowns of dispositions made for violations
51 recorded by such systems;

52 11. the total amount of revenue realized by the city in connection
53 with the program;

54 12. the expenses incurred by the city in connection with the program;
55 and

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

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

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

8 (x) are photographs, microphotographs, videotape or other recorded
9 images prepared under the authority of section eleven hundred eighty-i
10 of the vehicle and traffic law.

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

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