

STATE OF NEW YORK

5646--A

2025-2026 Regular Sessions

IN SENATE

February 26, 2025

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

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

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1 (c) of section eleven hundred eighty of this article or (iv) when other
2 speed limits are in effect as provided in subdivision (b), (d), (f) or
3 (g) of section eleven hundred eighty of this article during the follow-
4 ing times: (A) on school days during school hours and one hour before
5 and one hour after the school day, and (B) a period during student
6 activities at the school and up to thirty minutes immediately before and
7 up to thirty minutes immediately after such student activities. In
8 selecting a school speed zone in which to install and operate a photo
9 speed violation monitoring system, the city shall consider criteria
10 including, but not limited to, the speed data, crash history, and the
11 roadway geometry applicable to such school speed zone.

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

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

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

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

53 (ii) Photographs, microphotographs, videotape or any other recorded
54 image from a photo speed violation monitoring system shall be for the
55 exclusive use of the city for the purpose of the adjudication of liabil-
56 ity imposed pursuant to this section and of the owner receiving a notice

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

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

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

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

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

49 (b) If the city of Mt. Vernon establishes a demonstration program
50 pursuant to subdivision (a) of this section, the owner of a vehicle
51 shall be liable for a penalty imposed pursuant to this section if such
52 vehicle was used or operated with the permission of the owner, express
53 or implied, within a school speed zone in violation of subdivision (c)
54 or during the times authorized pursuant to subdivision (a) of this
55 section in violation of subdivision (b), (d), (f) or (g) of section
56 eleven hundred eighty of this article, such vehicle was traveling at a

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

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

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

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

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

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

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

37 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
38 or (g) of section eleven hundred eighty of this article pursuant to a
39 demonstration program established pursuant to this section shall be
40 liable for monetary penalties in accordance with a schedule of fines and
41 penalties to be promulgated by the parking violations bureau of the city
42 of Mt. Vernon. The liability of the owner pursuant to this section shall
43 not exceed fifty dollars for each violation; provided, however, that
44 such parking violations bureau may provide for an additional penalty not
45 in excess of twenty-five dollars for each violation for the failure to
46 respond to a notice of liability within the 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 Mt. Vernon, 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 the city of Mt. Vernon parking violations bureau.

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 city of Mt. Vernon parking violations bureau or by any other entity
40 authorized by the city to prepare and mail such notice of liability.

41 (j) 1. An owner who is a lessor of a vehicle to which a notice of
42 liability was issued pursuant to subdivision (g) of this section shall
43 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)
44 of section eleven hundred eighty of this article pursuant to this
45 section, provided that:

46 (i) prior to the violation, the lessor has filed with such parking
47 violations bureau in accordance with the provisions of section two
48 hundred thirty-nine of this chapter; and

49 (ii) within thirty-seven days after receiving notice from such bureau
50 of the date and time of a liability, together with the other information
51 contained in the original notice of liability, the lessor submits to
52 such bureau the correct name and address of the lessee of the vehicle
53 identified in the notice of liability at the time of such violation,
54 together with such other additional information contained in the rental,
55 lease or other contract document, as may be reasonably required by such
56 bureau pursuant to regulations that may be promulgated for such purpose.

1 2. Failure to comply with subparagraph (ii) of paragraph one of this
2 subdivision shall render the owner liable for the penalty prescribed in
3 this section.

4 3. Where the lessor complies with the provisions of paragraph one of
5 this subdivision, the lessee of such vehicle on the date of such
6 violation shall be deemed to be the owner of such vehicle for purposes
7 of this section, shall be subject to liability for such violation pursu-
8 ant to this section and shall be sent a notice of liability pursuant to
9 subdivision (g) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 10. the number of violations adjudicated and the results of such adju-
18 dications including breakdowns of dispositions made for violations
19 recorded by such systems;

20 11. the total amount of revenue realized by the city in connection
21 with the program;

22 12. the expenses incurred by the city in connection with the program;
23 and

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

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

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

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

35 § 3. The purchase or lease of equipment for a demonstration program
36 established pursuant to section 1180-h of the vehicle and traffic law,
37 as added by section one of this act, shall be subject to the provisions
38 of section 103 of the general municipal law.

39 § 4. This act shall take effect on the thirtieth day after it shall
40 have become a law and shall expire December 1, 2031, when upon such date
41 the provisions of this act shall be deemed repealed. Effective imme-
42 diately, the addition, amendment and/or repeal of any rule or regulation
43 necessary for the implementation of this act on its effective date are
44 authorized to be made and completed on or before such effective date.