

STATE OF NEW YORK

6715

2025-2026 Regular Sessions

IN SENATE

March 20, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to owner liability for failure of operator to stop at a stop sign or yield for a pedestrian as required by law in the counties of Monroe and Onondaga; 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 1174-b to read as follows:

3 § 1174-b. Owner liability for failure of operator to stop at a stop
4 sign or yield for a pedestrian as required by law in the county of
5 Monroe and the county of Onondaga. (a) Notwithstanding any other
6 provision of law, any municipality within the county of Monroe or the
7 county of Onondaga (a "county") is hereby authorized and empowered to
8 adopt and amend a local law or ordinance establishing a demonstration
9 program imposing monetary liability on the owner of a vehicle for fail-
10 ure of an operator thereof to comply with subdivision (a) of section
11 eleven hundred seventy-two, section eleven hundred forty-two, or section
12 eleven hundred fifty-one of this article. Such demonstration program
13 shall empower such municipality to install and operate stop sign and
14 pedestrian crossing photo violation monitoring systems which may be
15 stationary or mobile, and which may be installed within the boundaries
16 of such municipality.

17 (b) Such demonstration program shall utilize necessary technologies to
18 ensure, to the extent practicable, that photographs produced by such
19 photo violation monitoring systems shall not include images that identi-
20 fy the driver, the passengers, or the contents of the vehicle. Provided,
21 however, that no notice of liability issued pursuant to this section
22 shall be dismissed solely because a photograph or photographs allow for

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

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1 the identification of the driver, passengers, or the contents of a vehi-
2 cle, provided that such municipality has made a reasonable effort to
3 comply with the provisions of this paragraph.

4 (c) In any such municipality which has adopted a local law or ordi-
5 nance pursuant to subdivision (a) of this section, the owner of a vehi-
6 cle shall be liable for a penalty imposed pursuant to this section if
7 such vehicle was used or operated with the permission of the owner,
8 express or implied, in violation of subdivision (a) of section eleven
9 hundred seventy-two, section eleven hundred forty-two, or section eleven
10 hundred fifty-one of this article, and such violation is evidenced by
11 information obtained from a stop sign or pedestrian crossing photo
12 violation monitoring system.

13 (d) For purposes of this section, the following terms shall have the
14 following meanings:

15 1. "Owner" shall have the meaning as defined pursuant to section two
16 hundred thirty-nine of this chapter.

17 2. "Stop sign and pedestrian crossing photo violation monitoring
18 system" shall mean a sensor installed to work in conjunction with a stop
19 or yield sign which automatically produces two or more photographs, two
20 or more microphotographs, a videotape or other recorded images of each
21 vehicle at the time it is used or operated in violation of subdivision
22 (a) of section eleven hundred seventy-two, section eleven hundred
23 forty-two, or section eleven hundred fifty-one of this article.

24 3. "Operator" means any person, corporation, firm, partnership, agen-
25 cy, association, organization or lessee that uses or operates a vehicle
26 with or without the permission of the owner, and an owner who operates
27 such owner's own vehicle.

28 4. "Municipality" means any city, town, or village, including an
29 incorporated village, located within the county of Monroe or the county
30 of Onondaga.

31 (e) A certificate, sworn to or affirmed by a technician employed by
32 the municipality in which the charged violation occurred, or a facsimile
33 thereof, based upon inspection of photographs, microphotographs, vide-
34 otape or other recorded images produced by such stop sign and pedestrian
35 crossing photo violation monitoring system, shall be prima facie
36 evidence of the facts contained therein. Any photographs, microphoto-
37 graphs, videotape, or other recorded images evidencing such a violation
38 shall be available for inspection in any proceeding to adjudicate the
39 liability for such violation pursuant to a local law or ordinance
40 adopted pursuant to this section.

41 (f) An owner liable for a violation of subdivision (a) of section
42 eleven hundred seventy-two, section eleven hundred forty-two, or section
43 eleven hundred fifty-one of this article pursuant to a local law or
44 ordinance adopted pursuant to this section shall be liable for monetary
45 penalties in accordance with a schedule of fines and penalties to be set
46 forth in such local law or ordinance. The liability of the owner pursu-
47 ant to this section shall not exceed fifty dollars for each violation;
48 provided, however, that such local law or ordinance may provide for an
49 additional penalty not in excess of twenty-five dollars for each
50 violation for the failure to respond to a notice of liability within the
51 prescribed time period. For the purposes of this section a failure to
52 respond shall mean that the owner failed to send a written response to
53 the violation by first class mail within the prescribed time period; the
54 owner shall have a valid defense against any additional late penalty if
55 it is shown through adjudication that the owner sent written response by
56 first class mail within the prescribed time period.

1 (g) An imposition of liability under a local law or ordinance adopted
2 pursuant to this section shall not be deemed a conviction as an opera-
3 tor, and shall not be made part of the operating record of the person
4 upon whom such liability is imposed, nor shall it be used for insurance
5 purposes in the provision of motor vehicle insurance coverage.

6 (h) 1. A notice of liability shall be sent by first class mail within
7 twenty-one days of the alleged violation to each person alleged to be
8 liable as an owner for a violation of subdivision (a) of section eleven
9 hundred seventy-two, section eleven hundred forty-two, or section eleven
10 hundred fifty-one of this article pursuant to this section. Personal
11 delivery on the owner shall not be required. A manual or automatic
12 record of mailing prepared in the ordinary course of business shall be
13 prima facie evidence of the facts contained therein.

14 2. A notice of liability shall contain the name and address of the
15 person alleged to be liable as an owner for a violation of subdivision
16 (a) of section eleven hundred seventy-two, section eleven hundred
17 forty-two, or section eleven hundred fifty-one of this article pursuant
18 to this section, the registration number of the vehicle involved in such
19 violation, the location where such violation took place, the date and
20 time of such violation and the identification number of the camera which
21 recorded the violation or other document locator number.

22 3. The notice of liability shall contain information advising the
23 person charged of the manner and the time in which such person may
24 contest the liability alleged in the notice. Such notice of liability
25 shall also contain a warning to advise the persons charged that failure
26 to contest in the manner and time provided shall be deemed an admission
27 of liability and that a default judgment may be entered thereon.

28 4. The notice of liability shall be prepared and mailed by the munici-
29 pality where the alleged violation occurred or by any other entity
30 authorized by such municipality to prepare and mail such notification of
31 violation.

32 (i) Adjudication of the liability imposed upon owners by this section
33 shall be by the court having jurisdiction over traffic infractions.

34 (j) If an owner receives a notice of liability pursuant to this
35 section for any time period during which the vehicle was reported to the
36 police department as having been stolen, it shall be a valid defense to
37 an allegation of liability for a violation of subdivision (a) of section
38 eleven hundred seventy-two, section eleven hundred forty-two, or section
39 eleven hundred fifty-one of this article pursuant to this section that
40 the vehicle had been reported to the police as stolen prior to the time
41 the violation occurred and had not been recovered by such time. For
42 purposes of asserting the defense provided by this subdivision, it shall
43 be sufficient that a certified copy of the police report on the stolen
44 vehicle be sent by first class mail to the traffic violations bureau or
45 court having jurisdiction.

46 (k) An owner who is a lessor of a vehicle to which a notice of liabil-
47 ity was issued pursuant to subdivision (h) of this section shall not be
48 liable for the violation of subdivision (a) of section eleven hundred
49 seventy-two, section eleven hundred forty-two, or section eleven hundred
50 fifty-one of this article, provided that such owner sends to the traffic
51 violations bureau or court having jurisdiction a copy of the rental,
52 lease, or other such contract document covering such vehicle on the date
53 of the violation, with the name and address of the lessee clearly legi-
54 ble, within thirty-seven days after receiving notice from the bureau or
55 court of the date and time of such violation, together with the other
56 information contained in the original notice of liability. Failure to

1 send such information within such thirty-seven day time period shall
2 render the owner liable for the penalty prescribed by this section.
3 Where the lessor complies with the provisions of this subdivision, the
4 lessee of such vehicle on the date of such violation shall be deemed to
5 be the owner of such vehicle for purposes of this section, shall be
6 subject to liability for the violation of subdivision (a) of section
7 eleven hundred seventy-two, section eleven hundred forty-two, or section
8 eleven hundred fifty-one of this article pursuant to this section and
9 shall be sent a notice of liability pursuant to subdivision (h) of this
10 section.

11 (l) 1. If the owner liable for a violation of subdivision (a) of
12 section eleven hundred seventy-two, section eleven hundred forty-two, or
13 section eleven hundred fifty-one of this article pursuant to this
14 section was not the operator of the vehicle at the time of the
15 violation, the owner may maintain an action for indemnification against
16 the operator.

17 2. Notwithstanding any other provision of this section, no owner of a
18 vehicle shall be subject to a monetary fine imposed pursuant to this
19 section if the operator of such vehicle was operating such vehicle with-
20 out the consent of the owner at the time such operator failed to obey a
21 stop sign or pedestrian crossing. For purposes of this subdivision there
22 shall be a presumption that the operator of such vehicle was operating
23 such vehicle with the consent of the owner at the time such operator
24 failed to obey a stop sign or pedestrian crossing.

25 (m) Nothing in this section shall be construed to limit the liability
26 of an operator of a vehicle for any violation of subdivision (a) of
27 section eleven hundred seventy-two, section eleven hundred forty-two, or
28 section eleven hundred fifty-one of this article.

29 (n) Any municipality that adopts a demonstration program pursuant to
30 subdivision (a) of this section shall submit an annual report detailing
31 the results of the use of such stop sign or pedestrian crossing photo
32 violation monitoring system to the governor, the temporary president of
33 the senate, and the speaker of the assembly on or before the first day
34 of June next succeeding the effective date of this section and on the
35 same date in each succeeding year in which the demonstration program is
36 operable. Such report shall include, but not be limited to:

37 1. a description of the locations where stop sign or pedestrian cross-
38 ing photo violation monitoring systems were used;

39 2. the aggregate number, type and severity of accidents reported at
40 intersections where a stop sign or pedestrian crossing photo violation
41 monitoring system is used for the three years preceding the installation
42 of such system, to the extent the information is maintained by the
43 department;

44 3. the aggregate number, type and severity of accidents reported at
45 intersections where a stop sign or pedestrian crossing photo violation
46 monitoring system is used for the reporting year, as well as for each
47 year that the stop sign or pedestrian crossing photo violation monitor-
48 ing system has been operational, to the extent the information is main-
49 tained by the department;

50 4. the number of events and number of violations recorded at each
51 location where a stop sign or pedestrian crossing photo violation moni-
52 toring system is used and in the aggregate on a daily, weekly, and
53 monthly basis;

54 5. the total number of pedestrians and bicyclists crossing the inter-
55 section or pedestrian crossing, to the extent such information is gath-
56 ered by the monitoring system;

1 6. the number of notices of liability issued for violations recorded
2 by such system at each location where a stop sign or pedestrian crossing
3 photo violation monitoring system is used;

4 7. the number of fines imposed and total amount of fines paid after
5 first notice of liability;

6 8. the number and percentage of violations adjudicated and results of
7 such adjudications including breakdowns of dispositions made for
8 violations recorded by such systems which shall be provided at least
9 annually to such municipality by the respective courts and bureaus
10 conducting such adjudications;

11 9. the total amount of revenue realized by such municipality from such
12 adjudications including a breakdown of revenue realized by such munici-
13 pality for each year since deployment of its stop sign or pedestrian
14 crossing photo violation monitoring system; and

15 10. expenses incurred by such municipality in connection with the
16 program.

17 (o) Photographs, microphotographs, videotapes, other recorded images
18 and data produced by stop sign or pedestrian crossing photo violation
19 monitoring systems shall be destroyed (A) ninety days after the date of
20 the alleged imposition of liability if a notice of liability is not
21 issued for such alleged imposition of liability pursuant to this section
22 or (B) upon final disposition of a notice of liability issued pursuant
23 to this section.

24 (p) The net revenues of the program shall be dedicated towards a
25 public safety purpose, including pedestrian safety programs.

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

28 (v) are photographs, microphotographs, videotape or other recorded
29 images prepared under authority of section eleven hundred seventy-four-b
30 of the vehicle and traffic law.

31 § 3. The purchase or lease of equipment for a demonstration program
32 established pursuant to section 1174-b of the vehicle and traffic law
33 shall be subject to the provisions of section 103 of the general municipi-
34 pal law.

35 § 4. This act shall take effect on the ninetieth day after it shall
36 have become a law and shall expire and be deemed repealed December 1,
37 2030 provided, further, that any such local law as may be enacted pursu-
38 ant to section one of this act shall remain in full force and effect
39 only until December 1, 2030.