

# STATE OF NEW YORK

7678--A

Cal. No. 1077

2025-2026 Regular Sessions

## IN SENATE

April 29, 2025

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 White Plains; 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. (a) 1. Notwithstanding any other  
5 provision of law, the city of White Plains is hereby authorized to  
6 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 White  
18 Plains to install photo speed violation monitoring systems within no  
19 more than three school speed zones within such city at any one time and  
20 to operate such systems within such zones (iii) when a school speed

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

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

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

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

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

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

54 (ii) Photographs, microphotographs, videotape or any other recorded  
55 image from a photo speed violation monitoring system shall be for the  
56 exclusive use of the city for the purpose of the adjudication of liabil-

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

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

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

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

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

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

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

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

1. "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;

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

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

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

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

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

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

(g) 1. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-

1 cle pursuant to this section, within fourteen business days if such  
2 owner is a resident of this state and within forty-five business days if  
3 such owner is a non-resident. Personal delivery on the owner shall not  
4 be required. A manual or automatic record of mailing prepared in the  
5 ordinary course of business shall be prima facie evidence of the facts  
6 contained therein.

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

17 3. The notice of liability shall contain information advising the  
18 person charged of the manner and the time in which he or she may contest  
19 the liability alleged in the notice. Such notice of liability shall also  
20 contain a prominent warning to advise the person charged that failure to  
21 contest in the manner and time provided shall be deemed an admission of  
22 liability and that a default judgment may be entered thereon.

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

26 (h) Adjudication of the liability imposed upon owners of this section  
27 shall be by the city of White Plains parking violations bureau.

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

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

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

50 (ii) within thirty-seven days after receiving notice from such bureau  
51 of the date and time of a liability, together with the other information  
52 contained in the original notice of liability, the lessor submits to  
53 such bureau the correct name and address of the lessee of the vehicle  
54 identified in the notice of liability at the time of such violation,  
55 together with such other additional information contained in the rental,

1 lease or other contract document, as may be reasonably required by such  
2 bureau pursuant to regulations that may be promulgated for such purpose.

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

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

12 (k) 1. If the owner liable for a violation of subdivision (c) or (d)  
13 of section eleven hundred eighty 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 operated such  
21 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section  
22 eleven hundred eighty of this article. For purposes of this subdivision  
23 there shall be a presumption that the operator of such vehicle was oper-  
24 ating such vehicle with the consent of the owner at the time such opera-  
25 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)  
26 or (g) of section eleven hundred eighty of this article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 11. the total amount of revenue realized by the city in connection  
23 with the program;

24 12. the expenses incurred by the city in connection with the program;  
25 and

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

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

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

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

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

41 § 4. This act shall take effect on the thirtieth day after it shall  
42 have become a law and shall expire December 31, 2030, when upon such  
43 date the provisions of this act shall be deemed repealed. Effective  
44 immediately, the addition, amendment and/or repeal of any rule or regu-  
45 lation necessary for the implementation of this act on its effective  
46 date are authorized to be made and completed on or before such effective  
47 date.