

# STATE OF NEW YORK

7946

2025-2026 Regular Sessions

## IN SENATE

May 14, 2025

Introduced by Sen. PALUMBO -- 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 authorizing the village of Quogue in the town of Southampton, county of Suffolk to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits; 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 the operator to comply with  
4 certain posted maximum speed limits; village of Quogue, town of South-  
5 ampton, county of Suffolk. (a) 1. Notwithstanding any other provision of  
6 law, the village of Quogue, in the town of Southampton, county of  
7 Suffolk is hereby authorized to establish a demonstration program impos-  
8 ing monetary liability on the owner of a vehicle for failure of an oper-  
9 ator thereof to comply with posted maximum speed limits on any road in  
10 such village in accordance with the provisions of this section. Such  
11 village, for purposes of the implementation of the demonstration  
12 program, shall operate photo speed violation monitoring systems within  
13 such village at no more than five locations at any one time during any  
14 year of such program. Such photo speed violation monitoring systems may  
15 be stationary or mobile and shall be activated at locations selected by  
16 such village. Such photo speed violation monitoring systems shall be  
17 placed at locations based on criteria, including but not limited to  
18 whether the location is within a quarter mile of a school, speeding  
19 data, accident history, proximity to facilities for senior citizens or  
20 disabled persons, roadway geometry and equitable geographic distrib-  
21 ution.

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

LBD13041-01-5

1 2. No photo speed violation monitoring system shall be used in a  
2 village authorized to establish a demonstration program pursuant to this  
3 section unless (i) on the day it is to be used it has successfully  
4 passed a self-test of its functions; and (ii) it has undergone an annual  
5 calibration check performed pursuant to paragraph four of this subdivi-  
6 sion. The village shall install signs giving notice that a photo speed  
7 violation monitoring system is in use to be mounted on advance warning  
8 signs notifying motor vehicle operators of such upcoming speed zone  
9 and/or on speed limit signs applicable within such speed zone, in  
10 conformance with standards established in the MUTCD.

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

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

32 5. (i) Such demonstration programs shall utilize necessary technolo-  
33 gies to ensure, to the extent practicable, that photographs, microphoto-  
34 graphs, videotape or other recorded images produced by such photo speed  
35 violation monitoring systems shall not include images that identify the  
36 driver, the passengers, or the contents of the vehicle. Provided, howev-  
37 er, that no notice of liability issued pursuant to this section shall be  
38 dismissed solely because such a photograph, microphotograph, videotape  
39 or other recorded image allows for the identification of the driver, the  
40 passengers, or the contents of vehicles where the village shows that it  
41 made reasonable efforts to comply with the provisions of this paragraph  
42 in such case.

43 (ii) Photographs, microphotographs, videotape or any other recorded  
44 image from a photo speed violation monitoring system shall be for the  
45 exclusive use of the village for the purpose of the adjudication of  
46 liability imposed pursuant to this section and of the owner receiving a  
47 notice of liability pursuant to this section, and shall be destroyed by  
48 the village upon the final resolution of the notice of liability to  
49 which such photographs, microphotographs, videotape or other recorded  
50 images relate, or one year following the date of issuance of such notice  
51 of liability, whichever is later. Notwithstanding the provisions of any  
52 other law, rule or regulation to the contrary, photographs, microphoto-  
53 graphs, videotape or any other recorded image from a photo speed  
54 violation monitoring system shall not be open to the public, nor subject  
55 to civil or criminal process or discovery, nor used by any court or  
56 administrative or adjudicatory body in any action or proceeding therein

1 except that which is necessary for the adjudication of a notice of  
2 liability issued pursuant to this section, and no public entity or  
3 employee, officer or agent thereof shall disclose such information,  
4 except that such photographs, microphotographs, videotape or any other  
5 recorded images from such systems:

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

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

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

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

39 (b) Where a village has established a demonstration program pursuant  
40 to subdivision (a) of this section, the owner of a vehicle shall be  
41 liable for a penalty imposed pursuant to this section if such vehicle  
42 was used or operated with the permission of the owner, express or  
43 implied, in violation of subdivision (c) or (d) of section eleven  
44 hundred eighty of this article, and such violation is evidenced by  
45 information obtained from a photo speed violation monitoring system;  
46 provided however that no owner of a vehicle shall be liable for a penal-  
47 ty imposed pursuant to this section where the operator of such vehicle  
48 has been convicted of the underlying violation of subdivision (c) or (d)  
49 of section eleven hundred eighty of this article.

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

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

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

3 3. "photo speed violation monitoring system" shall mean a vehicle  
4 sensor installed to work in conjunction with a speed measuring device  
5 which automatically produces two or more photographs, two or more micro-  
6 photographs, a videotape or other recorded images of each vehicle at the  
7 time it is used or operated in a speed zone in violation of subdivision  
8 (c) or (d) of section eleven hundred eighty of this article in accord-  
9 ance with the provisions of this section.

10 (d) A certificate, sworn to or affirmed by a technician employed by  
11 the county in which the charged violation occurred or its vendor or  
12 contractor, or a facsimile thereof, based upon inspection of photo-  
13 graphs, microphotographs, videotape or other recorded images produced by  
14 a photo speed violation monitoring system, shall be prima facie evidence  
15 of the facts contained therein. Any photographs, microphotographs, vide-  
16 otape or other recorded images evidencing such a violation shall be  
17 available for inspection in any proceeding to adjudicate the liability  
18 for such violation pursuant to this section.

19 (e) An owner liable for a violation of subdivision (c) or (d) of  
20 section eleven hundred eighty of this article pursuant to a demon-  
21 stration program established pursuant to this section shall be liable  
22 for monetary penalties in accordance with a schedule of fines and penal-  
23 ties promulgated by the parking violations bureau of such county;  
24 provided, however, that the monetary penalty for driving at a speed in  
25 excess of the maximum speed limit by ten or more miles per hour and less  
26 than thirty miles per hour shall not exceed fifty dollars, and the mone-  
27 tary penalty for driving in excess of the maximum speed limit by thirty  
28 or more miles per hour shall not exceed one hundred dollars; provided,  
29 further, that an owner shall be liable for an additional penalty not to  
30 exceed twenty-five dollars for each violation for the failure to respond  
31 to a notice of liability within the prescribed time period.

32 (f) An imposition of liability pursuant to this section shall not be  
33 deemed a conviction as an operator and shall not be made part of the  
34 operating record of the person upon whom such liability is imposed nor  
35 shall it be used for insurance purposes in the provision of motor vehi-  
36 cle insurance coverage.

37 (g) 1. A notice of liability shall be sent by first class mail to each  
38 person alleged to be liable as an owner for a violation of subdivision  
39 (c) or (d) of section eleven hundred eighty of this article pursuant to  
40 this section, within fourteen business days if such owner is a resident  
41 of this state and within forty-five business days if such owner is a  
42 non-resident. Personal delivery on the owner shall not be required. A  
43 manual or automatic record of mailing prepared in the ordinary course of  
44 business shall be prima facie evidence of the facts contained therein.

45 2. A notice of liability shall contain the name and address of the  
46 person alleged to be liable as an owner for a violation of subdivision  
47 (c) or (d) of section eleven hundred eighty of this article pursuant to  
48 this section, the registration number of the vehicle involved in such  
49 violation, the location where such violation took place, the date and  
50 time of such violation, the identification number of the camera which  
51 recorded the violation or other document locator number, at least two  
52 date and time stamped images of the rear of the motor vehicle that  
53 include the same stationary object near the motor vehicle, and the  
54 certificate charging the liability.

55 3. The notice of liability shall contain information advising the  
56 person charged of the manner and the time in which the person may

1 contest the liability alleged in the notice. Such notice of liability  
2 shall also contain a prominent warning to advise the person charged that  
3 failure to contest in the manner and time provided shall be deemed an  
4 admission of liability and that a default judgment may be entered there-  
5 on.

6 4. The notice of liability shall be prepared and mailed by the agency  
7 or agencies designated by the village authorized to implement a demon-  
8 stration program pursuant to this section.

9 (h) If an owner of a vehicle receives a notice of liability pursuant  
10 to this section for any time period during which such vehicle was  
11 reported to the police department as having been stolen, it shall be a  
12 valid defense to an allegation of liability for a violation of subdivi-  
13 sion (c) or (d) of section eleven hundred eighty of this article that  
14 the vehicle had been reported to the police as stolen prior to the time  
15 the violation occurred and had not been recovered by such time. For  
16 purposes of asserting the defense provided by this subdivision it shall  
17 be sufficient that an original incident form issued by the police on the  
18 stolen vehicle be sent by first class mail to the justice court of said  
19 village.

20 (i) 1. An owner who is a lessor of a vehicle to which a notice of  
21 liability was issued pursuant to subdivision (g) of this section shall  
22 not be liable for the violation of subdivision (c) or (d) of section  
23 eleven hundred eighty of this article, provided that:

24 (i) prior to the violation, the lessor has filed with such village in  
25 accordance with the provisions of section two hundred thirty-nine of  
26 this chapter; and

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

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

38 3. Where the lessor complies with the provisions of paragraph one of  
39 this subdivision, the lessee of such vehicle on the date of such  
40 violation shall be deemed to be the owner of such vehicle for purposes  
41 of this section, shall be subject to liability for such violation pursu-  
42 ant to this section and shall be sent a notice of liability pursuant to  
43 subdivision (g) of this section.

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

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

51 (l) Where a village adopts a demonstration program pursuant to subdivi-  
52 vision (a) of this section, such village shall submit a report on the  
53 results of the use of photo speed violation monitoring systems to the  
54 governor, the temporary president of the senate and the speaker of the  
55 assembly on or before the first day of June next succeeding the effec-  
56 tive date of this section and on the same date in each succeeding year

1 in which the demonstration program is operable. Such report shall  
2 include, but not be limited to:

3 1. a description of the locations where photo speed violation monitor-  
4 ing systems were used;

5 2. the number of violations recorded at each such location and in the  
6 aggregate on a daily, weekly and monthly basis;

7 3. the total number of notices of liability issued;

8 4. the number of fines and total amount of fines paid after first  
9 notice of liability;

10 5. the number of violations adjudicated and results of such adjudi-  
11 cations including breakdowns of dispositions made;

12 6. the total amount of revenue realized by such village; and

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

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

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

19 § 3. This act shall take effect on the thirtieth day after it shall  
20 have become a law and shall expire December 1, 2030 when upon such date  
21 the provisions of this act shall be deemed repealed.