STATE OF NEW YORK

9395

IN SENATE

March 9, 2026

Introduced by Sen. BYNOE -- 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, in relation to owner liability for failure of an operator to stop for a school bus

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs 1 and 1-a of subdivision (a) of section 1174-a of the vehicle and traffic law, as amended by section 1 of part AA of chapter 56 of the laws of 2024, are amended to read as follows:

1. Notwithstanding any other provision of law, a county, city, town or village located within a school district ("district") is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (a) of section eleven hundred seventy-four of this article when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village, in accordance with the provisions of this section. Such demonstration program shall empower such county, city, town or village to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within such county, city, town or village, on school buses owned and operated by such school district or privately owned and operated for compensation under contract with such district. Provided, however, that (a) no stationary school bus photo violation monitoring system shall be installed or operated by a county, city, town or village except on roadways under the jurisdiction of such county, city, town or village, and (b) no mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless such county, city, town or village and such district enter into an agreement for such installation and operation. **Mobile school bus photo violation monitoring systems installed pursuant to this section shall only be operated within the boundaries of a participating school district. The**

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

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county, city, town or village shall maintain and transmit a list of participating school districts and their bounded locations to any third-party vendor which operates a photo violation monitoring system. A vendor shall disable the operation of mobile bus photo violation monitoring systems outside such geographic boundaries. Nothing in this paragraph shall be deemed to limit the authority of a law enforcement officer to enforce the provisions of section eleven hundred seventy-four of this article.

1-a. Any county, city, town or village, located within a school district, that has adopted a local law or ordinance pursuant to this section establishing a demonstration program imposing liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (a) of section eleven hundred seventy-four of this article when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter and operated in such county, city, town or village may enter into an agreement with the applicable school district for the installation, maintenance and use of school bus photo violation monitoring systems on school buses pursuant to this section and section twenty-two of the chapter of the laws of two thousand nineteen which added this section, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the applicable county, city, town or village. Any agreement entered into hereunder shall be approved by each participating county, city, town or village by a majority vote of the voting strength of its governing body and by resolution of the district pursuant to section sixteen hundred four, section seventeen hundred nine, section twenty-five hundred three, section twenty-five hundred fifty-four or section twenty-five hundred ninety-h of the education law, as applicable. The use of a school bus photo violation monitoring system within a school district shall require the passage of a resolution authorizing such use. A copy of such resolution shall be provided to each county, city, town and village within such district. No photo monitoring system shall be operated prior to such resolution of the school district. Provided, however, that where a district has entered an agreement as provided hereunder with a county, no cities, towns or villages within the same county may enter into, or be a party to, any agreement with such district pursuant to this section. Provided further, however, that no county shall enter an agreement with any city school district wholly contained within a city. Nothing in this section shall be construed to prevent a county, city, town, village or district at any time to withdraw from or terminate an agreement entered pursuant to this section and section twenty-two of chapter one hundred forty-five of the laws of two thousand nineteen which added this section.

§ 2. Subdivision (g) of section 1174-a of the vehicle and traffic law is amended by adding a new paragraph 5 to read as follows:

5. No notice of liability shall be mailed pursuant to this section to any owner for a violation which occurred within a school district which has not passed a resolution authorizing the use of school bus photo violation monitoring systems within such district, or for violations which occurred prior to the passage of such resolution approving such use and entering into an agreement with the county, city, town or village.

§ 3. Subdivisions (m) and (n) of section 1174-a of the vehicle and traffic law, as added by chapter 145 of the laws of 2019, are amended to read as follows:

(m) In any such county, city, town or village which adopts a demonstration program pursuant to subdivision (a) of this section, such county, city, town or village shall submit an annual report on the results of the use of a school bus photo violation monitoring system to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand nineteen and on the same date in each succeeding year in which the demonstration program is operable. **Such report shall be publicly available on the county, city, town and village websites.** Such report shall include, but not be limited to:

1. the number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used;

2. the aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;

3. the aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;

4. the number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis;

4-a. the number of convictions for violations of subdivision (a) of section eleven hundred seventy-four of this article recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the department of motor vehicles of this state;

5. the total number of notices of liability issued for violations recorded by such systems;

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

7. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems which shall be provided at least annually to such county, city, town or village by the respective courts, bureaus and agencies conducting such adjudications;

8. the total amount of revenue realized by such city, town or village from such adjudications;

9. the expenses incurred by such city, town or village in connection with the program;

10. the quality of the adjudication process and its results including the total number of hearings scheduled, re-scheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered. Such information shall be provided at least annually to such county, city, town or village by the respective courts, bureaus and agencies conducting such adjudications; and

11. a description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

(n) It shall be a defense to any prosecution for a violation of subdivision (a) of section eleven hundred seventy-four of this article pursuant to a local law or ordinance adopted pursuant to this section that:

(1) such school bus stop-arms were malfunctioning at the time of the alleged violation**; or (2) the violation occurred within the boundaries of a school district which had not adopted a resolution authorizing the use of a school bus photo violation monitoring system, or during any period of time prior to the adoption of such resolution**.

§ 4. This act shall take effect immediately; provided, however, that the amendments to section 1174-a of the vehicle and traffic law made by sections one, two and three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.