

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:

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

4 1. Notwithstanding any other provision of law, a county, city, town or
5 village located within a school district ("district") is hereby author-
6 ized and empowered to adopt and amend a local law or ordinance estab-
7 lishing a demonstration program imposing monetary liability on the owner
8 of a vehicle for failure of an operator thereof to comply with subdivi-
9 sion (a) of section eleven hundred seventy-four of this article when
10 meeting a school bus marked and equipped as provided in subdivisions
11 twenty and twenty-one-c of section three hundred seventy-five of this
12 chapter and operated in such county, city, town or village, in accord-
13 ance with the provisions of this section. Such demonstration program
14 shall empower such county, city, town or village to install and operate
15 school bus photo violation monitoring systems which may be stationary or
16 mobile, and which may be installed, pursuant to an agreement with a
17 school district within such county, city, town or village, on school
18 buses owned and operated by such school district or privately owned and
19 operated for compensation under contract with such district. Provided,
20 however, that (a) no stationary school bus photo violation monitoring
21 system shall be installed or operated by a county, city, town or village
22 except on roadways under the jurisdiction of such county, city, town or
23 village, and (b) no mobile school bus photo violation monitoring system
24 shall be installed or operated on any such school buses unless such
25 county, city, town or village and such district enter into an agreement
26 for such installation and operation. Mobile school bus photo violation
27 monitoring systems installed pursuant to this section shall only be
28 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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1 county, city, town or village shall maintain and transmit a list of
2 participating school districts and their bounded locations to any third-
3 party vendor which operates a photo violation monitoring system. A
4 vendor shall disable the operation of mobile bus photo violation moni-
5 toring systems outside such geographic boundaries. Nothing in this
6 paragraph shall be deemed to limit the authority of a law enforcement
7 officer to enforce the provisions of section eleven hundred seventy-four
8 of this article.

9 1-a. Any county, city, town or village, located within a school
10 district, that has adopted a local law or ordinance pursuant to this
11 section establishing a demonstration program imposing liability on the
12 owner of a vehicle for failure of an operator thereof to comply with
13 subdivision (a) of section eleven hundred seventy-four of this article
14 when meeting a school bus marked and equipped as provided in subdivi-
15 sions twenty and twenty-one-c of section three hundred seventy-five of
16 this chapter and operated in such county, city, town or village may
17 enter into an agreement with the applicable school district for the
18 installation, maintenance and use of school bus photo violation monitor-
19 ing systems on school buses pursuant to this section and section twen-
20 ty-two of the chapter of the laws of two thousand nineteen which added
21 this section, for the proper handling and custody of photographs, micro-
22 photographs, videotapes, other recorded images and data produced by such
23 systems, and for the forwarding of such photographs, microphotographs,
24 videotapes, other recorded images and data to the applicable county,
25 city, town or village. Any agreement entered into hereunder shall be
26 approved by each participating county, city, town or village by a major-
27 ity vote of the voting strength of its governing body and by resolution
28 of the district pursuant to section sixteen hundred four, section seven-
29 teen hundred nine, section twenty-five hundred three, section twenty-
30 five hundred fifty-four or section twenty-five hundred ninety-h of the
31 education law, as applicable. The use of a school bus photo violation
32 monitoring system within a school district shall require the passage of
33 a resolution authorizing such use. A copy of such resolution shall be
34 provided to each county, city, town and village within such district. No
35 photo monitoring system shall be operated prior to such resolution of
36 the school district. Provided, however, that where a district has
37 entered an agreement as provided hereunder with a county, no cities,
38 towns or villages within the same county may enter into, or be a party
39 to, any agreement with such district pursuant to this section. Provided
40 further, however, that no county shall enter an agreement with any city
41 school district wholly contained within a city. Nothing in this section
42 shall be construed to prevent a county, city, town, village or district
43 at any time to withdraw from or terminate an agreement entered pursuant
44 to this section and section twenty-two of chapter one hundred forty-five
45 of the laws of two thousand nineteen which added this section.

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

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

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

4 (m) In any such county, city, town or village which adopts a demon-
5 stration program pursuant to subdivision (a) of this section, such coun-
6 ty, city, town or village shall submit an annual report on the results
7 of the use of a school bus photo violation monitoring system to the
8 governor, the temporary president of the senate and the speaker of the
9 assembly on or before June first, two thousand nineteen and on the same
10 date in each succeeding year in which the demonstration program is oper-
11 able. Such report shall be publicly available on the county, city, town
12 and village websites. Such report shall include, but not be limited to:

13 1. the number of buses and a description of the routes where station-
14 ary and mobile school bus photo violation monitoring systems were used;

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

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

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

27 4-a. the number of convictions for violations of subdivision (a) of
28 section eleven hundred seventy-four of this article recorded at each
29 location where a school bus photo violation monitoring system is used on
30 an annual basis, to the extent the information is maintained by the
31 department of motor vehicles of this state;

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

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

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

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

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

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

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

54 (n) It shall be a defense to any prosecution for a violation of subdi-
55 vision (a) of section eleven hundred seventy-four of this article pursu-
56 ant to a local law or ordinance adopted pursuant to this section that:

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

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