

STATE OF NEW YORK

11128

IN ASSEMBLY

April 24, 2026

Introduced by M. of A. EACHUS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the town of Palm Tree; 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 1111-j to read as follows:

3 § 1111-j. Owner liability for failure of operator to comply with
4 traffic-control indications; town of Palm Tree. (a) 1. Notwithstanding
5 any other provision of law, the town of Palm Tree is hereby authorized
6 and empowered to adopt and amend a local law or ordinance establishing a
7 demonstration program imposing monetary liability on the owner of a
8 vehicle for failure of an operator thereof to comply with traffic-con-
9 trol indications in such town in accordance with the provisions of this
10 section. Such demonstration program shall empower such town to install
11 and operate traffic-control signal photo violation-monitoring devices at
12 two intersections, one located at the intersection of Forest road and
13 Van Buren drive and another located at the intersection of Bakerstown
14 road, Dinev road and Israel Zupnik drive, upon approval in writing
15 obtained by such town from the department of transportation, provided
16 that the department of transportation may at any time rescind or modify
17 such approval.

18 2. Such demonstration program shall utilize necessary technologies to
19 ensure, to the extent practicable, that photographs produced by such
20 traffic-control signal photo violation-monitoring systems shall not
21 include images that identify the driver, the passengers, or the contents
22 of the vehicle. Provided, however, that no notice of liability issued
23 pursuant to this section shall be dismissed solely because a photograph
24 or photographs allow for the identification of the contents of a vehi-
25 cle, provided that such town has made a reasonable effort to comply with
26 the provisions of this paragraph.

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

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1 (b) In any such town which has adopted a local law or ordinance pursu-
2 ant to subdivision (a) of this section, the owner of a vehicle shall be
3 liable for a penalty imposed pursuant to this section if such vehicle
4 was used or operated with the permission of the owner, express or
5 implied, in violation of subdivision (d) of section eleven hundred elev-
6 en of this article, and such violation is evidenced by information
7 obtained from a traffic-control signal photo violation-monitoring
8 system; provided however that no owner of a vehicle shall be liable for
9 a penalty imposed pursuant to this section where the operator of such
10 vehicle has been convicted of the underlying violation of subdivision
11 (d) of section eleven hundred eleven of this article.

12 (c) For purposes of this section, "owner" shall have the meaning
13 provided in article two-B of this chapter. For purposes of this section,
14 "traffic-control signal photo violation-monitoring system" shall mean a
15 vehicle sensor installed to work in conjunction with a traffic-control
16 signal which automatically produces two or more photographs, two or more
17 microphotographs, a videotape or other recorded images of each vehicle
18 at the time it is used or operated in violation of subdivision (d) of
19 section eleven hundred eleven of this article.

20 (d) A certificate, sworn to or affirmed by a technician employed by
21 the town of Palm Tree in which the charged violation occurred, or a
22 facsimile thereof, based upon inspection of photographs, microphoto-
23 graphs, videotape or other recorded images produced by a traffic-control
24 signal photo violation-monitoring system, shall be prima facie evidence
25 of the facts contained therein. Any photographs, microphotographs, vide-
26 otape or other recorded images evidencing such a violation shall be
27 available for inspection in any proceeding to adjudicate the liability
28 for such violation pursuant to a local law or ordinance adopted pursuant
29 to this section.

30 (e) An owner liable for a violation of subdivision (d) of section
31 eleven hundred eleven of this article pursuant to a local law or ordi-
32 nance adopted pursuant to this section shall be liable for monetary
33 penalties in accordance with a schedule of fines and penalties to be set
34 forth in such local law or ordinance. The liability of the owner pursu-
35 ant to this section shall not exceed fifty dollars for each violation;
36 provided, however, that such local law or ordinance may provide for an
37 additional penalty not in excess of twenty-five dollars for each
38 violation for the failure to respond to a notice of liability within the
39 prescribed time period.

40 (f) An imposition of liability under a local law or ordinance adopted
41 pursuant to this section shall not be deemed a conviction as an operator
42 and shall not be made part of the operating record of the person upon
43 whom such liability is imposed nor shall it be used for insurance
44 purposes in the provision of motor vehicle insurance coverage.

45 (g) 1. A notice of liability shall be sent by first class mail to each
46 person alleged to be liable as an owner for a violation of subdivision
47 (d) of section eleven hundred eleven of this article pursuant to this
48 section. Personal delivery on the owner shall not be required. A manual
49 or automatic record of mailing prepared in the ordinary course of busi-
50 ness shall be prima facie evidence of the facts contained therein.

51 2. A notice of liability shall contain the name and address of the
52 person alleged to be liable as an owner for a violation of subdivision
53 (d) of section eleven hundred eleven of this article pursuant to this
54 section, the registration number of the vehicle involved in such
55 violation, the location where such violation took place, the date and

1 time of such violation and the identification number of the camera which
2 recorded the violation or other document locator number.

3 3. The notice of liability shall contain information advising the
4 person charged of the manner and the time in which such person may
5 contest the liability alleged in the notice. Such notice of liability
6 shall also contain a warning to advise the persons charged that failure
7 to contest in the manner and time provided shall be deemed an admission
8 of liability and that a default judgment may be entered thereon.

9 4. The notice of liability shall be prepared and mailed by the town of
10 Palm Tree or by any other entity authorized by such town to prepare and
11 mail such notification of violation.

12 (h) Adjudication of the liability imposed upon owners by this section
13 shall be by a traffic violations bureau established pursuant to section
14 three hundred seventy of the general municipal law or, if there be none,
15 by the court having jurisdiction over traffic infractions.

16 (i) If an owner receives a notice of liability pursuant to this
17 section for any time period during which the vehicle was reported to the
18 police department as having been stolen, it shall be a valid defense to
19 an allegation of liability for a violation of subdivision (d) of section
20 eleven hundred eleven of this article pursuant to this section that the
21 vehicle had been reported to the police as stolen prior to the time the
22 violation occurred and had not been recovered by such time. For purposes
23 of asserting the defense provided by this subdivision it shall be suffi-
24 cient that a certified copy of the police report on the stolen vehicle
25 be sent by first class mail to the traffic violations bureau or court
26 having jurisdiction.

27 (j) An owner who is a lessor of a vehicle to which a notice of liabil-
28 ity was issued pursuant to subdivision (g) of this section shall not be
29 liable for the violation of subdivision (d) of section eleven hundred
30 eleven of this article, provided that such owner sends to the traffic
31 violations bureau or court having jurisdiction a copy of the rental,
32 lease or other such contract document covering such vehicle on the date
33 of the violation, with the name and address of the lessee clearly legi-
34 ble, within thirty-seven days after receiving notice from the bureau or
35 court of the date and time of such violation, together with the other
36 information contained in the original notice of liability. Failure to
37 send such information within such thirty-seven day time period shall
38 render the owner liable for the penalty prescribed by this section.
39 Where the lessor complies with the provisions of this subdivision, the
40 lessee of such vehicle on the date of such violation shall be deemed to
41 be the owner of such vehicle for purposes of this section, shall be
42 subject to liability for the violation of subdivision (d) of section
43 eleven hundred eleven of this article pursuant to this section and shall
44 be sent a notice of liability pursuant to subdivision (g) of this
45 section.

46 (k) 1. If the owner liable for a violation of subdivision (d) of
47 section eleven hundred eleven of this article pursuant to this section
48 was not the operator of the vehicle at the time of the violation, the
49 owner may maintain an action for indemnification against the operator.

50 2. Notwithstanding any other provision of this section, no owner of a
51 vehicle shall be subject to a monetary fine imposed pursuant to this
52 section if the operator of such vehicle was operating such vehicle with-
53 out the consent of the owner at the time such operator failed to obey a
54 traffic-control indication. For purposes of this subdivision, there
55 shall be a presumption that the operator of such vehicle was operating

1 such vehicle with the consent of the owner at the time such operator
2 failed to obey a traffic-control indication.

3 (l) Nothing in this section shall be construed to limit the liability
4 of an operator of a vehicle for any violation of subdivision (d) of
5 section eleven hundred eleven of this article.

6 (m) Any town that adopts a demonstration program pursuant to subdivi-
7 sion (a) of this section shall submit an annual report detailing the
8 results of the use of such traffic-control signal photo violation-moni-
9 toring system to the governor, the temporary president of the senate and
10 the speaker of the assembly on or before the first day of June next
11 succeeding the effective date of this section and on the same date in
12 each succeeding year in which the demonstration program is operable.
13 Such report shall include, but not be limited to:

14 1. a description of the locations where traffic-control signal photo
15 violation-monitoring systems were used;

16 2. the aggregate number, type and severity of accidents reported at
17 intersections where a traffic-control signal photo violation-monitoring
18 system is used for the three years preceding the installation of such
19 system, to the extent the information is maintained by the department of
20 motor vehicles of this state;

21 3. the aggregate number, type and severity of accidents reported at
22 intersections where a traffic-control signal photo violation-monitoring
23 system is used for the reporting year, as well as for each year that the
24 traffic-control signal photo violation-monitoring system has been opera-
25 tional, to the extent the information is maintained by the department of
26 motor vehicles of this state;

27 4. the number of events and number of violations recorded at each
28 intersection where a traffic-control signal photo violation-monitoring
29 system is used and in the aggregate on a daily, weekly and monthly
30 basis;

31 5. the number of notices of liability issued for violations recorded
32 by such system at each intersection where a traffic-control signal photo
33 violation-monitoring system is used;

34 6. the number of fines imposed and total amount of fines paid after
35 first notice of liability;

36 7. the number and percentage of violations adjudicated and results of
37 such adjudications including breakdowns of dispositions made for
38 violations recorded by such systems which shall be provided at least
39 annually to such town by the respective courts and bureaus conducting
40 such adjudications;

41 8. the total amount of revenue realized by such town from such adjudi-
42 cations including a breakdown of revenue realized by such town for each
43 year since deployment of its traffic-control signal photo violation-mon-
44 itoring system;

45 9. expenses incurred by such town in connection with the program; and

46 10. quality of the adjudication process and its results which shall be
47 provided at least annually to such town by the respective courts and
48 bureaus conducting such adjudications.

49 (n) It shall be a defense to any prosecution for a violation of subdivi-
50 vision (d) of section eleven hundred eleven of this article pursuant to
51 a local law or ordinance adopted pursuant to this section that such
52 traffic-control indications were malfunctioning at the time of the
53 alleged violation.

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

1 (w) are photographs, microphotographs, videotape or other recorded
2 images prepared under authority of section eleven hundred eleven-j of
3 the vehicle and traffic law.

4 § 3. The purchase or lease of equipment for a demonstration program
5 established pursuant to section 1111-j of the vehicle and traffic law
6 shall be subject to the provisions of section 103 of the general munici-
7 pal law.

8 § 4. This act shall take effect on the thirtieth day after it shall
9 have become a law and shall expire December 31, 2030, when upon such
10 date the provisions of this act shall be deemed repealed; provided, that
11 any such local law as may be enacted pursuant to section one of this act
12 shall remain in full force and effect only until December 31, 2030.
13 Effective immediately, the addition, amendment and/or repeal of any rule
14 or regulation necessary for the implementation of this act on its effec-
15 tive date are authorized to be made and completed on or before such
16 effective date.