

STATE OF NEW YORK

803--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. MAMDANI, CUNNINGHAM, GONZALEZ-ROJAS, EPSTEIN, PAULIN, DE LOS SANTOS, SIMON, SIMONE, R. CARROLL, BICHOTTE HERMELYN, MITAYNES, TAPIA, BORES, FORREST -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to the establishment in the city of New York of a bicycle lane safety program; 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-i to read as follows:

3 § 1111-i. Owner liability for failure of operator to comply with bicy-
4 cle lane restrictions. (a) 1. Notwithstanding any other provision of
5 law, the city of New York is hereby authorized and empowered to estab-
6 lish a bicycle lane safety program imposing monetary liability on the
7 owner of a motor vehicle for failure of an operator thereof to comply
8 with bicycle lane restrictions in such city in accordance with the
9 provisions of this section. Such bicycle lane safety program shall
10 empower the New York city department of transportation, for purposes of
11 the implementation of such program, to install and operate bicycle lane
12 photo devices on, within or in close proximity to bicycle lanes and/or
13 protected bicycle lanes. Bicycle lane photo devices may be stationary or
14 mobile and shall be activated at locations as determined by such depart-
15 ment of transportation; provided, however, that there shall be no more
16 than fifty bicycle lane photo devices located within such city.

17 2. The city of New York shall adopt and enforce measures to protect
18 the privacy of drivers, passengers, pedestrians and cyclists whose iden-
19 tity and identifying information may be captured by a bicycle lane photo
20 device. Such measures shall include:

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

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1 (i) utilization of necessary technologies to ensure, to the extent
2 practicable, that images produced by a bicycle lane photo device shall
3 not include images that identify the driver, the passengers, or the
4 contents of the motor vehicle, provided, however, that no notice of
5 liability issued pursuant to this section shall be dismissed solely
6 because an image allows for the identification of the driver, the
7 passengers or other contents of a motor vehicle;

8 (ii) a prohibition on the use or dissemination of motor vehicles'
9 license plate information and other information and images captured by a
10 bicycle lane photo device except: (A) as required to establish liability
11 under this section or collect payment of penalties; (B) as required by
12 court order; or (C) as otherwise required by law;

13 (iii) the installation of signage at regular intervals along bicycle
14 lanes and/or protected bicycle lanes stating that bicycle lane photo
15 devices are used to enforce restrictions on vehicular traffic in such
16 bicycle lanes; and

17 (iv) oversight procedures to ensure compliance with the aforementioned
18 privacy protection measures.

19 3. Bicycle lane photo devices shall only be operated on, within or in
20 close proximity to bicycle lanes and/or protected bicycle lanes. Warn-
21 ing notices of violation will be issued during the first sixty days that
22 bicycle lane photo devices are operated on, within or in close proximity
23 to each bicycle lane and/or protected bicycle lane in the bicycle lane
24 safety program.

25 (b) If the city of New York has established a bicycle lane safety
26 program pursuant to subdivision (a) of this section, the owner of a
27 motor vehicle shall be liable for a penalty imposed pursuant to this
28 section if such motor vehicle was used or operated with the permission
29 of the owner, express or implied, in violation of any bicycle lane
30 restrictions that apply to bicycle lanes and/or protected bicycle lanes
31 within such program, and such violation is evidenced by information
32 obtained from a bicycle lane photo device; provided, however, that no
33 owner of a motor vehicle shall be liable for a penalty imposed pursuant
34 to this section where the operator of such motor vehicle has been
35 convicted of the underlying violation of any bicycle lane restrictions.

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

38 1. "owner" shall have the meaning provided in article two-B of this
39 chapter.

40 2. "bicycle lane" shall have the meaning provided in article one of
41 this chapter.

42 3. "bicycle lane photo device" shall mean a device that is capable of
43 operating independently of an enforcement officer and produces one or
44 more images of each motor vehicle at the time it is in violation of any
45 bicycle lane restriction.

46 4. "bicycle lane restriction" shall mean a restriction on the use of a
47 designated traffic lane by motor vehicles other than bicycles imposed on
48 any roadway or bicycle lane by local law or rule of the city of New York
49 and signs erected by the New York city department of transportation.

50 5. "bicycle lane safety program" shall mean any roadway designated by
51 the New York city department of transportation that operates on or adja-
52 cent to any bicycle lane and/or protected bicycle lane and that may
53 include upgraded signage, enhanced road markings, traffic signal priori-
54 ty for bicycles, and any other enhancement that increases the safety of
55 cyclists.

1 6. "protected bicycle lane" shall mean a bicycle lane that is desig-
2 nated for the exclusive use of bicycles and is designated as part of the
3 bicycle lane safety program as determined by the New York city depart-
4 ment of transportation. Protected bicycle lane shall include any bicy-
5 cle lane which is physically separated from the roadway by curbing,
6 bollards, or other barrier.

7 (d) A certificate, sworn to or affirmed by a technician employed by
8 the city of New York in which the charged violation occurred, or a
9 facsimile thereof, based upon inspection of photographs, microphoto-
10 graphs, videotape or other recorded images produced by a bicycle lane
11 photo device, shall be prima facie evidence of the facts contained ther-
12 ein. Any photographs, microphotographs, videotape or other recorded
13 images evidencing such a violation shall be available for inspection in
14 any proceeding to adjudicate the liability for such violation pursuant
15 to this section.

16 (e) An owner liable for a violation of a bicycle lane restriction
17 imposed on any roadway within the bicycle lane safety program shall be
18 liable for monetary penalties in accordance with a schedule of fines and
19 penalties promulgated by the parking violations bureau of the city of
20 New York; provided, however, that the monetary penalty for violating a
21 bicycle lane restriction shall not exceed fifty dollars for a first
22 violation, one hundred dollars for a second violation within a twelve-
23 month period, one hundred fifty dollars for a third violation within a
24 twelve-month period, two hundred dollars for a fourth violation within a
25 twelve-month period, and two hundred fifty dollars for each subsequent
26 violation within a twelve-month period; provided, further, that an owner
27 shall be liable for an additional penalty not to exceed twenty-five
28 dollars for each violation for the failure to respond to a notice of
29 liability within the prescribed time period.

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

35 (g) 1. A notice of liability shall be sent by first class mail to each
36 person alleged to be liable as an owner for a violation of a bicycle
37 lane restriction. Personal delivery to the owner shall not be required.
38 A manual or automatic record of mailing prepared in the ordinary course
39 of business shall be prima facie evidence of the facts contained there-
40 in.

41 2. A notice of liability shall contain the name and address of the
42 person alleged to be liable as an owner for a violation of a bicycle
43 lane restriction, the registration number of the motor vehicle involved
44 in such violation, the location where such violation took place includ-
45 ing the street address or cross streets, one or more images identifying
46 the violation, the date and time of such violation and the identifica-
47 tion number of the bicycle lane photo device which recorded the
48 violation or other document locator number.

49 3. The notice of liability shall contain information advising the
50 person charged of the manner and the time in which such person may
51 contest the liability alleged in the notice. Such notice of liability
52 shall also contain a warning to advise the person charged that failure
53 to contest in the manner and time provided shall be deemed an admission
54 of liability and that a default judgment may be entered thereon.

55 4. The notice of liability shall be prepared and mailed by the agency
56 or agencies designated by the city of New York, or any other entity

1 authorized by such city to prepare and mail such notification of
2 violation.

3 5. Adjudication of the liability imposed upon owners by this section
4 shall be by the New York city parking violations bureau.

5 (h) If an owner of a motor vehicle receives a notice of liability
6 pursuant to this section for any time period during which such motor
7 vehicle was reported to the police department as having been stolen, it
8 shall be a valid defense to an allegation of liability for a violation
9 of a bicycle lane restriction that the motor vehicle had been reported
10 to the police as stolen prior to the time the violation occurred and had
11 not been recovered by such time. For purposes of asserting the defense
12 provided by this subdivision it shall be sufficient that a certified
13 copy of the police report on the stolen motor vehicle be sent by first
14 class mail to the New York city parking violations bureau.

15 (i) 1. An owner who is a lessor of a motor vehicle to which a notice
16 of liability was issued pursuant to subdivision (g) of this section
17 shall not be liable for the violation of a bicycle lane restriction,
18 provided that:

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

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

31 2. Failure to comply with subparagraph (ii) of paragraph one of this
32 subdivision shall render the lessor liable for the penalty prescribed in
33 this section.

34 3. Where the lessor complies with the provisions of paragraph one of
35 this subdivision, the lessee of such motor vehicle on the date of such
36 violation shall be deemed to be the owner of such motor vehicle for
37 purposes of this section, shall be subject to liability for such
38 violation pursuant to this section and shall be sent a notice of liabil-
39 ity pursuant to subdivision (g) of this section.

40 (j) If the owner liable for a violation of a bicycle lane restriction
41 was not the operator of the motor vehicle at the time of the violation,
42 the owner may maintain an action for indemnification against the opera-
43 tor.

44 (k) Nothing in this section shall be construed to limit the liability
45 of an operator of a motor vehicle for any violation of bicycle lane
46 restrictions.

47 (l) If the city of New York adopts a bicycle lane safety program
48 pursuant to subdivision (a) of this section, it shall submit a report on
49 the results of the use of bicycle lane photo devices to the governor,
50 the temporary president of the senate and the speaker of the assembly
51 within two years of the adoption of such bicycle lane safety program and
52 every two years thereafter. Such report shall include, but not be limit-
53 ed to:

54 1. a description of the locations where bicycle lane photo devices
55 were used;

- 1 2. the total number of violations recorded on a monthly and annual
- 2 basis;
- 3 3. the total number of notices of liability issued;
- 4 4. the number of fines and total amount of fines paid after the first
- 5 notice of liability;
- 6 5. the number of violations adjudicated and results of such adjudi-
- 7 cations including breakdowns of dispositions made;
- 8 6. the total amount of revenue realized by the city of New York;
- 9 7. the quality of the adjudication process and its results;
- 10 8. the total number of bicycle lane photo devices by type of device;
- 11 9. the total cost to the city of New York; and
- 12 10. a detailed report on the number of accidents involving cyclists in
- 13 bicycle lanes and/or protected bicycle lanes before and after implemen-
- 14 tation of the bicycle lane safety program, including current statistics.

15 § 2. This act shall take effect on the ninetieth day after it shall
16 have become a law and shall expire 5 years after such date when upon
17 such date the provisions of this act shall be deemed repealed. Effective
18 immediately, the addition, amendment and/or repeal of any rule or regu-
19 lation necessary for the implementation of this act on its effective
20 date are authorized to be made on or before such date.