

STATE OF NEW YORK

8535--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 20, 2025

Introduced by M. of A. SCHIAVONI -- 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 and the public officers law, in relation to owner liability for failure of an operator to comply with stop signs in the village of Southampton, county of Suffolk; 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 1174-b to read as follows:

3 § 1174-b. Owner liability for failure of operator to stop for a stop
4 sign in the village of Southampton. (a) Notwithstanding any other
5 provision of law, the village of Southampton located within the county
6 of Suffolk is hereby authorized and empowered to adopt and amend a local
7 law or ordinance establishing a demonstration program imposing monetary
8 liability on the owner of a vehicle for failure of an operator thereof
9 to comply with subdivision (a) of section eleven hundred seventy-two of
10 this article. Such demonstration program shall empower such village to
11 install and operate stop sign photo violation monitoring systems which
12 may be stationary or mobile, and which may be installed on stop signs
13 within the boundaries of such village.

14 (b) Such demonstration program shall utilize necessary technologies to
15 ensure, to the extent practicable, that photographs produced by such
16 stop sign photo violation monitoring systems shall not include images
17 that identify the driver, the passengers, or the contents of the vehi-
18 cle. Provided, however, that no notice of liability issued pursuant to
19 this section shall be dismissed solely because a photograph or photo-
20 graphs allow for the identification of the driver, passengers, or the
21 contents of a vehicle, provided that such village has made a reasonable
22 effort to comply with 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 (c) In any such village which has adopted a local law or ordinance
2 pursuant to subdivision (a) of this section, the owner of a vehicle
3 shall be liable for a penalty imposed pursuant to this section if such
4 vehicle was used or operated with the permission of the owner, express
5 or implied, in violation of subdivision (a) of section eleven hundred
6 seventy-two of this article, and such violation is evidenced by informa-
7 tion obtained from a stop sign photo violation monitoring system.

8 (d) For purposes of this section, the following terms shall have the
9 following meanings:

10 1. "Owner" shall have the meaning as defined pursuant to section two
11 hundred thirty-nine of this chapter.

12 2. "Village" shall mean the village of Southampton.

13 3. "Stop sign photo violation monitoring system" shall mean a vehicle
14 sensor installed to work in conjunction with a stop sign which automat-
15 ically produces two or more photographs, two or more microphotographs, a
16 videotape or other recorded images of each vehicle at the time it is
17 used or operated in violation of subdivision (a) of section eleven
18 hundred seventy-two of this article.

19 4. "Operator" means any person, corporation, firm, partnership, agen-
20 cy, association, organization or lessee that uses or operates a vehicle
21 with or without the permission of the owner, and an owner who operates
22 such owner's own vehicle.

23 (e) A certificate, sworn to or affirmed by a technician employed by
24 the village in which the charged violation occurred, or a facsimile
25 thereof, based upon inspection of photographs, microphotographs, vide-
26 otape or other recorded images produced by a stop sign photo violation
27 monitoring system, shall be prima facie evidence of the facts contained
28 therein. Any photographs, microphotographs, videotape or other recorded
29 images evidencing such a violation shall be available for inspection in
30 any proceeding to adjudicate the liability for such violation pursuant
31 to a local law or ordinance adopted pursuant to this section.

32 (f) An owner liable for a violation of subdivision (a) of section
33 eleven hundred seventy-two of this article pursuant to a local law or
34 ordinance adopted pursuant to this section shall be liable for monetary
35 penalties in accordance with a schedule of fines and penalties to be set
36 forth in such local law or ordinance. The liability of the owner pursu-
37 ant to this section shall not exceed fifty dollars for each violation;
38 provided, however, that such local law or ordinance may provide for an
39 additional penalty not in excess of twenty-five dollars for each
40 violation for the failure to respond to a notice of liability within the
41 prescribed time period. Notwithstanding any inconsistent provisions of
42 law to the contrary, all revenues from the program established pursuant
43 to this section shall be dedicated to law enforcement purposes within
44 the village of Southampton.

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

50 (h) 1. A notice of liability shall be sent by first class mail to each
51 person alleged to be liable as an owner for a violation of subdivision
52 (a) of section eleven hundred seventy-two of this article pursuant to
53 this section. Personal delivery on the owner shall not be required. A
54 manual or automatic record of mailing prepared in the ordinary course of
55 business shall be prima facie evidence of the facts contained therein.

1 2. A notice of liability shall contain the name and address of the
2 person alleged to be liable as an owner for a violation of subdivision
3 (a) of section eleven hundred seventy-two of this article pursuant to
4 this section, the registration number of the vehicle involved in such
5 violation, the location where such violation took place, the date and
6 time of such violation and the identification number of the camera which
7 recorded the violation or other document locator number.

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

14 4. The notice of liability shall be prepared and mailed by the village
15 where the alleged violation occurred or by any other entity authorized
16 by such village to prepare and mail such notification of violation.

17 (i) Adjudication of the liability imposed upon owners by this section
18 shall be by the court having jurisdiction over traffic infractions.

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

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

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

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

1 that the operator of such vehicle was operating such vehicle with the
2 consent of the owner at the time such operator failed to obey a stop
3 sign.

4 (m) Nothing in this section shall be construed to limit the liability
5 of an operator of a vehicle for any violation of subdivision (a) of
6 section eleven hundred seventy-two of this article.

7 (n) Any village that adopts a demonstration program pursuant to subdi-
8 vision (a) of this section shall submit an annual report detailing the
9 results of the use of such stop sign photo violation monitoring system
10 to the governor, the temporary president of the senate and the speaker
11 of the assembly on or before the first day of June next succeeding the
12 effective date of this section and on the same date in each succeeding
13 year in which the demonstration program is operable. Such report shall
14 include, but not be limited to:

15 1. a description of the locations where stop sign photo violation
16 monitoring systems were used;

17 2. the aggregate number, type and severity of accidents reported at
18 intersections where a stop sign photo violation monitoring system is
19 used for the three years preceding the installation of such system, to
20 the extent the information is maintained by the department;

21 3. the aggregate number, type and severity of accidents reported at
22 intersections where a stop sign photo violation monitoring system is
23 used for the reporting year, as well as for each year that the stop sign
24 photo violation monitoring system has been operational, to the extent
25 the information is maintained by the department;

26 4. the number of events and number of violations recorded at each
27 intersection where a stop sign photo violation monitoring system is used
28 and in the aggregate on a daily, weekly and monthly basis;

29 5. the number of notices of liability issued for violations recorded
30 by such system at each intersection where a stop sign photo violation
31 monitoring system is used;

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

34 7. the number and percentage of violations adjudicated and results of
35 such adjudications including breakdowns of dispositions made for
36 violations recorded by such systems which shall be provided at least
37 annually to such village by the court and conducting such adjudications;

38 8. the total amount of revenue realized by such village from such
39 adjudications including a breakdown of revenue realized by such village
40 for each year since deployment of its stop sign photo violation monitor-
41 ing system;

42 9. expenses incurred by such village in connection with the program;
43 and

44 10. quality of the adjudication process and its results which shall be
45 provided at least annually to such village by the court conducting such
46 adjudications.

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

49 (v) are photographs, microphotographs, videotape or other recorded
50 images prepared under authority of section eleven hundred seventy-four-b
51 of the vehicle and traffic law.

52 § 3. This act shall take effect on the ninetieth day after it shall
53 have become a law, and shall expire 5 years after such effective date
54 when upon such date the provisions of this act shall be deemed repealed.