

STATE OF NEW YORK

10034

IN SENATE

April 24, 2026

Introduced by Sen. SKOUFIS -- 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 authorizing and empowering each municipality of the state and the department of transportation to implement a program for imposing fines for littering using photo violation-monitoring systems; and to amend the public officers law, in relation to accessing records

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

1 Section 1. Section 1220 of the vehicle and traffic law is amended by
2 adding two new subdivisions (d) and (e) to read as follows:

3 (d) 1. For purposes of this subdivision, the term:

4 (A) "owner" shall have the meaning provided in article two-B of this
5 chapter.

6 (B) "photo violation-monitoring system" shall mean a vehicle sensor
7 which automatically produces two or more photographs, two or more micro-
8 photographs, a videotape or other recorded images of a vehicle at the
9 time an occupant of such vehicle violates the provisions of this
10 section.

11 2. Notwithstanding any other provision of law, each municipality of
12 the state is hereby authorized and empowered to adopt and amend a local
13 law or ordinance establishing a program imposing monetary liability on
14 the owner of a vehicle for failure of an occupant thereof to comply with
15 the provisions of this section in such municipality in accordance with
16 the provisions of this subdivision.

17 3. Any participating municipality shall utilize necessary technologies
18 to ensure, to the extent practicable, that photographs produced by such
19 photo violation-monitoring systems shall not include images that identi-
20 fy the driver, the passengers, or the contents of the vehicle. Provided,
21 however, that no notice of liability issued pursuant to this section
22 shall be dismissed solely because a photograph or photographs allow for
23 the identification of the contents of a vehicle, provided that such
24 municipality has made a reasonable effort to comply with the provisions
25 of this subdivision.

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

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1 4. In any municipality which has adopted a local law or ordinance
2 pursuant to paragraph two of this subdivision, 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, and an occupant thereof violated the provisions of this
6 section, and such violation is evidenced by information obtained from a
7 photo violation-monitoring system; provided however that no owner of a
8 vehicle shall be liable for a penalty imposed pursuant to this section
9 where the operator of such vehicle has been convicted of the underlying
10 violation of this section.

11 5. A certificate, sworn to or affirmed by a technician employed by the
12 municipality in which the charged violation occurred, or a facsimile
13 thereof, based upon inspection of photographs, microphotographs, vide-
14 otape or other recorded images produced by a photo violation-monitoring
15 system, shall be prima facie evidence of the facts contained therein.
16 Any photographs, microphotographs, videotape or other recorded images
17 evidencing such a violation shall be available for inspection in any
18 proceeding to adjudicate the liability for such violation pursuant to a
19 local law or ordinance adopted pursuant to this subdivision.

20 6. An owner liable for a violation of this section pursuant to a local
21 law or ordinance adopted pursuant to this subdivision shall be liable
22 for monetary penalties in accordance with a schedule of fines and penal-
23 ties to be set forth in such local law or ordinance, except that in a
24 municipality which, by local law or ordinance, has authorized the adju-
25 dication of such owner liability by a parking violations bureau, such
26 schedule shall be promulgated by such bureau. The liability of the owner
27 pursuant to this section shall not exceed fifty dollars for each
28 violation; provided, however, that such local law or ordinance may
29 provide for an additional penalty not in excess of twenty-five dollars
30 for each violation for the failure to respond to a notice of liability
31 within the prescribed time period.

32 7. (A) A notice of liability shall be sent by first class mail to each
33 person alleged to be liable as an owner for a violation of this section
34 pursuant to this subdivision. Personal delivery on the owner shall not
35 be required. A manual or automatic record of mailing prepared in the
36 ordinary course of business shall be prima facie evidence of the facts
37 contained therein.

38 (B) A notice of liability shall contain the name and address of the
39 person alleged to be liable as an owner for such violation, the regis-
40 tration number of the vehicle involved in such violation, the location
41 where such violation took place, the date and time of such violation and
42 the identification number of the camera which recorded the violation or
43 other document locator number.

44 (C) The notice of liability shall contain information advising the
45 person charged of the manner and the time in which they may contest the
46 liability alleged in the notice. Such notice of liability shall also
47 contain a warning to advise the persons charged that failure to contest
48 in the manner and time provided shall be deemed an admission of liabil-
49 ity and that a default judgment may be entered thereon.

50 (D) The notice of liability shall be prepared and mailed by the muni-
51 cipality having jurisdiction over where the violation occurred, or by
52 any other entity authorized by the municipality to prepare and mail such
53 notification of violation.

54 8. Adjudication of the liability imposed upon owners by this subdivi-
55 sion shall be by a traffic violations bureau established pursuant to
56 section three hundred seventy of the general municipal law or, if there

1 be none, by the court having jurisdiction over traffic infractions,
2 except that any municipality which has established an administrative
3 tribunal to hear and determine complaints of traffic infractions consti-
4 tuting parking, standing or stopping violations may, by local law,
5 authorize such adjudication by such tribunal.

6 9. If an owner receives a notice of liability pursuant to this subdi-
7 vision for any time period during which the vehicle was reported to the
8 police department as having been stolen, it shall be a valid defense to
9 an allegation of liability for a violation of this section pursuant to
10 this subdivision that the vehicle had been reported to the police as
11 stolen prior to the time the violation occurred and had not been recov-
12 ered by such time. For purposes of asserting the defense provided by
13 this paragraph it shall be sufficient that a certified copy of the
14 police report on the stolen vehicle be sent by first class mail to the
15 traffic violations bureau, court having jurisdiction or parking
16 violations bureau.

17 10. (A) In a municipality where the adjudication of liability imposed
18 upon owners pursuant to this subdivision is by a traffic violations
19 bureau or a court having jurisdiction, an owner who is a lessor of a
20 vehicle to which a notice of liability was issued pursuant to paragraph
21 seven of this subdivision shall not be liable for the violation of this
22 section, provided that such lessor sends to the traffic violations
23 bureau or court having jurisdiction a copy of the rental, lease or other
24 such contract document covering such vehicle on the date of such
25 violation, with the name and address of the lessee clearly legible,
26 within thirty-seven days after receiving notice from the bureau or court
27 of the date and time of such violation, together with the other informa-
28 tion contained in the original notice of liability. Failure to send such
29 information within such thirty-seven day time period shall render the
30 owner liable for the penalty prescribed by this subdivision. Where the
31 lessor complies with the provisions of this subparagraph, the lessee of
32 such vehicle on the date of such violation shall be deemed to be the
33 owner of such vehicle for purposes of this subdivision, shall be subject
34 to liability for the violation of this section pursuant to this subdivi-
35 sion and shall be sent a notice of liability pursuant to paragraph seven
36 of this subdivision.

37 (B) (i) In a municipality which, by local law or ordinance, has
38 authorized the adjudication of liability imposed upon owners by this
39 subdivision by a parking violations bureau, an owner who is a lessor of
40 a vehicle to which a notice of liability was issued pursuant to para-
41 graph seven of this subdivision shall not be liable for the violation of
42 this section, provided that:

43 a. prior to the violation, the lessor has filed with the bureau in
44 accordance with the provisions of section two hundred thirty-nine of
45 this chapter; and

46 b. within thirty-seven days after receiving notice from the bureau of
47 the date and time of a liability, together with the other information
48 contained in the original notice of liability, the lessor submits to the
49 bureau the correct name and address of the lessee of the vehicle identi-
50 fied in the notice of liability at the time of such violation, together
51 with such other additional information contained in the rental, lease or
52 other contract document, as may be reasonably required by the bureau
53 pursuant to regulations that may be promulgated for such purpose.

54 (ii) Failure to comply with this subparagraph shall render the owner
55 liable for the penalty prescribed in this section.

(iii) Where the lessor complies with the provisions of this subparagraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this subdivision, shall be subject to liability for such violation pursuant to this subdivision and shall be sent a notice of liability pursuant to paragraph seven of this subdivision.

11. If the owner liable for a violation of this section pursuant to this subdivision was not the occupant of the vehicle which violated this section, the owner may maintain an action for indemnification against such occupant. Notwithstanding any other provision of this subdivision, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this subdivision if such vehicle was being operated or occupied without the consent of the owner at the time of such violation. For purposes of this paragraph, there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time of such violation.

12. Nothing in this section shall be construed to limit the liability of any person for any violation of this section.

13. Any municipality that adopts a program pursuant to this subdivision shall submit an annual report detailing the results of the use of such program to the governor, the temporary president of the senate and the speaker of the assembly on or before June first of each year in which the program is operable. Such report shall include, but not be limited to:

(A) a description of the locations where photo violation-monitoring systems were used;

(B) the amount of litter found on and adjacent to highways now monitored by the program for the three years preceding the installation of such system;

(C) the amount of litter found on and adjacent to highways monitored by the program for each year since the installation of such system;

(D) the number of events and number of violations recorded where a photo violation-monitoring system is used and in the aggregate on a daily, weekly and monthly basis;

(E) the number of notices of liability issued for violations recorded by each such system;

(F) the number of fines imposed and total amount of fines paid after first notice of liability issued for violations recorded by such systems;

(G) the number and percentage of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;

(H) the total amount of revenue realized by such municipality from such adjudications, including but not limited to a breakdown of revenue realized by such municipality for each year since deployment of its photo violation-monitoring system;

(I) expenses incurred by such municipality in connection with the program including but not limited to any part of fines imposed by the system paid out to lease such system; and

(J) quality of the adjudication process and its results.

(e) 1. For purposes of this subdivision, the term:

(A) "owner" shall have the meaning provided in article two-B of this chapter.

(B) "photo violation-monitoring system" shall mean a vehicle sensor which automatically produces two or more photographs, two or more micro-photographs, a videotape or other recorded images of a vehicle at the

1 time an occupant of such vehicle violates the provisions of this
2 section.

3 2. Notwithstanding any other provision of law, the department of
4 transportation is hereby authorized and empowered to establish a program
5 imposing monetary liability on the owner of a vehicle for failure of an
6 occupant thereof to comply with the provisions of this section on state
7 highways in accordance with the provisions of this subdivision.

8 3. The department of transportation shall utilize necessary technolo-
9 gies to ensure, to the extent practicable, that photographs produced by
10 such photo violation-monitoring systems shall not include images that
11 identify the driver, the passengers, or the contents of the vehicle.
12 Provided, however, that no notice of liability issued pursuant to this
13 section shall be dismissed solely because a photograph or photographs
14 allow for the identification of the contents of a vehicle, provided that
15 the department of transportation has made a reasonable effort to comply
16 with the provisions of this subdivision.

17 4. On any state highway, the owner of a vehicle shall be liable for a
18 penalty imposed pursuant to this section if such vehicle was used or
19 operated with the permission of the owner, express or implied, and an
20 occupant thereof violated the provisions of this section, and such
21 violation is evidenced by information obtained from a photo violation-
22 monitoring system; provided however that no owner of a vehicle shall be
23 liable for a penalty imposed pursuant to this section where the operator
24 of such vehicle has been convicted of the underlying violation of this
25 section.

26 5. A certificate, sworn to or affirmed by a technician employed by the
27 department of transportation, or a facsimile thereof, based upon
28 inspection of photographs, microphotographs, videotape or other recorded
29 images produced by a photo violation-monitoring system, shall be prima
30 facie evidence of the facts contained therein. Any photographs, micro-
31 photographs, videotape or other recorded images evidencing such a
32 violation shall be available for inspection in any proceeding to adjudi-
33 cate the liability for such violation pursuant this subdivision.

34 6. An owner liable for a violation of this section shall be liable for
35 monetary penalties in accordance with a schedule of fines and penalties
36 to be set forth in such local law or ordinance, except that in a munici-
37 pality which, by local law or ordinance, has authorized the adjudication
38 of such owner liability by a parking violations bureau, such schedule
39 shall be promulgated by such bureau. The liability of the owner pursuant
40 to this section shall not exceed fifty dollars for each violation.

41 7. (A) A notice of liability shall be sent by first class mail to each
42 person alleged to be liable as an owner for a violation of this section
43 pursuant to this subdivision. Personal delivery on the owner shall not
44 be required. A manual or automatic record of mailing prepared in the
45 ordinary course of business shall be prima facie evidence of the facts
46 contained therein.

47 (B) A notice of liability shall contain the name and address of the
48 person alleged to be liable as an owner for such violation, the regis-
49 tration number of the vehicle involved in such violation, the location
50 where such violation took place, the date and time of such violation and
51 the identification number of the camera which recorded the violation or
52 other document locator number.

53 (C) The notice of liability shall contain information advising the
54 person charged of the manner and the time in which they may contest the
55 liability alleged in the notice. Such notice of liability shall also
56 contain a warning to advise the persons charged that failure to contest

1 in the manner and time provided shall be deemed an admission of liability
2 and that a default judgment may be entered thereon.

3 (D) The notice of liability shall be prepared and mailed by the municipality
4 having jurisdiction over where the violation occurred, or by
5 any other entity authorized by the municipality to prepare and mail such
6 notification of violation.

7 8. Adjudication of the liability imposed upon owners by this subdivision
8 shall be by a traffic violations bureau established pursuant to
9 section three hundred seventy of the general municipal law or, if there
10 be none, by the court having jurisdiction over traffic infractions,
11 except that any municipality which has established an administrative
12 tribunal to hear and determine complaints of traffic infractions consti-
13 tuting parking, standing or stopping violations may, by local law,
14 authorize such adjudication by such tribunal.

15 9. If an owner receives a notice of liability pursuant to this subdivi-
16 vision for any time period during which the vehicle was reported to the
17 police department as having been stolen, it shall be a valid defense to
18 an allegation of liability for a violation of this section pursuant to
19 this subdivision that the vehicle had been reported to the police as
20 stolen prior to the time the violation occurred and had not been recov-
21 ered by such time. For purposes of asserting the defense provided by
22 this paragraph it shall be sufficient that a certified copy of the
23 police report on the stolen vehicle be sent by first class mail to the
24 traffic violations bureau, court having jurisdiction or parking
25 violations bureau.

26 10. (A) In a municipality where the adjudication of liability imposed
27 upon owners pursuant to this subdivision is by a traffic violations
28 bureau or a court having jurisdiction, an owner who is a lessor of a
29 vehicle to which a notice of liability was issued pursuant to paragraph
30 seven of this subdivision shall not be liable for the violation of this
31 section, provided that such lessor sends to the traffic violations
32 bureau or court having jurisdiction a copy of the rental, lease or other
33 such contract document covering such vehicle on the date of such
34 violation, with the name and address of the lessee clearly legible,
35 within thirty-seven days after receiving notice from the bureau or court
36 of the date and time of such violation, together with the other informa-
37 tion contained in the original notice of liability. Failure to send such
38 information within such thirty-seven day time period shall render the
39 owner liable for the penalty prescribed by this subdivision. Where the
40 lessor complies with the provisions of this subparagraph, the lessee of
41 such vehicle on the date of such violation shall be deemed to be the
42 owner of such vehicle for purposes of this subdivision, shall be subject
43 to liability for the violation of this section pursuant to this subdivi-
44 sion and shall be sent a notice of liability pursuant to paragraph seven
45 of this subdivision.

46 (B) (i) In a municipality which, by local law or ordinance, has
47 authorized the adjudication of liability imposed upon owners by this
48 subdivision by a parking violations bureau, an owner who is a lessor of
49 a vehicle to which a notice of liability was issued pursuant to para-
50 graph seven of this subdivision shall not be liable for the violation of
51 this section, provided that:

52 a. prior to the violation, the lessor has filed with the bureau in
53 accordance with the provisions of section two hundred thirty-nine of
54 this chapter; and

55 b. within thirty-seven days after receiving notice from the bureau of
56 the date and time of a liability, together with the other information

1 contained in the original notice of liability, the lessor submits to the
2 bureau the correct name and address of the lessee of the vehicle identi-
3 fied in the notice of liability at the time of such violation, together
4 with such other additional information contained in the rental, lease or
5 other contract document, as may be reasonably required by the bureau
6 pursuant to regulations that may be promulgated for such purpose.

7 (ii) Failure to comply with this subparagraph shall render the owner
8 liable for the penalty prescribed in this section.

9 (iii) Where the lessor complies with the provisions of this subpara-
10 graph, the lessee of such vehicle on the date of such violation shall be
11 deemed to be the owner of such vehicle for purposes of this subdivision,
12 shall be subject to liability for such violation pursuant to this subdi-
13 vision and shall be sent a notice of liability pursuant to paragraph
14 seven of this subdivision.

15 11. If the owner liable for a violation of this section pursuant to
16 this subdivision was not the occupant of the vehicle which violated this
17 section, the owner may maintain an action for indemnification against
18 such occupant. Notwithstanding any other provision of this subdivision,
19 no owner of a vehicle shall be subject to a monetary fine imposed pursu-
20 ant to this subdivision if such vehicle was being operated or occupied
21 without the consent of the owner at the time of such violation. For
22 purposes of this paragraph, there shall be a presumption that the opera-
23 tor of such vehicle was operating such vehicle with the consent of the
24 owner at the time of such violation.

25 12. Nothing in this section shall be construed to limit the liability
26 of any person for any violation of this section.

27 13. The department of transportation shall submit an annual report
28 detailing the results of the use of such program to the governor, the
29 temporary president of the senate and the speaker of the assembly on or
30 before June first of each year in which the program is operable. Such
31 report shall include, but not be limited to:

32 (A) a description of the locations where photo violation-monitoring
33 systems were used;

34 (B) the amount of litter found on and adjacent to highways now moni-
35 tored by the program for the three years preceding the installation of
36 such system;

37 (C) the amount of litter found on and adjacent to highways monitored
38 by the program for each year since the installation of such system;

39 (D) the number of events and number of violations recorded where a
40 photo violation-monitoring system is used and in the aggregate on a
41 daily, weekly and monthly basis;

42 (E) the number of notices of liability issued for violations recorded
43 by each such system;

44 (F) the number of fines imposed and total amount of fines paid after
45 first notice of liability issued for violations recorded by such
46 systems;

47 (G) the number and percentage of violations adjudicated and results of
48 such adjudications including breakdowns of dispositions made for
49 violations recorded by such systems;

50 (H) the total amount of revenue realized from such adjudications,
51 including but not limited to a breakdown of revenue realized by each
52 municipality where photo violation-monitoring systems were used for each
53 year since deployment of its photo violation-monitoring system;

54 (I) expenses incurred by the department of transportation and each
55 municipality where photo violation-monitoring systems were used in

1 connection with the program including but not limited to any part of
2 finer imposed by the system paid out to lease such system; and
3 (J) quality of the adjudication process and its results.

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

6 (w) are photographs, microphotographs, videotape or other recorded
7 images prepared under authority of subdivisions (d) and (e) of section
8 twelve hundred twenty of the vehicle and traffic law.

9 § 3. This act shall take effect immediately.