

STATE OF NEW YORK

7791--A

2025-2026 Regular Sessions

IN SENATE

May 6, 2025

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed 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 adjudications and owner liability for a violation of traffic-control signal indications in the village of Croton-on-Hudson; 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
4 traffic-control indications; village of Croton-on-Hudson. (a) 1.
5 Notwithstanding any other provision of law, the village of Croton-on-
6 Hudson is hereby authorized and empowered to adopt and amend a local law
7 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 traffic-control indications in such village in accordance
10 with the provisions of this section. Such demonstration program shall
11 empower such village to install and operate traffic-control signal photo
12 violation-monitoring devices at no more than three intersections within
13 and under the jurisdiction of such village at any one time.

14 2. Such demonstration program shall utilize necessary technologies to
15 ensure, to the extent practicable, that photographs produced by such
16 traffic-control signal photo violation-monitoring systems shall not
17 include images that identify the driver, the passengers, or the contents
18 of the vehicle. Provided, however, that no notice of liability issued
19 pursuant to this section shall be dismissed solely because a photograph
20 or photographs allow for the identification of the contents of a vehi-

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

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1 cle, provided that such village has made a reasonable effort to comply
2 with the provisions of this paragraph.

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

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

22 (d) A certificate, sworn to or affirmed by a technician employed by
23 the village of Croton-on-Hudson in which the charged violation occurred,
24 or a facsimile thereof, based upon inspection of photographs, micropho-
25 tographs, videotape or other recorded images produced by a traffic-con-
26 trol signal photo violation-monitoring system, shall be prima facie
27 evidence of the facts contained therein. Any photographs, micropho-
28 graphs, videotape or other recorded images evidencing such a violation
29 shall be available for inspection in any proceeding to adjudicate the
30 liability for such violation pursuant to a local law or ordinance
31 adopted pursuant to this section.

32 (e) An owner liable for a violation of subdivision (d) of section
33 eleven hundred eleven of this article pursuant to a local law or ordi-
34 nance 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.

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

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

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

1 violation, the location where such violation took place, the date and
2 time of such violation and the identification number of the camera which
3 recorded the violation or other document locator number.

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

10 4. The notice of liability shall be prepared and mailed by the village
11 of Croton-on-Hudson or by any other entity authorized by such village to
12 prepare and mail such notification of violation.

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

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

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

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

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

1 vehicle with the consent of the owner at the time such operator failed
2 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 village that adopts a demonstration program pursuant to subdi-
7 vision (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 village by the respective courts and bureaus conducting
40 such adjudications;

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

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

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

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

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

1 (v) are photographs, microphotographs, videotape or other recorded
2 images prepared under authority of section eleven hundred eleven-i 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-i of the vehicle and traffic law
6 shall be subject to the provisions of section 103 of the general municipi-
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 provided, further, that effective immediately, the addition, amendment
14 and/or repeal of any rule or regulation necessary for the implementation
15 of this act on its effective date are authorized to be made and
16 completed on or before such effective date.