

STATE OF NEW YORK

7947--A

2025-2026 Regular Sessions

IN SENATE

May 14, 2025

Introduced by Sen. PALUMBO -- 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 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

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

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

3 (c) 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 (a) of section eleven hundred
8 seventy-two of this article, and such violation is evidenced by informa-
9 tion obtained from a stop sign photo violation monitoring system.

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

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

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

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

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

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

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

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

52 (h) 1. A notice of liability shall be sent by first class mail to each
53 person alleged to be liable as an owner for a violation of subdivision
54 (a) of section eleven hundred seventy-two of this article pursuant to
55 this section. Personal delivery on the owner shall not be required. A

1 manual or automatic record of mailing prepared in the ordinary course of
2 business shall be prima facie evidence of the facts contained therein.

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

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

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

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

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

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

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

54 2. Notwithstanding any other provision of this section, no owner of a
55 vehicle shall be subject to a monetary fine imposed pursuant to this
56 section if the operator of such vehicle was operating such vehicle with-

1 out the consent of the owner at the time such operator failed to obey a
2 stop sign. For purposes of this subdivision there shall be a presumption
3 that the operator of such vehicle was operating such vehicle with the
4 consent of the owner at the time such operator failed to obey a stop
5 sign.

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

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

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

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

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

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

31 5. the number of notices of liability issued for violations recorded
32 by such system at each intersection where a stop sign photo violation
33 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 court and conducting such adjudications;

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

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

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

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

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

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