*** § 1180-e. Owner liability for failure of operator to comply with certain posted maximum speed limits; highway construction or maintenance work area.**

(a) 1. Notwithstanding any other provision of law, the commissioner of transportation is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on a highway (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such demonstration program shall empower the commissioner to install photo speed violation monitoring systems within no more than forty highway construction or maintenance work areas located on highways and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The commissioner, in consultation with the superintendent of the division of state police, shall determine the location of the highway construction or maintenance work areas located on a highway in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, the commissioner shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such highway construction or maintenance work area. A photo speed violation monitoring system shall not be installed or operated on a highway exit ramp.

2. Notwithstanding any other provision of law, after holding a public

hearing in accordance with the public officers law and subsequent approval of the establishment of a demonstration program in accordance with this section by a majority of the members of the entire board of the thruway authority, the chair of the thruway authority is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on the thruway (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such demonstration program shall empower such chair to install photo speed violation monitoring systems within no more than twenty highway construction or maintenance work areas located on the thruway and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The chair of the thruway authority, in consultation with the superintendent of the division of state police, shall determine the location of the highway construction or maintenance work areas located on the thruway in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, such chair shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such highway construction or maintenance work area. A photo speed violation monitoring system shall not be installed or operated on a thruway exit ramp.

2-a. Notwithstanding any other provision of law, after holding a

public hearing in accordance with the public officers law and subsequent approval of the establishment of a demonstration program in accordance with this section by a majority of the members of the entire board of the Triborough bridge and tunnel authority, the chair of the Triborough bridge and tunnel authority is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on a Triborough bridge and tunnel authority facility (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such demonstration program shall empower such chair to install photo speed violation monitoring systems within no more than nine highway construction or maintenance work areas located on Triborough bridge and tunnel authority facilities and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The chair of the Triborough bridge and tunnel authority, in consultation with the chief of the metropolitan transportation authority police department or the chief of the Triborough bridge and tunnel authority peace officers appointed pursuant to subdivision twenty of section 2.10 of the criminal procedure law, shall determine the location of the highway construction or maintenance work areas located on Triborough bridge and tunnel authority facilities in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, such chair shall consider criteria including, but not limited to, the speed data, crash history,

and roadway geometry applicable to such highway construction or maintenance work area. The New York state department of transportation and the New York city department of transportation may enter into a memorandum of understanding with the Triborough bridge and tunnel authority for the purposes of coordinating the planning, design, and installation of photo speed violation monitoring systems in such photo speed violation monitoring demonstration program. Such memorandum shall address, for purposes of such demonstration program, the use of systems, devices and other facilities owned and operated by the state or by the New York city department of transportation.

2-b. Notwithstanding any other provision of law, after holding a public hearing in accordance with the public officers law and subsequent approval of the establishment of a demonstration program in accordance with this section by a majority of the members of the entire board of the bridge authority, the chair of the bridge authority is hereby authorized to establish a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with posted maximum speed limits in a highway construction or maintenance work area located on bridge authority facilities (i) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (ii) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. Such demonstration program shall empower such chair to install photo speed violation monitoring systems within no more than five highway construction or maintenance work areas located on bridge authority facilities and to operate such systems within such work areas (iii) when highway construction or maintenance work is occurring and a work area speed limit is in effect as provided in paragraph two of subdivision (d) or subdivision (f) of section eleven hundred eighty of this article or (iv) when highway construction or maintenance work is occurring and other speed limits are in effect as provided in subdivision (b) or (g) or paragraph one of subdivision (d) of section eleven hundred eighty of this article. The chair of the bridge

authority, in consultation with the superintendent of the division of state police, shall determine the location of the highway construction or maintenance work areas located on bridge authority facilities in which to install and operate photo speed violation monitoring systems. In selecting a highway construction or maintenance work area in which to install and operate a photo speed violation monitoring system, such chair shall consider criteria including, but not limited to, the speed data, crash history, and roadway geometry applicable to such highway construction or maintenance work area. The New York state department of transportation may enter into a memorandum of understanding with the bridge authority for the purposes of coordinating the planning, design, and installation of photo speed violation monitoring systems in such photo speed violation monitoring demonstration program. Such memorandum shall address, for purposes of such demonstration program, the use of systems, devices and other facilities owned and operated by the state.

3. No photo speed violation monitoring system shall be used in a highway construction or maintenance work area unless (i) on the day it is to be used it has successfully passed a self-test of its functions; and (ii) it has undergone an annual calibration check performed pursuant to paragraph five of this subdivision. The commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, shall install signs giving notice that a photo speed violation monitoring system is in use, in conformance with standards established in the MUTCD.

4. Operators of photo speed violation monitoring systems shall have completed training in the procedures for setting up, testing, and operating such systems. Each such operator shall complete and sign a daily set-up log for each such system that the operator operates that (i) states the date and time when, and the location where, the system was set up that day, and (ii) states that such operator successfully performed, and the system passed, the self-tests of such system before producing a recorded image that day. The commissioner or the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, shall retain each such daily log until the later of the date on which the photo speed violation monitoring system

to which it applies has been permanently removed from use or the final resolution of all cases involving notices of liability issued based on photographs, microphotographs, video or other recorded images produced by such system.

5. Each photo speed violation monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory which shall issue a signed certificate of calibration. The commissioner or the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, shall keep each such annual certificate of calibration on file until the final resolution of all cases involving a notice of liability issued during such year which were based on photographs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring system.

6. (i) Such demonstration program shall utilize necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such photo speed violation monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of vehicles where the commissioner or the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, shows that they made reasonable efforts to comply with the provisions of this paragraph in such case.

(ii) Photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall be for the exclusive use of the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by the commissioner or chair of the thruway authority, Triborough bridge and

tunnel authority, or bridge authority, as applicable, upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

(A) shall be available for inspection and copying and use by the motor vehicle owner and operator for so long as such photographs, microphotographs, videotape or other recorded images are required to be maintained or are maintained by such public entity, employee, officer or agent; and

(B) (1) shall be furnished when described in a search warrant issued by a court authorized to issue such a search warrant pursuant to article six hundred ninety of the criminal procedure law or a federal court authorized to issue such a search warrant under federal law, where such search warrant states that there is reasonable cause to believe such information constitutes evidence of, or tends to demonstrate that, a misdemeanor or felony offense was committed in this state or another state, or that a particular person participated in the commission of a misdemeanor or felony offense in this state or another state, provided, however, that if such offense was against the laws of another state, the court shall only issue a warrant if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony against the laws of this state; and

(2) shall be furnished in response to a subpoena duces tecum signed by a judge of competent jurisdiction and issued pursuant to article six hundred ten of the criminal procedure law or a judge or magistrate of a federal court authorized to issue such a subpoena duces tecum under

federal law, where the judge finds and the subpoena states that there is reasonable cause to believe such information is relevant and material to the prosecution, or the defense, or the investigation by an authorized law enforcement official, of the alleged commission of a misdemeanor or felony in this state or another state, provided, however, that if such offense was against the laws of another state, such judge or magistrate shall only issue such subpoena if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony in this state; and

(3) may, if lawfully obtained pursuant to this clause and clause (A) of this subparagraph and otherwise admissible, be used in such criminal action or proceeding.

(b) If the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority establishes a demonstration program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a highway construction or maintenance work area located on a highway, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, as applicable in violation of paragraph two of subdivision (d) or subdivision (f), or when other speed limits are in effect in violation of subdivision (b) or (g) or paragraph one of subdivision (d), of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such highway construction or maintenance work area, and such violation is evidenced by information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

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

1. "bridge authority" shall mean the New York state bridge authority created pursuant to section five hundred twenty-seven of the public

authorities law;

2. "bridge authority facility" shall mean the following bridges under the jurisdiction of the New York state bridge authority: the Bear Mountain bridge; the Newburgh Beacon bridge; the Mid-Hudson bridge; the Kingston-Rhinecliff bridge; and the Rip Van Winkle bridge;

3. "chair" shall mean the chair of the thruway authority, the chair of the bridge authority, or the president of the Triborough bridge and tunnel authority, as applicable;

4."commissioner" shall mean the commissioner of transportation;

5. "highway" shall mean a highway as defined by section one hundred eighteen of this chapter under the commissioner's jurisdiction;

6. "manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the commissioner of transportation pursuant to section sixteen hundred eighty of this chapter;

7. "metropolitan transportation authority" shall mean the corporation created by section twelve hundred sixty-three of the public authorities law;

8. "owner" shall have the meaning provided in article two-B of this chapter;

9. "photo speed violation monitoring system" shall mean a vehicle sensor installed to work in conjunction with a speed measuring device which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in a highway construction or maintenance work area located on a highway, the thruway, Triborough bridge and tunnel authority facility or bridge authority facility in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article in accordance with the provisions of this

section;

10. "thruway authority" shall mean the New York state thruway authority, a body corporate and politic constituting a public corporation created and constituted pursuant to title nine of article two of the public authorities law;

11. "thruway" shall mean generally a divided highway under the jurisdiction of the thruway authority for mixed traffic with access limited as the authority may determine and generally with grade separations at intersections;

12. "Triborough bridge and tunnel authority" shall mean the corporation organized pursuant to section five hundred fifty-two of the public authorities law; and

13. "Triborough bridge and tunnel authority facility" shall mean the following bridges and tunnels under the jurisdiction of the Triborough bridge and tunnel authority: the Bronx-Whitestone bridge; the Cross Bay Veterans Memorial bridge; the Henry Hudson bridge; the Marine Parkway-Gil Hodges Memorial bridge; the Robert F. Kennedy bridge; the Throgs Neck bridge; the Verrazzano-Narrows bridge; the Hugh L. Carey tunnel; and the Queens Midtown tunnel.

(d) A certificate, sworn to or affirmed by a technician employed by the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a photo speed violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle and shall be available for inspection reasonably in advance of and at any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) An owner liable for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to a

demonstration program established pursuant to this section shall be liable for monetary penalties not to exceed fifty dollars for a first violation, seventy-five dollars for a second violation both of which were committed within a period of eighteen months, and one hundred dollars for a third or subsequent violation all of which were committed within a period of eighteen months; provided, however, that an additional penalty not in excess of twenty-five dollars for each violation may be imposed for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability under the demonstration program established pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(g) 1. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section, within fourteen business days if such owner is a resident of this state and within forty-five business days if such owner is a non-resident. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, the identification number of the camera which recorded the violation or other document locator number, at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle, and the certificate charging the liability.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which such person may

contest the liability alleged in the notice. Such notice of liability shall also contain a prominent warning to advise the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the commissioner or chair as applicable, or by any other entity authorized by the commissioner or chair to prepare and mail such notice of liability.

(h) Adjudication of the liability imposed upon owners by this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal and except that adjudication of liability imposed upon owners by this section for violations occurring in the city of New York shall be by the New York city parking violations bureau.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle or the number plate or plates of such vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section that the vehicle or the number plate or plates of such vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle or number plate or plates of such vehicle be sent by first class mail to the department of transportation, thruway authority, Triborough bridge and tunnel authority or bridge authority, as applicable, or to the traffic violations bureau, court having jurisdiction or parking violations bureau. Nothing contained in this subdivision shall be deemed to

prohibit an owner which submits a police report pursuant to this subdivision to the department of transportation, thruway authority, Triborough bridge and tunnel authority or bridge authority, as applicable, from later submitting such report to the traffic violations bureau, court having jurisdiction or parking violations bureau as provided by this subdivision.

(j) 1. Where the adjudication of liability imposed upon owners pursuant to this section is by a traffic violations bureau or a court having jurisdiction, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section, provided that the owner sends to the department of transportation, thruway authority, Triborough bridge and tunnel authority or bridge authority, as applicable, or to the traffic violations bureau or court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bureau or court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, 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 section, shall be subject to liability for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section. Nothing contained in this paragraph shall be deemed to prohibit a lessor which submits information pursuant to this paragraph to the department of transportation, thruway authority, Triborough bridge and tunnel authority or bridge authority, as applicable, from later submitting such information to the traffic violations bureau or court having jurisdiction as provided by this paragraph.

2. (i) In the city of New York and in any city which, by local law, has authorized the adjudication of liability imposed upon owners by this section by a parking violations bureau, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article, provided that:

(A) prior to the violation, the lessor has filed with the bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

(B) (1) within thirty-seven days after receiving notice from the bureau of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to the bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the bureau pursuant to regulations that may be promulgated for such purpose; or

(2) no later than the time period prescribed by item one of this clause, the lessor submits to the department of transportation, thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible. Nothing contained in this item shall be deemed to prohibit a lessor which submits information pursuant to this item to the department of transportation, thruway authority, Triborough bridge and tunnel authority or bridge authority, as applicable, from later submitting such information to the bureau as provided by item one of this clause.

(ii) Failure to comply with clause (B) of subparagraph (i) of this paragraph shall render the owner liable for the penalty prescribed in this section.

(iii) Where the lessor complies with the provisions of this paragraph, 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 section, shall be subject to liability for such violation pursuant to this section and

shall be sent a notice of liability pursuant to subdivision (g) of this section.

(k) 1. If the owner liable for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator operated such vehicle in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

(l) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

(m) If the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority adopts a demonstration program pursuant to subdivision (a) of this section the commissioner or chair of the thruway authority, as applicable, shall conduct a study and submit a report on or before May first, two thousand twenty-four and on the same date every two years thereafter in which the demonstration program is operable, and the chair of the Triborough bridge and tunnel authority or bridge authority, as applicable, shall conduct a study and submit a report on or before May first, two thousand twenty-eight and on the same date every two years thereafter in which the demonstration program is operable, on the results of the use of photo devices to the governor, the temporary president of the senate and the speaker of the assembly. The commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, shall also make such reports available on their public-facing websites, provided that they may provide aggregate data from paragraph one of this

subdivision if the commissioner or chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, finds that publishing specific location data would jeopardize public safety. Such report shall include:

1. the locations where and dates when photo speed violation monitoring systems were used;

2. the aggregate number, type and severity of crashes, fatalities, injuries and property damage reported within all highway construction or maintenance work areas on highways, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, as applicable, to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state;

3. the aggregate number, type and severity of crashes, fatalities, injuries and property damage reported within highway construction or maintenance work areas where photo speed violation monitoring systems were used, to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state;

4. the number of violations recorded within all highway construction or maintenance work areas on highways, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, in the aggregate on a daily, weekly and monthly basis to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state;

5. the number of violations recorded within each highway construction or maintenance work area where a photo speed violation monitoring system is used, in the aggregate on a daily, weekly and monthly basis;

6. to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state, the number of violations recorded within all highway construction or maintenance work areas on highways, the thruway, Triborough bridge and tunnel authority facilities or bridge authority facilities, that were:

(i) more than ten but not more than twenty miles per hour over the posted speed limit;

(ii) more than twenty but not more than thirty miles per hour over the posted speed limit;

(iii) more than thirty but not more than forty miles per hour over the posted speed limit; and

(iv) more than forty miles per hour over the posted speed limit;

7. the number of violations recorded within each highway construction or maintenance work area where a photo speed violation monitoring system is used that were:

(i) more than ten but not more than twenty miles per hour over the posted speed limit;

(ii) more than twenty but not more than thirty miles per hour over the posted speed limit;

(iii) more than thirty but not more than forty miles per hour over the posted speed limit; and

(iv) more than forty miles per hour over the posted speed limit;

8. the total number of notices of liability issued for violations recorded by such systems;

9. the number of fines and total amount of fines paid after the first notice of liability issued for violations recorded by such systems, to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state;

10. the number of violations adjudicated and the results of such adjudications including breakdowns of dispositions made for violations

recorded by such systems, to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state;

11. the total amount of revenue realized by the state or the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, in connection with the program;

12. the expenses incurred by the state or the thruway authority, Triborough bridge and tunnel authority, or bridge authority, as applicable, in connection with the program;

13. an itemized list of expenditures made by the state, thruway authority, Triborough bridge and tunnel authority, and the bridge authority on work zone safety projects undertaken in accordance with subdivisions eleven, twelve, fourteen and fifteen of section eighteen hundred three of this chapter; and

14. the quality of the adjudication process and its results, to the extent the information is maintained by the commissioner, the chair of the thruway authority, Triborough bridge and tunnel authority, or bridge authority, or the department of motor vehicles of this state.

(n) It shall be a defense to any prosecution for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to this section that such photo speed violation monitoring system was malfunctioning at the time of the alleged violation.

* NB Repealed October 6, 2031