

# STATE OF NEW YORK

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6115

## IN SENATE

(Prefiled)

January 8, 2014

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Introduced by Sen. ESPAILLAT -- 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 and the administrative code of the city of New York, in relation to traffic-control indications for cities of one million or more; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and repealing certain provisions of the vehicle and traffic law and the administrative code of the city of New York relating thereto

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

1 Section 1. Subdivision (a) of section 1111-a of the vehicle and traf-  
2 fic law, as amended by chapter 658 of the laws of 2006 and paragraph 1  
3 as amended by chapter 18 of the laws of 2009, is amended to read as  
4 follows:

5 (a) 1. Notwithstanding any other provision of law, each city with a  
6 population of one million or more is hereby authorized and empowered to  
7 adopt and amend a local law or ordinance establishing a [demonstration]  
8 program imposing monetary liability on the owner of a vehicle for fail-  
9 ure of an operator thereof to comply with traffic-control indications in  
10 such city in accordance with the provisions of this section. Such  
11 [demonstration] program shall empower a city to install and operate  
12 traffic-control signal photo violation-monitoring devices [at no more  
13 than one hundred fifty intersections] within such city [at any one  
14 time].

15 2. Such [demonstration] program shall utilize necessary technologies  
16 to ensure, to the extent practicable, that photographs produced by such

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

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1 traffic-control signal photo violation-monitoring systems shall not  
2 include images that identify the driver, the passengers, or the contents  
3 of the vehicle. Provided, however, that no notice of liability issued  
4 pursuant to this section shall be dismissed solely because a photograph  
5 or photographs allow for the identification of the contents of a vehi-  
6 cle, provided that such city has made a reasonable effort to comply with  
7 the provisions of this paragraph.

8 § 2. Subdivision (m) of section 1111-a of the vehicle and traffic law  
9 is REPEALED.

10 § 3. Subdivision (a) of section 19-210 of the administrative code of  
11 the city of New York, as amended by chapter 658 of the laws of 2006 and  
12 paragraph 1 as amended by chapter 18 of the laws of 2009, is amended to  
13 read as follows:

14 (a) 1. Notwithstanding any other provision of law, the parking  
15 violations bureau is hereby authorized and empowered to establish a  
16 [demonstration] program imposing monetary liability on the owner of a  
17 vehicle for failure of an operator thereof to comply with traffic-con-  
18 trol indications in accordance with the provisions of this section. The  
19 department of transportation, for purposes of implementation of such  
20 program, shall be authorized to install and operate traffic-control  
21 signal photo violation-monitoring devices [at no more than one hundred  
22 fifty intersections at any one time].

23 2. Such [demonstration] program shall utilize necessary technologies  
24 to ensure, to the extent practicable, that photographs produced by such  
25 traffic-control signal photo violation-monitoring systems shall not  
26 include images that identify the driver, the passengers, or the contents  
27 of the vehicle. Provided, however, that no notice of liability issued  
28 pursuant to this section shall be dismissed solely because a photograph  
29 or photographs allow for the identification of the contents of a vehi-  
30 cle, provided that such city has made a reasonable effort to comply with  
31 the provisions of this paragraph.

32 § 4. Subdivisions (n) and (o) of section 19-210 of the administrative  
33 code of the city of New York are REPEALED.

34 § 5. Section 16 of chapter 746 of the laws of 1988 amending the vehi-  
35 cle and traffic law, the general municipal law and the public officers  
36 law, relating to the civil liability of vehicle owners for traffic  
37 control signal violations, is amended to read as follows:

38 § 16. The purchase or lease of equipment for a [demonstration] program  
39 established pursuant to section eleven hundred eleven-a of the vehicle  
40 and traffic law shall be subject to the provisions of section one  
41 hundred three of the general municipal law.

42 § 6. Section 17 of chapter 746 of the laws of 1988 amending the vehi-  
43 cle and traffic law, the general municipal law and the public officers  
44 law, relating to the civil liability of vehicle owners for traffic  
45 control signal violations, as amended by chapter 18 of the laws of 2009,  
46 is amended to read as follows:

47 § 17. This act shall take effect on the thirtieth day after it shall  
48 have become a law [and shall remain in full force and effect until  
49 December 1, 2014 when upon such date the amendments and provisions made  
50 by this act shall be deemed repealed; provided, however, any such local  
51 laws as may be enacted pursuant to this act shall remain in full force  
52 and effect only until the expiration on December 1, 2014].

53 § 7. Section 2 of local law number 46 of the city of New York for the  
54 year 1989 amending the administrative code of the city of New York  
55 relating to civil liability of vehicle owners for traffic control signal

1 violations, as amended by chapter 18 of the laws of 2009, is amended to  
2 read as follows:

3 § 2. This local law shall take effect immediately [and shall expire on  
4 December 1, 2014].

5 § 8. This act shall take effect immediately; provided, however, that  
6 sections one through five of this act shall take effect one year after  
7 it shall have become a law.

**NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S6115

**SPONSOR:** ESPAILLAT

**TITLE OF BILL:** An act to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to traffic-control indications for cities of one million or more; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and repealing certain provisions of the vehicle and traffic law and the administrative code of the city of New York relating thereto

**PURPOSE:** The Purpose of this legislation is enact into law the ability for cities of one million or more to establish a program to operate traffic-control signal photo violation-monitoring at no more than one hundred fifty intersections.

**SUMMARY OF PROVISIONS:** Creates the ability for cities of one million or more to operate traffic-control violation monitoring devices.

Establishes said violation monitoring devices will not produce photos that include images that identify the driver, passenger, or contents of the vehicle.

Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such city has made a reasonable effort to comply with the provisions of this paragraph.

Such law shall provide for devices at no more than 150 intersections at any one time.

**JUSTIFICATION:** Speeding cameras are a critical tool that city officials have repeatedly called for; this year NYC will begin a pilot program to place cameras outside Public schools with the highest observed rates of speeding. But while Senator Espailat co-sponsored and championed legislation supporting this limited program, New York City pedestrian safety should not be held hostage by political whims in Albany. NYC should be given "home rule," which would allow the NYC council, or if authorized, city transportation and public safety agencies, to make camera placement decisions without state legislative action. This would allow NYPD to place cameras in areas where they know groups of motorcyclists are performing illegal street racing, or along highways and streets where there have been confirmed incidents involving motorcyclist

harassment.

LEGISLATIVE HISTORY: None

EFFECTIVE DATE: Immediately

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# STATE OF NEW YORK

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8386

## IN ASSEMBLY

January 9, 2014

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Introduced by M. of A. ROSA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to traffic-control indications for cities of one million or more; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicleowners for traffic control signal violations, in relation to making such provisions permanent; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and repealing certain provisions of the vehicle and traffic law and the administrative code of the city of New York relating thereto

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6 population of one million or more is hereby authorized and empowered to  
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9 ure of an operator thereof to comply with traffic-control indications in  
10 such city in accordance with the provisions of this section. Such  
11 [demonstration] program shall empower a city to install and operate  
12 traffic-control signal photo violation-monitoring devices [at no more  
13 than one hundred fifty intersections] within such city [at any one  
14 time].

15 2. Such [demonstration] program shall utilize necessary technologies  
16 to ensure, to the extent practicable, that photographs produced by such  
17 traffic-control signal photo violation-monitoring systems shall not

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LBD11951-03-4

1 include images that identify the driver, the passengers, or the contents  
2 of the vehicle. Provided, however, that no notice of liability issued  
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53 year 1989 amending the administrative code of the city of New York  
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2 December 1, 2014].

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5 it shall have become a law.



**NEW YORK STATE ASSEMBLY**  
**MEMORANDUM IN SUPPORT OF LEGISLATION**  
**submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A8386

SPONSOR: Rosa

TITLE OF BILL: An act to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to traffic-control indications for cities of one million or more; to amend chapter 746 of the laws of 1988 amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and to amend local law number 46 of the city of New York for the year 1989 amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to making such provisions permanent; and repealing certain provisions of the vehicle and traffic law and the administrative code of the city of New York relating thereto

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LEGISLATIVE HISTORY: None

EFFECTIVE DATE: Immediately

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