

**RESOLUTION NO. 456 -2009, ADOPTING LOCAL  
LAW NO. 20 -2009, A LOCAL LAW TO IMPLEMENT A RED  
LIGHT CAMERA PROGRAM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2009, a proposed local law entitled, "**A LOCAL LAW TO IMPLEMENT A RED LIGHT CAMERA PROGRAM**;" now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

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**LOCAL LAW NO. 20 -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO IMPLEMENT A RED LIGHT CAMERA  
PROGRAM**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that beginning in 2001, the County of Suffolk sought authorization from the State of New York to install red light cameras at various intersections in Suffolk County. The County sought this authority in order to reduce the incidence of red-light running and thereby enhance public safety.

This Legislature further finds that in anticipation of State authorization, the County of Suffolk enacted Local Law No. 18-2001, which established a red light camera program consistent with then-pending State legislation.

This Legislature also finds that despite the County's repeated efforts, the New York State Legislature did not authorize red light cameras in Suffolk County until April, 2009.

This Legislature further finds that the County's existing red light camera law is not entirely consistent with the recently enacted State legislation.

Therefore, the purpose of this local law is to implement a red light camera demonstration program in Suffolk County that is consistent with the authorizing State legislation.

**Section 2. Repeal.**

Local Law No. 18-2001 and Article I of Chapter 467 of the SUFFOLK COUNTY CODE are hereby repealed in their entirety.

**Section 3. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

**OWNER** – as defined in Article 2-B of NEW YORK VEHICLE AND TRAFFIC LAW.

TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM –a vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces two or more photographs, two or more micro-photographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of Section 1111(d) of New York Vehicle and Traffic Law.

VEHICLE AND MOTOR VEHICLE – as defined in Section 125 of NEW YORK VEHICLE AND TRAFFIC LAW.

**Section 4. Demonstration Program Established.**

- A. ~~There is hereby established in the County of Suffolk a demonstration program which imposes liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications.~~
- B. Under this demonstration program, traffic-control signal photo violation-monitoring systems shall be installed and operated at no more than fifty (50) intersections within and under the County’s jurisdiction at any one time.
- C. To the extent practicable, such demonstration program shall use necessary technologies to produce photographs that do not include images that identify the driver, passengers or contents of vehicles. However, no notice of liability issued pursuant to this law shall be dismissed solely because a photograph or photographs allowed for the identification of the contents of a vehicle.

**Section 5. Owner Liability.**

The owner of a vehicle shall be liable for a penalty imposed pursuant to this law if such vehicle is used or operated with the permission of the owner, express or implied, in violation of Section 1111(d) of NEW YORK VEHICLE AND TRAFFIC LAW, and such violation is evidenced by information obtained from a traffic-control signal photo violation-monitoring system. However, no owner of a vehicle shall be liable for a penalty under this law if the operator of the vehicle has been convicted of the underlying violation of Section 1111(d) of NEW YORK VEHICLE AND TRAFFIC LAW.

**Section 6. Penalties.**

- A. An owner liable for a violation of Section 1111(d) of NEW YORK VEHICLE AND TRAFFIC LAW, in accordance with Section 5 of this law, shall be liable for a monetary penalty of fifty dollars (\$50) for each violation. An owner shall be liable for an additional penalty of twenty-five dollars (\$25) for each violation for the failure to respond to a notice of liability within the time prescribed in the notice of violation.
- B. An imposition of liability under this law shall not be deemed a conviction 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 the motor vehicle insurance coverage.
- C. All fines and penalties collected pursuant to this law shall be deposited with the Suffolk County Treasurer.

**Section 7. Notice of Liability.**

- A. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner of a vehicle for a violation of Section 1111(d) of NEW YORK VEHICLE AND TRAFFIC LAW.
- B. A notice of liability shall contain the name and address of the person alleged to be liable for the violation as an owner, the registration number of the vehicle involved in such violation, the location where the violation occurred, the date and time of such violation and the identification number of the traffic-control signal photo violation-monitoring system or other document locator number. Further, the notice of liability shall advise the person charged of the manner and the time in which he or she may contest the liability alleged in the notice and that a 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.
- C. The notice of liability shall be prepared and mailed by the County of Suffolk or by any other entity authorized to do so by the County.

**Section 8. Adjudication.**

Adjudication of the liability imposed upon owners by this law shall be by the court(s) having jurisdiction over traffic infractions.

**Section 9. Certificate as Prima Facia Evidence.**

A certificate, sworn to or affirmed by a technician employed by Suffolk County, or facsimile thereof, based upon inspection of photographs, microphotographs, videotape or any other recorded images used by traffic-control signal photo violation-monitoring system, shall be prima facia evidence of the facts contained therein. Any photographs, micro-photographs, videotape or any recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability of such violation.

**Section 10. Defenses.**

- A. An owner shall have a valid defense to an allegation of liability under this law if the vehicle in question had been reported to a police department or agency as stolen prior to the time the violation occurred, and had not been recovered by the time the violation occurred. For the purposes of asserting this defense, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the court having jurisdiction.
- B. An owner who is a lessor of a vehicle to which a notice of liability is issued shall not be liable for the violation, provided that he or she sends to the court having jurisdiction a copy of the rental, lease or other such contract covering such vehicle on the day of the violation, with the name and address of the lessee clearly legible, within thirty-seven (37) days after receiving notice of such violation. Failure to send such information within the thirty-seven (37) day time period shall render the owner liable for the penalty prescribed in this law. When the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of the violation shall be deemed to be the owner of such vehicle for the purposes of this law and shall be subject to liability for the

violation of Section 1111(d) of NEW YORK STATE VEHICLE AND TRAFFIC LAW and shall be sent a notice of liability.

- C. No owner of a vehicle shall be subject to a monetary fine under this law, if the operator of such vehicle was operating the vehicle without the consent of the owner at the time of the violation. However, there shall be a presumption that the operator of such vehicle was operating the vehicle with the consent of the owner at the time the violation occurred.
- D. It shall be a defense to an allegation of liability under this law that the traffic control indications were malfunctioning at the time of the alleged violation.

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**Section 11. Indemnification.**

If the owner of a vehicle liable for a violation of Section 1111(d) of NEW YORK VEHICLE AND TRAFFIC LAW pursuant to this law was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

**Section 12. Annual Report.**

The County Executive is hereby authorized and empowered to designate the appropriate department or agency to prepare and submit an annual report of the results of the use of the traffic-control signal photo violation-monitoring system to the Governor, the temporary President of the New York State Senate and the Speaker of the Assembly.

**Section 13. Applicability.**

This law shall apply to actions occurring on or after the effective date of this law.

**Section 14. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 15. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 16. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

**Section 17. Expiration Date.**

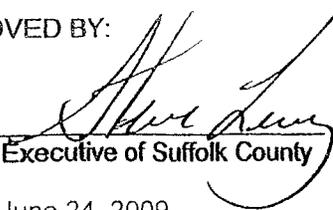
This law shall expire on the December 1, 2014 unless it is extended by the enactment of another local law pursuant to State authorization

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

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DATED: June 9, 2009

APPROVED BY:

  
\_\_\_\_\_  
County Executive of Suffolk County

Date: June 24, 2009

After a public hearing duly held on June 22 2009  
Filed with the Secretary of State on June 30, 2009

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the*  
of the County of Suffolk, have compared the foregoing copy of resolution with the  
original resolution now on file in this office, and which was duly adopted by the  
County Legislature of said County, on June 9, 2009, and by the  
County Executive on June 24, 2009, after a public hearing duly held on  
June 22, 2009 and filed with the Secretary of State on June 30, 2009  
and that the same is a true and correct transcript of said resolution and of the whole  
thereof.

*In Witness Whereof,* I have hereunto set my hand and the official  
Seal of the County Legislature of the County of Suffolk on

*Tim Laube*

Clerk of the County Legislature

Intro. Res. No. 1311-2009 Laid on Table 4/28/2009  
 Introduced by Presiding Officer Lindsay and Legislators Browning, Cooper, Gregory

**RESOLUTION NO. 456 -2009, ADOPTING LOCAL  
 LAW NO. -2009, A LOCAL LAW TO IMPLEMENT A RED  
 LIGHT CAMERA PROGRAM**

Intro. Res. 1311 Res. No. 456 June 9, 2009

**Motion:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Vitoria-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Vitoria-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**  
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
 Eddington, Montano, Alden, Lindsay, Vitoria-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

**MOTION**

Approve  
 \_\_\_ Table: \_\_\_\_\_  
 \_\_\_ Send To Committee  
 \_\_\_ Table Subject To Call  
 \_\_\_ Lay On The Table  
 \_\_\_ Discharge  
 \_\_\_ Take Out of Order  
 \_\_\_ Reconsider  
 \_\_\_ Waive Rule \_\_\_  
 \_\_\_ Override Veto  
 \_\_\_ Close  
 \_\_\_ Recess

APPROVED  FAILED \_\_\_  
 No Motion \_\_\_ No Second \_\_\_

**RESOLUTION DECLARED**

ADOPTED  
 \_\_\_ NOT ADOPTED

Roll Call \_\_\_ Voice Vote

*Tim Laube*  
 \_\_\_\_\_  
 Tim Laube, Clerk of the Legislature