

**HOME RULE MESSAGE REQUESTING NEW YORK STATE LEGISLATURE TO AMEND THE VEHICLE AND TRAFFIC LAW, IN RELATION TO ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH TRAFFIC CONTROL INDICATIONS IN SUFFOLK COUNTY (SENATE BILL S.2704 AND ASSEMBLY BILL A.3608)**

**WHEREAS**, the Insurance Institute for Highway Safety estimates that vehicle drivers running red traffic lights are responsible for an estimated 260,000 crashes each year in the United States, 750 of which are fatal, and that fatal crashes at intersections increased by almost 20 per cent during the five-year period from 1992 through 1996; and

**WHEREAS**, Suffolk County Local Law 18-2001, "Local Law to Prohibit Red Light Running in Suffolk County", similar to the successful New York City program now in place, was adopted by the Suffolk County Legislature on November 20, 2001, subject to the enactment of enabling State legislation for authority to install and implement traffic-control signal photo-violation monitoring devices to catch red-light runners; and

**WHEREAS**, the Suffolk County Legislature passed Home Rule Messages in 2002, 2004, 2005, 2006, 2007, and 2008 urging the State Legislature to enact legislation authorizing Suffolk County to install red light cameras; and

**WHEREAS**, there is currently a proposal before the New York State Senate to amend the NEW YORK VEHICLE AND TRAFFIC LAW (VTL) to allow Suffolk County to install and operate traffic-control signal photo violation-monitoring devices (red-light cameras) at intersections within Suffolk County; now, therefore, be it

**1st RESOLVED**, that this Legislature hereby requests the New York State Legislature to enact Senate Bill S.2704 and Assembly Bill A.3608 for the purpose of:

- 1.) amending Section 1111-a of the VTL to allow Suffolk County to adopt a local law establishing and implementing a demonstration red-light camera program which would impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications by installing and operating traffic control signal photo violation-monitoring devices at no more than fifty (50) intersections within the County at any one time;
- 2.) authorizing monetary fines not to exceed fifty (\$50.00) dollars per violation for failure to obey a traffic-control device to be adjudicated in the same manner that parking tickets are adjudicated, plus an additional penalty not to exceed twenty-five (\$25.00) dollars for each violation for the failure to respond to a notice of liability within the prescribed time period; and

- 3.) authorizing the use of necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring systems shall not include images that identify the driver, the passengers or the contents of the vehicle;

and be it further

**2nd** **RESOLVED**, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor David Paterson; to the Majority Leader of the New York State Senate Malcolm Smith; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: April 1, 2009



Wednesday, May 6, 2009

**Text - A03608**

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Summary](#)

S T A T E O F N E W Y O R K

3608

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic control indications in Suffolk county

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 2 of subdivision (a) of section 1111-a of the  
2 vehicle and traffic law, as added by chapter 658 of the laws of 2006, is  
3 amended and a new paragraph 3 is added to read as follows:

4 2. Such demonstration program shall utilize necessary technologies to  
5 ensure, to the extent practicable, that photographs produced by such  
6 traffic-control signal photo violation-monitoring systems shall not  
7 include images that identify the driver, the passengers, or the contents  
8 of the vehicle. Provided, however, that no notice of liability issued  
9 pursuant to this section shall be dismissed solely because a photograph  
10 or photographs allow for the identification of the contents of a vehi-  
11 cle, provided that such city OR COUNTY has made a reasonable effort to  
12 comply with the provisions of this paragraph.

13 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COUNTY OF SUFFOLK  
14 IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND A LOCAL LAW OR  
15 ORDINANCE ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABIL-  
16 ITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO  
17 COMPLY WITH TRAFFIC-CONTROL INDICATIONS IN SUCH COUNTY IN ACCORDANCE  
18 WITH THE PROVISIONS OF THIS SECTION. SUCH DEMONSTRATION PROGRAM SHALL  
19 EMPOWER A COUNTY TO INSTALL AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO  
20 VIOLATION-MONITORING DEVICES AT NO MORE THAN FIFTY INTERSECTIONS WITHIN  
21 SUCH COUNTY AT ANY ONE TIME.

22 S 2. Subdivisions (b), (d) and (e) of section 1111-a of the vehicle  
23 and traffic law, subdivisions (b) and (d) as amended by chapter 658 of

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

LBD04573-01-9

A. 3608

2

1 the laws of 2006 and subdivision (e) as amended by chapter 479 of the  
2 laws of 1994, are amended to read as follows:

3 (b) In any city OR COUNTY 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 (d) A certificate, sworn to or affirmed by a technician employed by  
15 the city OR COUNTY in which the charged violation occurred, or a facsim-  
16 ile thereof, based upon inspection of photographs, microphotographs,  
17 videotape or other recorded images produced by a traffic-control signal  
18 photo violation-monitoring system, shall be prima facie evidence of the  
19 facts contained therein. Any photographs, microphotographs, videotape or  
20 other recorded images evidencing such a violation shall be available for  
21 inspection in any proceeding to adjudicate the liability for such  
22 violation pursuant to a local law or ordinance adopted pursuant to this  
23 section.

24 (e) An owner liable for a violation of subdivision (d) of section  
25 eleven hundred eleven of this article pursuant to a local law or ordi-  
26 nance adopted pursuant to this section shall be liable for monetary  
27 penalties in accordance with a schedule of fines and penalties to be set  
28 forth in such local law or ordinance, except that in a city OR COUNTY  
29 which, by local law, has authorized the adjudication of such owner  
30 liability by a parking violations bureau, such schedule shall be promul-  
31 gated by such bureau. The liability of the owner pursuant to this  
32 section shall not exceed fifty dollars for each violation; provided,  
33 however, that such local law or ordinance may provide for an additional  
34 penalty not in excess of twenty-five dollars for each violation for the  
35 failure to respond to a notice of liability within the prescribed time  
36 period.

37 S 3. Paragraph 4 of subdivision (g) of section 1111-a of the vehicle  
38 and traffic law, as added by chapter 746 of the laws of 1988, is amended  
39 to read as follows:

40 4. The notice of liability shall be prepared and mailed by the city OR  
41 COUNTY having jurisdiction over the intersection where the violation  
42 occurred, or by any other entity authorized by the city OR COUNTY to  
43 prepare and mail such notification of violation.

44 S 4. Subdivision (h) of section 1111-a of the vehicle and traffic law,  
45 as added by chapter 746 of the laws of 1988, is amended to read as  
46 follows:

47 (h) Adjudication of the liability imposed upon owners by this section  
48 shall be by a traffic violations bureau established pursuant to section  
49 three hundred seventy of the general municipal law or, if there be none,  
50 by the court having jurisdiction over traffic infractions, except that  
51 any city OR COUNTY which has established an administrative tribunal to  
52 hear and determine complaints of traffic infractions constituting park-  
53 ing, standing or stopping violations may, by local law, authorize such

54 adjudication by such tribunal.

55 S 5. Paragraph 1 and the opening paragraph of subparagraph (i) of  
56 paragraph 2 of subdivision (j) of section 1111-a of the vehicle and  
A. 3608 3

1 traffic law, as added by chapter 746 of the laws of 1988, are amended to  
2 read as follows:

3 1. In a city OR COUNTY where the adjudication of liability imposed  
4 upon owners pursuant to this section is by a traffic violations bureau  
5 or a court having jurisdiction, an owner who is a lessor of a vehicle to  
6 which a notice of liability was issued pursuant to subdivision (g) of  
7 this section shall not be liable for the violation of subdivision (d) of  
8 section eleven hundred eleven of this article, provided that he or she  
9 sends to the traffic violations bureau or court having jurisdiction a  
10 copy of the rental, lease or other such contract document covering such  
11 vehicle on the date of the violation, with the name and address of the  
12 lessee clearly legible, within thirty-seven days after receiving notice  
13 from the bureau or court of the date and time of such violation, togeth-  
14 er with the other information contained in the original notice of  
15 liability. Failure to send such information within such thirty-seven day  
16 time period shall render the owner liable for the penalty prescribed by  
17 this section. Where the lessor complies with the provisions of this  
18 paragraph, the lessee of such vehicle on the date of such violation  
19 shall be deemed to be the owner of such vehicle for purposes of this  
20 section, shall be subject to liability for the violation of subdivision  
21 (d) of section eleven hundred eleven of this article pursuant to this  
22 section and shall be sent a notice of liability pursuant to subdivision  
23 (g) of this section.

24 In a city OR COUNTY which, by local law, has authorized the adjudi-  
25 cation of liability imposed upon owners by this section by a parking  
26 violations bureau, an owner who is a lessor of a vehicle to which a  
27 notice of liability was issued pursuant to subdivision (g) of this  
28 section shall not be liable for the violation of subdivision (d) of  
29 section eleven hundred eleven of this article, provided that:

30 S 6. Subdivision (m) of section 1111-a of the vehicle and traffic law,  
31 as amended by chapter 658 of the laws of 2006, is amended to read as  
32 follows:

33 (m) In any city OR COUNTY which adopts a demonstration program pursu-  
34 ant to subdivision (a) of this section, such city OR COUNTY shall submit  
35 an annual report on the results of the use of a traffic-control signal  
36 photo violation-monitoring system to the governor, the temporary presi-  
37 dent of the senate and the speaker of the assembly on or before June  
38 first, two thousand seven and on the same date in each succeeding year  
39 in which the demonstration program is operable. Such report shall  
40 include, but not be limited to:

41 1. a description of the locations where traffic-control signal photo  
42 violation-monitoring systems were used;

43 2. within each borough of such city OR WITHIN EACH COUNTY, the aggre-  
44 gate number, type and severity of accidents reported at intersections  
45 where a traffic-control signal photo violation-monitoring system is used  
46 for the year preceding the installation of such system, to the extent  
47 the information is maintained by the department of motor vehicles of  
48 this state;

49 3. within each borough of such city OR WITHIN EACH COUNTY, the aggre-  
50 gate number, type and severity of accidents reported at intersections  
51 where a traffic-control signal photo violation-monitoring system is  
52 used, to the extent the information is maintained by the department of  
53 motor vehicles of this state;

54 4. the number of violations recorded at each intersection where a

55 traffic-control signal photo violation-monitoring system is used and in  
56 the aggregate on a daily, weekly and monthly basis;

A. 3608

4

1 5. the total number of notices of liability issued for violations  
2 recorded by such systems;

3 6. the number of fines and total amount of fines paid after first  
4 notice of liability issued for violations recorded by such systems;

5 7. the number of violations adjudicated and results of such adjudi-  
6 cations including breakdowns of dispositions made for violations  
7 recorded by such systems;

8 8. the total amount of revenue realized by such city OR COUNTY from  
9 such adjudications;

10 9. expenses incurred by such city OR COUNTY in connection with the  
11 program; and

12 10. quality of the adjudication process and its results.

13 S 7. This act shall take effect immediately, provided, however, the  
14 amendments to section 1111-a of the vehicle and traffic law made by this  
15 act shall not affect the repeal of such section and shall be deemed  
16 repealed therewith.

Contact Webmaster

*Page display time = 0.0242 sec*



Wednesday, May 6, 2009

**Text - S02704**

[Back](#) | [New York State Bill Search](#) | [Assembly Home](#)

[See Summary](#)

S T A T E O F N E W Y O R K

2704

2009-2010 Regular Sessions

I N S E N A T E

February 26, 2009

Introduced by Sen. FOLEY -- 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, in relation to establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic control indications in Suffolk county

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Paragraph 2 of subdivision (a) of section 1111-a of the  
 2 vehicle and traffic law, as added by chapter 658 of the laws of 2006, is  
 3 amended and a new paragraph 3 is added to read as follows:  
 4 2. Such demonstration program shall utilize necessary technologies to  
 5 ensure, to the extent practicable, that photographs produced by such  
 6 traffic-control signal photo violation-monitoring systems shall not  
 7 include images that identify the driver, the passengers, or the contents  
 8 of the vehicle. Provided, however, that no notice of liability issued  
 9 pursuant to this section shall be dismissed solely because a photograph  
 10 or photographs allow for the identification of the contents of a vehi-  
 11 cle, provided that such city OR COUNTY has made a reasonable effort to  
 12 comply with the provisions of this paragraph.  
 13 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COUNTY OF SUFFOLK  
 14 IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND A LOCAL LAW OR  
 15 ORDINANCE ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABIL-  
 16 ITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO  
 17 COMPLY WITH TRAFFIC-CONTROL INDICATIONS IN SUCH COUNTY IN ACCORDANCE  
 18 WITH THE PROVISIONS OF THIS SECTION. SUCH DEMONSTRATION PROGRAM SHALL  
 19 EMPOWER A COUNTY TO INSTALL AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO  
 20 VIOLATION-MONITORING DEVICES AT NO MORE THAN FIFTY INTERSECTIONS WITHIN  
 21 SUCH COUNTY AT ANY ONE TIME.  
 22 S 2. Subdivisions (b), (d) and (e) of section 1111-a of the vehicle  
 23 and traffic law, subdivisions (b) and (d) as amended by chapter 658 of

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

LBD04573-01-9

S. 2704

2

1 the laws of 2006 and subdivision (e) as amended by chapter 479 of the  
2 laws of 1994, are amended to read as follows:

3 (b) In any city OR COUNTY 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 (d) A certificate, sworn to or affirmed by a technician employed by  
15 the city OR COUNTY in which the charged violation occurred, or a facsim-  
16 ile thereof, based upon inspection of photographs, microphotographs,  
17 videotape or other recorded images produced by a traffic-control signal  
18 photo violation-monitoring system, shall be prima facie evidence of the  
19 facts contained therein. Any photographs, microphotographs, videotape or  
20 other recorded images evidencing such a violation shall be available for  
21 inspection in any proceeding to adjudicate the liability for such  
22 violation pursuant to a local law or ordinance adopted pursuant to this  
23 section.

24 (e) An owner liable for a violation of subdivision (d) of section  
25 eleven hundred eleven of this article pursuant to a local law or ordi-  
26 nance adopted pursuant to this section shall be liable for monetary  
27 penalties in accordance with a schedule of fines and penalties to be set  
28 forth in such local law or ordinance, except that in a city OR COUNTY  
29 which, by local law, has authorized the adjudication of such owner  
30 liability by a parking violations bureau, such schedule shall be promul-  
31 gated by such bureau. The liability of the owner pursuant to this  
32 section shall not exceed fifty dollars for each violation; provided,  
33 however, that such local law or ordinance may provide for an additional  
34 penalty not in excess of twenty-five dollars for each violation for the  
35 failure to respond to a notice of liability within the prescribed time  
36 period.

37 S 3. Paragraph 4 of subdivision (g) of section 1111-a of the vehicle  
38 and traffic law, as added by chapter 746 of the laws of 1988, is amended  
39 to read as follows:

40 4. The notice of liability shall be prepared and mailed by the city OR  
41 COUNTY having jurisdiction over the intersection where the violation  
42 occurred, or by any other entity authorized by the city OR COUNTY to  
43 prepare and mail such notification of violation.

44 S 4. Subdivision (h) of section 1111-a of the vehicle and traffic law,  
45 as added by chapter 746 of the laws of 1988, is amended to read as  
46 follows:

47 (h) Adjudication of the liability imposed upon owners by this section  
48 shall be by a traffic violations bureau established pursuant to section  
49 three hundred seventy of the general municipal law or, if there be none,  
50 by the court having jurisdiction over traffic infractions, except that  
51 any city OR COUNTY which has established an administrative tribunal to  
52 hear and determine complaints of traffic infractions constituting park-  
53 ing, standing or stopping violations may, by local law, authorize such

54 adjudication by such tribunal.

55 S 5. Paragraph 1 and the opening paragraph of subparagraph (i) of  
56 paragraph 2 of subdivision (j) of section 1111-a of the vehicle and  
S. 2704 3

1 traffic law, as added by chapter 746 of the laws of 1988, are amended to  
2 read as follows:

3 1. In a city OR COUNTY where the adjudication of liability imposed  
4 upon owners pursuant to this section is by a traffic violations bureau  
5 or a court having jurisdiction, an owner who is a lessor of a vehicle to  
6 which a notice of liability was issued pursuant to subdivision (g) of  
7 this section shall not be liable for the violation of subdivision (d) of  
8 section eleven hundred eleven of this article, provided that he or she  
9 sends to the traffic violations bureau or court having jurisdiction a  
10 copy of the rental, lease or other such contract document covering such  
11 vehicle on the date of the violation, with the name and address of the  
12 lessee clearly legible, within thirty-seven days after receiving notice  
13 from the bureau or court of the date and time of such violation, togeth-  
14 er with the other information contained in the original notice of  
15 liability. Failure to send such information within such thirty-seven day  
16 time period shall render the owner liable for the penalty prescribed by  
17 this section. Where the lessor complies with the provisions of this  
18 paragraph, the lessee of such vehicle on the date of such violation  
19 shall be deemed to be the owner of such vehicle for purposes of this  
20 section, shall be subject to liability for the violation of subdivision  
21 (d) of section eleven hundred eleven of this article pursuant to this  
22 section and shall be sent a notice of liability pursuant to subdivision  
23 (g) of this section.

24 In a city OR COUNTY which, by local law, has authorized the adjudi-  
25 cation of liability imposed upon owners by this section by a parking  
26 violations bureau, an owner who is a lessor of a vehicle to which a  
27 notice of liability was issued pursuant to subdivision (g) of this  
28 section shall not be liable for the violation of subdivision (d) of  
29 section eleven hundred eleven of this article, provided that:

30 S 6. Subdivision (m) of section 1111-a of the vehicle and traffic law,  
31 as amended by chapter 658 of the laws of 2006, is amended to read as  
32 follows:

33 (m) In any city OR COUNTY which adopts a demonstration program pursu-  
34 ant to subdivision (a) of this section, such city OR COUNTY shall submit  
35 an annual report on the results of the use of a traffic-control signal  
36 photo violation-monitoring system to the governor, the temporary presi-  
37 dent of the senate and the speaker of the assembly on or before June  
38 first, two thousand seven and on the same date in each succeeding year  
39 in which the demonstration program is operable. Such report shall  
40 include, but not be limited to:

41 1. a description of the locations where traffic-control signal photo  
42 violation-monitoring systems were used;

43 2. within each borough of such city OR WITHIN EACH COUNTY, the aggre-  
44 gate number, type and severity of accidents reported at intersections  
45 where a traffic-control signal photo violation-monitoring system is used  
46 for the year preceding the installation of such system, to the extent  
47 the information is maintained by the department of motor vehicles of  
48 this state;

49 3. within each borough of such city OR WITHIN EACH COUNTY, the aggre-  
50 gate number, type and severity of accidents reported at intersections  
51 where a traffic-control signal photo violation-monitoring system is  
52 used, to the extent the information is maintained by the department of  
53 motor vehicles of this state;

54 4. the number of violations recorded at each intersection where a

55 traffic-control signal photo violation-monitoring system is used and in  
56 the aggregate on a daily, weekly and monthly basis;  
S. 2704 4

1 5. the total number of notices of liability issued for violations  
2 recorded by such systems;  
3 6. the number of fines and total amount of fines paid after first  
4 notice of liability issued for violations recorded by such systems;  
5 7. the number of violations adjudicated and results of such adjudi-  
6 cations including breakdowns of dispositions made for violations  
7 recorded by such systems;  
8 8. the total amount of revenue realized by such city OR COUNTY from  
9 such adjudications;  
10 9. expenses incurred by such city OR COUNTY in connection with the  
11 program; and  
12 10. quality of the adjudication process and its results.  
13 S 7. This act shall take effect immediately, provided, however, the  
14 amendments to section 1111-a of the vehicle and traffic law made by this  
15 act shall not affect the repeal of such section and shall be deemed  
16 repealed therewith.

Contact Webmaster

Page display time = 0.0245 sec