



Legislation Text

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Int. No. 1724

By Council Members Kallos, Rodriguez, Treyger, Holden, Ayala, Rivera, Brannan, Cornegy, Powers, Rosenthal, Van Bramer, Gennaro and Dinowitz

A Local Law to amend the administrative code of the city of New York, in relation to creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Chapter 6 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-610 to read as follows:

§ 19-610 School bus photo violation.

a. Definitions. For purposes of this section, the following terms have the following meanings:

Owner. The term "owner" has the meaning of that term as provided in article 2-B of the vehicle and traffic law.

School bus photo violation monitoring system. The term "school bus photo violation monitoring system" has the meaning of that term as provided in subdivision (c) of section 1174-a of the vehicle and traffic law.

b. Liability for passing a stopped school bus. If the operator of a vehicle fails to comply with section 1174 of the vehicle and traffic law when meeting a school bus operated in the city and marked and equipped as provided in subdivisions 20 and 21-c of section 375 of the vehicle and traffic law, the owner of such vehicle shall be liable in accordance with section 1174-a of the vehicle and traffic law and shall be subject to the monetary penalties described in subdivision e of this section.

c. Installation and operation of photo violation monitoring systems. 1. Subject to paragraph 2, a

stationary or mobile school bus photo violation monitoring system may be installed and operated to carry out this section by the head of an agency designated by the mayor.

2. A mobile school bus photo violation monitoring system may be installed and operated on a school bus to carry out this section only if:

(a) the city and the city school district enter into an agreement for such installation and operation; and

(b) such agreement is in effect.

d. Privacy measures. In carrying out this section privacy measures, as provided in paragraph 4 of subdivision (a) of section 1174-a of the vehicle and traffic law, shall be implemented by the head of an agency designated by the mayor.

e. Adjudication; penalties. 1. The parking violations bureau shall adjudicate imposition of liability under this section in accordance with a schedule of monetary fines and penalties promulgated as provided in section 1174-a of the vehicle and traffic law.

2. The provisions of section 1174-a and sections 239, 240 and 241 of the vehicle and traffic law shall apply with respect to the imposition and adjudication of any liability under this section and notice with respect to any such liability.

3. Any photographs, microphotographs, videotape or other recorded images evidencing a violation under this section shall be available for inspection in any proceeding to adjudicate the liability for such violation.

f. Payment to school district required. If the city does not make the payment to the school district required under paragraph 1-b of subdivision (a) of section 1174-a of the vehicle and traffic law, no liability may be imposed under this section until the city makes such required payment to the district.

g. Implementation of program. The mayor may designate any additional city agency or office thereof or employees of any city agency to assist in implementing the provisions of this section.

§ 2. This local law takes effect on the later of the following dates:

a. The date this local law becomes a law.

b. The date that section 1174-a of the vehicle and traffic law takes effect.

§ 3. This local law expires and is deemed repealed on the same date as the expiration of section 1174-a of the vehicle and traffic law.

JB

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August 30, 2019