



# Onondaga County Legislature

**MARK A. OLSON**

County Legislator – 10<sup>th</sup> District

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## **PUBLIC SAFETY COMMITTEE AGENDA**

*Livestream Available:* <https://www.facebook.com/OnondagaCountyLegislature>

**9:00 a.m.**  
**November 14, 2024**

**401 Montgomery St., Room 407 Court House**  
**Syracuse, New York 13202**

- A. Approval of the minutes of the previous meeting.
- B. Presentation of Resolutions and Local Laws:

**1. EMERGENCY COMMUNICATIONS (E911):**

- a. Resolution Authorizing a License Agreement with the Town of Cicero for the Use of the Pompey Radio Tower Site

**2. SHERIFF:**

- a. Personnel Resolution

**3. LOCAL LAW:**

- a. A Local Law in Relation to Establishing a Demonstration Program Imposing Owner Liability for Failure of an Operator to Stop for a School Bus Displaying a Red Visual Signal and Stop-Arm

- C. Adjournment

December 3, 2024

Motion Made By Mr. Olson

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH THE TOWN OF CICERO FOR THE USE OF THE POMPEY RADIO TOWER SITE**

WHEREAS, the County of Onondaga is the owner of property located in the Town of Pompey at 7235 Sevier Road, including a radio tower; and

WHEREAS, the Town of Cicero (“Town”), by and through its Highway Department, has requested permission to use said tower for the enhanced transmission of radio signals between the Town Highway Department office and its rolling fleet; and

WHEREAS, the Town has offered to enter into a license agreement with the County for a consideration of \$3,600 (three thousand six hundred dollars) per year, with annual increases of 3 percent, for the purpose of placing radio equipment on the tower and occupying space within a shelter located at the site; and

WHEREAS, said agreement will provide for a five (5) year term with renewals, and that it may be revoked by Onondaga County upon nine (9) months' notice; now, therefore be it

RESOLVED, that the County Executive is hereby authorized to enter into said license agreement with the Town for a consideration of \$3,600 per year, with annual increases of three percent, for the use of the Pompey Tower Site located at 7235 Sevier Road, and to execute such other documents as may be necessary to further the intent of this resolution.

December 3, 2024

Motion Made By Mr. Olson

RESOLUTION NO. \_\_\_\_\_

PERSONNEL RESOLUTION

WHEREAS, it is necessary for the County to provide for changes to personnel; now, therefore be it

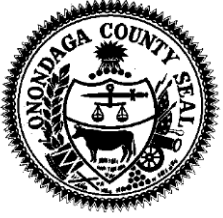
RESOLVED, that the following personnel change be and hereby is authorized, effective the first full pay period after December 3, 2024:

Onondaga County Sheriff's Office

Create 1 Accountant 1 at Grade 9 (\$55,135 - \$60,796)

and, be it further

RESOLVED, that the Commissioner of Personnel is authorized to make any administrative corrections as may be reasonably needed to effectuate the intent of this resolution.



## ONONDAGA COUNTY SHERIFF'S OFFICE PROGRAM AND FINANCIAL INFORMATION SHEET

**PURPOSE:**

Create a new Accountant I position within the Onondaga County Sheriff's Office.

**OBJECTIVE/ WORK PLAN:**

Our objective is to create a new Accountant I position within the Onondaga County Sheriff's Office.

The creation of this position will enhance fiscal oversight, accountability and fiscal transparency. The position is proposed in response to a recent Onondaga County Comptroller's Office audit which recommended the establishment of this position.

**FUNDING SOURCE:**

With the approval of the legislature this position will be funded by the Onondaga County Sheriff's Office Operating Budget (101) and salary saving from unfilled positions.

**BUDGET:**

Appointment authorized by this resolution will be funding by the 101 Operating Budget.

# Onondaga County Sheriff's Office

Tobias Shelley  
 Sheriff  
 Jeffrey T. Passino  
 Undersheriff




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Matthew Fischer	Chief Deputy Police Department
Nathan Hawker	Chief Deputy Custody Department
John S. Drapikowski	Chief Deputy Correction Department
Lisa Dell	Chief Deputy Civil Department
Maureen Murphy	Chief Deputy Administration
Craig Belcher	Chief Deputy Special Enforcement

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Sheriff's Office	315-435-3044
Police Department	435-3036
Human Resources	435-1767
Civil Department	435-3060
Correction Department	435-5581
Custody Department	435-1717
Criminal Investigations	435-3081
Police Records	435-3010
Custody Records	435-1782

October 30, 2024

Chairman Burtis:

Per your request, allow me to provide the additional details on this position. This position is required to provide professional level accounting practice and procedural oversight to the accounts within the Civil Division of the Sheriffs office. Basic accounting principles and practice requires more than one person to have oversight of all accounts.

When I took office in 2023, one of my top priorities was to ensure the funds entrusted to my office were secure. I was made aware of previous financial audits which specified the need for more oversight of the Civil accounts, as well as the egregious theft of a substantial amount of money from these accounts. The audit performed after I took office (attached to the request) also listed the need for more oversight and specified the need for someone with a proper accounting background.

The Civil Division takes in and processes well over a million dollars each year, and proper fiscal oversight is critical to keep these funds secure. My Personnel roster does not currently have a title which will meet the needs of the office or comply with the requirements of the audit. I believe an employee qualified to hold this title will possess the necessary qualifications to provide critical oversight of these accounts.

If you would like any further information, please feel free to reach out to me.

Sincerely

Tobias Shelley  
 Onondaga County Sheriff

# Replacement 3a.

LOCAL LAW NO. \_\_\_\_\_ - 2024

## A LOCAL LAW IN RELATION TO ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY, AS FOLLOWS:

Section 1. Definitions. For the purposes of this Local Law, the following terms shall have the following meanings:

- A. "County" shall mean the County of Onondaga.
- B. "District" shall mean a school district located in the County of Onondaga, excluding the Syracuse City School District.
- C. "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 1680 of the New York State Vehicle and Traffic law.
- D. "Owner" shall have the meaning provided in section 239 of the New York State Vehicle and Traffic Law.
- E. "School Bus Photo Violation Monitoring System" shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of subdivision (a) of section 1174 of the New York State Vehicle and Traffic Law.
- F. "System Data" shall mean photographs, microphotographs, videotapes, other recorded images and data produced by School Bus Photo Violation Monitoring Systems.
- G. "VTL" shall mean the New York State Vehicle and Traffic Law.

Section 2. Program Established.

- A. There is hereby established, pursuant to VTL § 1174-a, a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with VTL § 1174 when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of VTL § 375 in Onondaga County.
- B. Under such demonstration program the County is hereby authorized to install and operate mobile School Bus Photo Violation Monitoring Systems which may be installed, pursuant to an agreement with a District, on school buses owned and/or operated by such District or privately owned and/or operated for compensation under contract with such District. Provided, however, that:
  - (i) No mobile School Bus Photo Violation Monitoring System shall be installed or operated on any such school buses unless the County and the District enter into an agreement for such installation and operation.

- C. To carry out the demonstration program, the County Legislature hereby authorizes the County Executive to enter into agreements with Districts, subject to and in accordance with the provisions of this Local Law and VTL § 1174-a, for the installation, maintenance and use of School Bus Photo Violation Monitoring Systems on school buses, for the proper handling and custody of System Data, and for the forwarding of such System Data to the County (hereinafter, “District Agreement”).
- D. Nothing in this Local Law shall be construed to prevent the County or a District at any time from withdrawing from or terminating a District Agreement; provided, however, that the County or a District shall provide no less than thirty (30) days’ prior written notice to the other for such withdrawal or termination.
- E. The total cost to a District of the installation, maintenance and use of School Bus Photo Violation Monitoring Systems pursuant to a District Agreement authorized by this Local Law shall be borne entirely by the County; which total cost, if any, shall be certified, paid, and reported in accordance with VTL § 1174-a(a)(1-b).
- F. Any image or images captured by School Bus Photo Violation Monitoring Systems shall be inadmissible in any disciplinary proceeding convened by any District or any school bus contractor thereof, and any proceeding involving licensure privileges of school bus operators. Any school bus photo violation monitoring device mounted on a school bus shall be directed outwardly from such school bus to capture images of vehicles operated in violation of VTL § 1174, and images produced by such device shall not be used for any other purpose.
- G. Pursuant to VTL § 1174-a(a)(3)(i), any participating District shall be prohibited from accessing any System Data but shall provide, pursuant to a District Agreement, for the proper handling and custody of such System Data, and for the forwarding of such System Data to the County for the purpose of determining whether a motor vehicle was operated in violation of VTL § 1174(a) and imposing monetary liability on the owner of such motor vehicle therefor.
- H. System Data shall be destroyed: (i) ninety (90) days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this Local Law; or (ii) upon final disposition of a notice of liability issued pursuant to this Local Law.
- I. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a School Bus Photo Violation Monitoring System device. Such measures shall include:
  - (i) Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such School Bus Photo Violation Monitoring Systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists; provided, however, that no notice of liability issued pursuant to this Local Law shall be dismissed solely because a photograph or photographs allow for the identification of the contents of the vehicle, provided that the County has made a reasonable effort to comply with the provisions of this paragraph;

- (ii) A prohibition of the use or dissemination of vehicles' license plate information and other information and images captured by School Bus Photo Violation Monitoring Systems except: (a) as required to establish liability under this Local Law or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law; and
  - (iii) Oversight procedures to ensure compliance with the privacy protection measures required herein.
- J. The County, acting by and through the Commissioner of the Onondaga County Department of Transportation, shall install signage in conformance with standards established in the MUTCD at each roadway entrance of the jurisdictional boundaries of the County giving notice that School Bus Photo Violation Monitoring Systems are used to enforce restrictions on vehicles violating VTL § 1174. For the purposes of this paragraph, the term "roadway" shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the jurisdictional boundaries of the County.

Section 3. Penalties. An owner liable for a violation of VTL § 1174(a) pursuant to this Local Law shall be liable for monetary penalties in accordance with the following schedules of fines and penalties:

- A. Two hundred fifty dollars (\$250) for the first violation;
- B. Two hundred seventy-five dollars (\$275) for a second violation committed within eighteen (18) months of the first violation;
- C. Three hundred dollars (\$300) for a third or subsequent violation all of which were committed within eighteen (18) months from the first violation; and
- D. An additional penalty of twenty-five dollars (\$25) for each violation for the failure to respond to a notice of liability within the prescribed time period.

Section 4. Notice of Liability.

- A. Pursuant to VTL § 1174-a, 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 VTL § 1174(a). A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. The County shall undertake or cause to be undertaken the preparation and mailing of such notices of liability.
- B. A notice of liability shall contain: the name and address of the person alleged to be liable as an owner for a violation of VTL § 1174(a); 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 School Bus Photo Violation Monitoring System which recorded the violation or other document locator number; and the registration number of the school bus on which the School Bus Photo Violation Monitoring System which recorded the violation was installed.
- C. A notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice; and shall also contain a warning to advise the persons 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.

Section 5. Owner Liability.

- A. The owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law if such vehicle was used or operated with the permission of the owner, express or implied, in violation of VTL § 1174(a), and such violation is evidenced by information obtained from a School Bus Photo Violation Monitoring System; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law where the operator of such vehicle has been convicted of the underlying violation of VTL § 1174(a). No owner of a vehicle shall be subject to a monetary fine imposed pursuant to this Local Law if the operator of such vehicle was operating such vehicle without the consent/permission of the owner at the time such operator failed to comply with VTL § 1174. For purpose of this Local Law, there shall be a presumption that the operator of such vehicle was operating such vehicle with the permission/consent of the owner at the time such operator failed to comply with VTL § 1174.
- B. If the owner receives a notice of liability pursuant to this Local Law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of VTL § 1174(a) pursuant to this Local Law that the 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 paragraph, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail or personally delivered to the County and, if applicable, the court having jurisdiction over the violation being contested/enforced.
- C. An owner who is lessor of a vehicle to which a notice of liability was issued pursuant to this Local Law shall not be liable for the violation of VTL § 1174(a), provided that he or she complies with the provisions of VTL § 1174-a and otherwise sends to the County and, if applicable, the court having jurisdiction over the violation being contested/enforced 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 (37) days after receiving notice from the agency or entity which caused such notice of liability to be issued, together with the other information contained in the original notice of liability. Failure to send such information within the thirty-seven (37) day time period shall render the owner liable for the penalty prescribed by this Local Law. 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 the purposes of this Local Law, shall be subject to liability for the violation of VTL § 1174(a) pursuant to this Local Law, and shall be sent a notice of liability pursuant to Section 4 of this Local Law.
- D. A certificate, sworn to or affirmed by a technician employed by the County, or facsimile thereof, based upon inspection of System Data, and other documents or declarations pertaining to inspections by the department of transportation, shall be prima facie evidence of the facts contained therein. Such certificate, or a facsimile thereof, shall

provide: the identification number of the School Bus Photo Violation Monitoring System which recorded the violation; a statement confirming that at the time such violation was recorded by such School Bus Photo Violation Monitoring System, such School Bus Photo Violation Monitoring System was installed on a school bus marked and equipped as provided in subdivisions 20 and 21-c of VTL § 375 as evidenced by a valid certificate of inspection issued to such school bus by the department of transportation pursuant to Transportation Law § 140 and the safety rules and regulations promulgated thereunder; and the registration number of the school bus to which such School Bus Photo Violation Monitoring System was attached. Any System Data evidencing such a violation shall include: a recorded image of the outside of the motor vehicle involved in such violation; the registration number of such vehicle; at least one activated school bus stop-arm; and an electronic indicator or indicators showing the activation of the flashing red signal lamps of the school bus to which the School Bus Photo Violation Monitoring System producing such System Data was installed at the time such violation occurred; and any System Data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation.

Where recorded images from a School Bus Photo Violation Monitoring System attached to a school bus, as certified pursuant to this Local Law, show the activation of at least one school bus stop-arm and an electronic indicator or indicators as required hereby, there shall be a rebuttable presumption that such school bus was stopped for the purpose of receiving or discharging any passengers or because a school bus in front of it had stopped to receive or discharge any passengers. A certificate, sworn to or affirmed by a technician employed by the County, or a facsimile thereof, after reviewing evidence that on the day the charged violation occurred such school bus had a valid certificate of inspection issued by the department of transportation pursuant to Transportation Law § 140 and the safety rules and regulations promulgated thereunder, shall be prima facie evidence that such school bus was marked and equipped as provided in subdivisions 20 and 21-c of VTL § 375 and the flashing red signal lamp of such school bus was in operation at the time the violation occurred.

- E. It shall be a defense to any prosecution for a violation of VTL § 1174(a) pursuant to this Local Law that such school bus stop-arms were malfunctioning at the time of the alleged violation.
- F. An imposition of liability under this Local Law 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. For the purpose of informing and educating owners for motor vehicles in this County during the first thirty-day (30) period in which a School Bus Photo Violation Monitoring System is in operation pursuant to the provisions of this Local Law in the County, all owners of motor vehicles who would otherwise be held liable for failure of operators thereof to comply with VTL § 1174 when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of VTL § 375, shall be issued a written warning in lieu of a notice of liability.

Section 6. Adjudication of Liability. Adjudication of liability imposed upon owners pursuant to this Local Law shall be by the court of competent jurisdiction in Onondaga County. Nothing in this Local Law shall be construed to limit the liability of an operator of a vehicle for any violation of VTL § 1174(a).

Section 7. Action for Indemnification. If the owner liable for a violation of VTL § 1174(a) pursuant to this Local 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 8. Reporting Requirements.

- A. The County, acting by and through its Director of Security, or any other Executive department, division or office as may be directed by the County Executive, shall develop and cause to be submitted an annual report on the results of the use of a School Bus Photo Violation Monitoring System to the Governor, the temporary president of the Senate, the speaker of the Assembly, and the Onondaga County Legislature on or before June 1 of each year in which the demonstration program set forth herein is operable. Such report shall include, but not be limited to:
- (i) the number of buses and a description of the routes where mobile School Bus Photo Violation Monitoring Systems were used;
  - (ii) the aggregate number, type and severity of accidents reported at locations where a School Bus Photo Violation Monitoring System is used for the year preceding the installation of such system, to the extent the information is maintained by the New York State Department of Motor Vehicle (“NYSDMV”);
  - (iii) the aggregate number, type and severity of accidents reported at locations where a School Bus Photo Violation Monitoring System is used, to the extent the information is maintained by the NYSDMV;
  - (iv) the number of violations recorded at each location where a School Bus Photo Violation Monitoring System is used and in the aggregate on a daily, weekly and monthly basis;
  - (v) the number of convictions for violations of VTL § 1174(a) recorded at each location where a School Bus Photo Violation Monitoring System is used on an annual basis, to the extent the information is maintained by the NYSDMV;
  - (vi) the total number of notices of liability issued for violations recorded by such systems;
  - (vii) the number of fines and total amount of fines paid after the first notice of liability issued for violations recorded by such systems;
  - (viii) the total amount of revenue realized by the County from such adjudications;
  - (ix) the expenses incurred by the County in connection with the program; and
  - (x) a description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.
- B. Pursuant to the requirements of VTL §1174-a(m)(7), (10), respective courts, bureaus, and agencies conducting adjudications in accordance with this Local Law shall provide to the County at least annually a report, which reports shall be incorporated into the annual report set forth in Section 8(A) above, setting forth:

- (i) the number of violations adjudicated and results of such adjudications, including breakdowns of dispositions made for such violations recorded by School Bus Photo Violation Monitoring Systems; and
- (ii) the quality of the adjudication process and its results, including the total number of hearings scheduled, re-scheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered.

Section 9. Severability. If any clause, sentence, paragraph, subdivision, section, or part of this Local 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 Local Law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstances directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. Effective Date. This Local Law shall take effect immediately upon filing, consistent with the provisions of the New York State Municipal Home Rule Law.

 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

McKinney's Consolidated Laws of New York Annotated  
Vehicle and Traffic Law (Refs & Annos)  
Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)  
Title VII. Rules of the Road  
Article 29. Special Stops Required

McKinney's Vehicle and Traffic Law § 1174-a

§ 1174-a. Owner liability for failure of operator to stop for a school bus displaying a red visual signal and stop-arm

Effective: April 20, 2024

[Currentness](#)

<[Expires and deemed repealed Dec. 1, 2029, pursuant to [L.2019, c. 145, § 25.](#)]>

(a) 1. Notwithstanding any other provision of law, a county, city, town or village located within a school district (“district”) is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with [subdivision \(a\) of section eleven hundred seventy-four](#) of this article when meeting a school bus marked and equipped as provided in [subdivisions twenty and twenty-one-c of section three hundred seventy-five](#) of this chapter and operated in such county, city, town or village, in accordance with the provisions of this section. Such demonstration program shall empower such county, city, town or village to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within such county, city, town or village, on school buses owned and operated by such school district or privately owned and operated for compensation under contract with such district. Provided, however, that (a) no stationary school bus photo violation monitoring system shall be installed or operated by a county, city, town or village except on roadways under the jurisdiction of such county, city, town or village, and (b) no mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless such county, city, town or village and such district enter into an agreement for such installation and operation.

1-a. Any county, city, town or village, located within a school district, that has adopted a local law or ordinance pursuant to this section establishing a demonstration program imposing liability on the owner of a vehicle for failure of an operator thereof to comply with [subdivision \(a\) of section eleven hundred seventy-four](#) of this article when meeting a school bus marked and equipped as provided in [subdivisions twenty and twenty-one-c of section three hundred seventy-five](#) of this chapter and operated in such county, city, town or village may enter into an agreement with the applicable school district for the installation, maintenance and use of school bus photo violation monitoring systems on school buses pursuant to this section and section twenty-two of the chapter of the laws of two thousand nineteen which added this section, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the applicable county, city, town or village. Any agreement entered into hereunder shall be approved by each participating county, city, town or village by a majority vote of the voting strength of its governing body and by resolution of the district pursuant to [section sixteen hundred four](#), [section seventeen hundred nine](#), [section twenty-five hundred three](#), [section twenty-five hundred fifty-four](#) or [section twenty-five hundred ninety-h of the education law](#), as applicable. Provided, however, that where a district has entered an agreement as provided hereunder with a county, no cities, towns or villages within the same county may enter into, or be a party to, any

agreement with such district pursuant to this section. Provided further, however, that no county shall enter an agreement with any city school district wholly contained within a city. Nothing in this section shall be construed to prevent a county, city, town, village or district at any time to withdraw from or terminate an agreement entered pursuant to this section and section twenty-two of chapter one hundred forty-five of the laws of two thousand nineteen which added this section.

1-b. The total cost to the district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to this section shall be borne entirely by the county, city, town or village within the district which is a party to such agreement. On or before September first of each year, the district shall determine and certify to each county, city, town or village with which it has entered into an agreement pursuant to this section the total cost to the district for the school year ending the preceding June thirtieth of installing, maintaining and using such systems within each such county, city, town or village, respectively, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the applicable county, city, town or village. On or before the following December first of each year, each such county, city, town or village shall pay to the district such cost so certified to it on or before the preceding September first. Not later than twenty days after each such payment is submitted or is due, whichever occurs first, the district shall submit to the director of the budget and the chairpersons of the fiscal committees of the legislature a report for each such county, city, town and village showing the amount of costs so certified and the amount of payments so received or due. If a county, city, town or village fails to make the payment required to the district by the twentieth day after the date such payment was due, (i) the district shall notify the director of the budget and the chairpersons of the fiscal committees of the legislature of such occurrence within twenty-four hours of such day; and (ii) the demonstration program shall be suspended within such county, city, town, or village until such time as such county, city, town, or village makes the payment required to the district. The district shall notify the director of the budget and the chairpersons of the fiscal committees of the legislature of such payment within seven business days of its receipt. Provided, however, that any notice of liability issued prior to such date shall not be voided.

2. Any image or images captured by school bus photo violation monitoring systems shall be inadmissible in any disciplinary proceeding convened by any school district or any school bus contractor thereof, and any proceeding initiated by the department involving licensure privileges of school bus operators. Any school bus photo violation monitoring device mounted on a school bus shall be directed outwardly from such school bus to capture images of vehicles operated in violation of [subdivision \(a\) of section eleven hundred seventy-four](#) of this article, and images produced by such device shall not be used for any other purpose.

3. (i) Any participating school district shall be prohibited from accessing any photographs, microphotographs, videotapes, other recorded images or data from school bus photo violation monitoring systems but shall provide, pursuant to an agreement with a county, city, town or village as provided in this section, for the proper handling and custody of such photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the applicable county, city, town or village for the purpose of determining whether a motor vehicle was operated in violation of [subdivision \(a\) of section eleven hundred seventy-four](#) of this title and imposing monetary liability on the owner of such motor vehicle therefor.

(ii) Photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems shall be destroyed (A) ninety days after the date of the alleged imposition of liability if a notice of liability is not issued for such alleged imposition of liability pursuant to this section or (B) upon final disposition of a notice of liability issued pursuant to this section.

4. A county, city, town or village establishing a demonstration program pursuant to this section shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo violation monitoring device. Such measures shall include:

(i) utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus photo violation monitoring systems shall not include images that identify the driver, the passengers, the contents of the vehicle, pedestrians and cyclists. 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 county, city, town or village has made a reasonable effort to comply with the provisions of this paragraph;

(ii) a prohibition on the use or dissemination of vehicles' license plate information and other information and images captured by school bus photo violation monitoring systems except: (A) as required to establish liability under this section or collect payment of penalties; (B) as required by court order; or (C) as otherwise required by law;

(iii) the installation of signage in conformance with standards established in the MUTCD at each roadway entrance of the jurisdictional boundaries of such county, city, town or village giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating [subdivision \(a\) of section eleven hundred seventy-four](#) of this article. For the purposes of this paragraph, the term “roadway” shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the jurisdictional boundaries of a county, city, town or village; and

(iv) oversight procedures to ensure compliance with the aforementioned privacy protection measures.

(b) In any such county, city, town or village which has adopted a local law or ordinance 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, in violation of [subdivision \(a\) of section eleven hundred seventy-four](#) of this article, and such violation is evidenced by information obtained from a school bus photo 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 \(a\) of section eleven hundred seventy-four](#) of this article.

(c) For purposes of this section, the following terms shall have the following meanings: “county” shall have the meaning provided in [section three of the county law](#), except that such term shall not include any county wholly contained within a city; “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; “owner” shall have the meaning provided in article two-B of this chapter; and “school bus photo violation monitoring system” shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop-arm and which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operated in violation of [subdivision \(a\) of section eleven hundred seventy-four](#) of this article.

(d) A certificate, sworn to or affirmed by a technician employed by the county, city, town or village in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a school bus photo violation monitoring system, and other documents or declarations pertaining to inspections by the department of transportation, shall be prima facie evidence of the facts contained therein. Such certificate, or a facsimile thereof, shall provide the identification number of the school bus photo violation monitoring system which recorded the violation, a statement confirming that at the time such violation was recorded by such school bus photo violation monitoring system, such school bus photo violation monitoring system was installed on a school bus marked and equipped as provided in [subdivisions twenty and twenty-one-c of section three hundred seventy-five](#) of this chapter as evidenced by a valid certificate

of inspection issued to such school bus by the department of transportation pursuant to [section one hundred forty of the transportation law](#) and the safety rules and regulations promulgated thereunder, and the registration number of the school bus to which such school bus photo violation monitoring system was attached. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall include a recorded image of the outside of the motor vehicle involved in such violation, the registration number of such vehicle, at least one activated school bus stop-arm, and an electronic indicator or indicators showing the activation of the flashing red signal lamps of the school bus to which the school bus photo violation monitoring system producing such photographs, microphotographs, videotape or other recorded images was installed at the time such violation occurred, and shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to a local law or ordinance adopted pursuant to this section. Where recorded images from a school bus photo violation monitoring system attached to a school bus, as certified pursuant to this subdivision, show the activation of at least one school bus stop-arm and an electronic indicator or indicators as required pursuant to this subdivision, there shall be a rebuttable presumption that such school bus was stopped for the purpose of receiving or discharging any passengers or because a school bus in front of it had stopped to receive or discharge any passengers. A certificate, sworn to or affirmed by a technician employed by the county, city, town or village in which the charged violation occurred, or a facsimile thereof, after reviewing evidence that on the day the charged violation occurred such school bus had a valid certificate of inspection issued by the department of transportation pursuant to [section one hundred forty of the transportation law](#) and the safety rules and regulations promulgated thereunder, shall be prima facie evidence that such school bus was marked and equipped as provided in [subdivisions twenty and twenty-one-c of section three hundred seventy-five](#) of this chapter and the flashing red signal lamp of such school bus was in operation at the time the violation occurred.

(e) An owner liable for a violation of [subdivision \(a\) of section eleven hundred seventy-four](#) of this article pursuant to a local law or ordinance adopted pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be set forth in such local law or ordinance, except that if a city by local law has authorized the adjudication of such owner liability by a parking violations bureau, such schedule shall be promulgated by such bureau. The liability of the owner pursuant to this section shall be two hundred fifty dollars for a first violation, two hundred seventy-five dollars for a second violation both of which were committed within a period of eighteen months, and three hundred dollars for a third or subsequent violation all of which were committed within a period of eighteen months; provided, however, that such local law or ordinance may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability under a local law or ordinance adopted 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 \(a\) of section eleven hundred seventy-four](#) of this article pursuant to this section. 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 \(a\) of section eleven hundred seventy-four](#) 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 school bus photo violation monitoring system which recorded the violation or other document locator number, and the registration number of the school bus on which the school bus photo violation monitoring system which recorded the violation was installed.



3. The notice of liability shall contain information advising the person charged of the manner and the time in which he or she may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons 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 county, city, town or village in which the violation occurred, or by any other entity authorized by such county, city, town or village to prepare and mail such notification of violation.

(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.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid defense to an allegation of liability for a violation of [subdivision \(a\) of section eleven hundred seventy-four](#) of this article pursuant to this section that the 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 be sent by first class mail to the traffic violations bureau, court having jurisdiction or parking violations bureau.

(j) 1. In such county, city, town or village 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 \(a\) of section eleven hundred seventy-four](#) of this article, provided that he or she sends 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 \(a\) of section eleven hundred seventy-four](#) of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

2. (i) In a 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 \(a\) of section eleven hundred seventy-four](#) 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) 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.

(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 \(a\) of section eleven hundred seventy-four](#) 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 failed to comply with [subdivision \(a\) of section eleven hundred seventy-four](#) 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 failed to comply with [subdivision \(a\) of section eleven hundred seventy-four](#) 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 \(a\) of section eleven hundred seventy-four](#) of this article.

(m) In any such county, city, town or village which adopts a demonstration program pursuant to subdivision (a) of this section, such county, city, town or village shall submit an annual report on the results of the use of a school bus photo violation monitoring system to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand nineteen and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to:

1. the number of buses and a description of the routes where stationary and mobile school bus photo violation monitoring systems were used;
2. the aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;
3. the aggregate number, type and severity of accidents reported at locations where a school bus photo violation monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;
4. the number of violations recorded at each location where a school bus photo violation monitoring system is used and in the aggregate on a daily, weekly and monthly basis;

4-a. the number of convictions for violations of [subdivision \(a\) of section eleven hundred seventy-four](#) of this article recorded at each location where a school bus photo violation monitoring system is used on an annual basis, to the extent the information is maintained by the department of motor vehicles of this state;

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

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

7. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems which shall be provided at least annually to such county, city, town or village by the respective courts, bureaus and agencies conducting such adjudications;

8. the total amount of revenue realized by such city, town or village from such adjudications;

9. the expenses incurred by such city, town or village in connection with the program;

10. the quality of the adjudication process and its results including the total number of hearings scheduled, re-scheduled, and held; the total number of persons scheduled for such hearings; the total number of cases where fines were paid on or before the hearing date; and the total number of default judgments entered. Such information shall be provided at least annually to such county, city, town or village by the respective courts, bureaus and agencies conducting such adjudications; and

11. a description of public education activities conducted to warn motorists of the dangers of overtaking and passing stopped school buses.

(n) It shall be a defense to any prosecution for a violation of [subdivision \(a\) of section eleven hundred seventy-four](#) of this article pursuant to a local law or ordinance adopted pursuant to this section that such school bus stop-arms were malfunctioning at the time of the alleged violation.

#### **Credits**

(Added L.2019, c. 145, § 9, eff. Sept. 5, 2019. Amended L.2024, c. 56, pt. AA, §§ 1 to 4, eff. April 20, 2024.)

McKinney's Vehicle and Traffic Law § 1174-a, NY VEH & TRAF § 1174-a

Current through L.2024, chapters 1 to 427. Some statute sections may be more current, see credits for details.