

Intro. Res. No. 1753-2020
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/9/2020

RESOLUTION NO. 960 -2020, ADOPTING LOCAL LAW NO. 1-2021, A LOCAL LAW TO AMEND THE SCHOOL BUS PHOTO VIOLATION MONITORING PROGRAM TO ACCURATELY REFLECT THE ADJUDICATION OF SCHOOL BUS CAMERA VIOLATIONS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 9, 2020, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE SCHOOL BUS PHOTO VIOLATION MONITORING PROGRAM TO ACCURATELY REFLECT THE ADJUDICATION OF SCHOOL BUS CAMERA VIOLATIONS**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 1-2021, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND THE SCHOOL BUS PHOTO VIOLATION MONITORING PROGRAM TO ACCURATELY REFLECT THE ADJUDICATION OF SCHOOL BUS CAMERA VIOLATIONS.

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 New York State has authorized counties to opt into a school bus photo violation monitoring program which will allow the County to install cameras on the exterior of school buses in participating school districts and impose monetary liability on vehicles that fail to stop behind or in front of a school bus while the school bus stop arms are extended, including traffic travelling in both directions on divided highways.

This Legislature hereby further finds and determines that the Suffolk County Legislature adopted Local Law No. 995-2019 to implement a demonstration program to impose monetary liability on the owner of a vehicle for failure of the operator to stop when a school bus has its stop arms extended in Suffolk County through the installation and monitoring of external school bus cameras.

This Legislature hereby further finds and determines that Local Law No. 995-2019 provides that adjudication of the liability imposed upon owners by this law shall be conducted by the County Traffic and Parking Violations Agency.

This Legislature hereby further finds and determines that State enabling legislation codified in New York State Vehicle and Traffic Law Section 1174-a(h), provides that adjudication of the liability imposed upon owners for violations 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.

This Legislature further finds and determines that the Suffolk County Traffic and Parking Violations Agency only has jurisdiction over matters that it is authorized to oversee pursuant to state enabling legislation and local laws.

This Legislature also finds and determines that the Suffolk County Traffic and Parking Violations Agency, as an arm of the District Court, does not have jurisdiction over the five east end towns, which have not elected to participate in and become a part of such County district court system.

This Legislature hereby further finds and determines that the East End Towns and incorporated villages adjudicate their own traffic infractions.

This Legislature also finds and determines that pursuant to State Law and the Suffolk County Charter East End Towns and incorporated villages having jurisdiction over traffic infractions are the proper venue to adjudicate violations of the School Bus Camera Demonstration Program.

This Legislature finds that Local Law 995-2019 was codified by Chapter 719 of the SUFFOLK COUNTY CODE.

This Legislature finds that Chapter 719 of the SUFFOLK COUNTY CODE Article I is currently titled "Photo Violation Monitoring System" and should be amended to reflect the "Suffolk County School Bus Stop Arm Demonstration Program" to provide consistency with the State Law.

This Legislature further finds that §719-6 cites the Vehicle and Traffic Law incorrectly as §1174-b, and should be amended to reflect Vehicle and Traffic Law §1174-a.

Therefore, the purpose of this law is to amend Chapter 719 of the SUFFOLK COUNTY CODE to accurately reflect the jurisdiction for adjudication of violations pursuant to the School Bus Camera Demonstration Program.

Section 2. Amendment.

Chapter 719 is hereby amended to read as follows:

Article I. Suffolk County School Bus Stop Arm Demonstration Program

* * * *

§ 719-6. Owner liability.

In any school district in which school bus safety cameras are installed and operated pursuant to § [1174-b] 1174-a of the New York Vehicle and Traffic Law, the owner of a motor vehicle, upon issuance of a simplified traffic information by a police officer, shall be liable for a civil penalty of \$250 if such vehicle was used or operated with the permission of the owner, express or implied, in violation of § 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus safety camera; 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 § 1174 of the New York Vehicle and Traffic Law.

§ 719-10 Adjudication

Adjudication of the liability imposed upon owners by this law shall be conducted by the County Traffic and Parking Violations Agency or by the court having jurisdiction over traffic infractions where the violation occurred.

* * * *

§ 719-17. Use of revenues generated

20% of all funds received shall be used for a County-wide program to educate drivers on the State laws associated with stopping for school buses.

Section 3. 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 4. SEQRA Determination.

This Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), N.Y. Environmental Conservation Law Article 8 and Chapter 450 of the Suffolk County Code, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(26) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (NYCRR) in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. 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 resolution.

Section 5. Effective Date.

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

___ Underlining denotes addition of new language.

DATED: December 15, 2020

APPROVED BY:

/s/ Lisa Black
Chief Deputy County Executive of Suffolk County

Date: December 28, 2020

After a public hearing duly held on December 28, 2020
Filed with the Secretary of State on January 15, 2021