

**Local Law Number ___ of 2026
County of Sullivan**

**A LOCAL LAW ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING
FINES FOR FAILURE TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL
SIGNAL OR STOP-ARM**

BE IT ENACTED, by the County Legislature of the County of Sullivan, State of New York, as follows:

SECTION 1. Definitions.

For purposes of this local law, the following terms shall have the following meanings:

- A. "County" shall mean the County of Sullivan.
- B. "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 the Department of Transportation pursuant to Section 1680 of the New York Vehicle and Traffic Law.
- C. "Owner" shall have the meaning provided in Section 239 of the New York Vehicle and Traffic Law.
- D. "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 Vehicle and Traffic Law.
- E. "School district" is intended to be broadly defined to include the term "company" when relevant in interpreting and identifying the owner or operator of school buses. For example, a school district may contract with a transportation company to provide busing services and may not necessarily own school buses.

SECTION 2. Program Established.

- A. There is hereby established, pursuant to Section 1174-a of the New York State Vehicle and Traffic Law, a demonstration program imposing monetary liability on owners of vehicles for failure of the operators to comply with Section 1174 of the New York State Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of Section 375 of the New York State Vehicle and Traffic Law.
- B. Under such demonstration program, the County is hereby authorized 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, or company, within the County provided, however, that:

- (i). No stationary school bus photo violation monitoring system shall be installed or operated by the County, except on roadways under the jurisdiction of the County; and
- (ii). No mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless the County and such district, or company, enter into an agreement for such installation and operation.

C. To carry out the demonstration program, the County authorized to enter into agreement with a school district, or a company, for the installation, maintenance and use of school bus photo violation monitoring systems, 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 County, subject to the provisions of this section and Section 1174-a of the New York Vehicle and Traffic Law and approval of the County Legislature.

D. Nothing in this local law shall be construed to prevent the County or any participating school district, or company, from withdrawing from or terminating an agreement for the installation, maintenance and use of school bus photo violation monitoring systems at any time, provided that the withdrawing party shall provide at least thirty days prior written notice to the other party.

E. Cost of Program and Reports Relating Thereto.

- (i) The total cost to any participating school district, or company, of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to this local law, including costs for proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data, and for forwarding such materials to the County, shall be borne entirely by the County.
- (ii) On or before September 1 of each year, each participating school district, or company, shall determine and certify to the County the total costs for the school year ending the preceding June 30.
- (iii) On or before December 1 of each year, the County shall pay to each participating school district the costs so certified. Not later than twenty days after each such payment is submitted or is due, whichever occurs first, each participating school district shall submit to the Director of the Budget and the Chairpersons of the Fiscal Committees of the Legislature a report showing the amount of costs certified and payments received or due. If the County fails to make any required payment by the twentieth day after the due date:
 - a. The district shall notify the Commissioner of the Division of Management and committee chairman of the Legislature within twenty-four hours; and
 - b. The demonstration program shall be automatically suspended until the County makes the required payment.

(iv) Any notice of liability issued prior to suspension shall remain valid.

F. School District Access to Data.

- (i) Prohibition on Access. Pursuant to Section 1174-a of the Vehicle and Traffic Law, any school district participating in the demonstration program shall be prohibited from accessing, viewing, or reviewing any photographs, microphotographs, videotapes, other recorded images, or data from school bus photo violation monitoring systems.
- (ii) District Responsibilities. Each participating school district, or transportation company, shall provide, pursuant to its agreement with the County, for the proper handling and custody of all photographs, microphotographs, videotapes, other recorded images, and data produced by such systems, and for the secure forwarding of such materials to the County.
- (iii) Data forwarded to the County shall be used solely for the purpose of determining whether a motor vehicle was operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law and imposing monetary liability on the owner of such motor vehicle.

G. Data Destruction Requirements.

- (i) The agreement between the County and the school district, or transportation company, shall provide that 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 violation if a notice of liability is not issued for such alleged violation pursuant to this local law; or
 - b. Upon final disposition of a notice of liability issued pursuant to this local law. For purposes of this subsection, "final disposition" means payment of the penalty in full, dismissal of the violation, or exhaustion or expiration of all appeal rights, whichever occurs last.

H. The County shall, through contract, undertake 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 monitoring device. Such measures shall include:

- (i). Utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school 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 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 section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law;

(iii). Oversight procedures to ensure compliance with the privacy protection measures required herein.

I. The County, acting by and through the Commissioner of the Department of Public Works, shall undertake the installation of signage in conformance with standards established in the MUTCD. Such signage shall be installed at each roadway entrance of the jurisdictional boundaries of the County, prior to the commencement of enforcement operations under this local law, giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating Section 1174 of the New York Vehicle and Traffic Law. 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 boundaries of the County.

SECTION 3. Penalties.

A. An owner liable for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law pursuant to this local law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties.

- (i). Two hundred fifty dollars (\$250) for a first violation;
- (ii). Two hundred seventy-five dollars (\$275) for a second violation committed within eighteen months of the first violation;
- (iii). Three hundred dollars (\$300) for a third or subsequent violation all of which were committed within eighteen months from the first violation; and
- (iv). An additional penalty of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.
- (v). Nothing in this section shall be construed to limit the authority of a court or other adjudicating body to permit payment of penalties in a manner authorized by law.

SECTION 4. Notice of Liability.

A. Issuance and Mailing. A notice of liability shall be sent by first class mail, pursuant to Section 1174-a(g) of the Vehicle and Traffic Law, to each person alleged to be liable as an owner for a violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law. 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. The County, or its designee, shall be responsible for causing such notices to be mailed.

B. Required Contents. A notice of liability shall contain:

- (i) The name and address of the person alleged to be liable;
- (ii) The license plate number of the vehicle involved in the violation;
- (iii) The registration number of the school bus on which the monitoring system was installed;
- (iv) The identification number of the school bus photo violation monitoring system which recorded the violation or other document locator number;
- (v) The location where the violation took place;
- (vi) The date and time of the violation;
- (vii) Information on the ability to view video of the moving violation.
- (viii) The amount of the penalty (\$250, \$275, or \$300 depending on violation history, plus \$25 if response is late);
- (ix) The date by which response must be received (thirty days from mailing);
- (x) Payment methods and instructions.

C. Contest Information. The notice of liability shall contain information advising the person charged:

- (i) That they must respond within thirty days of the date of mailing by either paying the penalty or requesting a hearing;
- (ii) The manner in which they may contest the liability alleged in the notice, including how to request a hearing; and
- (iii) That failure to respond within thirty days shall result in an additional \$25 penalty, shall be deemed an admission of liability, and that a default judgment may be entered.

D. Additional Information. The notice of liability may contain such other information as the County deems appropriate to explain the law, the adjudicatory process, and the person's rights and obligations.

SECTION 5. Owner Liability.

A. Owner Liability Established.

- (i) 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 subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law and such violation is evidenced by information obtained from a school bus photo violation monitoring system.

- (ii) 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 subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law.
- (iii) For purposes of this local law, there shall be a rebuttable presumption that the vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of subdivision (a) of Section 1174 of the New York Vehicle and Traffic Law.

SECTION 6. Adjudication of Liability.

Liability pursuant to the demonstration program established hereunder shall be imposed upon owners by the Court of competent jurisdiction in Sullivan County or in any other manner pursuant to the New York State Vehicle and Traffic Law.

SECTION 7. Reporting requirements.

A. The County, acting by and through the Commissioner of Public Safety 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 and the speaker of the Assembly on or before June 1 of each year in which the demonstration program is operable. Such report shall include any information required by State Law to be included as a result of the enactment of this local law.

B. Pursuant to the requirements of subdivision (a) of Section 1174 of the New York State Vehicle and Traffic Law, courts, bureaus, and agencies conducting adjudications as a result of this local law shall report at least annually to the County on 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 8. 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 9. Effective Date.

This Local Law shall become effective ten (10) days after the filing with the Office of the Secretary of State of the State of New York and shall remain in effect until the expiration of the County's authority under the Vehicle and Traffic Law § 1174-a.