

## Legislation Allows Municipalities to Install Cameras on School Buses and to Fine Drivers

On August 6, 2019, Governor Cuomo signed into law a bill (Assembly 4950B, Senate 4524) that authorizes counties, cities, towns and villages which are located within a school district to adopt or amend a local law or ordinance that would allow for the installation and operation of photo-based monitoring systems on school buses to impose liability on drivers who fail to stop when a school bus has its “stop” arm extended. This authority will go into effect on September 5, 2019. Several states, including Georgia, Maryland, North Carolina, Iowa, Virginia, Connecticut, and Washington already have similar laws.

It is important to note that this legislation authorizes only the exercise of municipal power. School districts themselves cannot adopt the local laws which are required for the camera installations and driver fines.

It is estimated that 50,000 vehicles pass New York State school buses illegally every day. Currently, only police officers who witness someone illegally passing a stopped bus are able to issue a ticket. This law will utilize technology to greatly increase the number of individuals who are issued fines for passing stopped buses illegally.

Any driver found liable will pay a fine of at least \$250, 90% of which will be paid to the State Comptroller and the remaining 10% to the municipality. After the first offense, the fine amount will increase and municipalities may add an additional penalty not to exceed \$25 for each violation. In what may be a surprising omission, these fines are monetary only, and will not result in “points” on a driver’s license.

Camera systems may be installed on school buses pursuant to an agreement between the municipality and the local school district, with the total cost of the equipment and installation to be borne entirely by the municipality. School districts will be prohibited from accessing the recordings made by the cameras.

Because municipalities are the ones to pay for and install the cameras, these costs shall not be considered an “aidable expense” for districts. The agreement between a school district and a municipality must be approved first by the municipality, and then by resolution of the Board of Education.

School districts should be aware that their constituent municipalities may pass laws authorizing monitoring systems on school buses. Any agreement between the municipality and the school district should specify the nature of the installation, ensure that it will not interfere with the safe operation of the school bus and provide for which party is responsible for maintenance, repair, replacement and insurance, among other considerations. School districts should have agreements with municipalities reviewed by their legal counsel in order to make sure that the agreements are compliant with New York State law and provide for clear responsibilities on the part of the contracting entities.

If you have any questions regarding the information in this memo, please feel free to contact [Jeffrey A. Kehl](#), Megan K. Thomas or the attorney in the firm with whom you are regularly in contact.



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