

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ County ☐ City ☐ Town ☐ Village

(Select one:)

of Westchester

Local Law No. 8 of the year 2024

A LOCAL LAW amending Chapter 705 of the Laws of Westchester County relating to a Demonstration Program imposing vehicle owner liability for failure of an operator thereof to stop for a school bus displaying a red visual signal and stop-arm.

Be it enacted by the County Board of the  
(Name of Legislative Body)

☒ County ☐ City ☐ Town ☐ Village

(Select one:)

of Westchester

as follows:

Section 1. Section 705.61 subdivision (b) of Chapter 705 of the Laws of Westchester County is hereby amended to read as follows:

- 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 Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, and 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.

Section 2. Section 705.71 subdivision (d) of Chapter 705 of the Laws of Westchester County is hereby amended, subdivision (e) is renumbered to (f), and a new subdivision (e) is added, to read as follows:

- d. 1. A certificate shall be sworn to or affirmed by a technician employed by the County, or a facsimile thereof, and shall be based upon inspection of photographs, microphotographs, videotapes, and other recorded images produced by a school bus photo violation monitoring system, and other documents or declarations pertaining to inspections by the New York State Department of Transportation. Said certificate shall be prima facie evidence of the facts contained therein. Such certificate, or a facsimile thereof, shall include the following information:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

- i. the identification number of the school bus photo violation monitoring system which recorded the violation;
- ii. 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 the New York State Vehicle and Traffic Law, 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 New York State Transportation Law and the rules and regulations promulgated thereunder; and
- iii. the registration number of the school bus to which such school bus photo violation monitoring system was attached.

2. Any photographs, microphotographs, videotapes, and 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. Any photographs, microphotographs, videotapes, and other recorded images evidencing such a violation including the required recorded image described in the first sentence of this subdivision, shall be available for inspection in any proceeding to adjudicate the liability for such violation.

e. Where recorded images from a school bus photo violation monitoring system attached to a school bus, as certified pursuant to this section, show the activation of at least one school bus stop-arm and an electronic indicator or indicators as required pursuant to this section, 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, stating that 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 New York State Transportation Law and the rules and regulations promulgated thereunder. Such certificate 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 the New York State Vehicle and Traffic Law and the flashing red signal lamp of such school bus was in operation at the time the violation occurred.

f. It shall be a defense to any prosecution for or allegation of a violation of Subdivision (a) of § 1174 of the New York State Vehicle and Traffic Law pursuant to this Chapter that such school bus stop-arms were malfunctioning at the time of the alleged violation.

Section 3. Chapter 705 of the Laws of Westchester County, entitled School Bus Stop-Arm Demonstration Program, as amended herein, is renumbered to Chapter 708 of the Laws of Westchester County. Any and all internal references in said Chapter are hereby renumbered in accordance with this modification.

Section 4. This Local Law shall take effect immediately and, notwithstanding any other provision of law, Chapter 705 (newly renumbered to Chapter 708) of the Laws of Westchester County shall expire on the same date that the New York State Law authorizing such demonstration program expires.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 8 \_\_\_\_\_ of 2024 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ Westchester \_\_\_\_\_ was duly passed by the \_\_\_\_\_ Board of Legislators \_\_\_\_\_ on June 17, \_\_\_\_\_ 2024 \_\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ County Executive \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) on June 18, 2024, in accordance with the applicable provisions of law.

(Name of Legislative Body)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

(Name of Legislative Body)

(Elective Chief Executive Officer\*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

(Name of Legislative Body)

(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of The City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20 \_\_\_\_\_, became operative.


**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph,

\_\_\_\_\_ 2 \_\_\_\_\_ above.

  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

Date: 6/21/24

(Seal)