



**Honorable Mayor and City Council Minutes
1st Floor Council Conference Room, City Hall
City of New Rochelle
Regular Legislative Meeting
Tuesday, May 19, 2026**

Pledge of Allegiance

Roll Call

Present

Council Member, District 1 Martha Lopez
Council Member, District 2 Albert A. Tarantino Jr.
Council Member, District 3 David Peters
Council Member, District 4 Shane A. Osinloye
Council Member, District 5 Sara R. Kaye
Council Member, District 6 Matthew A . Stern
Mayor Yadira Ramos-Herbert

Absent

None.

The meeting was called to order at 06:15 PM by Mayor Yadira Ramos-Herbert.

Approval of Minutes

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 6 Stern
Second:	Council Member, District 5 Kaye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

1. Regular Legislative Meeting, Tuesday, March 17, 2026; Committee of the Whole Session, Tuesday April 14, 2026.

Submission of Minutes

Regular Legislative Meeting, Tuesday, April 21, 2026; Committee of the Whole Session, Tuesday, May 12, 2026

Presentation

Legislation in Voting Order

Consent Agenda

2. **2026-56** PROPOSED AMENDMENT TO CODE OF THE CITY OF NEW ROCHELLE RE: PARKING REGULATION CHANGE (39 BEATTIE LANE) - Ordinance amending Section 312-91, Schedule XX: Handicapped Parking, of Chapter 312, Vehicles and Traffic, of the Code of the City of New Rochelle (39 Beattie Lane).

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 1 Lopez
Seconder:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

3. **2026-57** PROPOSED RESOLUTION RE: FEMA BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) GRANT PROGRAM APPLICATION VIA NEW YORK STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES (DHSES) – Resolution authorizing submission of a subapplicant application to the New York State Division of Homeland Security and Emergency Services for the FEMA Building Resilient Infrastructure and Communities Grant Program, and committing the required local match.

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 1 Lopez
Seconder:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

4. **2026-58** PROPOSED AMENDMENTS TO 2026 BUDGET RE: DEPARTMENT OF PARKS & RECREATION - Ordinance amending Ordinance No. 198 of 2025, the Budget of the City of New Rochelle for 2026, relative to the Parks & Recreation Department

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 1 Lopez
Seconder:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

5. **2026-59** PROPOSED AMENDED AUTHORIZATION RE: 2020 STIPEND ACCOUNT FUNDS PROVIDED TO THE NEW ROCHELLE FUND FOR EDUCATIONAL EXCELLENCE FROM COUNCIL MEMBERS FRIED, HYDEN, KAYE, AND TARANTINO - Resolution authorizing the New Rochelle Fund for Education Excellence to utilize the unspent \$20,000 from the 2020 stipend accounts of former Council Members Liz Fried and Ivar Hyden, and current Council Members Sara R. Kaye and Albert A. Tarantino, Jr., to install a new LED sign along North Avenue at New Rochelle High School, replacing the originally authorized use for VRNR. (Original Resolution 2020-165).

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 1 Lopez
Seconder:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

6. **2026-60** PROPOSED ADOPTION OF THE CITY OF NEW ROCHELLE LOCAL SAFETY ACTION PLAN (LSAP) – Resolution adopting the City of New Rochelle Local Safety Action Plan (LSAP) as the City’s comprehensive roadway safety action plan for all modes: vehicles, pedestrians, cyclists, and transit users.

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 1 Lopez
Seconder:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

7. **2026-61** PROPOSED AUTHORIZATION RE: SUBMISSION OF U.S. DEPARTMENT OF TRANSPORTATION's (USDOT) FY 2026 SAFE STREETS AND ROADS FOR ALL (SS4A) IMPLEMENTATION GRANT APPLICATION – Resolution authorizing submission of an FY 2026 SS4A Implementation Grant application for the “New Rochelle Safe Corridors Program” and committing the required local match.

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 1 Lopez
Seconder:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

8. **2026-62** PROPOSED ACCEPTANCE OF GRANT AWARD RE: BLOOMBERG PHILANTHROPIES YOUTH CLIMATE ACTION FUND – Ordinance accepting the Bloomberg Philanthropies Youth Climate Action Fund award; and amending Ordinance No. 198 of 2025, the Budget of the City of New Rochelle for 2026 (Sponsored by Mayor Yadira Ramos-Herbert).

Result:	Adopted, Passed (7 - 0)
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Mover:	Council Member, District 1 Lopez
Second:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

9. **2026-63** PROPOSED AUTHORIZATION TO NEGOTIATE AND EXECUTE LEASE AGREEMENT WITH THE HUMBLE BUMBLE BOOK, LLC, FOR TRAIN STATION RETAIL SPACE - Resolution authorizing the City Manager to negotiate and execute a lease agreement with Humble Bumble, LLC for the Use and Occupancy of a ground-floor space at the New Rochelle Train Station.

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 1 Lopez
Second:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

10. **2026-64** PROPOSED AUTHORIZATION TO NEGOTIATE AND EXECUTE LEASE AGREEMENT WITH JUIICY LLC FOR TRAIN STATION RETAIL SPACE - Resolution authorizing the City Manager to negotiate and execute a lease agreement with JUIICY LLC for the Use and Occupancy of a ground-floor space at the New Rochelle Train Station.

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 1 Lopez
Second:	Council Member, District 4 Osinloye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

Resolutions

11. **2026-65** HOME RULE REQUEST RE: ESTABLISHMENT OF A SCHOOL SPEED ZONE CAMERA DEMONSTRATION PROGRAM IN THE CITY OF NEW ROCHELLE – Resolution authorizing the appropriate Officer(s) of the City of New Rochelle to sign a Home Rule Request for the Enactment of Senate Bill No. S9238 and State Assembly Bill No. A10903 relative to the amending the Vehicle and Traffic Law and the Public Officers Law, in relation to establishing a school speed zone camera demonstration program in the City of New Rochelle.

Result:	Adopted, Passed (6 - 0)
Mover:	Council Member, District 4 Osinloye
Second:	Council Member, District 6 Stern
Ayes:	Martha Lopez, Albert A. Tarantino Jr., Shane A. Osinloye, Sara R. Kaye, Matthew A .

	Stern, Yadira Ramos-Herbert
No:	None
Abstain:	David Peters

Wilfredo Melendez, P.E., City Manager, addressed the proposal regarding the Home Rule Request for the establishment of a school speed zone camera demonstration program and amendments to the Vehicle and Traffic Law and the Public Officers Law. He noted that the proposal has progressed.

A discussion relative to the establishment of speed zones and the question of specific camera locations ensued. The plan, a pilot program, currently provides three locations at the City's discretion. Also discussed was the question of school zones and the need for specific data.

Council Member David Peters addressed his concern regarding proposed locations while, at the same time, the Lincoln Avenue area, currently without a school, should be considered. He indicated that he was not, under the circumstances, prepared to vote. He added that school zones, which include Webster Avenue, appear in the Code - and should also include Lincoln Avenue. He asserted that needed improvements on Lincoln Avenue must be addressed.

Neil Reynolds, Police Commissioner, referred to the need to closely examine future plans and to provide proper definitions as they relate to programs.

Council Member Peters abstained from voting on the basis of the needed improvements in the Lincoln Avenue area.

City Manager Melendez acknowledged that the Lincoln Avenue area will be addressed.

It was agreed that the Code of the City of New Rochelle be reviewed.

Ordinances

Public Hearings Held on Tuesday, May 12, 2026 for Decision

- 12. **2026-66** PROPOSED AMENDMENT TO CHAPTER 312 OF THE CODE OF THE CITY OF NEW ROCHELLE RE: VEHICLE IMPOUND AUTHORITY - Ordinance amending Chapter 312 of the Code of the City of New Rochelle, entitled "Vehicles and Traffic," in relation to the removal and impound of vehicles and the definition of abandoned vehicles. (Intro. 4/14/26; Public Hearing 5/12/26).

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 4 Osinloye
Second:	Council Member, District 5 Kaye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None
Abstain:	None

- 13. **2026-67** PROPOSED REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS - Resolution adopting the reprogramming of CDBG funds for ADA Sidewalk and Roadway Improvements, Gateway Sign / Traffic, and Façade Improvements with amendments to the 2020 through 2024 Action Plans and 2019 through 2026 Budgets. (Intro. 4/14/26; Public Hearing 5/12/26).

Result:	Adopted, Passed (7 - 0)
Mover:	Council Member, District 6 Stern
Second:	Council Member, District 5 Kaye
Ayes:	Martha Lopez, Albert A. Tarantino Jr., David Peters, Shane A. Osinloye, Sara R. Kaye, Matthew A . Stern, Yadira Ramos-Herbert
No:	None

Abstain: None

Discussion Item(s)

Executive Session

Motion to convene in Executive Session was moved by Council Member Kaye, seconded by Council Member Peters, and unanimously approved by Council Members Lopez, Tarantino, Peters, Osinloye, Kaye, Stern, and Mayor Ramos-Herbert, and adopted. Subject(s): Appointment. City Council convened in Executive Session.

Adjournment

The meeting was adjourned at 6:50 P.M. by Mayor Yadira Ramos-Herbert.

KIM B. JONES
CITY CLERK

STATE OF NEW YORK

9238

IN SENATE

February 18, 2026

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a school speed zone camera demonstration program in the city of New Rochelle; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1180-i to read as follows:

3 § 1180-i. Owner liability for failure of operator to comply with
4 certain posted maximum speed limits. (a) 1. Notwithstanding any other
5 provision of law, the city of New Rochelle is hereby authorized to
6 establish a demonstration program imposing monetary liability on the
7 owner of a vehicle for failure of an operator thereof to comply with
8 posted maximum speed limits in a school speed zone within such city (i)
9 when a school speed limit is in effect as provided in paragraphs one and
10 two of subdivision (c) of section eleven hundred eighty of this article
11 or (ii) when other speed limits are in effect as provided in subdivision
12 (b), (d), (f) or (g) of section eleven hundred eighty of this article
13 during the following times: (A) on school days during school hours and
14 one hour before and one hour after the school day, and (B) a period
15 during student activities at the school and up to thirty minutes imme-
16 diately before and up to thirty minutes immediately after such student
17 activities. Such demonstration program shall empower the city of New
18 Rochelle to install photo speed violation monitoring systems within no
19 more than three school speed zones within such city at any one time and
20 to operate such systems within such zones (iii) when a school speed
21 limit is in effect as provided in paragraphs one and two of subdivision
22 (c) of section eleven hundred eighty of this article or (iv) when other
23 speed limits are in effect as provided in subdivision (b), (d), (f) or
24 (g) of section eleven hundred eighty of this article during the follow-
25 ing times: (A) on school days during school hours and one hour before
26 and one hour after the school day, and (B) a period during student

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 activities at the school and up to thirty minutes immediately before and
2 up to thirty minutes immediately after such student activities. In
3 selecting a school speed zone in which to install and operate a photo
4 speed violation monitoring system, the city shall consider criteria
5 including, but not limited to, the speed data, crash history, and the
6 roadway geometry applicable to such school speed zone.

7 2. No photo speed violation monitoring system shall be used in a
8 school speed zone unless (i) on the day it is to be used it has success-
9 fully passed a self-test of its functions; and (ii) it has undergone an
10 annual calibration check performed pursuant to paragraph four of this
11 subdivision. The city shall install signs giving notice that a photo
12 speed violation monitoring system is in use to be mounted on advance
13 warning signs notifying motor vehicle operators of such upcoming school
14 speed zone and/or on speed limit signs applicable within such school
15 speed zone, in conformance with standards established in the MUTCD.

16 3. Operators of photo speed violation monitoring systems shall have
17 completed training in the procedures for setting up, testing, and oper-
18 ating such systems. Each such operator shall complete and sign a daily
19 set-up log for each such system that he or she operates that (i) states
20 the date and time when, and the location where, the system was set up
21 that day, and (ii) states that such operator successfully performed, and
22 the system passed, the self-tests of such system before producing a
23 recorded image that day. The city shall retain each such daily log until
24 the later of the date on which the photo speed violation monitoring
25 system to which it applies has been permanently removed from use or the
26 final resolution of all cases involving notices of liability issued
27 based on photographs, microphotographs, videotape or other recorded
28 images produced by such system.

29 4. Each photo speed violation monitoring system shall undergo an annu-
30 al calibration check performed by an independent calibration laboratory
31 which shall issue a signed certificate of calibration. The city shall
32 keep each such annual certificate of calibration on file until the final
33 resolution of all cases involving a notice of liability issued during
34 such year which were based on photographs, microphotographs, videotape
35 or other recorded images produced by such photo speed violation monitor-
36 ing system.

37 5. (i) Such demonstration program shall utilize necessary technologies
38 to ensure, to the extent practicable, that photographs, microphoto-
39 graphs, videotape or other recorded images produced by such photo speed
40 violation monitoring systems shall not include images that identify the
41 driver, the passengers, or the contents of the vehicle. Provided,
42 however, that no notice of liability issued pursuant to this section
43 shall be dismissed solely because such a photograph, microphotograph,
44 videotape or other recorded image allows for the identification of the
45 driver, the passengers, or the contents of vehicles where the city shows
46 that it made reasonable efforts to comply with the provisions of this
47 paragraph in such case.

48 (ii) Photographs, microphotographs, videotape or any other recorded
49 image from a photo speed violation monitoring system shall be for the
50 exclusive use of the city for the purpose of the adjudication of liabil-
51 ity imposed pursuant to this section and of the owner receiving a notice
52 of liability pursuant to this section, and shall be destroyed by the
53 city upon the final resolution of the notice of liability to which such
54 photographs, microphotographs, videotape or other recorded images
55 relate, or one year following the date of issuance of such notice of
56 liability, whichever is later. Notwithstanding the provisions of any

1 other law, rule or regulation to the contrary, photographs, microphoto-
2 graphs, videotape or any other recorded image from a photo speed
3 violation monitoring system shall not be open to the public, nor subject
4 to civil or criminal process or discovery, nor used by any court or
5 administrative or adjudicatory body in any action or proceeding therein
6 except that which is necessary for the adjudication of a notice of
7 liability issued pursuant to this section, and no public entity or
8 employee, officer or agent thereof shall disclose such information,
9 except that such photographs, microphotographs, videotape or any other
10 recorded images from such systems:

11 (A) shall be available for inspection and copying and use by the motor
12 vehicle owner and operator for so long as such photographs, microphoto-
13 graphs, videotape or other recorded images are required to be maintained
14 or are maintained by such public entity, employee, officer or agent; and

15 (B) (1) shall be furnished when described in a search warrant issued
16 by a court authorized to issue such a search warrant pursuant to article
17 six hundred ninety of the criminal procedure law or a federal court
18 authorized to issue such a search warrant under federal law, where such
19 search warrant states that there is reasonable cause to believe such
20 information constitutes evidence of, or tends to demonstrate that, a
21 misdemeanor or felony offense was committed in this state or another
22 state, or that a particular person participated in the commission of a
23 misdemeanor or felony offense in this state or another state, provided,
24 however, that if such offense was against the laws of another state, the
25 court shall only issue a warrant if the conduct comprising such offense
26 would, if occurring in this state, constitute a misdemeanor or felony
27 against the laws of this state; and

28 (2) shall be furnished in response to a subpoena duces tecum signed by
29 a judge of competent jurisdiction and issued pursuant to article six
30 hundred ten of the criminal procedure law or a judge or magistrate of a
31 federal court authorized to issue such a subpoena duces tecum under
32 federal law, where the judge finds and the subpoena states that there is
33 reasonable cause to believe such information is relevant and material to
34 the prosecution, or the defense, or the investigation by an authorized
35 law enforcement official, of the alleged commission of a misdemeanor or
36 felony in this state or another state, provided, however, that if such
37 offense was against the laws of another state, such judge or magistrate
38 shall only issue such subpoena if the conduct comprising such offense
39 would, if occurring in this state, constitute a misdemeanor or felony in
40 this state; and

41 (3) may, if lawfully obtained pursuant to this clause and clause (A)
42 of this subparagraph and otherwise admissible, be used in such criminal
43 action or proceeding.

44 (b) If the city of New Rochelle establishes a demonstration program
45 pursuant to subdivision (a) of this section, the owner of a vehicle
46 shall be liable for a penalty imposed pursuant to this section if such
47 vehicle was used or operated with the permission of the owner, express
48 or implied, within a school speed zone in violation of subdivision (c)
49 or during the times authorized pursuant to subdivision (a) of this
50 section in violation of subdivision (b), (d), (f) or (g) of section
51 eleven hundred eighty of this article, such vehicle was traveling at a
52 speed of more than ten miles per hour above the posted speed limit in
53 effect within such school speed zone, and such violation is evidenced by
54 information obtained from a photo speed violation monitoring system;
55 provided however that no owner of a vehicle shall be liable for a penal-
56 ty imposed pursuant to this section where the operator of such vehicle

1 has been convicted of the underlying violation of subdivision (b), (c),
2 (d), (f) or (g) of section eleven hundred eighty of this article.

3 (c) For purposes of this section, the following terms shall have the
4 following meanings:

5 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
6 the manual and specifications for a uniform system of traffic control
7 devices maintained by the commissioner of transportation pursuant to
8 section sixteen hundred eighty of this chapter;

9 2. "owner" shall have the meaning provided in article two-B of this
10 chapter;

11 3. "photo speed violation monitoring system" shall mean a vehicle
12 sensor installed to work in conjunction with a speed measuring device
13 which automatically produces two or more photographs, two or more micro-
14 photographs, a videotape or other recorded images of each vehicle at the
15 time it is used or operated in a school speed zone in violation of
16 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
17 of this article in accordance with the provisions of this section; and

18 4. "school speed zone" shall mean a distance not to exceed one thou-
19 sand three hundred twenty feet on a highway passing a school building,
20 entrance or exit of a school abutting on the highway.

21 (d) A certificate, sworn to or affirmed by a technician employed by
22 the city of New Rochelle, or a facsimile thereof, based upon inspection
23 of photographs, microphotographs, videotape or other recorded images
24 produced by a photo speed violation monitoring system, shall be prima
25 facie evidence of the facts contained therein. Any photographs, micro-
26 photographs, videotape or other recorded images evidencing such a
27 violation shall include at least two date and time stamped images of the
28 rear of the motor vehicle that include the same stationary object near
29 the motor vehicle and shall be available for inspection reasonably in
30 advance of and at any proceeding to adjudicate the liability for such
31 violation pursuant to this section.

32 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
33 or (g) of section eleven hundred eighty of this article pursuant to a
34 demonstration program established pursuant to this section shall be
35 liable for monetary penalties in accordance with a schedule of fines and
36 penalties to be promulgated by the parking violations bureau of the city
37 of New Rochelle. The liability of the owner pursuant to this section
38 shall not exceed fifty dollars for each violation; provided, however,
39 that such parking violations bureau may provide for an additional penal-
40 ty not in excess of twenty-five dollars for each violation for the fail-
41 ure to respond to a notice of liability within the prescribed time peri-
42 od.

43 (f) An imposition of liability under the demonstration program estab-
44 lished pursuant to this section shall not be deemed a conviction as an
45 operator and shall not be made part of the operating record of the
46 person upon whom such liability is imposed nor shall it be used for
47 insurance purposes in the provision of motor vehicle insurance coverage.

48 (g) 1. A notice of liability shall be sent by first class mail to each
49 person alleged to be liable as an owner for a violation of subdivision
50 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
51 cle pursuant to this section, within fourteen business days if such
52 owner is a resident of this state and within forty-five business days if
53 such owner is a non-resident. Personal delivery on the owner shall not
54 be required. A manual or automatic record of mailing prepared in the
55 ordinary course of business shall be prima facie evidence of the facts
56 contained therein.

1 2. A notice of liability shall contain the name and address of the
2 person alleged to be liable as an owner for a violation of subdivision
3 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
4 cle pursuant to this section, the registration number of the vehicle
5 involved in such violation, the location where such violation took
6 place, the date and time of such violation, the identification number of
7 the camera which recorded the violation or other document locator
8 number, at least two date and time stamped images of the rear of the
9 motor vehicle that include the same stationary object near the motor
10 vehicle, and the certificate charging the liability.

11 3. The notice of liability shall contain information advising the
12 person charged of the manner and the time in which he or she may contest
13 the liability alleged in the notice. Such notice of liability shall also
14 contain a prominent warning to advise the person charged that failure to
15 contest in the manner and time provided shall be deemed an admission of
16 liability and that a default judgment may be entered thereon.

17 4. The notice of liability shall be prepared and mailed by the city of
18 New Rochelle, or by any other entity authorized by the city to prepare
19 and mail such notice of liability.

20 (h) Adjudication of the liability imposed upon owners of this section
21 shall be by the city of New Rochelle parking violations bureau.

22 (i) If an owner receives a notice of liability pursuant to this
23 section for any time period during which the vehicle or the number plate
24 or plates of such vehicle was reported to the police department as
25 having been stolen, it shall be a valid defense to an allegation of
26 liability for a violation of subdivision (b), (c), (d), (f) or (g) of
27 section eleven hundred eighty of this article pursuant to this section
28 that the vehicle or the number plate or plates of such vehicle had been
29 reported to the police as stolen prior to the time the violation
30 occurred and had not been recovered by such time. For purposes of
31 asserting the defense provided by this subdivision, it shall be suffi-
32 cient that a certified copy of the police report on the stolen vehicle
33 or number plate or plates of such vehicle be sent by first class mail to
34 the city of New Rochelle parking violations bureau or by any other enti-
35 ty authorized by the city to prepare and mail such notice of liability.

36 (j) 1. An owner who is a lessor of a vehicle to which a notice of
37 liability was issued pursuant to subdivision (g) of this section shall
38 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)
39 of section eleven hundred eighty of this article pursuant to this
40 section, provided that:

41 (i) prior to the violation, the lessor has filed with such parking
42 violations bureau in accordance with the provisions of section two
43 hundred thirty-nine of this chapter; and

44 (ii) within thirty-seven days after receiving notice from such bureau
45 of the date and time of a liability, together with the other information
46 contained in the original notice of liability, the lessor submits to
47 such bureau the correct name and address of the lessee of the vehicle
48 identified in the notice of liability at the time of such violation,
49 together with such other additional information contained in the rental,
50 lease or other contract document, as may be reasonably required by such
51 bureau pursuant to regulations that may be promulgated for such purpose.

52 2. Failure to comply with subparagraph (ii) of paragraph one of this
53 subdivision shall render the owner liable for the penalty prescribed in
54 this section.

55 3. Where the lessor complies with the provisions of paragraph one of
56 this subdivision, the lessee of such vehicle on the date of such

1 violation shall be deemed to be the owner of such vehicle for purposes
2 of this section, shall be subject to liability for such violation pursu-
3 ant to this section and shall be sent a notice of liability pursuant to
4 subdivision (g) of this section.

5 (k) 1. If the owner liable for a violation of subdivision (c) or (d)
6 of section eleven hundred eighty of this article pursuant to this
7 section was not the operator of the vehicle at the time of the
8 violation, the owner may maintain an action for indemnification against
9 the operator.

10 2. Notwithstanding any other provision of this section, no owner of a
11 vehicle shall be subject to a monetary fine imposed pursuant to this
12 section if the operator of such vehicle was operating such vehicle with-
13 out the consent of the owner at the time such operator operated such
14 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
15 eleven hundred eighty of this article. For purposes of this subdivision
16 there shall be a presumption that the operator of such vehicle was oper-
17 ating such vehicle with the consent of the owner at the time such opera-
18 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)
19 or (g) of section eleven hundred eighty of this article.

20 (l) Nothing in this section shall be construed to limit the liability
21 of an operator of a vehicle for any violation of subdivision (c) or (d)
22 of section eleven hundred eighty of this article.

23 (m) If the city adopts a demonstration program pursuant to subdivision
24 (a) of this section it shall conduct a study and submit an annual report
25 on the results of the use of photo devices to the governor, the tempo-
26 rary president of the senate and the speaker of the assembly on or
27 before the first day of June next succeeding the effective date of this
28 section and on the same date in each succeeding year in which the demon-
29 stration program is operable. Such report shall include:

30 1. the locations where and dates when photo speed violation monitoring
31 systems were used;

32 2. the aggregate number, type and severity of crashes, fatalities,
33 injuries and property damage reported within all school speed zones
34 within the city, to the extent the information is maintained by the
35 department of motor vehicles of this state;

36 3. the aggregate number, type and severity of crashes, fatalities,
37 injuries and property damage reported within school speed zones where
38 photo speed violation monitoring systems were used, to the extent the
39 information is maintained by the department of motor vehicles of this
40 state;

41 4. the number of violations recorded within all school speed zones
42 within the city, in the aggregate on a daily, weekly and monthly basis;

43 5. the number of violations recorded within each school speed zone
44 where a photo speed violation monitoring system is used, in the aggre-
45 gate on a daily, weekly and monthly basis;

46 6. the number of violations recorded within all school speed zones
47 within the city that were:

48 (i) more than ten but not more than twenty miles per hour over the
49 posted speed limit;

50 (ii) more than twenty but not more than thirty miles per hour over the
51 posted speed limit;

52 (iii) more than thirty but not more than forty miles per hour over the
53 posted speed limit; and

54 (iv) more than forty miles per hour over the posted speed limit;

55 7. the number of violations recorded within each school speed zone
56 where a photo speed violation monitoring system is used that were:

1 (i) more than ten but not more than twenty miles per hour over the
2 posted speed limit;

3 (ii) more than twenty but not more than thirty miles per hour over the
4 posted speed limit;

5 (iii) more than thirty but not more than forty miles per hour over the
6 posted speed limit; and

7 (iv) more than forty miles per hour over the posted speed limit;

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

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

12 10. the number of violations adjudicated and the results of such adju-
13 dications including breakdowns of dispositions made for violations
14 recorded by such systems;

15 11. the total amount of revenue realized by the city in connection
16 with the program;

17 12. the expenses incurred by the city in connection with the program;
18 and

19 13. the quality of the adjudication process and its results.

20 (n) It shall be a defense to any prosecution for a violation of subdi-
21 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
22 this article pursuant to this section that such photo speed violation
23 monitoring system was malfunctioning at the time of the alleged
24 violation.

25 § 2. Subdivision 2 of section 87 of the public officers law is amended
26 by adding a new paragraph (w) to read as follows:

27 (w) are photographs, microphotographs, videotape or other recorded
28 images prepared under the authority of section eleven hundred eighty-i
29 of the vehicle and traffic law.

30 § 3. The purchase or lease of equipment for a demonstration program
31 established pursuant to section 1180-i of the vehicle and traffic law,
32 as added by section one of this act, shall be subject to the provisions
33 of section 103 of the general municipal law.

34 § 4. This act shall take effect on the thirtieth day after it shall
35 have become a law and shall expire December 31, 2031, when upon such
36 date the provisions of this act shall be deemed repealed. Effective
37 immediately, the addition, amendment and/or repeal of any rule or regu-
38 lation necessary for the implementation of this act on its effective
39 date are authorized to be made and completed on or before such effective
40 date.

STATE OF NEW YORK

10903

IN ASSEMBLY

April 8, 2026

Introduced by M. of A. OTIS, PAULIN -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a school speed zone camera demonstration program in the city of New Rochelle; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1180-i to read as follows:

3 § 1180-i. Owner liability for failure of operator to comply with
4 certain posted maximum speed limits. (a) 1. Notwithstanding any other
5 provision of law, the city of New Rochelle is hereby authorized to
6 establish a demonstration program imposing monetary liability on the
7 owner of a vehicle for failure of an operator thereof to comply with
8 posted maximum speed limits in a school speed zone within such city (i)
9 when a school speed limit is in effect as provided in paragraphs one and
10 two of subdivision (c) of section eleven hundred eighty of this article
11 or (ii) when other speed limits are in effect as provided in subdivision
12 (b), (d), (f) or (g) of section eleven hundred eighty of this article
13 during the following times: (A) on school days during school hours and
14 one hour before and one hour after the school day, and (B) a period
15 during student activities at the school and up to thirty minutes imme-
16 diately before and up to thirty minutes immediately after such student
17 activities. Such demonstration program shall empower the city of New
18 Rochelle to install photo speed violation monitoring systems within no
19 more than three school speed zones within such city at any one time and
20 to operate such systems within such zones (iii) when a school speed
21 limit is in effect as provided in paragraphs one and two of subdivision
22 (c) of section eleven hundred eighty of this article or (iv) when other
23 speed limits are in effect as provided in subdivision (b), (d), (f) or
24 (g) of section eleven hundred eighty of this article during the follow-
25 ing times: (A) on school days during school hours and one hour before
26 and one hour after the school day, and (B) a period during student

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD14861-01-6

1 activities at the school and up to thirty minutes immediately before and
2 up to thirty minutes immediately after such student activities. In
3 selecting a school speed zone in which to install and operate a photo
4 speed violation monitoring system, the city shall consider criteria
5 including, but not limited to, the speed data, crash history, and the
6 roadway geometry applicable to such school speed zone.

7 2. No photo speed violation monitoring system shall be used in a
8 school speed zone unless (i) on the day it is to be used it has success-
9 fully passed a self-test of its functions; and (ii) it has undergone an
10 annual calibration check performed pursuant to paragraph four of this
11 subdivision. The city shall install signs giving notice that a photo
12 speed violation monitoring system is in use to be mounted on advance
13 warning signs notifying motor vehicle operators of such upcoming school
14 speed zone and/or on speed limit signs applicable within such school
15 speed zone, in conformance with standards established in the MUTCD.

16 3. Operators of photo speed violation monitoring systems shall have
17 completed training in the procedures for setting up, testing, and oper-
18 ating such systems. Each such operator shall complete and sign a daily
19 set-up log for each such system that he or she operates that (i) states
20 the date and time when, and the location where, the system was set up
21 that day, and (ii) states that such operator successfully performed, and
22 the system passed, the self-tests of such system before producing a
23 recorded image that day. The city shall retain each such daily log until
24 the later of the date on which the photo speed violation monitoring
25 system to which it applies has been permanently removed from use or the
26 final resolution of all cases involving notices of liability issued
27 based on photographs, microphotographs, videotape or other recorded
28 images produced by such system.

29 4. Each photo speed violation monitoring system shall undergo an annu-
30 al calibration check performed by an independent calibration laboratory
31 which shall issue a signed certificate of calibration. The city shall
32 keep each such annual certificate of calibration on file until the final
33 resolution of all cases involving a notice of liability issued during
34 such year which were based on photographs, microphotographs, videotape
35 or other recorded images produced by such photo speed violation monitor-
36 ing system.

37 5. (i) Such demonstration program shall utilize necessary technologies
38 to ensure, to the extent practicable, that photographs, microphoto-
39 graphs, videotape or other recorded images produced by such photo speed
40 violation monitoring systems shall not include images that identify the
41 driver, the passengers, or the contents of the vehicle. Provided,
42 however, that no notice of liability issued pursuant to this section
43 shall be dismissed solely because such a photograph, microphotograph,
44 videotape or other recorded image allows for the identification of the
45 driver, the passengers, or the contents of vehicles where the city shows
46 that it made reasonable efforts to comply with the provisions of this
47 paragraph in such case.

48 (ii) Photographs, microphotographs, videotape or any other recorded
49 image from a photo speed violation monitoring system shall be for the
50 exclusive use of the city for the purpose of the adjudication of liabil-
51 ity imposed pursuant to this section and of the owner receiving a notice
52 of liability pursuant to this section, and shall be destroyed by the
53 city upon the final resolution of the notice of liability to which such
54 photographs, microphotographs, videotape or other recorded images
55 relate, or one year following the date of issuance of such notice of
56 liability, whichever is later. Notwithstanding the provisions of any

1 other law, rule or regulation to the contrary, photographs, microphoto-
2 graphs, videotape or any other recorded image from a photo speed
3 violation monitoring system shall not be open to the public, nor subject
4 to civil or criminal process or discovery, nor used by any court or
5 administrative or adjudicatory body in any action or proceeding therein
6 except that which is necessary for the adjudication of a notice of
7 liability issued pursuant to this section, and no public entity or
8 employee, officer or agent thereof shall disclose such information,
9 except that such photographs, microphotographs, videotape or any other
10 recorded images from such systems:

11 (A) shall be available for inspection and copying and use by the motor
12 vehicle owner and operator for so long as such photographs, microphoto-
13 graphs, videotape or other recorded images are required to be maintained
14 or are maintained by such public entity, employee, officer or agent; and

15 (B) (1) shall be furnished when described in a search warrant issued
16 by a court authorized to issue such a search warrant pursuant to article
17 six hundred ninety of the criminal procedure law or a federal court
18 authorized to issue such a search warrant under federal law, where such
19 search warrant states that there is reasonable cause to believe such
20 information constitutes evidence of, or tends to demonstrate that, a
21 misdemeanor or felony offense was committed in this state or another
22 state, or that a particular person participated in the commission of a
23 misdemeanor or felony offense in this state or another state, provided,
24 however, that if such offense was against the laws of another state, the
25 court shall only issue a warrant if the conduct comprising such offense
26 would, if occurring in this state, constitute a misdemeanor or felony
27 against the laws of this state; and

28 (2) shall be furnished in response to a subpoena duces tecum signed by
29 a judge of competent jurisdiction and issued pursuant to article six
30 hundred ten of the criminal procedure law or a judge or magistrate of a
31 federal court authorized to issue such a subpoena duces tecum under
32 federal law, where the judge finds and the subpoena states that there is
33 reasonable cause to believe such information is relevant and material to
34 the prosecution, or the defense, or the investigation by an authorized
35 law enforcement official, of the alleged commission of a misdemeanor or
36 felony in this state or another state, provided, however, that if such
37 offense was against the laws of another state, such judge or magistrate
38 shall only issue such subpoena if the conduct comprising such offense
39 would, if occurring in this state, constitute a misdemeanor or felony in
40 this state; and

41 (3) may, if lawfully obtained pursuant to this clause and clause (A)
42 of this subparagraph and otherwise admissible, be used in such criminal
43 action or proceeding.

44 (b) If the city of New Rochelle establishes a demonstration program
45 pursuant to subdivision (a) of this section, the owner of a vehicle
46 shall be liable for a penalty imposed pursuant to this section if such
47 vehicle was used or operated with the permission of the owner, express
48 or implied, within a school speed zone in violation of subdivision (c)
49 or during the times authorized pursuant to subdivision (a) of this
50 section in violation of subdivision (b), (d), (f) or (g) of section
51 eleven hundred eighty of this article, such vehicle was traveling at a
52 speed of more than ten miles per hour above the posted speed limit in
53 effect within such school speed zone, and such violation is evidenced by
54 information obtained from a photo speed violation monitoring system;
55 provided however that no owner of a vehicle shall be liable for a penal-
56 ty imposed pursuant to this section where the operator of such vehicle

1 has been convicted of the underlying violation of subdivision (b), (c),
2 (d), (f) or (g) of section eleven hundred eighty of this article.

3 (c) For purposes of this section, the following terms shall have the
4 following meanings:

5 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
6 the manual and specifications for a uniform system of traffic control
7 devices maintained by the commissioner of transportation pursuant to
8 section sixteen hundred eighty of this chapter;

9 2. "owner" shall have the meaning provided in article two-B of this
10 chapter;

11 3. "photo speed violation monitoring system" shall mean a vehicle
12 sensor installed to work in conjunction with a speed measuring device
13 which automatically produces two or more photographs, two or more micro-
14 photographs, a videotape or other recorded images of each vehicle at the
15 time it is used or operated in a school speed zone in violation of
16 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
17 of this article in accordance with the provisions of this section; and

18 4. "school speed zone" shall mean a distance not to exceed one thou-
19 sand three hundred twenty feet on a highway passing a school building,
20 entrance or exit of a school abutting on the highway.

21 (d) A certificate, sworn to or affirmed by a technician employed by
22 the city of New Rochelle, or a facsimile thereof, based upon inspection
23 of photographs, microphotographs, videotape or other recorded images
24 produced by a photo speed violation monitoring system, shall be prima
25 facie evidence of the facts contained therein. Any photographs, micro-
26 photographs, videotape or other recorded images evidencing such a
27 violation shall include at least two date and time stamped images of the
28 rear of the motor vehicle that include the same stationary object near
29 the motor vehicle and shall be available for inspection reasonably in
30 advance of and at any proceeding to adjudicate the liability for such
31 violation pursuant to this section.

32 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
33 or (g) of section eleven hundred eighty of this article pursuant to a
34 demonstration program established pursuant to this section shall be
35 liable for monetary penalties in accordance with a schedule of fines and
36 penalties to be promulgated by the parking violations bureau of the city
37 of New Rochelle. The liability of the owner pursuant to this section
38 shall not exceed fifty dollars for each violation; provided, however,
39 that such parking violations bureau may provide for an additional penal-
40 ty not in excess of twenty-five dollars for each violation for the fail-
41 ure to respond to a notice of liability within the prescribed time peri-
42 od.

43 (f) An imposition of liability under the demonstration program estab-
44 lished pursuant to this section shall not be deemed a conviction as an
45 operator and shall not be made part of the operating record of the
46 person upon whom such liability is imposed nor shall it be used for
47 insurance purposes in the provision of motor vehicle insurance coverage.

48 (g) 1. A notice of liability shall be sent by first class mail to each
49 person alleged to be liable as an owner for a violation of subdivision
50 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
51 cle pursuant to this section, within fourteen business days if such
52 owner is a resident of this state and within forty-five business days if
53 such owner is a non-resident. Personal delivery on the owner shall not
54 be required. A manual or automatic record of mailing prepared in the
55 ordinary course of business shall be prima facie evidence of the facts
56 contained therein.

1 2. A notice of liability shall contain the name and address of the
2 person alleged to be liable as an owner for a violation of subdivision
3 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
4 cle pursuant to this section, the registration number of the vehicle
5 involved in such violation, the location where such violation took
6 place, the date and time of such violation, the identification number of
7 the camera which recorded the violation or other document locator
8 number, at least two date and time stamped images of the rear of the
9 motor vehicle that include the same stationary object near the motor
10 vehicle, and the certificate charging the liability.

11 3. The notice of liability shall contain information advising the
12 person charged of the manner and the time in which he or she may contest
13 the liability alleged in the notice. Such notice of liability shall also
14 contain a prominent warning to advise the person charged that failure to
15 contest in the manner and time provided shall be deemed an admission of
16 liability and that a default judgment may be entered thereon.

17 4. The notice of liability shall be prepared and mailed by the city of
18 New Rochelle, or by any other entity authorized by the city to prepare
19 and mail such notice of liability.

20 (h) Adjudication of the liability imposed upon owners of this section
21 shall be by the city of New Rochelle parking violations bureau.

22 (i) If an owner receives a notice of liability pursuant to this
23 section for any time period during which the vehicle or the number plate
24 or plates of such vehicle was reported to the police department as
25 having been stolen, it shall be a valid defense to an allegation of
26 liability for a violation of subdivision (b), (c), (d), (f) or (g) of
27 section eleven hundred eighty of this article pursuant to this section
28 that the vehicle or the number plate or plates of such vehicle had been
29 reported to the police as stolen prior to the time the violation
30 occurred and had not been recovered by such time. For purposes of
31 asserting the defense provided by this subdivision, it shall be suffi-
32 cient that a certified copy of the police report on the stolen vehicle
33 or number plate or plates of such vehicle be sent by first class mail to
34 the city of New Rochelle parking violations bureau or by any other enti-
35 ty authorized by the city to prepare and mail such notice of liability.

36 (j) 1. An owner who is a lessor of a vehicle to which a notice of
37 liability was issued pursuant to subdivision (g) of this section shall
38 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)
39 of section eleven hundred eighty of this article pursuant to this
40 section, provided that:

41 (i) prior to the violation, the lessor has filed with such parking
42 violations bureau in accordance with the provisions of section two
43 hundred thirty-nine of this chapter; and

44 (ii) within thirty-seven days after receiving notice from such bureau
45 of the date and time of a liability, together with the other information
46 contained in the original notice of liability, the lessor submits to
47 such bureau the correct name and address of the lessee of the vehicle
48 identified in the notice of liability at the time of such violation,
49 together with such other additional information contained in the rental,
50 lease or other contract document, as may be reasonably required by such
51 bureau pursuant to regulations that may be promulgated for such purpose.

52 2. Failure to comply with subparagraph (ii) of paragraph one of this
53 subdivision shall render the owner liable for the penalty prescribed in
54 this section.

55 3. Where the lessor complies with the provisions of paragraph one of
56 this subdivision, the lessee of such vehicle on the date of such

1 violation shall be deemed to be the owner of such vehicle for purposes
2 of this section, shall be subject to liability for such violation pursu-
3 ant to this section and shall be sent a notice of liability pursuant to
4 subdivision (g) of this section.

5 (k) 1. If the owner liable for a violation of subdivision (c) or (d)
6 of section eleven hundred eighty of this article pursuant to this
7 section was not the operator of the vehicle at the time of the
8 violation, the owner may maintain an action for indemnification against
9 the operator.

10 2. Notwithstanding any other provision of this section, no owner of a
11 vehicle shall be subject to a monetary fine imposed pursuant to this
12 section if the operator of such vehicle was operating such vehicle with-
13 out the consent of the owner at the time such operator operated such
14 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
15 eleven hundred eighty of this article. For purposes of this subdivision
16 there shall be a presumption that the operator of such vehicle was oper-
17 ating such vehicle with the consent of the owner at the time such opera-
18 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)
19 or (g) of section eleven hundred eighty of this article.

20 (l) Nothing in this section shall be construed to limit the liability
21 of an operator of a vehicle for any violation of subdivision (c) or (d)
22 of section eleven hundred eighty of this article.

23 (m) If the city adopts a demonstration program pursuant to subdivision
24 (a) of this section it shall conduct a study and submit an annual report
25 on the results of the use of photo devices to the governor, the tempo-
26 rary president of the senate and the speaker of the assembly on or
27 before the first day of June next succeeding the effective date of this
28 section and on the same date in each succeeding year in which the demon-
29 stration program is operable. Such report shall include:

30 1. the locations where and dates when photo speed violation monitoring
31 systems were used;

32 2. the aggregate number, type and severity of crashes, fatalities,
33 injuries and property damage reported within all school speed zones
34 within the city, to the extent the information is maintained by the
35 department of motor vehicles of this state;

36 3. the aggregate number, type and severity of crashes, fatalities,
37 injuries and property damage reported within school speed zones where
38 photo speed violation monitoring systems were used, to the extent the
39 information is maintained by the department of motor vehicles of this
40 state;

41 4. the number of violations recorded within all school speed zones
42 within the city, in the aggregate on a daily, weekly and monthly basis;

43 5. the number of violations recorded within each school speed zone
44 where a photo speed violation monitoring system is used, in the aggre-
45 gate on a daily, weekly and monthly basis;

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47 within the city that were:

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49 posted speed limit;

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51 posted speed limit;

52 (iii) more than thirty but not more than forty miles per hour over the
53 posted speed limit; and

54 (iv) more than forty miles per hour over the posted speed limit;

55 7. the number of violations recorded within each school speed zone
56 where a photo speed violation monitoring system is used that were:

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2 posted speed limit;

3 (ii) more than twenty but not more than thirty miles per hour over the
4 posted speed limit;

5 (iii) more than thirty but not more than forty miles per hour over the
6 posted speed limit; and

7 (iv) more than forty miles per hour over the posted speed limit;

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

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

12 10. the number of violations adjudicated and the results of such adju-
13 dications including breakdowns of dispositions made for violations
14 recorded by such systems;

15 11. the total amount of revenue realized by the city in connection
16 with the program;

17 12. the expenses incurred by the city in connection with the program;
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19 13. the quality of the adjudication process and its results.

20 (n) It shall be a defense to any prosecution for a violation of subdi-
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23 monitoring system was malfunctioning at the time of the alleged
24 violation.

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40 date.