

4459--A

2013-2014 Regular Sessions

I N   S E N A T E

April 3, 2013

---

Introduced by Sens. KLEIN, DILAN, ESPAILLAT, PERALTA, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; 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. Subdivision 1 of section 235 of the vehicle and traffic  
2     law, as amended by section 1 of part II of chapter 59 of the laws of  
3     2010, is amended to read as follows:  
4     1. Notwithstanding any inconsistent provision of any general, special  
5     or local law or administrative code to the contrary, in any city which  
6     heretofore or hereafter is authorized to establish an administrative  
7     tribunal to hear and determine complaints of traffic infractions consti-  
8     tuting parking, standing or stopping violations, or to adjudicate the  
9     liability of owners for violations of subdivision (d) of section eleven  
10    hundred eleven of this chapter in accordance with section eleven hundred  
11    eleven-a of this chapter, or to adjudicate the liability of owners for  
12    violations of subdivision (d) of section eleven hundred eleven of this  
13    chapter in accordance with sections eleven hundred eleven-b of this  
14    chapter as added by sections sixteen of chapters twenty, twenty-one, and  
15    twenty-two of the laws of two thousand nine, or to adjudicate the  
16    liability of owners for violations of toll collection regulations as  
17    defined in and in accordance with the provisions of section two thousand  
18    nine hundred eighty-five of the public authorities law and sections  
19    sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four  
20    of the laws of nineteen hundred fifty, or to adjudicate liability of

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

LBD04605-06-3

owners in accordance with section eleven hundred eleven-c of this chapter for violations of bus lane restrictions as defined in SUBDIVISION (B), (C), (D), (F) OR (G) OF such section, OR TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and regulations pertaining thereto shall be constituted in substantial conformance with the following sections.

S 1-a. Section 235 of the vehicle and traffic law, as amended by section 1-a of part II of chapter 59 of the laws of 2010, is amended to read as follows:

S 235. Jurisdiction. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in any city which heretofore or hereafter is authorized to establish an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine, or to adjudicate the liability of owners for violations of toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or to adjudicate liability of owners in accordance with section eleven hundred eleven-c of this chapter for violations of bus lane restrictions as defined in such section, OR TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and regulations pertaining thereto shall be constituted in substantial conformance with the following sections.

S 1-b. Section 235 of the vehicle and traffic law, as amended by section 1-b of part II of chapter 59 of the laws of 2010, is amended to read as follows:

S 235. Jurisdiction. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in any city which heretofore or hereafter is authorized to establish an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine, or to adjudicate the liability of owners for violations of toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or to adjudicate liability of owners in accordance with section eleven hundred eleven-c of this chapter for violations of bus lane restrictions as defined in such section, OR TO ADJUDICATE THE

1 LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR  
2 (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH  
3 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and the  
4 rules and regulations pertaining thereto shall be constituted in  
5 substantial conformance with the following sections.

6 S 1-c. Section 235 of the vehicle and traffic law, as amended by  
7 section 1-c of part II of chapter 59 of the laws of 2010, is amended to  
8 read as follows:

9 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any  
10 general, special or local law or administrative code to the contrary, in  
11 any city which heretofore or hereafter is authorized to establish an  
12 administrative tribunal to hear and determine complaints of traffic  
13 infractions constituting parking, standing or stopping violations, or to  
14 adjudicate the liability of owners for violations of toll collection  
15 regulations as defined in and in accordance with the provisions of  
16 section two thousand nine hundred eighty-five of the public authorities  
17 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
18 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-  
19 dicate liability of owners in accordance with section eleven hundred  
20 eleven-c of this chapter for violations of bus lane restrictions as  
21 defined in such section, OR TO ADJUDICATE THE LIABILITY OF OWNERS FOR  
22 VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN  
23 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
24 EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and regulations  
25 pertaining thereto shall be constituted in substantial conformance with  
26 the following sections.

27 S 1-d. Section 235 of the vehicle and traffic law, as separately  
28 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws  
29 of 1992, is amended to read as follows:

30 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any  
31 general, special or local law or administrative code to the contrary, in  
32 any city which heretofore or hereafter is authorized to establish an  
33 administrative tribunal to hear and determine complaints of traffic  
34 infractions constituting parking, standing or stopping violations, or to  
35 adjudicate the liability of owners for violations of toll collection  
36 regulations as defined in and in accordance with the provisions of  
37 section two thousand nine hundred eighty-five of the public authorities  
38 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
39 hundred seventy-four of the laws of nineteen hundred fifty, OR TO ADJU-  
40 DICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF  
41 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION  
42 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and  
43 regulations pertaining thereto shall be constituted in substantial  
44 conformance with the following sections.

45 S 2. Subdivision 1 of section 236 of the vehicle and traffic law, as  
46 amended by section 2 of part II of chapter 59 of the laws of 2010, is  
47 amended to read as follows:

48 1. Creation. In any city as hereinbefore or hereafter authorized such  
49 tribunal when created shall be known as the parking violations bureau  
50 and shall have jurisdiction of traffic infractions which constitute a  
51 parking violation and, where authorized by local law adopted pursuant to  
52 subdivision (a) of section eleven hundred eleven-a of this chapter or  
53 subdivisions (a) of sections eleven hundred eleven-b of this chapter as  
54 added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
55 of the laws of two thousand nine, shall adjudicate the liability of  
56 owners for violations of subdivision (d) of section eleven hundred elev-

1 en of this chapter in accordance with such section eleven hundred  
2 eleven-a or such sections eleven hundred eleven-b as added by sections  
3 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of  
4 two thousand nine and shall adjudicate the liability of owners for  
5 violations of toll collection regulations as defined in and in accord-  
6 ance with the provisions of section two thousand nine hundred eighty-  
7 five of the public authorities law and sections sixteen-a, sixteen-b and  
8 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
9 hundred fifty and shall adjudicate liability of owners in accordance  
10 with section eleven hundred eleven-c of this chapter for violations of  
11 bus lane restrictions as defined in such section AND SHALL ADJUDICATE  
12 THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F)  
13 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE  
14 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. Such tribunal,  
15 except in a city with a population of one million or more, shall also  
16 have jurisdiction of abandoned vehicle violations. For the purposes of  
17 this article, a parking violation is the violation of any law, rule or  
18 regulation providing for or regulating the parking, stopping or standing  
19 of a vehicle. In addition for purposes of this article, "commissioner"  
20 shall mean and include the commissioner of traffic of the city or an  
21 official possessing authority as such a commissioner.

22 S 2-a. Subdivision 1 of section 236 of the vehicle and traffic law, as  
23 amended by section 2-a of part II of chapter 59 of the laws of 2010, is  
24 amended to read as follows:

25 1. Creation. In any city as hereinbefore or hereafter authorized such  
26 tribunal when created shall be known as the parking violations bureau  
27 and shall have jurisdiction of traffic infractions which constitute a  
28 parking violation and, where authorized by local law adopted pursuant to  
29 subdivisions (a) of sections eleven hundred eleven-b of this chapter as  
30 added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
31 of the laws of two thousand nine, shall adjudicate the liability of  
32 owners for violations of subdivision (d) of section eleven hundred elev-  
33 en of this chapter in accordance with such sections eleven hundred  
34 eleven-b as added by sections sixteen of chapters twenty, twenty-one,  
35 and twenty-two of the laws of two thousand nine; and shall adjudicate  
36 liability of owners in accordance with section eleven hundred eleven-c  
37 of this chapter for violations of bus lane restrictions as defined in  
38 such section AND SHALL ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF  
39 SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-  
40 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.  
41 For the purposes of this article, a parking violation is the violation  
42 of any law, rule or regulation providing for or regulating the parking,  
43 stopping or standing of a vehicle. In addition for purposes of this  
44 article, "commissioner" shall mean and include the commissioner of traf-  
45 fic of the city or an official possessing authority as such a commis-  
46 sioner.

47 S 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as  
48 amended by section 2-b of part II of chapter 59 of the laws of 2010, is  
49 amended to read as follows:

50 1. Creation. In any city as hereinbefore or hereafter authorized such  
51 tribunal when created shall be known as the parking violations bureau  
52 and shall have jurisdiction of traffic infractions which constitute a  
53 parking violation and shall adjudicate liability of owners in accordance  
54 with section eleven hundred eleven-c of this chapter for violations of  
55 bus lane restrictions as defined in such section; AND SHALL ADJUDICATE  
56 THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F)

OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. For the purposes of this article, a parking violation is the violation of any law, rule or regulation providing for or regulating the parking, stopping or standing of a vehicle. In addition for purposes of this article, "commissioner" shall mean and include the commissioner of traffic of the city or an official possessing authority as such a commissioner.

S 2-c. Subdivision 1 of section 236 of the vehicle and traffic law, as added by chapter 715 of the laws of 1972, is amended to read as follows:

1. Creation. In any city as hereinbefore or hereafter authorized such tribunal when created shall be known as the parking violations bureau and shall have jurisdiction of traffic infractions which constitute a parking violation AND SHALL ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. For the purposes of this article, a parking violation is the violation of any law, rule or regulation providing for or regulating the parking, stopping or standing of a vehicle. In addition for purposes of this article, "commissioner" shall mean and include the commissioner of traffic of the city or an official possessing authority as such a commissioner.

S 3. Subdivision 12 of section 237 of the vehicle and traffic law, as added by section 3 of part II of chapter 59 of the laws of 2010, is amended and a new subdivision 13 is added to read as follows:

12. To adjudicate liability of owners in accordance with section eleven hundred eleven-c of this chapter for violations of bus lane restrictions as defined in such section[.];

13. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

S 3-a. Subdivision 11 of section 237 of the vehicle and traffic law, as added by chapter 379 of the laws of 1992, is amended and a new subdivision 12 is added to read as follows:

11. To adjudicate the liability of owners for violations of toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty[.];

12. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

S 4. Paragraph f of subdivision 1 of section 239 of the vehicle and traffic law, as amended by section 4 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

f. "Notice of violation" means a notice of violation as defined in subdivision nine of section two hundred thirty-seven of this article, but shall not be deemed to include a notice of liability issued pursuant to authorization set forth in section eleven hundred eleven-a of this chapter or sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine, and shall not be deemed to include a notice of liability issued pursuant to section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b

1 and sixteen-c of chapter seven hundred seventy-four of the laws of nine-  
2 teen hundred fifty and shall not be deemed to include a notice of  
3 liability issued pursuant to section eleven hundred eleven-c of this  
4 chapter AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED  
5 PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

6 S 4-a. Paragraph f of subdivision 1 of section 239 of the vehicle and  
7 traffic law, as amended by section 4-a of part II of chapter 59 of the  
8 laws of 2010, is amended to read as follows:

9 f. "Notice of violation" means a notice of violation as defined in  
10 subdivision nine of section two hundred thirty-seven of this article but  
11 shall not be deemed to include a notice of liability issued pursuant to  
12 authorization set forth in sections eleven hundred eleven-b of this  
13 chapter as added by sections sixteen of chapters twenty, twenty-one, and  
14 twenty-two of the laws of two thousand nine and shall not be deemed to  
15 include a notice of liability issued pursuant to section eleven hundred  
16 eleven-c of this chapter AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF  
17 LIABILITY ISSUED PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF THIS  
18 CHAPTER.

19 S 4-b. Paragraph f of subdivision 1 of section 239 of the vehicle and  
20 traffic law, as amended by section 4-b of part II of chapter 59 of the  
21 laws of 2010, is amended to read as follows:

22 f. "Notice of violation" means a notice of violation as defined in  
23 subdivision nine of section two hundred thirty-seven of this article and  
24 shall not be deemed to include a notice of liability issued pursuant to  
25 section eleven hundred eleven-c of this chapter AND SHALL NOT BE DEEMED  
26 TO INCLUDE A NOTICE OF LIABILITY ISSUED PURSUANT TO SECTION ELEVEN  
27 HUNDRED EIGHTY-B OF THIS CHAPTER.

28 S 4-c. Paragraph f of subdivision 1 of section 239 of the vehicle and  
29 traffic law, as added by chapter 180 of the laws of 1980, is amended to  
30 read as follows:

31 f. "Notice of violation" means a notice of violation as defined in  
32 subdivision nine of section two hundred thirty-seven of this article AND  
33 SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED PURSUANT TO  
34 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

35 S 5. Subdivision 4 of section 239 of the vehicle and traffic law, as  
36 amended by chapter 379 of the laws of 1992, is amended to read as  
37 follows:

38 4. Applicability. The provisions of paragraph b of subdivision two and  
39 subdivision three of this section shall not be applicable to determi-  
40 nations of owner liability for the failure of an operator to comply with  
41 subdivision (d) of section eleven hundred eleven of this chapter and  
42 shall not be applicable to determinations of owner liability imposed  
43 pursuant to section two thousand nine hundred eighty-five of the public  
44 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-  
45 ter seven hundred seventy-four of the laws of nineteen hundred fifty AND  
46 SHALL NOT BE APPLICABLE TO DETERMINATIONS OF OWNER LIABILITY FOR THE  
47 FAILURE OF AN OPERATOR TO COMPLY WITH SUBDIVISION (B), (C), (D), (F) OR  
48 (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER.

49 S 5-a. Section 239 of the vehicle and traffic law is amended by adding  
50 a new subdivision 4 to read as follows:

51 4. APPLICABILITY. THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION TWO AND  
52 SUBDIVISION THREE OF THIS SECTION SHALL NOT BE APPLICABLE TO DETERMI-  
53 NATIONS OF OWNER LIABILITY FOR THE FAILURE OF AN OPERATOR TO COMPLY WITH  
54 SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY  
55 OF THIS CHAPTER.

1 S 6. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic  
2 law, as amended by section 5 of part II of chapter 59 of the laws of  
3 2010, are amended to read as follows:

4 1. Notice of hearing. Whenever a person charged with a parking  
5 violation enters a plea of not guilty or a person alleged to be liable  
6 in accordance with section eleven hundred eleven-a of this chapter or  
7 sections eleven hundred eleven-b of this chapter as added by sections  
8 sixteen of chapters twenty, twenty-one, and [twenty two] TWENTY-TWO of  
9 the laws of two thousand nine, for a violation of subdivision (d) of  
10 section eleven hundred eleven of this chapter contests such allegation,  
11 or a person alleged to be liable in accordance with the provisions of  
12 section two thousand nine hundred eighty-five of the public authorities  
13 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
14 hundred seventy-four of the laws of nineteen hundred fifty, or a person  
15 alleged to be liable in accordance with the provisions of section eleven  
16 hundred eleven-c of this chapter for a violation of a bus lane  
17 restriction as defined in such section contests such allegation, OR A  
18 PERSON ALLEGED TO BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION  
19 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION  
20 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-  
21 TER CONTESTS SUCH ALLEGATION, the bureau shall advise such person  
22 personally by such form of first class mail as the director may direct  
23 of the date on which he or she must appear to answer the charge at a  
24 hearing. The form and content of such notice of hearing shall be  
25 prescribed by the director, and shall contain a warning to advise the  
26 person so pleading or contesting that failure to appear on the date  
27 designated, or on any subsequent adjourned date, shall be deemed an  
28 admission of liability, and that a default judgment may be entered ther-  
29 eon.

30 1-a. Fines and penalties. Whenever a plea of not guilty has been  
31 entered, or the bureau has been notified that an allegation of liability  
32 in accordance with section eleven hundred eleven-a of this chapter or  
33 sections eleven hundred eleven-b of this chapter as added by sections  
34 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of  
35 two thousand nine or an allegation of liability in accordance with  
36 section two thousand nine hundred eighty-five of the public authorities  
37 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
38 hundred seventy-four of the laws of nineteen hundred fifty or an allega-  
39 tion of liability in accordance with section eleven hundred eleven-c of  
40 this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION  
41 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, is being contested, by a person  
42 in a timely fashion and a hearing upon the merits has been demanded, but  
43 has not yet been held, the bureau shall not issue any notice of fine or  
44 penalty to that person prior to the date of the hearing.

45 S 6-a. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-  
46 fic law, as amended by section 5-a of part II of chapter 59 of the laws  
47 of 2010, are amended to read as follows:

48 1. Notice of hearing. Whenever a person charged with a parking  
49 violation enters a plea of not guilty or a person alleged to be liable  
50 in accordance with sections eleven hundred eleven-b of this chapter as  
51 added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
52 of the laws of two thousand nine for a violation of subdivision (d) of  
53 section eleven hundred eleven of this chapter, or a person alleged to be  
54 liable in accordance with the provisions of section eleven hundred  
55 eleven-c of this chapter for a violation of a bus lane restriction as  
56 defined in such section contests such allegation, OR A PERSON ALLEGED TO

1 BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED  
2 EIGHTY-B OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B), (C), (D),  
3 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS  
4 SUCH ALLEGATION, the bureau shall advise such person personally by such  
5 form of first class mail as the director may direct of the date on which  
6 he or she must appear to answer the charge at a hearing. The form and  
7 content of such notice of hearing shall be prescribed by the director,  
8 and shall contain a warning to advise the person so pleading or contest-  
9 ing that failure to appear on the date designated, or on any subsequent  
10 adjourned date, shall be deemed an admission of liability, and that a  
11 default judgment may be entered thereon.

12 1-a. Fines and penalties. Whenever a plea of not guilty has been  
13 entered, or the bureau has been notified that an allegation of liability  
14 in accordance with sections eleven hundred eleven-b of this chapter, as  
15 added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
16 of the laws of two thousand nine, or an allegation of liability in  
17 accordance with section eleven hundred eleven-c of this chapter OR AN  
18 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-  
19 Y-B OF THIS CHAPTER is being contested, by a person in a timely fashion  
20 and a hearing upon the merits has been demanded, but has not yet been  
21 held, the bureau shall not issue any notice of fine or penalty to that  
22 person prior to the date of the hearing.

23 S 6-b. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-  
24 fic law, as amended by section 5-b of part II of chapter 59 of the laws  
25 of 2010, are amended to read as follows:

26 1. Notice of hearing. Whenever a person charged with a parking  
27 violation enters a plea of not guilty or a person alleged to be liable  
28 in accordance with the provisions of section eleven hundred eleven-c of  
29 this chapter for a violation of a bus lane restriction as defined in  
30 such section, contests such allegation, OR A PERSON ALLEGED TO BE LIABLE  
31 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF  
32 THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF  
33 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,  
34 the bureau shall advise such person personally by such form of first  
35 class mail as the director may direct of the date on which he or she  
36 must appear to answer the charge at a hearing. The form and content of  
37 such notice of hearing shall be prescribed by the director, and shall  
38 contain a warning to advise the person so pleading that failure to  
39 appear on the date designated, or on any subsequent adjourned date,  
40 shall be deemed an admission of liability, and that a default judgment  
41 may be entered thereon.

42 1-a. Fines and penalties. Whenever a plea of not guilty has been  
43 entered, or the bureau has been notified that an allegation of liability  
44 in accordance with section eleven hundred eleven-c of this chapter OR AN  
45 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-  
46 Y-B OF THIS CHAPTER is being contested, by a person in a timely fashion  
47 and a hearing upon the merits has been demanded, but has not yet been  
48 held, the bureau shall not issue any notice of fine or penalty to that  
49 person prior to the date of the hearing.

50 S 6-c. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-  
51 fic law, subdivision 1 as added by chapter 715 of the laws of 1972 and  
52 subdivision 1-a as added by chapter 365 of the laws of 1978, are amended  
53 to read as follows:

54 1. Notice of hearing. Whenever a person charged with a parking  
55 violation enters a plea of not guilty, OR A PERSON ALLEGED TO BE LIABLE  
56 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF



1 THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF  
2 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,  
3 the bureau shall advise such person personally by such form of first  
4 class mail as the director may direct of the date on which he OR SHE  
5 must appear to answer the charge at a hearing. The form and content of  
6 such notice of hearing shall be prescribed by the director, and shall  
7 contain a warning to advise the person so pleading that failure to  
8 appear on the date designated, or on any subsequent adjourned date,  
9 shall be deemed an admission of liability, and that a default judgment  
10 may be entered thereon.

11 1-a. Fines and penalties. Whenever a plea of not guilty has been  
12 entered, OR THE BUREAU HAS BEEN NOTIFIED THAT AN ALLEGATION OF LIABILITY  
13 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, IS  
14 BEING CONTESTED, by a person in a timely fashion and a hearing upon the  
15 merits has been demanded, but has not yet been held, the bureau shall  
16 not issue any notice of fine or penalty to that person prior to the date  
17 of the hearing.

18 S 7. Paragraphs a and g of subdivision 2 of section 240 of the vehicle  
19 and traffic law, as amended by section 6 of part II of chapter 59 of the  
20 laws of 2010, are amended to read as follows:

21 a. Every hearing for the adjudication of a charge of parking violation  
22 or an allegation of liability in accordance with section eleven hundred  
23 eleven-a of this chapter or in accordance with sections eleven hundred  
24 eleven-b of this chapter as added by sections sixteen of chapters twen-  
25 ty, twenty-one, and twenty-two of the laws of two thousand nine or an  
26 allegation of liability in accordance with section two thousand nine  
27 hundred eighty-five of the public authorities law or sections sixteen-a,  
28 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
29 laws of nineteen hundred fifty or an allegation of liability in accord-  
30 ance with section eleven hundred eleven-c of this chapter OR AN ALLEGA-  
31 TION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF  
32 THIS CHAPTER, shall be held before a hearing examiner in accordance with  
33 rules and regulations promulgated by the bureau.

34 g. A record shall be made of a hearing on a plea of not guilty or of a  
35 hearing at which liability in accordance with section eleven hundred  
36 eleven-a of this chapter or in accordance with sections eleven hundred  
37 eleven-b of this chapter as added by sections sixteen of chapters twen-  
38 ty, twenty-one, and twenty-two of the laws of two thousand nine is  
39 contested or of a hearing at which liability in accordance with section  
40 two thousand nine hundred eighty-five of the public authorities law or  
41 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
42 seventy-four of the laws of nineteen hundred fifty is contested or of a  
43 hearing at which liability in accordance with section eleven hundred  
44 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE  
45 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.  
46 Recording devices may be used for the making of the record.

47 S 7-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-  
48 cle and traffic law, as amended by section 6-a of part II of chapter 59  
49 of the laws of 2010, are amended to read as follows:

50 a. Every hearing for the adjudication of a charge of parking violation  
51 or an allegation of liability in accordance with sections eleven hundred  
52 eleven-b of this chapter, as added by sections sixteen of chapters twen-  
53 ty, twenty-one, and twenty-two of the laws of two thousand nine or an  
54 allegation of liability in accordance with section eleven hundred  
55 eleven-c of this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE  
56 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, shall be held

1 before a hearing examiner in accordance with rules and regulations  
2 promulgated by the bureau.

3 g. A record shall be made of a hearing on a plea of not guilty or of a  
4 hearing at which liability in accordance with sections eleven hundred  
5 eleven-b of this chapter, as added by sections sixteen of chapters twen-  
6 ty, twenty-one, and twenty-two of the laws of two thousand nine or of a  
7 hearing at which liability in accordance with section eleven hundred  
8 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE  
9 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.  
10 Recording devices may be used for the making of the record.

11 S 7-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-  
12 cle and traffic law, as amended by section 6-b of part II of chapter 59  
13 of the laws of 2010, are amended to read as follows:

14 a. Every hearing for the adjudication of a charge of parking violation  
15 or an allegation of liability in accordance with section eleven hundred  
16 eleven-c of this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE  
17 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER shall be held  
18 before a hearing examiner in accordance with rules and regulations  
19 promulgated by the bureau.

20 g. A record shall be made of a hearing on a plea of not guilty or of a  
21 hearing at which liability in accordance with section eleven hundred  
22 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE  
23 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.  
24 Recording devices may be used for the making of the record.

25 S 7-c. Paragraphs a and g of subdivision 2 of section 240 of the vehi-  
26 cle and traffic law, as added by chapter 715 of the laws of 1972, are  
27 amended to read as follows:

28 a. Every hearing for the adjudication of a charge of parking violation  
29 OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
30 EIGHTY-B OF THIS CHAPTER shall be held before a hearing examiner in  
31 accordance with rules and regulations promulgated by the bureau.

32 g. A record shall be made of a hearing on a plea of not guilty OR A  
33 HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
34 EIGHTY-B OF THIS CHAPTER IS CONTESTED. Recording devices may be used  
35 for the making of the record.

36 S 8. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
37 law, as amended by section 7 of part II of chapter 59 of the laws of  
38 2010, are amended to read as follows:

39 1. The hearing examiner shall make a determination on the charges,  
40 either sustaining or dismissing them. Where the hearing examiner deter-  
41 mines that the charges have been sustained he or she may examine either  
42 the prior parking violations record or the record of liabilities  
43 incurred in accordance with section eleven hundred eleven-a of this  
44 chapter or in accordance with sections eleven hundred eleven-b of this  
45 chapter as added by sections sixteen of chapters twenty, twenty-one, and  
46 twenty-two of the laws of two thousand nine or the record of liabilities  
47 incurred in accordance with section two thousand nine hundred eighty-  
48 five of the public authorities law or sections sixteen-a, sixteen-b and  
49 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
50 hundred fifty of the person charged, or the record of liabilities  
51 incurred in accordance with section eleven hundred eleven-c of this  
52 chapter, OR THE RECORD OF LIABILITIES INCURRED IN ACCORDANCE WITH  
53 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as applicable prior to  
54 rendering a final determination. Final determinations sustaining or  
55 dismissing charges shall be entered on a final determination roll main-

1   tained by the bureau together with records showing payment and nonpay-  
2   ment of penalties.

3   2. Where an operator or owner fails to enter a plea to a charge of a  
4   parking violation or contest an allegation of liability in accordance  
5   with section eleven hundred eleven-a of this chapter or in accordance  
6   with sections eleven hundred eleven-b of this chapter as added by  
7   sections sixteen of chapters twenty, twenty-one, and twenty-two of the  
8   laws of two thousand nine or fails to contest an allegation of liability  
9   in accordance with section two thousand nine hundred eighty-five of the  
10   public authorities law or sections sixteen-a, sixteen-b and sixteen-c of  
11   chapter seven hundred seventy-four of the laws of nineteen hundred  
12   fifty, or fails to contest an allegation of liability in accordance with  
13   section eleven hundred eleven-c of this chapter OR FAILS TO CONTEST AN  
14   ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-  
15   Y-B OF THIS CHAPTER or fails to appear on a designated hearing date or  
16   subsequent adjourned date or fails after a hearing to comply with the  
17   determination of a hearing examiner, as prescribed by this article or by  
18   rule or regulation of the bureau, such failure to plead or contest,  
19   appear or comply shall be deemed, for all purposes, an admission of  
20   liability and shall be grounds for rendering and entering a default  
21   judgment in an amount provided by the rules and regulations of the  
22   bureau. However, after the expiration of the original date prescribed  
23   for entering a plea and before a default judgment may be rendered, in  
24   such case the bureau shall pursuant to the applicable provisions of law  
25   notify such operator or owner, by such form of first class mail as the  
26   commission may direct; (1) of the violation charged, or liability in  
27   accordance with section eleven hundred eleven-a of this chapter or in  
28   accordance with sections eleven hundred eleven-b of this chapter as  
29   added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
30   of the laws of two thousand nine alleged or liability in accordance with  
31   section two thousand nine hundred eighty-five of the public authorities  
32   law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
33   hundred seventy-four of the laws of nineteen hundred fifty alleged or  
34   liability in accordance with section eleven hundred eleven-c of this  
35   chapter OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B  
36   OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that  
37   such judgment will be entered in the Civil Court of the city in which  
38   the bureau has been established, or other court of civil jurisdiction or  
39   any other place provided for the entry of civil judgments within the  
40   state of New York, and (4) that a default may be avoided by entering a  
41   plea or contesting an allegation of liability in accordance with section  
42   eleven hundred eleven-a of this chapter or in accordance with sections  
43   eleven hundred eleven-b of this chapter as added by sections sixteen of  
44   chapters twenty, twenty-one, and twenty-two of the laws of two thousand  
45   nine or contesting an allegation of liability in accordance with section  
46   two thousand nine hundred eighty-five of the public authorities law or  
47   sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
48   seventy-four of the laws of nineteen hundred fifty or contesting an  
49   allegation of liability in accordance with section eleven hundred  
50   eleven-c of this chapter OR CONTESTING AN ALLEGATION OF LIABILITY IN  
51   ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as  
52   appropriate, or making an appearance within thirty days of the sending  
53   of such notice. Pleas entered and allegations contested within that  
54   period shall be in the manner prescribed in the notice and not subject  
55   to additional penalty or fee. Such notice of impending default judgment  
56   shall not be required prior to the rendering and entry thereof in the

1 case of operators or owners who are non-residents of the state of New  
2 York. In no case shall a default judgment be rendered or, where  
3 required, a notice of impending default judgment be sent, more than two  
4 years after the expiration of the time prescribed for entering a plea or  
5 contesting an allegation. When a person has demanded a hearing, no fine  
6 or penalty shall be imposed for any reason, prior to the holding of the  
7 hearing. If the hearing examiner shall make a determination on the  
8 charges, sustaining them, he or she shall impose no greater penalty or  
9 fine than those upon which the person was originally charged.

10 S 8-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
11 law, as amended by section 7-a of part II of chapter 59 of the laws of  
12 2010, are amended to read as follows:

13 1. The hearing examiner shall make a determination on the charges,  
14 either sustaining or dismissing them. Where the hearing examiner deter-  
15 mines that the charges have been sustained he or she may examine either  
16 the prior parking violations record or the record of liabilities  
17 incurred in accordance with sections eleven hundred eleven-b of this  
18 chapter as added by sections sixteen of chapters twenty, twenty-one, and  
19 twenty-two of the laws of two thousand nine of the person charged, or  
20 the record of liabilities incurred in accordance with section eleven  
21 hundred eleven-c of this chapter, OR THE RECORD OF LIABILITIES INCURRED  
22 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as  
23 applicable prior to rendering a final determination. Final determi-  
24 nations sustaining or dismissing charges shall be entered on a final  
25 determination roll maintained by the bureau together with records show-  
26 ing payment and nonpayment of penalties.

27 2. Where an operator or owner fails to enter a plea to a charge of a  
28 parking violation or contest an allegation of liability in accordance  
29 with sections eleven hundred eleven-b of this chapter as added by  
30 sections sixteen of chapters twenty, twenty-one, and twenty-two of the  
31 laws of two thousand nine or fails to contest an allegation of liability  
32 in accordance with section eleven hundred eleven-c of this chapter, OR  
33 FAILS TO CONTEST AN ALLEGATION OF LIABILITY INCURRED IN ACCORDANCE WITH  
34 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, or fails to appear on a  
35 designated hearing date or subsequent adjourned date or fails after a  
36 hearing to comply with the determination of a hearing examiner, as  
37 prescribed by this article or by rule or regulation of the bureau, such  
38 failure to plead, contest, appear or comply shall be deemed, for all  
39 purposes, an admission of liability and shall be grounds for rendering  
40 and entering a default judgment in an amount provided by the rules and  
41 regulations of the bureau. However, after the expiration of the original  
42 date prescribed for entering a plea and before a default judgment may be  
43 rendered, in such case the bureau shall pursuant to the applicable  
44 provisions of law notify such operator or owner, by such form of first  
45 class mail as the commission may direct; (1) of the violation charged,  
46 or liability in accordance with sections eleven hundred eleven-b of this  
47 chapter, as added by sections sixteen of chapters twenty, twenty-one,  
48 and twenty-two of the laws of two thousand nine, or liability in accord-  
49 ance with section eleven hundred eleven-c of this chapter OR LIABILITY  
50 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER  
51 alleged, (2) of the impending default judgment, (3) that such judgment  
52 will be entered in the Civil Court of the city in which the bureau has  
53 been established, or other court of civil jurisdiction or any other  
54 place provided for the entry of civil judgments within the state of New  
55 York, and (4) that a default may be avoided by entering a plea or  
56 contesting an allegation of liability in accordance with sections eleven

1 hundred eleven-b of this chapter as added by sections sixteen of chap-  
2 ters twenty, twenty-one, and twenty-two of the laws of two thousand  
3 nine, or contesting an allegation of liability in accordance with  
4 section eleven hundred eleven-c of this chapter OR CONTESTING AN ALLEGA-  
5 TION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF  
6 THIS CHAPTER as appropriate, or making an appearance within thirty days  
7 of the sending of such notice. Pleas entered and allegations contested  
8 within that period shall be in the manner prescribed in the notice and  
9 not subject to additional penalty or fee. Such notice of impending  
10 default judgment shall not be required prior to the rendering and entry  
11 thereof in the case of operators or owners who are non-residents of the  
12 state of New York. In no case shall a default judgment be rendered or,  
13 where required, a notice of impending default judgment be sent, more  
14 than two years after the expiration of the time prescribed for entering  
15 a plea or contesting an allegation. When a person has demanded a hear-  
16 ing, no fine or penalty shall be imposed for any reason, prior to the  
17 holding of the hearing. If the hearing examiner shall make a determi-  
18 nation on the charges, sustaining them, he or she shall impose no great-  
19 er penalty or fine than those upon which the person was originally  
20 charged.

21 S 8-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
22 law, as amended by section 7-b of part II of chapter 59 of the laws of  
23 2010, are amended to read as follows:

24 1. The hearing examiner shall make a determination on the charges,  
25 either sustaining or dismissing them. Where the hearing examiner deter-  
26 mines that the charges have been sustained he or she may examine the  
27 prior parking violations record of the person charged, or the record of  
28 liabilities incurred in accordance with section eleven hundred eleven-c  
29 of this chapter, OR THE RECORD OF LIABILITIES INCURRED IN ACCORDANCE  
30 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as applicable,  
31 prior to rendering a final determination. Final determinations sustain-  
32 ing or dismissing charges shall be entered on a final determination roll  
33 maintained by the bureau together with records showing payment and  
34 nonpayment of penalties.

35 2. Where an operator or owner fails to enter a plea to a charge of a  
36 parking violation, or fails to contest an allegation of liability in  
37 accordance with section eleven hundred eleven-c of this chapter, OR  
38 FAILS TO CONTEST AN ALLEGATION OF LIABILITY INCURRED IN ACCORDANCE WITH  
39 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, or fails to appear on a  
40 designated hearing date or subsequent adjourned date or fails after a  
41 hearing to comply with the determination of a hearing examiner, as  
42 prescribed by this article or by rule or regulation of the bureau, such  
43 failure to plead, appear or comply shall be deemed, for all purposes, an  
44 admission of liability and shall be grounds for rendering and entering a  
45 default judgment in an amount provided by the rules and regulations of  
46 the bureau. However, after the expiration of the original date  
47 prescribed for entering a plea and before a default judgment may be  
48 rendered, in such case the bureau shall pursuant to the applicable  
49 provisions of law notify such operator or owner, by such form of first  
50 class mail as the commission may direct; (1) of the violation charged or  
51 alleged liability in accordance with section eleven hundred eleven-c of  
52 this chapter OR ALLEGED LIABILITY IN ACCORDANCE WITH SECTION ELEVEN  
53 HUNDRED EIGHTY-B OF THIS CHAPTER, (2) of the impending default judgment,  
54 (3) that such judgment will be entered in the Civil Court of the city in  
55 which the bureau has been established, or other court of civil jurisdic-  
56 tion or any other place provided for the entry of civil judgments within

1 the state of New York, and (4) that a default may be avoided by entering  
2 a plea or contesting an allegation of liability in accordance with  
3 section eleven hundred eleven-c of this chapter OR CONTESTING AN ALLEGA-  
4 TION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF  
5 THIS CHAPTER or making an appearance within thirty days of the sending  
6 of such notice. Pleas entered within that period shall be in the manner  
7 prescribed in the notice and not subject to additional penalty or fee.  
8 Such notice of impending default judgment shall not be required prior to  
9 the rendering and entry thereof in the case of operators or owners who  
10 are non-residents of the state of New York. In no case shall a default  
11 judgment be rendered or, where required, a notice of impending default  
12 judgment be sent, more than two years after the expiration of the time  
13 prescribed for entering a plea. When a person has demanded a hearing, no  
14 fine or penalty shall be imposed for any reason, prior to the holding of  
15 the hearing. If the hearing examiner shall make a determination on the  
16 charges, sustaining them, he or she shall impose no greater penalty or  
17 fine than those upon which the person was originally charged.

18 S 8-c. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
19 law, subdivision 1 as added by chapter 715 of the laws of 1972 and  
20 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended  
21 to read as follows:

22 1. The hearing examiner shall make a determination on the charges,  
23 either sustaining or dismissing them. Where the hearing examiner deter-  
24 mines that the charges have been sustained he may examine the prior  
25 parking violations record of the person charged, OR THE RECORD OF  
26 LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B  
27 OF THIS CHAPTER, AS APPLICABLE, prior to rendering a final determi-  
28 nation. Final determinations sustaining or dismissing charges shall be  
29 entered on a final determination roll maintained by the bureau together  
30 with records showing payment and nonpayment of penalties.

31 2. Where an operator or owner fails to enter a plea to a charge of a  
32 parking violation OR FAILS TO CONTEST AN ALLEGATION OF LIABILITY  
33 INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS  
34 CHAPTER or fails to appear on a designated hearing date or subsequent  
35 adjourned date or fails after a hearing to comply with the determination  
36 of a hearing examiner, as prescribed by this article or by rule or regu-  
37 lation of the bureau, such failure to plead, appear or comply shall be  
38 deemed, for all purposes, an admission of liability and shall be grounds  
39 for rendering and entering a default judgment in an amount provided by  
40 the rules and regulations of the bureau. However, after the expiration  
41 of the original date prescribed for entering a plea and before a default  
42 judgment may be rendered, in such case the bureau shall pursuant to the  
43 applicable provisions of law notify such operator or owner, by such form  
44 of first class mail as the commission may direct; (1) of the violation  
45 charged OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B  
46 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that  
47 such judgment will be entered in the Civil Court of the city in which  
48 the bureau has been established, or other court of civil jurisdiction or  
49 any other place provided for the entry of civil judgments within the  
50 state of New York, and (4) that a default may be avoided by entering a  
51 plea OR CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION  
52 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER or making an appearance within  
53 thirty days of the sending of such notice. Pleas entered within that  
54 period shall be in the manner prescribed in the notice and not subject  
55 to additional penalty or fee. Such notice of impending default judgment  
56 shall not be required prior to the rendering and entry thereof in the

1 case of operators or owners who are non-residents of the state of New  
2 York. In no case shall a default judgment be rendered or, where  
3 required, a notice of impending default judgment be sent, more than two  
4 years after the expiration of the time prescribed for entering a plea.  
5 When a person has demanded a hearing, no fine or penalty shall be  
6 imposed for any reason, prior to the holding of the hearing. If the  
7 hearing examiner shall make a determination on the charges, sustaining  
8 them, he shall impose no greater penalty or fine than those upon which  
9 the person was originally charged.

10 S 9. Subparagraph (i) of paragraph a of subdivision 5-a of section 401  
11 of the vehicle and traffic law, as amended by section 1 of part SS of  
12 chapter 57 of the laws of 2010, is amended to read as follows:

13 (i) If at the time of application for a registration or renewal there-  
14 of there is a certification from a court, parking violations bureau,  
15 traffic and parking violations agency or administrative tribunal of  
16 appropriate jurisdiction or administrative tribunal of appropriate  
17 jurisdiction that the registrant or his or her representative failed to  
18 appear on the return date or any subsequent adjourned date or failed to  
19 comply with the rules and regulations of an administrative tribunal  
20 following entry of a final decision in response to a total of three or  
21 more summonses or other process in the aggregate, issued within an eigh-  
22 teen month period, charging either that: (i) such motor vehicle was  
23 parked, stopped or standing, or that such motor vehicle was operated for  
24 hire by the registrant or his or her agent without being licensed as a  
25 motor vehicle for hire by the appropriate local authority, in violation  
26 of any of the provisions of this chapter or of any law, ordinance, rule  
27 or regulation made by a local authority; or (ii) the registrant was  
28 liable in accordance with section eleven hundred eleven-a of this chap-  
29 ter or section eleven hundred eleven-b of this chapter for a violation  
30 of subdivision (d) of section eleven hundred eleven of this chapter; or  
31 (iii) the registrant was liable in accordance with section eleven  
32 hundred eleven-c of this chapter for a violation of a bus lane  
33 restriction as defined in such section, OR (IV) THE REGISTRANT WAS  
34 LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAP-  
35 TER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED  
36 EIGHTY OF THIS CHAPTER, the commissioner or his or her agent shall deny  
37 the registration or renewal application until the applicant provides  
38 proof from the court, traffic and parking violations agency or adminis-  
39 trative tribunal wherein the charges are pending that an appearance or  
40 answer has been made or in the case of an administrative tribunal that  
41 he or she has complied with the rules and regulations of said tribunal  
42 following entry of a final decision. Where an application is denied  
43 pursuant to this section, the commissioner may, in his or her  
44 discretion, deny a registration or renewal application to any other  
45 person for the same vehicle and may deny a registration or renewal  
46 application for any other motor vehicle registered in the name of the  
47 applicant where the commissioner has determined that such registrant's  
48 intent has been to evade the purposes of this subdivision and where the  
49 commissioner has reasonable grounds to believe that such registration or  
50 renewal will have the effect of defeating the purposes of this subdivi-  
51 sion. Such denial shall only remain in effect as long as the summonses  
52 remain unanswered, or in the case of an administrative tribunal, the  
53 registrant fails to comply with the rules and regulations following  
54 entry of a final decision.

1 S 9-a. Paragraph a of subdivision 5-a of section 401 of the vehicle  
2 and traffic law, as amended by section 8-a of part II of chapter 59 of  
3 the laws of 2010, is amended to read as follows:

4 a. If at the time of application for a registration or renewal thereof  
5 there is a certification from a court or administrative tribunal of  
6 appropriate jurisdiction that the registrant or his or her represen-  
7 tative failed to appear on the return date or any subsequent adjourned  
8 date or failed to comply with the rules and regulations of an adminis-  
9 trative tribunal following entry of a final decision in response to a  
10 total of three or more summonses or other process in the aggregate,  
11 issued within an eighteen month period, charging either that: (i) such  
12 motor vehicle was parked, stopped or standing, or that such motor vehi-  
13 cle was operated for hire by the registrant or his or her agent without  
14 being licensed as a motor vehicle for hire by the appropriate local  
15 authority, in violation of any of the provisions of this chapter or of  
16 any law, ordinance, rule or regulation made by a local authority; or  
17 (ii) the registrant was liable in accordance with section eleven hundred  
18 eleven-b of this chapter for a violation of subdivision (d) of section  
19 eleven hundred eleven of this chapter; or (iii) the registrant was  
20 liable in accordance with section eleven hundred eleven-c of this chap-  
21 ter for a violation of a bus lane restriction as defined in such  
22 section; OR (IV) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION  
23 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION  
24 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-  
25 TER, the commissioner or his or her agent shall deny the registration or  
26 renewal application until the applicant provides proof from the court or  
27 administrative tribunal wherein the charges are pending that an appear-  
28 ance or answer has been made or in the case of an administrative tribu-  
29 nal that he or she has complied with the rules and regulations of said  
30 tribunal following entry of a final decision. Where an application is  
31 denied pursuant to this section, the commissioner may, in his or her  
32 discretion, deny a registration or renewal application to any other  
33 person for the same vehicle and may deny a registration or renewal  
34 application for any other motor vehicle registered in the name of the  
35 applicant where the commissioner has determined that such registrant's  
36 intent has been to evade the purposes of this subdivision and where the  
37 commissioner has reasonable grounds to believe that such registration or  
38 renewal will have the effect of defeating the purposes of this subdivi-  
39 sion. Such denial shall only remain in effect as long as the summonses  
40 remain unanswered, or in the case of an administrative tribunal, the  
41 registrant fails to comply with the rules and regulations following  
42 entry of a final decision.

43 S 9-b. Paragraph a of subdivision 5-a of section 401 of the vehicle  
44 and traffic law, as amended by section 8-b of part II of chapter 59 of  
45 the laws of 2010, is amended to read as follows:

46 a. If at the time of application for a registration or renewal thereof  
47 there is a certification from a court or administrative tribunal of  
48 appropriate jurisdiction that the registrant or his or her represen-  
49 tative failed to appear on the return date or any subsequent adjourned  
50 date or failed to comply with the rules and regulations of an adminis-  
51 trative tribunal following entry of a final decision in response to  
52 three or more summonses or other process, issued within an eighteen  
53 month period, charging that such motor vehicle was parked, stopped or  
54 standing, or that such motor vehicle was operated for hire by the regis-  
55 trant or his or her agent without being licensed as a motor vehicle for  
56 hire by the appropriate local authority, in violation of any of the



1 provisions of this chapter or of any law, ordinance, rule or regulation  
2 made by a local authority or the registrant was liable in accordance  
3 with section eleven hundred eleven-c of this chapter for a violation of  
4 a bus lane restriction as defined in such section, OR THE REGISTRANT WAS  
5 LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAP-  
6 TER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION  
7 ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the commissioner or his or her  
8 agent shall deny the registration or renewal application until the  
9 applicant provides proof from the court or administrative tribunal wher-  
10 ein the charges are pending that an appearance or answer has been made  
11 or in the case of an administrative tribunal that he or she has complied  
12 with the rules and regulations of said tribunal following entry of a  
13 final decision. Where an application is denied pursuant to this section,  
14 the commissioner may, in his or her discretion, deny a registration or  
15 renewal application to any other person for the same vehicle and may  
16 deny a registration or renewal application for any other motor vehicle  
17 registered in the name of the applicant where the commissioner has  
18 determined that such registrant's intent has been to evade the purposes  
19 of this subdivision and where the commissioner has reasonable grounds to  
20 believe that such registration or renewal will have the effect of  
21 defeating the purposes of this subdivision. Such denial shall only  
22 remain in effect as long as the summonses remain unanswered, or in the  
23 case of an administrative tribunal, the registrant fails to comply with  
24 the rules and regulations following entry of a final decision.

25 S 9-c. Paragraph a of subdivision 5-a of section 401 of the vehicle  
26 and traffic law, as separately amended by chapters 339 and 592 of the  
27 laws of 1987, is amended to read as follows:

28 a. If at the time of application for a registration or renewal thereof  
29 there is a certification from a court or administrative tribunal of  
30 appropriate jurisdiction that the registrant or his representative  
31 failed to appear on the return date or any subsequent adjourned date or  
32 failed to comply with the rules and regulations of an administrative  
33 tribunal following entry of a final decision in response to three or  
34 more summonses or other process, issued within an eighteen month period,  
35 charging that such motor vehicle was parked, stopped or standing, or  
36 that such motor vehicle was operated for hire by the registrant or his  
37 agent without being licensed as a motor vehicle for hire by the appro-  
38 priate local authority, in violation of any of the provisions of this  
39 chapter or of any law, ordinance, rule or regulation made by a local  
40 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEV-  
41 EN HUNDRED EIGHTY-B OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B),  
42 (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER,  
43 the commissioner or his agent shall deny the registration or renewal  
44 application until the applicant provides proof from the court or admin-  
45 istrative tribunal wherein the charges are pending that an appearance or  
46 answer has been made or in the case of an administrative tribunal that  
47 he has complied with the rules and regulations of said tribunal follow-  
48 ing entry of a final decision. Where an application is denied pursuant  
49 to this section, the commissioner may, in his discretion, deny a regis-  
50 tration or renewal application to any other person for the same vehicle  
51 and may deny a registration or renewal application for any other motor  
52 vehicle registered in the name of the applicant where the commissioner  
53 has determined that such registrant's intent has been to evade the  
54 purposes of this subdivision and where the commissioner has reasonable  
55 grounds to believe that such registration or renewal will have the  
56 effect of defeating the purposes of this subdivision. Such denial shall

only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

S 10. The vehicle and traffic law is amended by adding a new section 1180-b to read as follows:

S 1180-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH CERTAIN POSTED MAXIMUM SPEED LIMITS. (A) 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CITY OF NEW YORK IS HEREBY AUTHORIZED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH POSTED MAXIMUM SPEED LIMITS IN A SCHOOL SPEED ZONE WITHIN THE CITY (I) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR (II) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER SUCH STUDENT ACTIVITIES. SUCH DEMONSTRATION PROGRAM SHALL EMPOWER THE CITY TO INSTALL PHOTO SPEED VIOLATION MONITORING SYSTEMS WITHIN NO MORE THAN TWENTY SCHOOL SPEED ZONES WITHIN THE CITY AT ANY ONE TIME AND TO OPERATE SUCH SYSTEMS WITHIN SUCH ZONES (III) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR (IV) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER SUCH STUDENT ACTIVITIES. IN SELECTING A SCHOOL SPEED ZONE IN WHICH TO INSTALL AND OPERATE A PHOTO SPEED VIOLATION MONITORING SYSTEM, THE CITY SHALL CONSIDER CRITERIA INCLUDING, BUT NOT LIMITED TO THE SPEED DATA, CRASH HISTORY, AND THE ROADWAY GEOMETRY APPLICABLE TO SUCH SCHOOL SPEED ZONE.

2. NO PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE USED IN A SCHOOL SPEED ZONE UNLESS (I) ON THE DAY IT IS TO BE USED IT HAS SUCCESSFULLY PASSED A SELF-TEST OF ITS FUNCTIONS; AND (II) IT HAS UNDERGONE AN ANNUAL CALIBRATION CHECK PERFORMED PURSUANT TO PARAGRAPH FOUR OF THIS SUBDIVISION. THE CITY MAY INSTALL SIGNS GIVING NOTICE THAT A PHOTO SPEED VIOLATION MONITORING SYSTEM IS IN USE TO BE MOUNTED ON ADVANCE WARNING SIGNS NOTIFYING MOTOR VEHICLE OPERATORS OF SUCH UPCOMING SCHOOL SPEED ZONE AND/OR ON SPEED LIMIT SIGNS APPLICABLE WITHIN SUCH SCHOOL SPEED ZONE, IN CONFORMANCE WITH STANDARDS ESTABLISHED IN THE MUTCD.

3. OPERATORS OF PHOTO SPEED VIOLATION MONITORING SYSTEMS SHALL HAVE COMPLETED TRAINING IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPERATING SUCH SYSTEMS. EACH SUCH OPERATOR SHALL COMPLETE AND SIGN A DAILY SET-UP LOG FOR EACH SUCH SYSTEM THAT HE OR SHE OPERATES THAT (I) STATES THE DATE AND TIME WHEN, AND THE LOCATION WHERE, THE SYSTEM WAS SET UP THAT DAY, AND (II) STATES THAT SUCH OPERATOR SUCCESSFULLY PERFORMED, AND THE SYSTEM PASSED, THE SELF-TESTS OF SUCH SYSTEM BEFORE PRODUCING A RECORDED IMAGE THAT DAY. THE CITY SHALL RETAIN EACH SUCH DAILY LOG UNTIL THE LATER OF THE DATE ON WHICH THE PHOTO SPEED VIOLATION MONITORING SYSTEM TO WHICH IT APPLIES HAS BEEN PERMANENTLY REMOVED FROM USE OR THE FINAL RESOLUTION OF ALL CASES INVOLVING NOTICES OF LIABILITY ISSUED

1 BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEO OR OTHER RECORDED IMAGES  
2 PRODUCED BY SUCH SYSTEM.

3 4. EACH PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL UNDERGO AN ANNU-  
4 AL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY  
5 WHICH SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION. THE CITY SHALL  
6 KEEP EACH SUCH ANNUAL CERTIFICATE OF CALIBRATION ON FILE UNTIL THE FINAL  
7 RESOLUTION OF ALL CASES INVOLVING A NOTICE OF LIABILITY ISSUED DURING  
8 SUCH YEAR WHICH WERE BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE  
9 OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED VIOLATION MONITOR-  
10 ING SYSTEM.

11 5. (I) SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES  
12 TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS, MICROPHOTO-  
13 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED  
14 VIOLATION MONITORING SYSTEMS SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE  
15 DRIVER, THE PASSENGERS, OR THE CONTENTS OF THE VEHICLE. PROVIDED, HOWEV-  
16 ER, THAT NO NOTICE OF LIABILITY ISSUED PURSUANT TO THIS SECTION SHALL BE  
17 DISMISSED SOLELY BECAUSE SUCH A PHOTOGRAPH, MICROPHOTOGRAPH, VIDEOTAPE  
18 OR OTHER RECORDED IMAGE ALLOWS FOR THE IDENTIFICATION OF THE DRIVER, THE  
19 PASSENGERS, OR THE CONTENTS OF VEHICLES WHERE THE CITY SHOWS THAT IT  
20 MADE REASONABLE EFFORTS TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH  
21 IN SUCH CASE.

22 (II) PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER RECORDED  
23 IMAGE FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE FOR THE  
24 EXCLUSIVE USE OF THE CITY FOR THE PURPOSE OF THE ADJUDICATION OF LIABIL-  
25 ITY IMPOSED PURSUANT TO THIS SECTION AND OF THE OWNER RECEIVING A NOTICE  
26 OF LIABILITY PURSUANT TO THIS SECTION, AND SHALL BE DESTROYED BY THE  
27 CITY UPON THE FINAL RESOLUTION OF THE NOTICE OF LIABILITY TO WHICH SUCH  
28 PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES  
29 RELATE, OR ONE YEAR FOLLOWING THE DATE OF ISSUANCE OF SUCH NOTICE OF  
30 LIABILITY, WHICHEVER IS LATER. NOTWITHSTANDING THE PROVISIONS OF ANY  
31 OTHER LAW, RULE OR REGULATION TO THE CONTRARY, PHOTOGRAPHS, MICROPHOTO-  
32 GRAPHS, VIDEOTAPE OR ANY OTHER RECORDED IMAGE FROM A PHOTO SPEED  
33 VIOLATION MONITORING SYSTEM SHALL NOT BE OPEN TO THE PUBLIC, NOR SUBJECT  
34 TO CIVIL OR CRIMINAL PROCESS OR DISCOVERY, NOR USED BY ANY COURT OR  
35 ADMINISTRATIVE OR ADJUDICATORY BODY IN ANY ACTION OR PROCEEDING THEREIN  
36 EXCEPT THAT WHICH IS NECESSARY FOR THE ADJUDICATION OF A NOTICE OF  
37 LIABILITY ISSUED PURSUANT TO THIS SECTION, AND NO PUBLIC ENTITY OR  
38 EMPLOYEE, OFFICER OR AGENT THEREOF SHALL DISCLOSE SUCH INFORMATION,  
39 EXCEPT THAT SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER  
40 RECORDED IMAGES FROM SUCH SYSTEMS:

41 (A) SHALL BE AVAILABLE FOR INSPECTION AND COPYING AND USE BY THE MOTOR  
42 VEHICLE OWNER AND OPERATOR FOR SO LONG AS SUCH PHOTOGRAPHS, MICROPHOTO-  
43 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES ARE REQUIRED TO BE MAINTAINED  
44 OR ARE MAINTAINED BY SUCH PUBLIC ENTITY, EMPLOYEE, OFFICER OR AGENT; AND

45 (B) (1) SHALL BE FURNISHED WHEN DESCRIBED IN A SEARCH WARRANT ISSUED  
46 BY A COURT AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT PURSUANT TO ARTICLE  
47 SIX HUNDRED NINETY OF THE CRIMINAL PROCEDURE LAW OR A FEDERAL COURT  
48 AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT UNDER FEDERAL LAW, WHERE SUCH  
49 SEARCH WARRANT STATES THAT THERE IS REASONABLE CAUSE TO BELIEVE SUCH  
50 INFORMATION CONSTITUTES EVIDENCE OF, OR TENDS TO DEMONSTRATE THAT, A  
51 MISDEMEANOR OR FELONY OFFENSE WAS COMMITTED IN THIS STATE OR ANOTHER  
52 STATE, OR THAT A PARTICULAR PERSON PARTICIPATED IN THE COMMISSION OF A  
53 MISDEMEANOR OR FELONY OFFENSE IN THIS STATE OR ANOTHER STATE, PROVIDED,  
54 HOWEVER, THAT IF SUCH OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, THE  
55 COURT SHALL ONLY ISSUE A WARRANT IF THE CONDUCT COMPRISING SUCH OFFENSE

1 WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY  
2 AGAINST THE LAWS OF THIS STATE; AND

3 (2) SHALL BE FURNISHED IN RESPONSE TO A SUBPOENA DUCES TECUM SIGNED BY  
4 A JUDGE OF COMPETENT JURISDICTION AND ISSUED PURSUANT TO ARTICLE SIX  
5 HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW OR A JUDGE OR MAGISTRATE OF A  
6 FEDERAL COURT AUTHORIZED TO ISSUE SUCH A SUBPOENA DUCES TECUM UNDER  
7 FEDERAL LAW, WHERE THE JUDGE FINDS AND THE SUBPOENA STATES THAT THERE IS  
8 REASONABLE CAUSE TO BELIEVE SUCH INFORMATION IS RELEVANT AND MATERIAL TO  
9 THE PROSECUTION, OR THE DEFENSE, OR THE INVESTIGATION BY AN AUTHORIZED  
10 LAW ENFORCEMENT OFFICIAL, OF THE ALLEGED COMMISSION OF A MISDEMEANOR OR  
11 FELONY IN THIS STATE OR ANOTHER STATE, PROVIDED, HOWEVER, THAT IF SUCH  
12 OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, SUCH JUDGE OR MAGISTRATE  
13 SHALL ONLY ISSUE SUCH SUBPOENA IF THE CONDUCT COMPRISING SUCH OFFENSE  
14 WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY IN  
15 THIS STATE; AND

16 (3) MAY, IF LAWFULLY OBTAINED PURSUANT TO THIS CLAUSE AND CLAUSE (A)  
17 OF THIS SUBPARAGRAPH AND OTHERWISE ADMISSIBLE, BE USED IN SUCH CRIMINAL  
18 ACTION OR PROCEEDING.

19 (B) IF THE CITY OF NEW YORK ESTABLISHES A DEMONSTRATION PROGRAM PURSU-  
20 ANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE  
21 LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE  
22 WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR  
23 IMPLIED, WITHIN A SCHOOL SPEED ZONE IN VIOLATION OF SUBDIVISION (C) OR  
24 DURING THE TIMES AUTHORIZED PURSUANT TO SUBDIVISION (A) OF THIS SECTION  
25 IN VIOLATION OF SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN  
26 HUNDRED EIGHTY OF THIS ARTICLE, SUCH VEHICLE WAS TRAVELING AT A SPEED OF  
27 MORE THAN TEN MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT  
28 WITHIN SUCH SCHOOL SPEED ZONE, AND SUCH VIOLATION IS EVIDENCED BY INFOR-  
29 MATION OBTAINED FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM; PROVIDED  
30 HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED  
31 PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN  
32 CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (B), (C), (D), (F)  
33 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

34 (C) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE  
35 FOLLOWING MEANINGS:

36 1. "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" OR "MUTCD" SHALL MEAN  
37 THE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL  
38 DEVICES MAINTAINED BY THE COMMISSIONER OF TRANSPORTATION PURSUANT TO  
39 SECTION SIXTEEN HUNDRED EIGHTY OF THIS CHAPTER;

40 2. "OWNER" SHALL HAVE THE MEANING PROVIDED IN ARTICLE TWO-B OF THIS  
41 CHAPTER.

42 3. "PHOTO SPEED VIOLATION MONITORING SYSTEM" SHALL MEAN A VEHICLE  
43 SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A SPEED MEASURING DEVICE  
44 WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE MICRO-  
45 PHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE AT THE  
46 TIME IT IS USED OR OPERATED IN A SCHOOL SPEED ZONE IN VIOLATION OF  
47 SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY  
48 OF THIS ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION; AND

49 4. "SCHOOL SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOU-  
50 SAND THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,  
51 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY.

52 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY  
53 THE CITY OF NEW YORK, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF  
54 PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES  
55 PRODUCED BY A PHOTO SPEED VIOLATION MONITORING SYSTEM, SHALL BE PRIMA  
56 FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICRO-

1 PHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES EVIDENCING SUCH A  
2 VIOLATION SHALL INCLUDE AT LEAST TWO DATE AND TIME STAMPED IMAGES OF THE  
3 REAR OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR  
4 THE MOTOR VEHICLE AND SHALL BE AVAILABLE FOR INSPECTION REASONABLY IN  
5 ADVANCE OF AND AT ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH  
6 VIOLATION PURSUANT TO THIS SECTION.

7 (E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F)  
8 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO A  
9 DEMONSTRATION PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL BE  
10 LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND  
11 PENALTIES TO BE PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF THE CITY  
12 OF NEW YORK. THE LIABILITY OF THE OWNER PURSUANT TO THIS SECTION SHALL  
13 NOT EXCEED FIFTY DOLLARS FOR EACH VIOLATION; PROVIDED, HOWEVER, THAT  
14 SUCH PARKING VIOLATIONS BUREAU MAY PROVIDE FOR AN ADDITIONAL PENALTY NOT  
15 IN EXCESS OF TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO  
16 RESPOND TO A NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

17 (F) AN IMPOSITION OF LIABILITY UNDER THE DEMONSTRATION PROGRAM ESTAB-  
18 LISHED PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION AS AN  
19 OPERATOR AND SHALL NOT BE MADE PART OF THE OPERATING RECORD OF THE  
20 PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR SHALL IT BE USED FOR  
21 INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

22 (G) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH  
23 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION  
24 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTI-  
25 CLE PURSUANT TO THIS SECTION, WITHIN FOURTEEN BUSINESS DAYS IF SUCH  
26 OWNER IS A RESIDENT OF THIS STATE AND WITHIN FORTY-FIVE BUSINESS DAYS IF  
27 SUCH OWNER IS A NON-RESIDENT. PERSONAL DELIVERY ON THE OWNER SHALL NOT  
28 BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE  
29 ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS  
30 CONTAINED THEREIN.

31 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE  
32 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION  
33 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTI-  
34 CLE PURSUANT TO THIS SECTION, THE REGISTRATION NUMBER OF THE VEHICLE  
35 INVOLVED IN SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK  
36 PLACE, THE DATE AND TIME OF SUCH VIOLATION, THE IDENTIFICATION NUMBER OF  
37 THE CAMERA WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR  
38 NUMBER, AT LEAST TWO DATE AND TIME STAMPED IMAGES OF THE REAR OF THE  
39 MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR  
40 VEHICLE, AND THE CERTIFICATE CHARGING THE LIABILITY.

41 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE  
42 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST  
43 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL  
44 ALSO CONTAIN A PROMINENT WARNING TO ADVISE THE PERSON CHARGED THAT FAIL-  
45 URE TO CONTEST IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMIS-  
46 SION OF LIABILITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

47 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE CITY OF  
48 NEW YORK, OR BY ANY OTHER ENTITY AUTHORIZED BY THE CITY TO PREPARE AND  
49 MAIL SUCH NOTICE OF LIABILITY.

50 (H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS OF THIS SECTION  
51 SHALL BE BY THE NEW YORK CITY PARKING VIOLATIONS BUREAU.

52 (I) IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS  
53 SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE OR THE NUMBER PLATE  
54 OR PLATES OF SUCH VEHICLE WAS REPORTED TO THE POLICE DEPARTMENT AS  
55 HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO AN ALLEGATION OF  
56 LIABILITY FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF

SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION THAT THE VEHICLE OR THE NUMBER PLATE OR PLATES OF SUCH VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION, IT SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE OR NUMBER PLATE OR PLATES OF SUCH VEHICLE BE SENT BY FIRST CLASS MAIL TO THE NEW YORK CITY PARKING VIOLATIONS BUREAU, OR BY ANY OTHER ENTITY AUTHORIZED BY THE CITY TO PREPARE AND MAIL SUCH NOTICE OF LIABILITY.

(J) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS OF THIS SECTION SHALL BE BY THE NEW YORK CITY PARKING VIOLATIONS BUREAU.

(K) 1. AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION, PROVIDED THAT:

(I) PRIOR TO THE VIOLATION, THE LESSOR HAS FILED WITH SUCH PARKING VIOLATIONS BUREAU IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER; AND

(II) WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM SUCH BUREAU OF THE DATE AND TIME OF A LIABILITY, TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY, THE LESSOR SUBMITS TO SUCH BUREAU THE CORRECT NAME AND ADDRESS OF THE LESSEE OF THE VEHICLE IDENTIFIED IN THE NOTICE OF LIABILITY AT THE TIME OF SUCH VIOLATION, TOGETHER WITH SUCH OTHER ADDITIONAL INFORMATION CONTAINED IN THE RENTAL, LEASE OR OTHER CONTRACT DOCUMENT, AS MAY BE REASONABLY REQUIRED BY SUCH BUREAU PURSUANT TO REGULATIONS THAT MAY BE PROMULGATED FOR SUCH PURPOSE.

2. FAILURE TO COMPLY WITH SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN THIS SECTION.

3. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION NINE OF THIS SECTION.

(L) 1. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO THIS SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITHOUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR OPERATED SUCH VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE. FOR PURPOSES OF THIS SUBDIVISION THERE SHALL BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME OF SUCH OPERATOR OPERATED SUCH VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

(M) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

(N) IF THE CITY ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO SUBDIVISION ONE OF THIS SECTION IT SHALL CONDUCT A STUDY AND SUBMIT A REPORT ON THE

1 RESULTS OF THE USE OF PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRES-  
2 IDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL  
3 INCLUDE:

4 1. THE LOCATIONS WHERE AND DATES WHEN PHOTO SPEED VIOLATION MONITORING  
5 SYSTEMS WERE USED;

6 2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES,  
7 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN ALL SCHOOL SPEED ZONES  
8 WITHIN THE CITY, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE  
9 DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;

10 3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES,  
11 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN SCHOOL SPEED ZONES WHERE  
12 PHOTO SPEED VIOLATION MONITORING SYSTEMS WERE USED, TO THE EXTENT THE  
13 INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS  
14 STATE;

15 4. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES  
16 WITHIN THE CITY, IN THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

17 5. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE  
18 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED, IN THE AGGRE-  
19 GATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

20 6. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES  
21 WITHIN THE CITY THAT WERE:

22 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE  
23 POSTED SPEED LIMIT;

24 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE  
25 POSTED SPEED LIMIT;

26 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE  
27 POSTED SPEED LIMIT; AND

28 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

29 7. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE  
30 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED THAT WERE:

31 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE  
32 POSTED SPEED LIMIT;

33 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE  
34 POSTED SPEED LIMIT;

35 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE  
36 POSTED SPEED LIMIT; AND

37 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

38 8. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED FOR VIOLATIONS  
39 RECORDED BY SUCH SYSTEMS;

40 9. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER THE FIRST  
41 NOTICE OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;

42 10. THE NUMBER OF VIOLATIONS ADJUDICATED AND THE RESULTS OF SUCH ADJU-  
43 DICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS  
44 RECORDED BY SUCH SYSTEMS;

45 11. THE TOTAL AMOUNT OF REVENUE REALIZED BY THE CITY IN CONNECTION  
46 WITH THE PROGRAM;

47 12. THE EXPENSES INCURRED BY THE CITY IN CONNECTION WITH THE PROGRAM;  
48 AND

49 13. THE QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

50 (O) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDI-  
51 VISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF  
52 THIS ARTICLE PURSUANT TO THIS SECTION THAT SUCH PHOTO SPEED VIOLATION  
53 MONITORING SYSTEM WAS MALFUNCTIONING AT THE TIME OF THE ALLEGED  
54 VIOLATION.

55 S 11. The opening paragraph and paragraph (c) of subdivision 1 of  
56 section 1809 of the vehicle and traffic law, as amended by section 10 of

1 part II of chapter 59 of the laws of 2010, are amended to read as  
2 follows:

3 Whenever proceedings in an administrative tribunal or a court of this  
4 state result in a conviction for an offense under this chapter or a  
5 traffic infraction under this chapter, or a local law, ordinance, rule  
6 or regulation adopted pursuant to this chapter, other than a traffic  
7 infraction involving standing, stopping, or parking or violations by  
8 pedestrians or bicyclists, or other than an adjudication of liability of  
9 an owner for a violation of subdivision (d) of section eleven hundred  
10 eleven of this chapter in accordance with section eleven hundred  
11 eleven-a of this chapter, or other than an adjudication of liability of  
12 an owner for a violation of subdivision (d) of section eleven hundred  
13 eleven of this chapter in accordance with section eleven hundred  
14 eleven-b of this chapter, or other than an adjudication in accordance  
15 with section eleven hundred eleven-c of this chapter for a violation of  
16 a bus lane restriction as defined in such section, OR OTHER THAN AN  
17 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION  
18 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-  
19 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER,  
20 there shall be levied a crime victim assistance fee and a mandatory  
21 surcharge, in addition to any sentence required or permitted by law, in  
22 accordance with the following schedule:

23 (c) Whenever proceedings in an administrative tribunal or a court of  
24 this state result in a conviction for an offense under this chapter  
25 other than a crime pursuant to section eleven hundred ninety-two of this  
26 chapter, or a traffic infraction under this chapter, or a local law,  
27 ordinance, rule or regulation adopted pursuant to this chapter, other  
28 than a traffic infraction involving standing, stopping, or parking or  
29 violations by pedestrians or bicyclists, or other than an adjudication  
30 of liability of an owner for a violation of subdivision (d) of section  
31 eleven hundred eleven of this chapter in accordance with section eleven  
32 hundred eleven-a of this chapter, or other than an adjudication of  
33 liability of an owner for a violation of subdivision (d) of section  
34 eleven hundred eleven of this chapter in accordance with section eleven  
35 hundred eleven-b of this chapter, or other than an infraction pursuant  
36 to article nine of this chapter or other than an adjudication of liabil-  
37 ity of an owner for a violation of toll collection regulations pursuant  
38 to section two thousand nine hundred eighty-five of the public authori-  
39 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
40 hundred seventy-four of the laws of nineteen hundred fifty or other than  
41 an adjudication in accordance with section eleven hundred eleven-c of  
42 this chapter for a violation of a bus lane restriction as defined in  
43 such section, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR  
44 A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN  
45 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
46 EIGHTY-B OF THIS CHAPTER, there shall be levied a crime victim assist-  
47 ance fee in the amount of five dollars and a mandatory surcharge, in  
48 addition to any sentence required or permitted by law, in the amount of  
49 fifty-five dollars.

50 S 11-a. Subdivision 1 of section 1809 of the vehicle and traffic law,  
51 as amended by section 10-a of part II of chapter 59 of the laws of 2010,  
52 is amended to read as follows:

53 1. Whenever proceedings in an administrative tribunal or a court of  
54 this state result in a conviction for a crime under this chapter or a  
55 traffic infraction under this chapter, or a local law, ordinance, rule  
56 or regulation adopted pursuant to this chapter, other than a traffic



1 infraction involving standing, stopping, parking or motor vehicle equip-  
2 ment or violations by pedestrians or bicyclists, or other than an adju-  
3 dication of liability of an owner for a violation of subdivision (d) of  
4 section eleven hundred eleven of this chapter in accordance with section  
5 eleven hundred eleven-a of this chapter, or other than an adjudication  
6 of liability of an owner for a violation of subdivision (d) of section  
7 eleven hundred eleven of this chapter in accordance with section eleven  
8 hundred eleven-b of this chapter, or other than an adjudication in  
9 accordance with section eleven hundred eleven-c of this chapter for a  
10 violation of a bus lane restriction as defined in such section, OR OTHER  
11 THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI-  
12 VISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF  
13 THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS  
14 CHAPTER, there shall be levied a mandatory surcharge, in addition to any  
15 sentence required or permitted by law, in the amount of twenty-five  
16 dollars.

17 S 11-b. Subdivision 1 of section 1809 of the vehicle and traffic law,  
18 as amended by section 10-b of part II of chapter 59 of the laws of 2010,  
19 is amended to read as follows:

20 1. Whenever proceedings in an administrative tribunal or a court of  
21 this state result in a conviction for a crime under this chapter or a  
22 traffic infraction under this chapter other than a traffic infraction  
23 involving standing, stopping, parking or motor vehicle equipment or  
24 violations by pedestrians or bicyclists, or other than an adjudication  
25 in accordance with section eleven hundred eleven-c of this chapter for a  
26 violation of a bus lane restriction as defined in such section, OR OTHER  
27 THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI-  
28 VISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF  
29 THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS  
30 CHAPTER, there shall be levied a mandatory surcharge, in addition to any  
31 sentence required or permitted by law, in the amount of seventeen  
32 dollars.

33 S 11-c. Subdivision 1 of section 1809 of the vehicle and traffic law,  
34 as separately amended by chapter 16 of the laws of 1983 and chapter 62  
35 of the laws of 1989, is amended to read as follows:

36 1. Whenever proceedings in an administrative tribunal or a court of  
37 this state result in a conviction for a crime under this chapter or a  
38 traffic infraction under this chapter other than a traffic infraction  
39 involving standing, stopping, parking or motor vehicle equipment or  
40 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION  
41 OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D),  
42 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORD-  
43 ANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall  
44 be levied a mandatory surcharge, in addition to any sentence required or  
45 permitted by law, in the amount of seventeen dollars.

46 S 12. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
47 and traffic law, as amended by section 11 of part II of chapter 59 of  
48 the laws of 2010, is amended to read as follows:

49 a. Notwithstanding any other provision of law, whenever proceedings in  
50 a court or an administrative tribunal of this state result in a  
51 conviction for an offense under this chapter, except a conviction pursu-  
52 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
53 fic infraction under this chapter, or a local law, ordinance, rule or  
54 regulation adopted pursuant to this chapter, except a traffic infraction  
55 involving standing, stopping, or parking or violations by pedestrians or  
56 bicyclists, and except an adjudication of liability of an owner for a

1 violation of subdivision (d) of section eleven hundred eleven of this  
2 chapter in accordance with section eleven hundred eleven-a of this chap-  
3 ter, and except an adjudication of liability of an owner for a violation  
4 of subdivision (d) of section eleven hundred eleven of this chapter in  
5 accordance with section eleven hundred eleven-b of this chapter, and  
6 except an adjudication in accordance with section eleven hundred  
7 eleven-c of this chapter of a violation of a bus lane restriction as  
8 defined in such section, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN  
9 OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF  
10 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION  
11 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, and except an adjudication of  
12 liability of an owner for a violation of toll collection regulations  
13 pursuant to section two thousand nine hundred eighty-five of the public  
14 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-  
15 ter seven hundred seventy-four of the laws of nineteen hundred fifty,  
16 there shall be levied in addition to any sentence, penalty or other  
17 surcharge required or permitted by law, an additional surcharge of twen-  
18 ty dollars.

19 S 12-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
20 and traffic law, as amended by section 3 of part C of chapter 55 of the  
21 laws of 2013, is amended to read as follows:

22 a. Notwithstanding any other provision of law, whenever proceedings in  
23 a court or an administrative tribunal of this state result in a  
24 conviction for an offense under this chapter, except a conviction pursu-  
25 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
26 fic infraction under this chapter, or a local law, ordinance, rule or  
27 regulation adopted pursuant to this chapter, except a traffic infraction  
28 involving standing, stopping, or parking or violations by pedestrians or  
29 bicyclists, and except an adjudication of liability of an owner for a  
30 violation of subdivision (d) of section eleven hundred eleven of this  
31 chapter in accordance with section eleven hundred eleven-a of this chap-  
32 ter, and except an adjudication of liability of an owner for a violation  
33 of subdivision (d) of section eleven hundred eleven of this chapter in  
34 accordance with section eleven hundred eleven-b of this chapter, and  
35 except an adjudication in accordance with section eleven hundred  
36 eleven-c of this chapter of a violation of a bus lane restriction as  
37 defined in such section, AND EXPECT AN ADJUDICATION OF LIABILITY OF AN  
38 OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF  
39 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION  
40 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, and except an adjudication of  
41 liability of an owner for a violation of toll collection regulations  
42 pursuant to section two thousand nine hundred eighty-five of the public  
43 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-  
44 ter seven hundred seventy-four of the laws of nineteen hundred fifty,  
45 there shall be levied in addition to any sentence, penalty or other  
46 surcharge required or permitted by law, an additional surcharge of twen-  
47 ty-eight dollars.

48 S 12-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
49 and traffic law, as amended by section 4 of part C of chapter 55 of the  
50 laws of 2013, is amended to read as follows:

51 a. Notwithstanding any other provision of law, whenever proceedings in  
52 a court or an administrative tribunal of this state result in a  
53 conviction for an offense under this chapter, except a conviction pursu-  
54 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
55 fic infraction under this chapter, or a local law, ordinance, rule or  
56 regulation adopted pursuant to this chapter, except a traffic infraction

1 involving standing, stopping, or parking or violations by pedestrians or  
2 bicyclists, and except an adjudication of liability of an owner for a  
3 violation of subdivision (d) of section eleven hundred eleven of this  
4 chapter in accordance with section eleven hundred eleven-a of this chap-  
5 ter, and except an adjudication in accordance with section eleven  
6 hundred eleven-c of this chapter of a violation of a bus lane  
7 restriction as defined in such section, AND EXCEPT AN ADJUDICATION OF  
8 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F)  
9 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE  
10 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, and except an  
11 adjudication of liability of an owner for a violation of toll collection  
12 regulations pursuant to section two thousand nine hundred eighty-five of  
13 the public authorities law or sections sixteen-a, sixteen-b and  
14 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
15 hundred fifty, there shall be levied in addition to any sentence, penal-  
16 ty or other surcharge required or permitted by law, an additional  
17 surcharge of twenty-eight dollars.

18 S 12-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
19 and traffic law, as added by section 5 of part C of chapter 55 of the  
20 laws of 2013, is amended to read as follows:

21 a. Notwithstanding any other provision of law, whenever proceedings in  
22 a court or an administrative tribunal of this state result in a  
23 conviction for an offense under this chapter, except a conviction pursu-  
24 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
25 fic infraction under this chapter, or a local law, ordinance, rule or  
26 regulation adopted pursuant to this chapter, except a traffic infraction  
27 involving standing, stopping, or parking or violations by pedestrians or  
28 bicyclists, and except an adjudication of liability of an owner for a  
29 violation of subdivision (d) of section eleven hundred eleven of this  
30 chapter in accordance with section eleven hundred eleven-a of this chap-  
31 ter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION  
32 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED  
33 EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-  
34 Y-B OF THIS CHAPTER, and except an adjudication of liability of an owner  
35 for a violation of toll collection regulations pursuant to section two  
36 thousand nine hundred eighty-five of the public authorities law or  
37 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
38 seventy-four of the laws of nineteen hundred fifty, there shall be  
39 levied in addition to any sentence, penalty or other surcharge required  
40 or permitted by law, an additional surcharge of twenty-eight dollars.

41 S 13. Subdivision 2 of section 87 of the public officers law is  
42 amended by adding a new paragraph (m) to read as follows:

43 (M) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED  
44 IMAGES PREPARED UNDER THE AUTHORITY OF SECTION ELEVEN HUNDRED EIGHTY-B  
45 OF THE VEHICLE AND TRAFFIC LAW.

46 S 14. The purchase or lease of equipment for a demonstration program  
47 pursuant to section 1180-b of the vehicle and traffic law shall be  
48 subject to the provisions of section 103 of the general municipal law.

49 S 15. This act shall take effect on the thirtieth day after it shall  
50 have become a law and shall expire 5 years after such effective date  
51 when upon such date the provisions of this act shall be deemed repealed;  
52 and provided further that any rules necessary for the implementation of  
53 this act on its effective date shall be promulgated on or before such  
54 effective date, provided that:

55 (a) the amendments to subdivision 1 of section 235 of the vehicle and  
56 traffic law made by section one of this act shall not affect the expira-

tion of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section one-a of this act shall take effect;

(b) the amendments to section 235 of the vehicle and traffic law made by section one-a of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section one-b of this act shall take effect;

(c) the amendments to section 235 of the vehicle and traffic law made by section one-b of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section one-c of this act shall take effect;

(d) the amendments to section 235 of the vehicle and traffic law made by section one-c of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section one-d of this act shall take effect;

(e) the amendments to subdivision 1 of section 236 of the vehicle and traffic law made by section two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section two-a of this act shall take effect;

(f) the amendments to subdivision 1 of section 236 of the vehicle and traffic law made by section two-a of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section two-b of this act shall take effect;

(g) the amendments to subdivision 1 of section 236 of the vehicle and traffic law made by section two-b of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section two-c of this act shall take effect;

(h) the amendments to subdivision 12 of section 237 of the vehicle and traffic law made by section three of this act shall not affect the repeal of such subdivision and shall be deemed to be repealed therewith, when upon such date the provisions of section three-a of this act shall take effect;

(h-1) the amendments to subdivision 11 of section 237 of the vehicle and traffic law made by section three-a of this act shall not affect the expiration and reversion of such subdivision and shall be deemed repealed therewith;

(i) the amendments to paragraph f of subdivision 1 of section 239 of the vehicle and traffic law made by section four of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith, when upon such date the provisions of section four-a of this act shall take effect;

(j) the amendments to paragraph f of subdivision 1 of section 239 of the vehicle and traffic law made by section four-a of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith, when upon such date the provisions of section four-b of this act shall take effect;

(k) the amendments to paragraph f of subdivision 1 of section 239 of the vehicle and traffic law made by section four-b of this act shall not affect the expiration of such paragraph and shall be deemed to expire therewith, when upon such date the provisions of section four-c of this act shall take effect;

(l) the amendments to subdivision 4 of section 239 of the vehicle and traffic law made by section five of this act shall not affect the repeal

1 of such subdivision and shall be deemed to be repealed therewith, when  
2 upon such date the provisions of section five-a of this act shall take  
3 effect;

4 (m) the amendments to subdivisions 1 and 1-a of section 240 of the  
5 vehicle and traffic law made by section six of this act shall not affect  
6 the expiration of such subdivisions and shall be deemed to expire there-  
7 with, when upon such date the provisions of section six-a of this act  
8 shall take effect;

9 (n) the amendments to subdivisions 1 and 1-a of section 240 of the  
10 vehicle and traffic law made by section six-a of this act shall not  
11 affect the expiration of such subdivisions and shall be deemed to expire  
12 therewith, when upon such date the provisions of section six-b of this  
13 act shall take effect;

14 (o) the amendments to subdivisions 1 and 1-a of section 240 of the  
15 vehicle and traffic law made by section six-b of this act shall not  
16 affect the expiration of such subdivisions and shall be deemed to expire  
17 therewith, when upon such date the provisions of section six-c of this  
18 act shall take effect;

19 (p) the amendments to paragraphs a and g of subdivision 2 of section  
20 240 of the vehicle and traffic law made by section seven of this act  
21 shall not affect the expiration of such paragraphs and shall be deemed  
22 to expire therewith, when upon such date the provisions of section  
23 seven-a of this act shall take effect;

24 (q) the amendments to paragraphs a and g of subdivision 2 of section  
25 240 of the vehicle and traffic law made by section seven-a of this act  
26 shall not affect the expiration of such paragraphs and shall be deemed  
27 to expire therewith, when upon such date the provisions of section  
28 seven-b of this act shall take effect;

29 (r) the amendments to paragraphs a and g of subdivision 2 of section  
30 240 of the vehicle and traffic law made by section seven-b of this act  
31 shall not affect the expiration of such paragraphs and shall be deemed  
32 to expire therewith, when upon such date the provisions of section  
33 seven-c of this act shall take effect;

34 (s) the amendments to subdivisions 1 and 2 of section 241 of the vehi-  
35 cle and traffic law made by section eight of this act shall not affect  
36 the expiration of such subdivisions and shall be deemed to expire there-  
37 with, when upon such date the provisions of section eight-a of this act  
38 shall take effect;

39 (t) the amendments to subdivisions 1 and 2 of section 241 of the vehi-  
40 cle and traffic law made by section eight-a of this act shall not affect  
41 the expiration of such subdivisions and shall be deemed to expire there-  
42 with, when upon such date the provisions of section eight-b of this act  
43 shall take effect;

44 (u) the amendments to subdivisions 1 and 2 of section 241 of the vehi-  
45 cle and traffic law made by section eight-b of this act shall not affect  
46 the expiration of such subdivisions and shall be deemed to expire there-  
47 with, when upon such date the provisions of section eight-c of this act  
48 shall take effect;

49 (v) the amendments to subparagraph (i) of paragraph a of subdivision  
50 5-a of section 401 of the vehicle and traffic law made by section nine  
51 of this act shall not affect the expiration of such paragraph and shall  
52 be deemed to expire therewith, when upon such date the provisions of  
53 section nine-a of this act shall take effect;

54 (w) the amendments to paragraph a of subdivision 5-a of section 401 of  
55 the vehicle and traffic law made by section nine-a of this act shall not  
56 affect the expiration of such paragraph and shall be deemed to expire

1 therewith, when upon such date the provisions of section nine-b of this  
2 act shall take effect;

3 (x) the amendments to paragraph a of subdivision 5-a of section 401 of  
4 the vehicle and traffic law made by section nine-b of this act shall not  
5 affect the expiration of such paragraph and shall be deemed to expire  
6 therewith, when upon such date the provisions of section nine-c of this  
7 act shall take effect;

8 (y) the amendments to subdivision 1 of section 1809 of the vehicle and  
9 traffic law made by section eleven of this act shall not affect the  
10 expiration of such subdivision and shall be deemed to expire therewith,  
11 when upon such date the provisions of section eleven-a of this act shall  
12 take effect;

13 (z) the amendments to subdivision 1 of section 1809 of the vehicle and  
14 traffic law made by section eleven-a of this act shall not affect the  
15 expiration of such subdivision and shall be deemed to expire therewith,  
16 when upon such date the provisions of section eleven-b of this act shall  
17 take effect;

18 (aa) the amendments to subdivision 1 of section 1809 of the vehicle  
19 and traffic law made by section eleven-b of this act shall not affect  
20 the expiration of such subdivision and shall be deemed to expire there-  
21 with, when upon such date the provisions of section eleven-c of this act  
22 shall take effect;

23 (bb) the amendments to paragraph a of subdivision 1 of section 1809-e  
24 of the vehicle and traffic law made by section twelve of this act shall  
25 not affect the expiration of such paragraph and shall be deemed to  
26 expire therewith, when upon such date the provisions of section twelve-a  
27 of this act shall take effect; and

28 (cc) the amendments to paragraph a of subdivision 1 of section 1809-e  
29 of the vehicle and traffic law made by section twelve-a of this act  
30 shall not affect the expiration of such paragraph and shall be deemed to  
31 expire therewith, when upon such date the provisions of section twelve-b  
32 of this act shall take effect; and

33 (dd) the amendments to paragraph a of subdivision 1 of section 1809-e  
34 of the vehicle and traffic law made by section twelve-b of this act  
35 shall not affect the expiration of such paragraph and shall be deemed to  
36 expire therewith, when upon such date the provisions of section twelve-c  
37 of this act shall take effect.