

4459

2013-2014 Regular Sessions

I N S E N A T E

April 3, 2013

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

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in each city with a population of one million or more a demonstration program to enforce maximum speed limits by means of speed limit 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
21 owners in accordance with section eleven hundred eleven-c of this chap-
22 ter for violations of bus lane restrictions as defined in such section,

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

LBD04605-04-3

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

6 S 1-a. Section 235 of the vehicle and traffic law, as amended by
7 section 1-a 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 subdivision (d) of
15 section eleven hundred eleven of this chapter in accordance with section
16 eleven hundred eleven-a of this chapter, or to adjudicate the liability
17 of owners for violations of subdivision (d) of section eleven hundred
18 eleven of this chapter in accordance with sections eleven hundred
19 eleven-b of this chapter as added by sections sixteen of chapters twenty-
20 ty, twenty-one, and twenty-two of the laws of two thousand nine, or to
21 adjudicate the liability of owners for violations of toll collection
22 regulations as defined in and in accordance with the provisions of
23 section two thousand nine hundred eighty-five of the public authorities
24 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
25 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
26 dicate liability of owners in accordance with section eleven hundred
27 eleven-c of this chapter for violations of bus lane restrictions as
28 defined in such section, OR TO ADJUDICATE LIABILITY OF OWNERS FOR
29 VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY
30 OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF
31 THIS CHAPTER, such tribunal and the rules and regulations pertaining
32 thereto shall be constituted in substantial conformance with the follow-
33 ing sections.

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

37 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any
38 general, special or local law or administrative code to the contrary, in
39 any city which heretofore or hereafter is authorized to establish an
40 administrative tribunal to hear and determine complaints of traffic
41 infractions constituting parking, standing or stopping violations, or to
42 adjudicate the liability of owners for violations of subdivision (d) of
43 section eleven hundred eleven of this chapter in accordance with
44 sections eleven hundred eleven-b of this chapter as added by sections
45 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
46 two thousand nine, or to adjudicate the liability of owners for
47 violations of toll collection regulations as defined in and in accord-
48 ance with the provisions of section two thousand nine hundred eighty-
49 five of the public authorities law and sections sixteen-a, sixteen-b and
50 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
51 hundred fifty, or to adjudicate liability of owners in accordance with
52 section eleven hundred eleven-c of this chapter for violations of bus
53 lane restrictions as defined in such section, OR TO ADJUDICATE LIABILITY
54 OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN
55 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
56 EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and regulations

1 pertaining thereto shall be constituted in substantial conformance with
2 the following sections.

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

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

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

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

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

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

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

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

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

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

47 1. Creation. In any city as hereinbefore or hereafter authorized such
48 tribunal when created shall be known as the parking violations bureau
49 and shall have jurisdiction of traffic infractions which constitute a
50 parking violation and shall adjudicate liability of owners in accordance
51 with section eleven hundred eleven-c of this chapter for violations of
52 bus lane restrictions as defined in such section AND SHALL ADJUDICATE
53 LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
54 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
55 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. For the purposes of this arti-
56 cle, a parking violation is the violation of any law, rule or regulation

1 providing for or regulating the parking, stopping or standing of a vehi-
2 cle. In addition for purposes of this article, "commissioner" shall mean
3 and include the commissioner of traffic of the city or an official
4 possessing authority as such a commissioner.

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

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

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

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

25 13. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVI-
26 SIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
27 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

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

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

37 12. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVI-
38 SIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
39 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

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

43 f. "Notice of violation" means a notice of violation as defined in
44 subdivision nine of section two hundred thirty-seven of this article,
45 but shall not be deemed to include a notice of liability issued pursuant
46 to authorization set forth in section eleven hundred eleven-a of this
47 chapter or sections eleven hundred eleven-b of this chapter as added by
48 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
49 laws of two thousand nine, and shall not be deemed to include a notice
50 of liability issued pursuant to section two thousand nine hundred eight-
51 y-five of the public authorities law and sections sixteen-a, sixteen-b
52 and sixteen-c of chapter seven hundred seventy-four of the laws of nine-
53 teen hundred fifty and shall not be deemed to include a notice of
54 liability issued pursuant to section eleven hundred eleven-c of this
55 chapter AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED
56 PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

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

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

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

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

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

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

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

33 4. Applicability. The provisions of paragraph b of subdivision two and
34 subdivision three of this section shall not be applicable to determi-
35 nations of owner liability for the failure of an operator to comply with
36 subdivision (d) of section eleven hundred eleven of this chapter and
37 shall not be applicable to determinations of owner liability imposed
38 pursuant to section two thousand nine hundred eighty-five of the public
39 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-
40 ter seven hundred seventy-four of the laws of nineteen hundred fifty AND
41 SHALL NOT BE APPLICABLE TO DETERMINATIONS OF OWNER LIABILITY FOR
42 VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY
43 OF THIS CHAPTER.

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

46 4. APPLICABILITY. THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION TWO AND
47 SUBDIVISION THREE OF THIS SECTION SHALL NOT BE APPLICABLE TO DETERMI-
48 NATIONS OF OWNER LIABILITY FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
49 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER.

50 S 6. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
51 law, as amended by section 5 of part II of chapter 59 of the laws of
52 2010, are amended to read as follows:

53 1. Notice of hearing. Whenever a person charged with a parking
54 violation enters a plea of not guilty or a person alleged to be liable
55 in accordance with section eleven hundred eleven-a of this chapter or
56 sections eleven hundred eleven-b of this chapter as added by sections

1 sixteen of chapters twenty, twenty-one, and twenty two of the laws of
2 two thousand nine, for a violation of subdivision (d) of section eleven
3 hundred eleven of this chapter contests such allegation, or a person
4 alleged to be liable in accordance with the provisions of section two
5 thousand nine hundred eighty-five of the public authorities law or
6 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
7 seventy-four of the laws of nineteen hundred fifty, or a person alleged
8 to be liable in accordance with the provisions of section eleven hundred
9 eleven-c of this chapter for a violation of a bus lane restriction as
10 defined in such section contests such allegation, OR A PERSON ALLEGED TO
11 BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED
12 EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
13 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,
14 the bureau shall advise such person personally by such form of first
15 class mail as the director may direct of the date on which he or she
16 must appear to answer the charge at a hearing. The form and content of
17 such notice of hearing shall be prescribed by the director, and shall
18 contain a warning to advise the person so pleading or contesting that
19 failure to appear on the date designated, or on any subsequent adjourned
20 date, shall be deemed an admission of liability, and that a default
21 judgment may be entered thereon.

22 1-a. Fines and penalties. Whenever a plea of not guilty has been
23 entered, or the bureau has been notified that an allegation of liability
24 in accordance with section eleven hundred eleven-a of this chapter or
25 sections eleven hundred eleven-b of this chapter as added by sections
26 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
27 two thousand nine or an allegation of liability in accordance with
28 section two thousand nine hundred eighty-five of the public authorities
29 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
30 hundred seventy-four of the laws of nineteen hundred fifty or an allega-
31 tion of liability in accordance with section eleven hundred eleven-c of
32 this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION
33 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, is being contested, by a person
34 in a timely fashion and a hearing upon the merits has been demanded, but
35 has not yet been held, the bureau shall not issue any notice of fine or
36 penalty to that person prior to the date of the hearing.

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

40 1. Notice of hearing. Whenever a person charged with a parking
41 violation enters a plea of not guilty or a person alleged to be liable
42 in accordance with sections eleven hundred eleven-b of this chapter as
43 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
44 of the laws of two thousand nine for a violation of subdivision (d) of
45 section eleven hundred eleven of this chapter, or a person alleged to be
46 liable in accordance with the provisions of section eleven hundred
47 eleven-c of this chapter for a violation of a bus lane restriction as
48 defined in such section contests such allegation, OR A PERSON ALLEGED TO
49 BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED
50 EIGHTY-B OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
51 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,
52 the bureau shall advise such person personally by such form of first
53 class mail as the director may direct of the date on which he or she
54 must appear to answer the charge at a hearing. The form and content of
55 such notice of hearing shall be prescribed by the director, and shall
56 contain a warning to advise the person so pleading or contesting that

1 failure to appear on the date designated, or on any subsequent adjourned
2 date, shall be deemed an admission of liability, and that a default
3 judgment may be entered thereon.

4 1-a. Fines and penalties. Whenever a plea of not guilty has been
5 entered, or the bureau has been notified that an allegation of liability
6 in accordance with sections eleven hundred eleven-b of this chapter, as
7 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
8 of the laws of two thousand nine, or an allegation of liability in
9 accordance with section eleven hundred eleven-c of this chapter OR AN
10 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
11 Y-B OF THIS CHAPTER is being contested, by a person in a timely fashion
12 and a hearing upon the merits has been demanded, but has not yet been
13 held, the bureau shall not issue any notice of fine or penalty to that
14 person prior to the date of the hearing.

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

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

34 1-a. Fines and penalties. Whenever a plea of not guilty has been
35 entered, or the bureau has been notified that an allegation of liability
36 in accordance with section eleven hundred eleven-c of this chapter OR AN
37 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
38 Y-B OF THIS CHAPTER is being contested, by a person in a timely fashion
39 and a hearing upon the merits has been demanded, but has not yet been
40 held, the bureau shall not issue any notice of fine or penalty to that
41 person prior to the date of the hearing.

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

46 1. Notice of hearing. Whenever a person charged with a parking
47 violation enters a plea of not guilty, OR A PERSON ALLEGED TO BE LIABLE
48 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF
49 THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEV-
50 EN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau
51 shall advise such person personally by such form of first class mail as
52 the director may direct of the date on which he OR SHE must appear to
53 answer the charge at a hearing. The form and content of such notice of
54 hearing shall be prescribed by the director, and shall contain a warning
55 to advise the person so pleading that failure to appear on the date
56 designated, or on any subsequent adjourned date, shall be deemed an

admission of liability, and that a default judgment may be entered thereon.

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

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

a. Every hearing for the adjudication of a charge of parking violation or an allegation of liability in accordance with section eleven hundred eleven-a of this chapter or 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 an allegation of liability in accordance with section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty or an allegation of liability in accordance with section eleven hundred eleven-c of this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, shall be held before a hearing examiner in accordance with rules and regulations promulgated by the bureau.

g. A record shall be made of a hearing on a plea of not guilty or of a hearing at which liability in accordance with section eleven hundred eleven-a of this chapter or 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 is contested or of a hearing at which liability in accordance with section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty is contested or of a hearing at which liability in accordance with section eleven hundred eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested. Recording devices may be used for the making of the record.

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

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

g. A record shall be made of a hearing on a plea of not guilty or of a hearing at which liability 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 of a hearing at which liability in accordance with section eleven hundred eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE

1 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.
2 Recording devices may be used for the making of the record.

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

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

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

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

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

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

28 S 8. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
29 law, as amended by section 7 of part II of chapter 59 of the laws of
30 2010, are amended to read as follows:

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

50 2. Where an operator or owner fails to enter a plea to a charge of a
51 parking violation or contest an allegation of liability in accordance
52 with section eleven hundred eleven-a of this chapter or in accordance
53 with sections eleven hundred eleven-b of this chapter as added by
54 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
55 laws of two thousand nine or fails to contest an allegation of liability
56 in accordance with section two thousand nine hundred eighty-five of the

1 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
2 chapter seven hundred seventy-four of the laws of nineteen hundred
3 fifty, or fails to contest an allegation of liability in accordance with
4 section eleven hundred eleven-c of this chapter OR FAILS TO CONTEST AN
5 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
6 Y-B OF THIS CHAPTER or fails to appear on a designated hearing date or
7 subsequent adjourned date or fails after a hearing to comply with the
8 determination of a hearing examiner, as prescribed by this article or by
9 rule or regulation of the bureau, such failure to plead or contest,
10 appear or comply shall be deemed, for all purposes, an admission of
11 liability and shall be grounds for rendering and entering a default
12 judgment in an amount provided by the rules and regulations of the
13 bureau. However, after the expiration of the original date prescribed
14 for entering a plea and before a default judgment may be rendered, in
15 such case the bureau shall pursuant to the applicable provisions of law
16 notify such operator or owner, by such form of first class mail as the
17 commission may direct; (1) of the violation charged, or liability in
18 accordance with section eleven hundred eleven-a of this chapter or in
19 accordance with sections eleven hundred eleven-b of this chapter as
20 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
21 of the laws of two thousand nine alleged or liability in accordance with
22 section two thousand nine hundred eighty-five of the public authorities
23 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
24 hundred seventy-four of the laws of nineteen hundred fifty alleged or
25 liability in accordance with section eleven hundred eleven-c of this
26 chapter OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B
27 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that
28 such judgment will be entered in the Civil Court of the city in which
29 the bureau has been established, or other court of civil jurisdiction or
30 any other place provided for the entry of civil judgments within the
31 state of New York, and (4) that a default may be avoided by entering a
32 plea or contesting an allegation of liability in accordance with section
33 eleven hundred eleven-a of this chapter or in accordance with sections
34 eleven hundred eleven-b of this chapter as added by sections sixteen of
35 chapters twenty, twenty-one, and twenty-two of the laws of two thousand
36 nine or contesting an allegation of liability in accordance with section
37 two thousand nine hundred eighty-five of the public authorities law or
38 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
39 seventy-four of the laws of nineteen hundred fifty or contesting an
40 allegation of liability in accordance with section eleven hundred
41 eleven-c of this chapter OR CONTESTING AN ALLEGATION OF LIABILITY IN
42 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as
43 appropriate, or making an appearance within thirty days of the sending
44 of such notice. Pleas entered and allegations contested within that
45 period shall be in the manner prescribed in the notice and not subject
46 to additional penalty or fee. Such notice of impending default judgment
47 shall not be required prior to the rendering and entry thereof in the
48 case of operators or owners who are non-residents of the state of New
49 York. In no case shall a default judgment be rendered or, where
50 required, a notice of impending default judgment be sent, more than two
51 years after the expiration of the time prescribed for entering a plea or
52 contesting an allegation. When a person has demanded a hearing, no fine
53 or penalty shall be imposed for any reason, prior to the holding of the
54 hearing. If the hearing examiner shall make a determination on the
55 charges, sustaining them, he or she shall impose no greater penalty or
56 fine than those upon which the person was originally charged.

1 S 8-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
2 law, as amended by section 7-a of part II of chapter 59 of the laws of
3 2010, are amended to read as follows:

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

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

1 default judgment shall not be required prior to the rendering and entry
2 thereof in the case of operators or owners who are non-residents of the
3 state of New York. In no case shall a default judgment be rendered or,
4 where required, a notice of impending default judgment be sent, more
5 than two years after the expiration of the time prescribed for entering
6 a plea or contesting an allegation. When a person has demanded a hear-
7 ing, no fine or penalty shall be imposed for any reason, prior to the
8 holding of the hearing. If the hearing examiner shall make a determi-
9 nation on the charges, sustaining them, he or she shall impose no great-
10 er penalty or fine than those upon which the person was originally
11 charged.

12 S 8-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
13 law, as amended by section 7-b of part II of chapter 59 of the laws of
14 2010, are amended to read as follows:

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

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

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

9 S 8-c. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
10 law, subdivision 1 as added by chapter 715 of the laws of 1972 and
11 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended
12 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 may examine EITHER the
16 prior parking violations record of the person charged, OR THE RECORD OF
17 LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B
18 OF THIS CHAPTER, AS APPLICABLE, prior to rendering a final determi-
19 nation. Final determinations sustaining or dismissing charges shall be
20 entered on a final determination roll maintained by the bureau together
21 with records showing payment and nonpayment of penalties.

22 2. Where an operator or owner fails to enter a plea to a charge of a
23 parking violation OR FAILS TO CONTEST AN ALLEGATION OF LIABILITY
24 INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS
25 CHAPTER or fails to appear on a designated hearing date or subsequent
26 adjourned date or fails after a hearing to comply with the determination
27 of a hearing examiner, as prescribed by this article or by rule or regu-
28 lation of the bureau, such failure to plead, appear or comply shall be
29 deemed, for all purposes, an admission of liability and shall be grounds
30 for rendering and entering a default judgment in an amount provided by
31 the rules and regulations of the bureau. However, after the expiration
32 of the original date prescribed for entering a plea and before a default
33 judgment may be rendered, in such case the bureau shall pursuant to the
34 applicable provisions of law notify such operator or owner, by such form
35 of first class mail as the commission may direct; (1) of the violation
36 charged OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B
37 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that
38 such judgment will be entered in the Civil Court of the city in which
39 the bureau has been established, or other court of civil jurisdiction or
40 any other place provided for the entry of civil judgments within the
41 state of New York, and (4) that a default may be avoided by entering a
42 plea OR CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION
43 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER or making an appearance within
44 thirty days of the sending of such notice. Pleas entered within that
45 period shall be in the manner prescribed in the notice and not subject
46 to additional penalty or fee. Such notice of impending default judgment
47 shall not be required prior to the rendering and entry thereof in the
48 case of operators or owners who are non-residents of the state of New
49 York. In no case shall a default judgment be rendered or, where
50 required, a notice of impending default judgment be sent, more than two
51 years after the expiration of the time prescribed for entering a plea.
52 When a person has demanded a hearing, no fine or penalty shall be
53 imposed for any reason, prior to the holding of the hearing. If the
54 hearing examiner shall make a determination on the charges, sustaining
55 them, he shall impose no greater penalty or fine than those upon which
56 the person was originally charged.

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

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

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

49 a. If at the time of application for a registration or renewal thereof
50 there is a certification from a court or administrative tribunal of
51 appropriate jurisdiction that the registrant or his or her represen-
52 tative failed to appear on the return date or any subsequent adjourned
53 date or failed to comply with the rules and regulations of an adminis-
54 trative tribunal following entry of a final decision in response to a
55 total of three or more summonses or other process in the aggregate,
56 issued within an eighteen month period, charging either that: (i) such

1 motor vehicle was parked, stopped or standing, or that such motor vehi-
2 cle was operated for hire by the registrant or his or her agent without
3 being licensed as a motor vehicle for hire by the appropriate local
4 authority, in violation of any of the provisions of this chapter or of
5 any law, ordinance, rule or regulation made by a local authority; or
6 (ii) the registrant was liable in accordance with section eleven hundred
7 eleven-b of this chapter for a violation of subdivision (d) of section
8 eleven hundred eleven of this chapter; or (iii) the registrant was
9 liable in accordance with section eleven hundred eleven-c of this chap-
10 ter for a violation of a bus lane restriction as defined in such
11 section; OR (IV) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION
12 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION
13 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the commis-
14 sioner or his or her agent shall deny the registration or renewal appli-
15 cation until the applicant provides proof from the court or administra-
16 tive tribunal wherein the charges are pending that an appearance or
17 answer has been made or in the case of an administrative tribunal that
18 he or she has complied with the rules and regulations of said tribunal
19 following entry of a final decision. Where an application is denied
20 pursuant to this section, the commissioner may, in his or her
21 discretion, deny a registration or renewal application to any other
22 person for the same vehicle and may deny a registration or renewal
23 application for any other motor vehicle registered in the name of the
24 applicant where the commissioner has determined that such registrant's
25 intent has been to evade the purposes of this subdivision and where the
26 commissioner has reasonable grounds to believe that such registration or
27 renewal will have the effect of defeating the purposes of this subdivi-
28 sion. Such denial shall only remain in effect as long as the summonses
29 remain unanswered, or in the case of an administrative tribunal, the
30 registrant fails to comply with the rules and regulations following
31 entry of a final decision.

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

35 a. If at the time of application for a registration or renewal thereof
36 there is a certification from a court or administrative tribunal of
37 appropriate jurisdiction that the registrant or his or her represen-
38 tative failed to appear on the return date or any subsequent adjourned
39 date or failed to comply with the rules and regulations of an adminis-
40 trative tribunal following entry of a final decision in response to
41 three or more summonses or other process, issued within an eighteen
42 month period, charging that such motor vehicle was parked, stopped or
43 standing, or that such motor vehicle was operated for hire by the regis-
44 trant or his or her agent without being licensed as a motor vehicle for
45 hire by the appropriate local authority, in violation of any of the
46 provisions of this chapter or of any law, ordinance, rule or regulation
47 made by a local authority or the registrant was liable in accordance
48 with section eleven hundred eleven-c of this chapter for a violation of
49 a bus lane restriction as defined in such section, OR THE REGISTRANT WAS
50 LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAP-
51 TER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED
52 EIGHTY OF THIS CHAPTER, the commissioner or his or her agent shall deny
53 the registration or renewal application until the applicant provides
54 proof from the court or administrative tribunal wherein the charges are
55 pending that an appearance or answer has been made or in the case of an
56 administrative tribunal that he or she has complied with the rules and

1 regulations of said tribunal following entry of a final decision. Where
2 an application is denied pursuant to this section, the commissioner may,
3 in his or her discretion, deny a registration or renewal application to
4 any other person for the same vehicle and may deny a registration or
5 renewal application for any other motor vehicle registered in the name
6 of the applicant where the commissioner has determined that such regis-
7 trant's intent has been to evade the purposes of this subdivision and
8 where the commissioner has reasonable grounds to believe that such
9 registration or renewal will have the effect of defeating the purposes
10 of this subdivision. Such denial shall only remain in effect as long as
11 the summonses remain unanswered, or in the case of an administrative
12 tribunal, the registrant fails to comply with the rules and regulations
13 following entry of a final decision.

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

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

49 S 10. The vehicle and traffic law is amended by adding a new section
50 1180-b to read as follows:

51 S 1180-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
52 APPLICABLE MAXIMUM SPEED LIMIT. 1. NOTWITHSTANDING ANY OTHER PROVISION
53 OF LAW, EACH CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY
54 AUTHORIZED AND EMPOWERED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING
55 MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR
56 THEREOF TO COMPLY WITH THE APPLICABLE MAXIMUM SPEED LIMIT IN SUCH CITY

1 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH CITY, FOR
2 PURPOSES OF THE IMPLEMENTATION OF SUCH PROGRAM, SHALL OPERATE SPEED
3 LIMIT PHOTO DEVICES WITHIN SUCH CITY AT NO MORE THAN FORTY AND NO FEWER
4 THAN TWENTY LOCATIONS AT ANY ONE TIME DURING ANY YEAR OF SUCH PROGRAM.
5 SUCH SPEED LIMIT PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE
6 ACTIVATED AT LOCATIONS SELECTED BY SUCH CITY, EXCEPT THAT NO MORE THAN
7 TWENTY LOCATIONS SHALL BE ACTIVATED WITH MOBILE SPEED LIMIT PHOTO
8 DEVICES AT ANY ONE TIME DURING ANY YEAR OF SUCH DEMONSTRATION PROGRAM.
9 SUCH SPEED LIMIT PHOTO DEVICES SHALL BE PLACED AT LOCATIONS BASED ON
10 CRITERIA, INCLUDING BUT NOT LIMITED TO WHETHER THE LOCATION IS WITHIN A
11 QUARTER MILE OF A SCHOOL, SPEEDING DATA, ACCIDENT HISTORY, PROXIMITY TO
12 NATURALLY OCCURRING RETIREMENT COMMUNITIES OR FACILITIES FOR SENIOR
13 CITIZENS OR DISABLED PERSONS AND ROADWAY GEOMETRY.

14 2. IN ANY CITY THAT HAS ESTABLISHED A DEMONSTRATION PROGRAM PURSUANT
15 TO SUBDIVISION ONE OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE
16 LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE
17 WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR
18 IMPLIED, IN VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN
19 HUNDRED EIGHTY OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY
20 INFORMATION OBTAINED FROM A SPEED LIMIT PHOTO DEVICE; PROVIDED HOWEVER
21 THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSU-
22 ANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN
23 CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (C) OR (D) OF
24 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

25 3. SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES TO
26 ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH
27 SPEED LIMIT PHOTO DEVICES SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE
28 DRIVER, THE PASSENGERS OR THE CONTENTS OF THE VEHICLE, PROVIDED, HOWEV-
29 ER, THAT NO NOTICE OF LIABILITY ISSUED PURSUANT TO THIS SECTION SHALL BE
30 DISMISSED SOLELY BECAUSE A PHOTOGRAPH OR PHOTOGRAPHS ALLOW FOR THE IDEN-
31 TIFICATION OF THE DRIVER, THE PASSENGERS OR OTHER CONTENTS OF A VEHICLE,
32 PROVIDED THAT SUCH CITY HAS MADE A REASONABLE EFFORT TO COMPLY WITH THE
33 PROVISIONS OF THIS SUBDIVISION.

34 4. SUCH DEMONSTRATION PROGRAM SHALL INCLUDE A PROHIBITION ON THE USE
35 OR DISSEMINATION OF VEHICLES' LICENSE PLATE INFORMATION AND OTHER INFOR-
36 MATION AND IMAGES CAPTURED BY SPEED CAMERAS EXCEPT AS REQUIRED TO ESTAB-
37 LISH LIABILITY UNDER THIS SECTION OR COLLECT PAYMENT OF PENALTIES;
38 EXCEPT AS REQUIRED TO RESPOND TO A REQUEST BY LAW ENFORCEMENT OFFICIALS
39 PERTAINING TO A SPECIFIC ACCIDENT OR SPECIFIC INCIDENT OF ALLEGED CRIMI-
40 NAL CONDUCT; OR EXCEPT AS OTHERWISE REQUIRED BY LAW.

41 5. FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING
42 PROVIDED IN SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER. FOR
43 PURPOSES OF THIS SECTION, "SPEED LIMIT PHOTO DEVICE" SHALL MEAN EQUIP-
44 MENT THAT TAKES A FILM OR DIGITAL CAMERA-BASED PHOTOGRAPH, MICROPHOTO-
45 GRAPH, VIDEO, OR OTHER RECORDED IMAGE WHICH IS LINKED WITH A VIOLATION
46 DETECTION SYSTEM THAT SYNCHRONIZES THE TAKING OF SUCH IMAGE OF A VEHICLE
47 AT THE TIME THE VEHICLE IS USED OR OPERATED IN VIOLATION OF SUBDIVISION
48 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

49 6. A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY THE
50 CITY IN WHICH THE CHARGED VIOLATION OCCURRED OR ITS VENDOR OR CONTRAC-
51 TOR, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS,
52 MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A SPEED
53 LIMIT PHOTO DEVICE, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED
54 THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
55 IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN

1 ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH VIOLATION PURSUANT
2 TO THIS SECTION.

3 7. AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
4 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE SHALL BE LIABLE FOR MONE-
5 TARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES
6 PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF SUCH CITY; PROVIDED,
7 HOWEVER, THAT THE MONETARY PENALTY FOR DRIVING AT A SPEED IN EXCESS OF
8 THE MAXIMUM SPEED LIMIT BY TEN OR MORE MILES PER HOUR AND LESS THAN
9 THIRTY MILES PER HOUR SHALL NOT EXCEED FIFTY DOLLARS, AND THE MONETARY
10 PENALTY FOR DRIVING IN EXCESS OF THE MAXIMUM SPEED LIMIT BY THIRTY OR
11 MORE MILES PER HOUR SHALL NOT EXCEED ONE HUNDRED DOLLARS; PROVIDED,
12 FURTHER, THAT AN OWNER SHALL BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO
13 EXCEED TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND
14 TO A NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

15 8. AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE
16 DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF THE
17 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR
18 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-
19 CLE INSURANCE COVERAGE.

20 9. (A) A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL IN
21 ACCORDANCE WITH THIS SECTION TO EACH PERSON ALLEGED TO BE LIABLE AS AN
22 OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN
23 HUNDRED EIGHTY OF THIS ARTICLE. PERSONAL DELIVERY ON THE OWNER SHALL NOT
24 BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE
25 ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
26 CONTAINED THEREIN.

27 (B) A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
28 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
29 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, THE REGIS-
30 TRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH VIOLATION, THE LOCATION
31 WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND TIME OF SUCH VIOLATION AND
32 THE IDENTIFICATION NUMBER OF THE SPEED LIMIT PHOTO DEVICE WHICH RECORDED
33 THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER.

34 (C) THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
35 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
36 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO
37 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST
38 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-
39 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

40 (D) THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE AGENCY
41 OR AGENCIES DESIGNATED BY SUCH CITY.

42 10. IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT
43 TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS
44 REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A
45 VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVI-
46 SION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE THAT
47 THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME
48 THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR
49 PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL
50 BE SUFFICIENT THAT AN ORIGINAL INCIDENT FORM ISSUED BY THE POLICE ON THE
51 STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE PARKING VIOLATIONS
52 BUREAU OF SUCH CITY.

53 11. (A) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF
54 LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION NINE OF THIS SECTION SHALL
55 NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION
56 ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, PROVIDED THAT:

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

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

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

15 (C) WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH (A) OF
16 THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH
17 VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES
18 OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSU-
19 ANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO
20 SUBDIVISION NINE OF THIS SECTION.

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

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

28 14. ANY CITY THAT ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO SUBDIVI-
29 SION ONE OF THIS SECTION SHALL SUBMIT A REPORT ON THE RESULTS OF THE USE
30 OF SPEED LIMIT PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF
31 THE SENATE AND THE SPEAKER OF THE ASSEMBLY BY APRIL FIRST, TWO THOUSAND
32 SIXTEEN. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

33 (A) A DESCRIPTION OF THE LOCATIONS WHERE SPEED LIMIT PHOTO DEVICES
34 WERE USED;

35 (B) THE NUMBER OF VIOLATIONS RECORDED AT EACH SUCH LOCATION AND IN THE
36 AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

37 (C) THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED;

38 (D) THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST
39 NOTICE OF LIABILITY;

40 (E) THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-
41 CATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE;

42 (F) THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY; AND

43 (G) QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

44 S 11. The opening paragraph and paragraph (c) of subdivision 1 of
45 section 1809 of the vehicle and traffic law, as amended by section 10 of
46 part II of chapter 59 of the laws of 2010, are amended to read as
47 follows:

48 Whenever proceedings in an administrative tribunal or a court of this
49 state result in a conviction for an offense under this chapter or a
50 traffic infraction under this chapter, or a local law, ordinance, rule
51 or regulation adopted pursuant to this chapter, other than a traffic
52 infraction involving standing, stopping, or parking or violations by
53 pedestrians or bicyclists, or other than an adjudication of liability of
54 an owner for a violation of subdivision (d) of section eleven hundred
55 eleven of this chapter in accordance with section eleven hundred
56 eleven-a of this chapter, or other than an adjudication of liability of

1 an owner for a violation of subdivision (d) of section eleven hundred
2 eleven of this chapter in accordance with section eleven hundred
3 eleven-b of this chapter, or other than an adjudication in accordance
4 with section eleven hundred eleven-c of this chapter for a violation of
5 a bus lane restriction as defined in such section, OR OTHER THAN AN
6 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (C)
7 OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE
8 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be
9 levied a crime victim assistance fee and a mandatory surcharge, in addi-
10 tion to any sentence required or permitted by law, in accordance with
11 the following schedule:

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

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

42 1. Whenever proceedings in an administrative tribunal or a court of
43 this state result in a conviction for a crime under this chapter or a
44 traffic infraction under this chapter, or a local law, ordinance, rule
45 or regulation adopted pursuant to this chapter, other than a traffic
46 infraction involving standing, stopping, parking or motor vehicle equip-
47 ment or violations by pedestrians or bicyclists, or other than an adju-
48 dication of liability of an owner for a violation of subdivision (d) of
49 section eleven hundred eleven of this chapter in accordance with section
50 eleven hundred eleven-a of this chapter, or other than an adjudication
51 of liability of an owner for a violation of subdivision (d) of section
52 eleven hundred eleven of this chapter in accordance with section eleven
53 hundred eleven-b of this chapter, or other than an adjudication in
54 accordance with section eleven hundred eleven-c of this chapter for a
55 violation of a bus lane restriction as defined in such section, OR OTHER
56 THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI-

VISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

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

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

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

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

S 12. Subdivision 2 of section 87 of the public officers law is amended by adding a new paragraph (m) to read as follows:

(M) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A SPEED LIMIT PHOTO DEVICE PREPARED UNDER AUTHORITY OF SECTION ELEVEN HUNDRED EIGHTY-B OF THE VEHICLE AND TRAFFIC LAW.

S 13. This act shall take effect on the thirtieth day after it shall have become a law and shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that any rules necessary for the implementation of this act on its effective date shall be promulgated on or before such date, provided that:

(a) the amendments to subdivision 1 of section 235 of the vehicle and traffic law made by section one 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 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;

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

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

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

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

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

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

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

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

40 (l) the amendments to subdivision 4 of section 239 of the vehicle and
41 traffic law made by section five of this act shall not affect the repeal
42 of such subdivision and shall be deemed to be repealed therewith, when
43 upon such date the provisions of section five-a of this act shall take
44 effect;

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

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

55 (o) the amendments to subdivisions 1 and 1-a of section 240 of the
56 vehicle and traffic law made by section six-b of this act shall not

1 affect the expiration of such subdivisions and shall be deemed to expire
2 therewith, when upon such date the provisions of section six-c of this
3 act shall take effect;

4 (p) the amendments to paragraphs a and g of subdivision 2 of section
5 240 of the vehicle and traffic law made by section seven of this act
6 shall not affect the expiration of such paragraphs and shall be deemed
7 to expire therewith, when upon such date the provisions of section
8 seven-a of this act shall take effect;

9 (q) the amendments to paragraphs a and g of subdivision 2 of section
10 240 of the vehicle and traffic law made by section seven-a of this act
11 shall not affect the expiration of such paragraphs and shall be deemed
12 to expire therewith, when upon such date the provisions of section
13 seven-b of this act shall take effect;

14 (r) the amendments to paragraphs a and g of subdivision 2 of section
15 240 of the vehicle and traffic law made by section seven-b of this act
16 shall not affect the expiration of such paragraphs and shall be deemed
17 to expire therewith, when upon such date the provisions of section
18 seven-c of this act shall take effect;

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

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

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

34 (v) the amendments to subparagraph (i) of paragraph a of subdivision
35 5-a of section 401 of the vehicle and traffic law made by section nine
36 of this act shall not affect the expiration of such subparagraph and
37 shall be deemed to expire therewith, when upon such date the provisions
38 of section nine-a of this act shall take effect;

39 (w) the amendments to paragraph a of subdivision 5-a of section 401 of
40 the vehicle and traffic law made by section nine-a of this act shall not
41 affect the expiration of such paragraph and shall be deemed to expire
42 therewith, when upon such date the provisions of section nine-b of this
43 act shall take effect;

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

49 (y) the amendments to subdivision 1 of section 1809 of the vehicle and
50 traffic law made by section eleven of this act shall not affect the
51 expiration of such subdivision and shall be deemed to expire therewith,
52 when upon such date the provisions of section eleven-a of this act shall
53 take effect;

54 (z) the amendments to subdivision 1 of section 1809 of the vehicle and
55 traffic law made by section eleven-a of this act shall not affect the
56 expiration of such subdivision and shall be deemed to expire therewith,

1 when upon such date the provisions of section eleven-b of this act shall
2 take effect; and
3 (aa) the amendments to subdivision 1 of section 1809 of the vehicle
4 and traffic law made by section eleven-b of this act shall not affect
5 the expiration of such subdivision and shall be deemed to expire there-
6 with, when upon such date the provisions of section eleven-c of this act
7 shall take effect.