

10201

I N   A S S E M B L Y

March 11, 2010

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Introduced by M. of A. BING, KELLNER, ROSENTHAL, GOTTFRIED, CUSICK, BROOK-KRASNY, BENEDETTO, LANCMAN, MARKEY, SCHIMEL, CLARK, CYMBROWITZ, O'DONNELL, KAVANAGH, P. RIVERA -- Multi-Sponsored by -- M. of A. BENJAMIN, GALEF, GLICK, GUNTHER, HEASTIE, HOYT, HYER-SPENCER, JEFFRIES, LATIMER, LENTOL, LIFTON, M. MILLER, MILLMAN, PHEFFER, TITONE, TOBACCO, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane 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 separately amended by section 1 of chapters 20, 21, 22 and 383  
3 of the laws of 2009, 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 section eleven hundred eleven-b of this chap-  
14 ter as added by section sixteen of [the chapter] CHAPTERS TWENTY, TWEN-  
15 TY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two  
16 thousand nine [which amended this subdivision], or to adjudicate the  
17 liability of owners for violations of toll collection regulations as  
18 defined in and in accordance with the provisions of section two thousand  
19 nine hundred eighty-five of the public authorities law and sections  
20 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four

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

LBD15824-02-0

1 of the laws of nineteen hundred fifty, OR TO ADJUDICATE LIABILITY OF  
2 OWNERS IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAP-  
3 TER FOR VIOLATIONS OF BUS LANE RESTRICTIONS AS DEFINED IN SUCH SECTION,  
4 such tribunal and the rules and regulations pertaining thereto shall be  
5 constituted in substantial conformance with the following sections.

6 S 1-a. Section 235 of the vehicle and traffic law, as separately  
7 amended by section 2 of chapters 20, 21, 22 and 383 of the laws of 2009,  
8 is amended to 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 section eleven hundred  
19 eleven-b of this chapter as added by section sixteen of [the chapter]  
20 CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE  
21 of the laws of two thousand nine [which amended this section], or to  
22 adjudicate the liability of owners for violations of toll collection  
23 regulations as defined in and in accordance with the provisions of  
24 section two thousand nine hundred eighty-five of the public authorities  
25 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
26 hundred seventy-four of the laws of nineteen hundred fifty, OR TO ADJU-  
27 DICATE LIABILITY OF OWNERS IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
28 ELEVEN-C OF THIS CHAPTER FOR VIOLATIONS OF BUS LANE RESTRICTIONS AS  
29 DEFINED IN SUCH SECTION, such tribunal and the rules and regulations  
30 pertaining thereto shall be constituted in substantial conformance with  
31 the following sections.

32 S 1-b. Section 235 of the vehicle and traffic law, as separately  
33 amended by section 3 of chapters 20, 21, 22 and 383 of the laws of 2009,  
34 is amended to read as follows:

35 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any  
36 general, special or local law or administrative code to the contrary, in  
37 any city which heretofore or hereafter is authorized to establish an  
38 administrative tribunal to hear and determine complaints of traffic  
39 infractions constituting parking, standing or stopping violations, or to  
40 adjudicate the liability of owners for violations of subdivision (d) of  
41 section eleven hundred eleven of this chapter in accordance with section  
42 eleven hundred eleven-b of this chapter as added by section sixteen of  
43 [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED  
44 EIGHTY-THREE of the laws of two thousand nine [which amended this  
45 section], or to adjudicate the liability of owners for violations of  
46 toll collection regulations as defined in and in accordance with the  
47 provisions of section two thousand nine hundred eighty-five of the  
48 public authorities law and sections sixteen-a, sixteen-b and sixteen-c  
49 of chapter seven hundred seventy-four of the laws of nineteen hundred  
50 fifty, OR TO ADJUDICATE LIABILITY OF OWNERS IN ACCORDANCE WITH SECTION  
51 ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER FOR VIOLATIONS OF BUS LANE  
52 RESTRICTIONS AS DEFINED IN SUCH SECTION, such tribunal and the rules and  
53 regulations pertaining thereto shall be constituted in substantial  
54 conformance with the following sections.

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

4 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any  
5 general, special or local law or administrative code to the contrary, in  
6 any city which heretofore or hereafter is authorized to establish an  
7 administrative tribunal to hear and determine complaints of traffic  
8 infractions constituting parking, standing or stopping violations, or to  
9 adjudicate the liability of owners for violations of toll collection  
10 regulations as defined in and in accordance with the provisions of  
11 section two thousand nine hundred eighty-five of the public authorities  
12 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
13 hundred seventy-four of the laws of nineteen hundred fifty, OR TO ADJU-  
14 DICATE LIABILITY OF OWNERS IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
15 ELEVEN-C OF THIS CHAPTER FOR VIOLATIONS OF BUS LANE RESTRICTIONS AS  
16 DEFINED IN SUCH SECTION, such tribunal and the rules and regulations  
17 pertaining thereto shall be constituted in substantial conformance with  
18 the following sections.

19 S 2. Subdivision 1 of section 236 of the vehicle and traffic law, as  
20 separately amended by section 4 of chapters 20, 21, 22 and 383 of the  
21 laws of 2009, is 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 subdivision (a) of section eleven hundred eleven-a of this chapter or  
27 subdivision (a) of section eleven hundred eleven-b of this chapter as  
28 added by section sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,  
29 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand  
30 nine [which amended this subdivision], shall adjudicate the liability of  
31 owners for violations of subdivision (d) of section eleven hundred elev-  
32 en of [this chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE  
33 HUNDRED EIGHTY-THREE in accordance with such section eleven hundred  
34 eleven-a or such section eleven hundred eleven-b as added by section  
35 sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND  
36 THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which  
37 amended this subdivision] and shall adjudicate the liability of owners  
38 for violations of toll collection regulations as defined in and in  
39 accordance with the provisions of section two thousand nine hundred  
40 eighty-five of the public authorities law and sections sixteen-a,  
41 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
42 laws of nineteen hundred fifty, AND SHALL ADJUDICATE LIABILITY OF OWNERS  
43 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER FOR  
44 VIOLATIONS OF BUS LANE RESTRICTIONS AS DEFINED IN SUCH SECTION. Such  
45 tribunal, except in a city with a population of one million or more,  
46 shall also have jurisdiction of abandoned vehicle violations. For the  
47 purposes of this article, a parking violation is the violation of any  
48 law, rule or regulation providing for or regulating the parking, stop-  
49 ping or standing of a vehicle. In addition for purposes of this article,  
50 "commissioner" shall mean and include the commissioner of traffic of the  
51 city or an official possessing authority as such a commissioner.

52 S 2-a. Subdivision 1 of section 236 of the vehicle and traffic law,  
53 as separately amended by section 5 of chapters 20, 21, 22 and 383 of the  
54 laws of 2009, is amended to read as follows:

55 1. Creation. In any city as hereinbefore or hereafter authorized such  
56 tribunal when created shall be known as the parking violations bureau

1 and shall have jurisdiction of traffic infractions which constitute a  
2 parking violation and, where authorized by local law adopted pursuant to  
3 subdivision (a) of section eleven hundred eleven-b of this chapter as  
4 added by section sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,  
5 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand  
6 nine [which amended this subdivision], shall adjudicate the liability of  
7 owners for violations of subdivision (d) of section eleven hundred elev-  
8 en of this chapter in accordance with such section eleven hundred  
9 eleven-b as added by section sixteen of [the chapter] CHAPTERS TWENTY,  
10 TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two  
11 thousand nine which amended this subdivision, AND SHALL ADJUDICATE  
12 LIABILITY OF OWNERS IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C  
13 OF THIS CHAPTER FOR VIOLATIONS OF BUS LANE RESTRICTIONS AS DEFINED IN  
14 SUCH SECTION. For the purposes of this article, a parking violation is  
15 the violation of any law, rule or regulation providing for or regulating  
16 the parking, stopping or standing of a vehicle. In addition for purposes  
17 of this article, "commissioner" shall mean and include the commissioner  
18 of traffic of the city or an official possessing authority as such a  
19 commissioner.

20 S 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as  
21 added by chapter 715 of the laws of 1972, is 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 SHALL ADJUDICATE LIABILITY OF OWNERS IN ACCORD-  
26 ANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER FOR VIOLATIONS  
27 OF BUS LANE RESTRICTIONS AS DEFINED IN SUCH SECTION. For the purposes  
28 of this article, a parking violation is the violation of any law, rule  
29 or regulation providing for or regulating the parking, stopping or  
30 standing of a vehicle. In addition for purposes of this article,  
31 "commissioner" shall mean and include the commissioner of traffic of the  
32 city or an official possessing authority as such a commissioner.

33 S 3. Subdivision 11 of section 237 of the vehicle and traffic law, as  
34 added by chapter 379 of the laws of 1992, is amended to read as  
35 follows:

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

42 S 4. Section 237 of the vehicle and traffic law is amended by adding  
43 a new subdivision 12 to read as follows:

44 12. TO ADJUDICATE LIABILITY OF OWNERS IN ACCORDANCE WITH SECTION ELEV-  
45 EN HUNDRED ELEVEN-C OF THIS CHAPTER FOR VIOLATIONS OF BUS LANE  
46 RESTRICTIONS AS DEFINED IN SUCH SECTION.

47 S 5. Paragraph f of subdivision 1 of section 239 of the vehicle and  
48 traffic law, as separately amended by section 8 of chapters 20, 21, 22  
49 and 383 of the laws of 2009, is amended to read as follows:

50 f. "Notice of violation" means a notice of violation as defined in  
51 subdivision nine of section two hundred thirty-seven of this article,  
52 but shall not be deemed to include a notice of liability issued pursuant  
53 to authorization set forth in section eleven hundred eleven-a of this  
54 chapter or section eleven hundred eleven-b of this chapter as added by  
55 section sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO  
56 AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which

1 amended this paragraph], and shall not be deemed to include a notice of  
2 liability issued pursuant to section two thousand nine hundred eighty-  
3 five of the public authorities law and sections sixteen-a, sixteen-b and  
4 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
5 hundred fifty AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY  
6 ISSUED PURSUANT TO SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER.

7 S 5-a. Paragraph f of subdivision 1 of section 239 of the vehicle and  
8 traffic law, as separately amended by section 9 of chapters 20, 21, 22  
9 and 383 of the laws of 2009, is amended to read as follows:

10 f. "Notice of violation" means a notice of violation as defined in  
11 subdivision nine of section two hundred thirty-seven of this article but  
12 shall not be deemed to include a notice of liability issued pursuant to  
13 authorization set forth in section eleven hundred eleven-b of [this  
14 chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED  
15 EIGHTY-THREE as added by section sixteen of the chapter of the laws of  
16 two thousand nine [which amended this paragraph] AND SHALL NOT BE DEEMED  
17 TO INCLUDE A NOTICE OF LIABILITY ISSUED PURSUANT TO SECTION ELEVEN  
18 HUNDRED ELEVEN-C OF THIS CHAPTER.

19 S 5-b. Paragraph f of subdivision 1 of section 239 of the vehicle and  
20 traffic law, as added by chapter 180 of the laws of 1980, is amended to  
21 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.

26 S 6. Subdivision 4 of section 239 of the vehicle and traffic law, as  
27 amended by chapter 379 of the laws of 1992, is amended to read as  
28 follows:

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

39 S 6-a. Section 239 of the vehicle and traffic law is amended by adding  
40 a new subdivision 4 to read as follows:

41 4. APPLICABILITY. THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION TWO AND  
42 SUBDIVISION THREE OF THIS SECTION SHALL NOT BE APPLICABLE TO DETERMI-  
43 NATIONS OF OWNER LIABILITY FOR VIOLATIONS OF SECTION ELEVEN HUNDRED  
44 ELEVEN-C OF THIS CHAPTER.

45 S 7. Subdivision 1 of section 240 of the vehicle and traffic law, as  
46 separately amended by section 10 of chapters 20, 21, 22 and 383 of the  
47 laws of 2009, is 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 section eleven hundred eleven-a of this chapter or  
51 section eleven hundred eleven-b of this chapter as added by section  
52 sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND  
53 THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which  
54 amended this paragraph subdivision], for a violation of subdivision (d)  
55 of section eleven hundred eleven of this chapter contests such allega-  
56 tion, or a person alleged to be liable in accordance with the provisions

1 of section two thousand nine hundred eighty-five of the public authori-  
2 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
3 hundred seventy-four of the laws of nineteen hundred fifty, OR A PERSON  
4 ALLEGED TO BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN  
5 HUNDRED ELEVEN-C OF THIS CHAPTER FOR A VIOLATION OF A BUS LANE  
6 RESTRICTION AS DEFINED IN SUCH SECTION CONTESTS SUCH ALLEGATION, the  
7 bureau shall advise such person personally by such form of first class  
8 mail as the director may direct of the date on which he or she must  
9 appear to answer the charge at a hearing. The form and content of such  
10 notice of hearing shall be prescribed by the director, and shall contain  
11 a warning to advise the person so pleading or contesting that failure to  
12 appear on the date designated, or on any subsequent adjourned date,  
13 shall be deemed an admission of liability, and that a default judgment  
14 may be entered thereon.

15 S 7-a. Subdivision 1 of section 240 of the vehicle and traffic law, as  
16 separately amended by section 11 of chapters 20, 21, 22 and 383 of the  
17 laws of 2009, is 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 section eleven hundred eleven-b of this chapter as  
21 added by section sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,  
22 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand  
23 nine [which amended this subdivision], for a violation of subdivision  
24 (d) of section eleven hundred eleven of this chapter contests such alle-  
25 gation, OR A PERSON ALLEGED TO BE LIABLE IN ACCORDANCE WITH THE  
26 PROVISIONS OF SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER FOR A  
27 VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION CONTESTS  
28 SUCH ALLEGATION, the bureau shall advise such person personally by such  
29 form of first class mail as the director may direct of the date on which  
30 he or she must appear to answer the charge at a hearing. The form and  
31 content of such notice of hearing shall be prescribed by the director,  
32 and shall contain a warning to advise the person so pleading or contest-  
33 ing that failure to appear on the date designated, or on any subsequent  
34 adjourned date, shall be deemed an admission of liability, and that a  
35 default judgment may be entered thereon.

36 S 7-b. Subdivision 1 of section 240 of the vehicle and traffic law, as  
37 added by chapter 715 of the laws of 1972, is amended to read as follows:

38 1. Notice of hearing. Whenever a person charged with a parking  
39 violation enters a plea of not guilty, OR A PERSON ALLEGED TO BE LIABLE  
40 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED ELEVEN-C OF  
41 THIS CHAPTER FOR A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN  
42 SUCH SECTION CONTESTS SUCH ALLEGATION, the bureau shall advise such  
43 person personally by such form of first class mail as the director may  
44 direct of the date on which he OR SHE must appear to answer the charge  
45 at a hearing. The form and content of such notice of hearing shall be  
46 prescribed by the director, and shall contain a warning to advise the  
47 person so pleading that failure to appear on the date designated, or on  
48 any subsequent adjourned date, shall be deemed an admission of liabil-  
49 ity, and that a default judgment may be entered thereon.

50 S 8. Subdivision 1-a of section 240 of the vehicle and traffic law, as  
51 separately amended by section 10 of chapters 20, 21, 22 and 383 of the  
52 laws of 2009, is amended to read as follows:

53 1-a. Fines and penalties. Whenever a plea of not guilty has been  
54 entered, or the bureau has been notified that an allegation of liability  
55 in accordance with section eleven hundred eleven-a of this chapter or  
56 section eleven hundred eleven-b of this chapter as added by section

16 sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND  
17 THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which  
18 amended this subdivision] or an allegation of liability in accordance  
19 with section two thousand nine hundred eighty-five of the public author-  
20 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter  
21 seven hundred seventy-four of the laws of nineteen hundred fifty OR AN  
22 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
23 ELEVEN-C OF THIS CHAPTER, is being contested, by a person in a timely  
24 fashion and a hearing upon the merits has been demanded, but has not yet  
25 been held, the bureau shall not issue any notice of fine or penalty to  
26 that person prior to the date of the hearing.

27 S 8-a. Subdivision 1-a of section 240 of the vehicle and traffic law,  
28 as separately amended by section 11 of chapters 20, 21, 22 and 383 of  
29 the laws of 2009, is amended to read as follows:

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-b of this chapter, as  
33 added by section sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,  
34 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand  
35 nine [which amended this subdivision], is being contested, by a person  
36 in a timely fashion and a hearing upon the merits has been demanded, but  
37 has not yet been held, the bureau shall not issue any notice of fine or  
38 penalty to that person prior to the date of the hearing.

39 S 8-b. Subdivision 1-a of section 240 of the vehicle and traffic law,  
40 as added by chapter 365 of the laws of 1978, is amended to read as  
41 follows:

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 IS  
45 BEING CONTESTED, by a person in a timely fashion and a hearing upon the  
46 merits has been demanded, but has not yet been held, the bureau shall  
47 not issue any notice of fine or penalty to that person prior to the date  
48 of the hearing.

49 S 9. Paragraphs a and g of subdivision 2 of section 240 of the vehicle  
50 and traffic law, as separately amended by section 10 of chapters 20, 21,  
51 22 and 383 of the laws of 2009, are amended to read as follows:

52 a. Every hearing for the adjudication of a charge of parking violation  
53 or an allegation of liability in accordance with section eleven hundred  
54 eleven-a of this chapter or in accordance with section eleven hundred  
55 eleven-b of this chapter as added by section sixteen of [the chapter]  
56 CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE  
of the laws of two thousand nine [which amended this paragraph] 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 ACCORD-  
ANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C 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 section eleven hundred  
eleven-b of this chapter as added by section sixteen of [the chapter]  
CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE  
of the laws of two thousand nine [which amended this paragraph] 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 A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER IS CONTESTED. Recording devices may be used for the making of the record.

S 9-a. Paragraphs a and g of subdivision 2 of section 240 of the vehicle and traffic law, as separately amended by section 11 of chapters 20, 21, 22 and 383 of the laws of 2009, 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-b of this chapter, as added by section sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which amended this paragraph] OR A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C 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-b of this chapter, as added by section sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which amended this paragraph] OR A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER. Recording devices may be used for the making of the record.

S 9-b. Paragraphs a and g of subdivision 2 of section 240 of the vehicle and traffic law, as added by chapter 715 of the laws of 1972, are amended to read as follows:

a. Every hearing for the adjudication of a charge of parking violation OR A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C 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 A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER. Recording devices may be used for the making of the record.

S 10. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law, as separately amended by section 12 of chapters 20, 21, 22 and 383 of the laws of 2009, are amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with section eleven hundred eleven-a of this chapter or in accordance with section eleven hundred eleven-b of this chapter as added by section sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which amended this subdivision], or the record of liabilities incurred 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 of the person charged OR THE RECORD OF LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered



1 on a final determination roll maintained by the bureau together with  
2 records showing payment and nonpayment 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 section eleven hundred eleven-b of this chapter as added by section  
7 sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND  
8 THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which  
9 amended this subdivision], or fails to contest an allegation of liability  
10 in accordance with section two thousand nine hundred eighty-five of  
11 the public authorities law or sections sixteen-a, sixteen-b and  
12 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
13 hundred fifty OR FAILS TO CONTEST AN ALLEGATION OF LIABILITY IN ACCORD-  
14 ANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER, or fails to  
15 appear on a designated hearing date or subsequent adjourned date or  
16 fails after a hearing to comply with the determination of a hearing  
17 examiner, as prescribed by this article or by rule or regulation of the  
18 bureau, such failure to plead or contest, appear or comply shall be  
19 deemed, for all purposes, an admission of liability and shall be grounds  
20 for rendering and entering a default judgment in an amount provided by  
21 the rules and regulations of the bureau. However, after the expiration  
22 of the original date prescribed for entering a plea and before a default  
23 judgment may be rendered, in such case the bureau shall pursuant to the  
24 applicable provisions of law notify such operator or owner, by such form  
25 of first class mail as the commission may direct; (1) of the violation  
26 charged, or liability in accordance with section eleven hundred eleven-a  
27 of this chapter or in accordance with section eleven hundred eleven-b of  
28 this chapter as added by section sixteen of [the chapter] CHAPTERS TWEN-  
29 TY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of  
30 two thousand nine [which amended this subdivision], alleged or liability  
31 in accordance with section two thousand nine hundred eighty-five of the  
32 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of  
33 chapter seven hundred seventy-four of the laws of nineteen hundred fifty  
34 alleged OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C  
35 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that  
36 such judgment will be entered in the Civil Court of the city in which  
37 the bureau has been established, or other court of civil jurisdiction or  
38 any other place provided for the entry of civil judgments within the  
39 state of New York, and (4) that a default may be avoided by entering a  
40 plea or contesting an allegation of liability in accordance with section  
41 eleven hundred eleven-a of this chapter or in accordance with section  
42 eleven hundred eleven-b of this chapter as added by section sixteen of  
43 [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED  
44 EIGHTY-THREE of the laws of two thousand nine [which amended this subdi-  
45 vision], or contesting an allegation of liability in accordance with  
46 section two thousand nine hundred eighty-five of the public authorities  
47 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
48 hundred seventy-four of the laws of nineteen hundred fifty OR CONTESTING  
49 AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
50 ELEVEN-C OF THIS CHAPTER, as appropriate, or making an appearance within  
51 thirty days of the sending of such notice. Pleas entered and allegations  
52 contested within that period shall be in the manner prescribed in the  
53 notice and not subject to additional penalty or fee. Such notice of  
54 impending default judgment shall not be required prior to the rendering  
55 and entry thereof in the case of operators or owners who are non-resi-  
56 dents of the state of New York. In no case shall a default judgment be

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

9 S 10-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
10 law, as separately amended by section 13 of chapters 20, 21, 22 and 383  
11 of the laws of 2009, are amended to read as follows:

12 1. The hearing examiner shall make a determination on the charges,  
13 either sustaining or dismissing them. Where the hearing examiner deter-  
14 mines that the charges have been sustained he or she may examine either  
15 the prior parking violations record or the record of liabilities  
16 incurred in accordance with section eleven hundred eleven-b of this  
17 chapter as added by section sixteen of [the chapter] CHAPTERS TWENTY,  
18 TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two  
19 thousand nine [which amended this subdivision] of the person charged OR  
20 THE RECORD OF LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN  
21 HUNDRED ELEVEN-C OF THIS CHAPTER, as applicable prior to rendering a  
22 final determination. Final determinations sustaining or dismissing  
23 charges shall be entered on a final determination roll maintained by the  
24 bureau together with records showing payment and nonpayment of penal-  
25 ties.

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

1 EIGHTY-THREE of the laws of two thousand nine [which amended this subdi-  
2 vision] OR CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH  
3 SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER, as appropriate, or  
4 making an appearance within thirty days of the sending of such notice.  
5 Pleas entered and allegations contested within that period shall be in  
6 the manner prescribed in the notice and not subject to additional penal-  
7 ty or fee. Such notice of impending default judgment shall not be  
8 required prior to the rendering and entry thereof in the case of opera-  
9 tors or owners who are non-residents of the state of New York. In no  
10 case shall a default judgment be rendered or, where required, a notice  
11 of impending default judgment be sent, more than two years after the  
12 expiration of the time prescribed for entering a plea or contesting an  
13 allegation. When a person has demanded a hearing, no fine or penalty  
14 shall be imposed for any reason, prior to the holding of the hearing. If  
15 the hearing examiner shall make a determination on the charges, sustain-  
16 ing them, he or she shall impose no greater penalty or fine than those  
17 upon which the person was originally charged.

18 S 10-b. 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, subdivi-  
20 sion 2 as amended by chapter 365 of the laws of 1978, are amended to  
21 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 OR SHE may examine EITHER  
25 the prior parking violations record of the person charged, OR THE RECORD  
26 OF LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
27 ELEVEN-C OF THIS CHAPTER, AS APPLICABLE, prior to rendering a final  
28 determination. Final determinations sustaining or dismissing charges  
29 shall be entered on a final determination roll maintained by the bureau  
30 together 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 ELEVEN-C OF THIS  
34 CHAPTER, 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 ELEVEN-C  
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  
52 SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER, or making an appearance  
53 within thirty days of the sending of such notice. Pleas entered within  
54 that period shall be in the manner prescribed in the notice and not  
55 subject to additional penalty or fee. Such notice of impending default  
56 judgment shall not be required prior to the rendering and entry thereof

1 in the case of operators or owners who are non-residents of the state of  
2 New 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 OR SHE shall impose no greater penalty or fine than those upon  
9 which the person was originally charged.

10 S 11. Subparagraph (i) of paragraph a of subdivision 5-a of section  
11 401 of the vehicle and traffic law, as separately amended by section 1  
12 of chapter 19, section 14 of chapters 20, 21, 22 and 383 and section 1  
13 of chapter 23 of the laws of 2009, is amended to read as follows:

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

53 S 11-a. Paragraph a of subdivision 5-a of section 401 of the vehicle  
54 and traffic law, as separately amended by section 2 of chapter 19,  
55 section 15 of chapters 20, 21, 22 and 383 and section 2 of chapter 23 of  
56 the laws of 2009, is amended to read as follows:

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

37 S 11-b. Paragraph a of subdivision 5-a of section 401 of the vehicle  
38 and traffic law, as separately amended by chapters 339 and 592 of the  
39 laws of 1987, is amended to read as follows:

40 a. If at the time of application for a registration or renewal thereof  
41 there is a certification from a court or administrative tribunal of  
42 appropriate jurisdiction that the registrant or his OR HER represen-  
43 tative failed to appear on the return date or any subsequent adjourned  
44 date or failed to comply with the rules and regulations of an adminis-  
45 trative tribunal following entry of a final decision in response to  
46 three or more summonses or other process, issued within an eighteen  
47 month period, charging that: (A) such motor vehicle was parked, stopped  
48 or standing, or that such motor vehicle was operated for hire by the  
49 registrant or his OR HER agent without being licensed as a motor vehicle  
50 for hire by the appropriate local authority, in violation of any of the  
51 provisions of this chapter or of any law, ordinance, rule or regulation  
52 made by a local authority, OR (B) THE REGISTRANT WAS LIABLE IN ACCORD-  
53 ANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER FOR A  
54 VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, the  
55 commissioner or his OR HER agent shall deny the registration or renewal  
56 application until the applicant provides proof from the court or admin-

1 istrative tribunal wherein the charges are pending that an appearance or  
2 answer has been made or in the case of an administrative tribunal that  
3 he has complied with the rules and regulations of said tribunal follow-  
4 ing entry of a final decision. Where an application is denied pursuant  
5 to this section, the commissioner may, in his OR HER discretion, deny a  
6 registration or renewal application to any other person for the same  
7 vehicle and may deny a registration or renewal application for any other  
8 motor vehicle registered in the name of the applicant where the commis-  
9 sioner has determined that such registrant's intent has been to evade  
10 the purposes of this subdivision and where the commissioner has reason-  
11 able grounds to believe that such registration or renewal will have the  
12 effect of defeating the purposes of this subdivision. Such denial shall  
13 only remain in effect as long as the summonses remain unanswered, or in  
14 the case of an administrative tribunal, the registrant fails to comply  
15 with the rules and regulations following entry of a final decision.

16 S 12. The vehicle and traffic law is amended by adding a new section  
17 1111-c to read as follows:

18 S 1111-C. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH BUS  
19 LANE RESTRICTION. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH  
20 CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY AUTHORIZED AND  
21 EMPOWERED TO ESTABLISH A BUS LANE DEMONSTRATION PROGRAM IMPOSING MONE-  
22 TARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR  
23 THEREOF TO COMPLY WITH ANY BUS LANE RESTRICTION IN SUCH A CITY IN  
24 ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE DEPARTMENT OF TRANS-  
25 PORTATION OF SUCH A CITY OR THE APPLICABLE MASS TRANSIT AGENCY, FOR  
26 PURPOSES OF THE IMPLEMENTATION OF A BUS LANE DEMONSTRATION PROGRAM, MAY  
27 OPERATE BUS LANE PHOTO DEVICES ONLY TO ENFORCE BUS LANE RESTRICTIONS  
28 IMPOSED ON ROUTES WITHIN SUCH A PROGRAM IN SUCH A CITY. SUCH BUS LANE  
29 PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE ACTIVATED AT  
30 LOCATIONS DETERMINED BY SUCH DEPARTMENT OF TRANSPORTATION AND/OR ON  
31 BUSES SELECTED BY SUCH DEPARTMENT OF TRANSPORTATION IN CONSULTATION WITH  
32 THE APPLICABLE MASS TRANSIT AGENCY. ANY MOBILE BUS LANE PHOTO DEVICE  
33 MOUNTED ON A BUS SHALL BE DIRECTED OUTWARDLY FROM SUCH BUS TO CAPTURE  
34 IMAGES OF VEHICLES OPERATED IN VIOLATION OF BUS LANE RESTRICTIONS, AND  
35 IMAGES PRODUCED BY SUCH DEVICE SHALL NOT BE USED FOR ANY OTHER PURPOSE  
36 IN THE ABSENCE OF A COURT ORDER REQUIRING SUCH IMAGES TO BE PRODUCED.  
37 ANY IMAGE OR IMAGES CAPTURED BY STATIONARY BUS LANE PHOTO DEVICES SHALL  
38 BE INADMISSIBLE IN ANY DISCIPLINARY PROCEEDING CONVENED BY THE APPLICA-  
39 BLE MASS TRANSIT AGENCY OR ANY SUBSIDIARY THEREOF AND ANY PROCEEDING  
40 INITIATED BY THE DEPARTMENT OF MOTOR VEHICLES INVOLVING LICENSURE PRIVI-  
41 LEGES OF BUS OPERATORS. A CITY AUTHORIZED TO INSTALL BUS LANE PHOTO  
42 DEVICES PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL ADOPT AND  
43 ENFORCE MEASURES TO PROTECT THE PRIVACY OF DRIVERS, PASSENGERS, PEDES-  
44 TRIANS AND CYCLISTS WHOSE IDENTITY AND IDENTIFYING INFORMATION MAY BE  
45 CAPTURED BY SUCH BUS LANE PHOTO DEVICES. SUCH MEASURES SHALL INCLUDE:

46 1. UTILIZATION OF NECESSARY TECHNOLOGIES TO ENSURE, TO THE EXTENT  
47 PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY BUS LANE PHOTO DEVICES SHALL  
48 NOT INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSENGERS, OR THE  
49 CONTENTS OF THE VEHICLE, PROVIDED, HOWEVER, THAT NO NOTICE OF LIABILITY  
50 ISSUED PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE A  
51 PHOTOGRAPH OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE DRIVER,  
52 THE PASSENGERS OR OTHER CONTENTS OF A VEHICLE;

53 2. A PROHIBITION ON THE USE OR DISSEMINATION OF VEHICLES' LICENSE  
54 PLATE INFORMATION AND OTHER INFORMATION AND IMAGES CAPTURED BY BUS LANE  
55 PHOTO DEVICES EXCEPT AS REQUIRED TO ESTABLISH LIABILITY UNDER THIS  
56 SECTION OR COLLECT PAYMENT OF PENALTIES; OR TO RESPOND TO REQUESTS BY

1 LAW ENFORCEMENT OFFICIALS PERTAINING TO A SPECIFIC ACCIDENT OR SPECIFIC  
2 INCIDENT OF ALLEGED CRIMINAL CONDUCT; OR EXCEPT AS OTHERWISE REQUIRED BY  
3 LAW;

4 3. THE INSTALLATION OF SIGNAGE WITHIN RESTRICTED BUS LANES STATING  
5 THAT BUS LANE PHOTO DEVICES ARE USED TO ENFORCE RESTRICTIONS ON VEHICU-  
6 LAR TRAFFIC IN BUS LANES; AND

7 4. OVERSIGHT PROCEDURES TO ENSURE COMPLIANCE WITH THE AFOREMENTIONED  
8 PRIVACY-PROTECTION MEASURES.

9 WITHIN THE CITY WITH A POPULATION OF ONE MILLION OR MORE, SUCH BUS  
10 LANE PHOTO DEVICES SHALL BE OPERATED ON NO MORE THAN FIFTY MILES OF BUS  
11 LANES WITHIN SUCH CITY.

12 (B) IN ANY CITY THAT HAS ESTABLISHED A BUS LANE DEMONSTRATION PROGRAM  
13 PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE  
14 SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH  
15 VEHICLE IS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR  
16 IMPLIED, IN VIOLATION OF ANY BUS LANE RESTRICTION IMPOSED ON A ROUTE  
17 WITHIN SUCH BUS LANE DEMONSTRATION PROGRAM, AND SUCH VIOLATION IS  
18 EVIDENCED BY INFORMATION OBTAINED FROM A BUS LANE PHOTO DEVICE; PROVIDED  
19 HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED  
20 PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN  
21 CONVICTED OF THE UNDERLYING VIOLATION OF SUCH BUS LANE RESTRICTION.

22 (C) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL MEAN:

23 1. "OWNER" SHALL HAVE THE MEANING PROVIDED IN ARTICLE TWO-B OF THIS  
24 CHAPTER.

25 2. "BUS LANE PHOTO DEVICE" SHALL MEAN A DEVICE THAT IS CAPABLE OF  
26 OPERATING INDEPENDENTLY OF AN ENFORCEMENT OFFICER AND PRODUCES ONE OR  
27 MORE IMAGES OF EACH VEHICLE AT THE TIME IT IS IN VIOLATION OF A BUS LANE  
28 RESTRICTION.

29 3. "BUS LANE RESTRICTION" SHALL MEAN A RESTRICTION ON THE USE OF  
30 DESIGNATED TRAFFIC LANES BY VEHICLES OTHER THAN BUSES IMPOSED BY RULE OR  
31 SIGNS ERECTED BY THE DEPARTMENT OF TRANSPORTATION OF A CITY THAT ESTAB-  
32 LISHES A BUS LANE DEMONSTRATION PROGRAM PURSUANT TO THIS SECTION.

33 4. "BUS LANE DEMONSTRATION PROGRAM" SHALL MEAN A PROGRAM THAT OPERATES  
34 ON ROUTES RECEIVING ENHANCED MARKINGS AND/OR SIGNAGE DESIGNATED BY THE  
35 DEPARTMENT OF TRANSPORTATION OF A CITY THAT ESTABLISHES SUCH A DEMON-  
36 STRATION PROGRAM PURSUANT TO THIS SECTION.

37 (D) A CERTIFICATE, OR A FACSIMILE THEREOF, SWORN TO OR AFFIRMED BY A  
38 TECHNICIAN EMPLOYED BY THE CITY IN WHICH THE CHARGED VIOLATION OCCURRED  
39 OR BY ITS VENDOR OR CONTRACTOR OR BY THE APPLICABLE MASS TRANSIT AGENCY,  
40 BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR  
41 OTHER RECORDED IMAGES PRODUCED BY A BUS LANE PHOTO DEVICE, SHALL BE  
42 PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS,  
43 MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES EVIDENCING SUCH A  
44 VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN ANY PROCEEDING TO ADJUDI-  
45 CATE THE LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION.

46 (E) AN OWNER LIABLE FOR A VIOLATION OF A BUS LANE RESTRICTION IMPOSED  
47 ON ANY ROUTE WITHIN A BUS LANE DEMONSTRATION PROGRAM SHALL BE LIABLE FOR  
48 MONETARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES  
49 PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF SUCH CITY; PROVIDED,  
50 HOWEVER, THAT THE MONETARY PENALTY FOR VIOLATING A BUS LANE RESTRICTION  
51 SHALL NOT EXCEED ONE HUNDRED FIFTEEN DOLLARS; PROVIDED, FURTHER, THAT AN  
52 OWNER SHALL BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO EXCEED  
53 TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A  
54 NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

55 (F) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE  
56 DEEMED A CONVICTION OF AN OPERATOR AND SHALL NOT BE MADE PART OF THE

1 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED, NOR  
2 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-  
3 CLE INSURANCE COVERAGE.

4 (G) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH  
5 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF A BUS LANE  
6 RESTRICTION. PERSONAL DELIVERY TO THE OWNER SHALL NOT BE REQUIRED. A  
7 MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDINARY COURSE OF  
8 BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.

9 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE  
10 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF A BUS LANE  
11 RESTRICTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH  
12 VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND  
13 TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE BUS LANE  
14 PHOTO DEVICE WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR  
15 NUMBER.

16 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE  
17 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST  
18 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO  
19 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST  
20 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-  
21 ITY AND THAT A DEFAULT JUDGEMENT MAY BE ENTERED THEREON.

22 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE AGENCY  
23 OR AGENCIES DESIGNATED BY SUCH CITY.

24 (H) IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT  
25 TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS  
26 REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A  
27 VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF A BUS  
28 LANE RESTRICTION THAT THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS  
29 STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAD NOT BEEN RECOV-  
30 ERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY  
31 THIS SUBDIVISION IT SHALL BE SUFFICIENT THAT AN ORIGINAL INCIDENT FORM  
32 ISSUED BY THE POLICE ON THE STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL  
33 TO THE PARKING VIOLATIONS BUREAU OF SUCH CITY.

34 (I) 1. AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF  
35 LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL  
36 NOT BE LIABLE FOR THE VIOLATION OF A BUS LANE RESTRICTION, PROVIDED  
37 THAT:

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

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

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

52 3. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH ONE OF  
53 THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH  
54 VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES  
55 OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSU-



ANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION (G) OF THIS SECTION.

(J) IF THE OWNER LIABLE FOR A VIOLATION OF A BUS LANE RESTRICTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

(K) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF BUS LANE RESTRICTIONS.

(L) ANY CITY THAT ADOPTS A BUS LANE DEMONSTRATION PROGRAM PURSUANT TO SUBDIVISION (A) OF THIS SECTION SHALL SUBMIT A REPORT ON THE RESULTS OF THE USE OF BUS LANE PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY BY APRIL FIRST, TWO THOUSAND FOURTEEN. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

1. A DESCRIPTION OF THE LOCATIONS AND/OR BUSES WHERE BUS LANE PHOTO DEVICES WERE USED;

2. THE TOTAL NUMBER OF VIOLATIONS RECORDED ON A MONTHLY AND ANNUAL BASIS;

3. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED;

4. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST NOTICE OF LIABILITY;

5. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE;

6. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY; AND

7. THE QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

S 13. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 4 of chapter 19, section 17 of chapters 20, 21, 22 and 383 and section 4 of chapter 23 of the laws of 2009, are amended to read as follows:

Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter OR OTHER THAN AN ADJUDICATION IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER OF A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, there shall be levied a crime victim assistance fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:

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

1 eleven hundred eleven of this chapter in accordance with section eleven  
2 hundred eleven-b of this chapter, or other than an infraction pursuant  
3 to article nine of this chapter or other than an adjudication of liability  
4 of an owner for a violation of toll collection regulations pursuant  
5 to section two thousand nine hundred eighty-five of the public authorities  
6 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
7 hundred seventy-four of the laws of nineteen hundred fifty OR OTHER THAN  
8 AN ADJUDICATION IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF  
9 THIS CHAPTER OF A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH  
10 SECTION, there shall be levied a crime victim assistance fee in the  
11 amount of five dollars and a mandatory surcharge, in addition to any  
12 sentence required or permitted by law, in the amount of fifty-five  
13 dollars.

14 S 13-a. The opening paragraph of subdivision 1 of section 1809 of the  
15 vehicle and traffic law, as separately amended by section 5 of chapter  
16 19, section 18 of chapters 20, 21, 22 and 383 and section 5 of chapter  
17 23 of the laws of 2009, is amended to read as follows:

18 Whenever proceedings in an administrative tribunal or a court of this  
19 state result in a conviction for a crime under this chapter or a traffic  
20 infraction under this chapter, or a local law, ordinance, rule or regulation  
21 adopted pursuant to this chapter, other than a traffic infraction  
22 involving standing, stopping, parking or motor vehicle equipment or  
23 violations by pedestrians or bicyclists, or other than an adjudication  
24 of liability of an owner for a violation of subdivision (d) of section  
25 eleven hundred eleven of this chapter in accordance with section eleven  
26 hundred eleven-a of this chapter, or other than an adjudication of  
27 liability of an owner for a violation of subdivision (d) of section  
28 eleven hundred eleven of this chapter in accordance with section eleven  
29 hundred eleven-b of this chapter OR OTHER THAN AN ADJUDICATION IN  
30 ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER OF A  
31 VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, there  
32 shall be levied a mandatory surcharge, in addition to any sentence  
33 required or permitted by law, in the amount of twenty-five dollars.

34 S 13-b. Subdivision 1 of section 1809 of the vehicle and traffic law,  
35 as separately amended by chapter 16 of the laws of 1983 and chapter 62  
36 of the laws of 1989, is amended to read as follows:

37 1. Whenever proceedings in an administrative tribunal or a court of  
38 this state result in a conviction for a crime under this chapter or a  
39 traffic infraction under this chapter other than a traffic infraction  
40 involving standing, stopping, parking or motor vehicle equipment or  
41 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION  
42 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER OF A  
43 VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, there  
44 shall be levied a mandatory surcharge, in addition to any sentence  
45 required or permitted by law, in the amount of seventeen dollars.

46 S 14. Subdivision 2 of section 87 of the public officers law is  
47 amended by adding a new paragraph (l) to read as follows:

48 (L) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED  
49 IMAGES PRODUCED BY A BUS LANE PHOTO DEVICE PREPARED UNDER THE AUTHORITY  
50 OF SECTION ELEVEN HUNDRED ELEVEN-C OF THE VEHICLE AND TRAFFIC LAW.

51 S 15. This act shall take effect on the thirtieth day after it shall  
52 have become a law and shall expire 7 years after such effective date  
53 when upon such date the provisions of this act shall be deemed repealed;  
54 and provided that any rules and regulations necessary for the implementation  
55 of this act on its effective date shall be promulgated on or  
56 before such date;

1 (a) provided, however, that the amendments to subdivision 1 of section  
2 235 of the vehicle and traffic law made by section one of this act shall  
3 not affect the expiration of such section and shall be deemed to expire  
4 therewith, when upon such date the provisions of section one-a of this  
5 act shall take effect, provided, further, however, that the amendments  
6 to section 235 of the vehicle and traffic law made by section one-a of  
7 this act shall not affect the expiration of such section and shall be  
8 deemed to expire therewith, when upon such date the provisions of  
9 section one-b of this act shall take effect; provided, further, however,  
10 that the amendments to section 235 of the vehicle and traffic law made  
11 by section one-b of this act shall not affect the expiration of such  
12 section and shall be deemed to expire therewith, when upon such date the  
13 provisions of section one-c of this act shall take effect;

14 (b) provided, further, that the amendments to subdivision 1 of section  
15 236 of the vehicle and traffic law made by section two of this act shall  
16 not affect the expiration of such subdivision and shall be deemed to  
17 expire therewith, when upon such date the provisions of section two-a of  
18 this act shall take effect; provided, further, that the amendments to  
19 subdivision 1 of section 236 of the vehicle and traffic law made by  
20 section two-a of this act shall not affect the expiration of such subdi-  
21 vision and shall be deemed to expire therewith, when upon such date the  
22 provisions of section two-b of this act shall take effect;

23 (c) provided, further, that the amendments to paragraph f of subdivi-  
24 sion 1 of section 239 of the vehicle and traffic law made by section  
25 five of this act shall not affect the expiration of such paragraph and  
26 shall be deemed to expire therewith, when upon such date the provisions  
27 of section five-a of this act shall take effect; provided, further, that  
28 the amendments to paragraph f of subdivision 1 of section 239 of the  
29 vehicle and traffic law made by section five-a of this act shall not  
30 affect the expiration of such paragraph and shall be deemed to expire  
31 therewith, when upon such date the provisions of section five-b of this  
32 act shall take effect;

33 (d) provided, further, that the amendments to subdivision 4 of section  
34 239 of the vehicle and traffic law made by section six of this act shall  
35 not affect the repeal of such subdivision and shall be deemed repealed  
36 therewith, when upon such date the provisions of section six-a of this  
37 act shall take effect;

38 (e) provided, further, that the amendments to subdivision 1 of section  
39 240 of the vehicle and traffic law made by section seven of this act  
40 shall not affect the expiration of such subdivision and shall be deemed  
41 to expire therewith, when upon such date the provisions of section  
42 seven-a of this act shall take effect; provided, further, that the  
43 amendments to subdivision 1 of section 240 of the vehicle and traffic  
44 law made by section seven-a of this act shall not affect the expiration  
45 of such subdivision and shall be deemed to expire therewith, when upon  
46 such date the provisions of section seven-b of this act shall take  
47 effect;

48 (f) provided, further, that the amendments to subdivision 1-a of  
49 section 240 of the vehicle and traffic law made by section eight of this  
50 act shall not affect the expiration of such subdivision and shall be  
51 deemed to expire therewith, when upon such date the provisions of  
52 section eight-a of this act shall take effect; provided, further, that  
53 the amendments to subdivision 1-a of section 240 of the vehicle and  
54 traffic law made by section eight-a of this act shall not affect the  
55 expiration of such subdivision and shall be deemed to expire therewith,

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

3 (g) provided, further, that the amendments to paragraphs a and g of  
4 subdivision 2 of section 240 of the vehicle and traffic law made by  
5 section nine of this act shall not affect the expiration of such para-  
6 graphs and shall be deemed to expire therewith, when upon such date the  
7 provision of section nine-a of this act shall take effect; provided,  
8 further, that the amendments to paragraphs a and g of subdivision 2 of  
9 section 240 of the vehicle and traffic law made by section nine-a of  
10 this act shall not affect the expiration of such subdivision and shall  
11 be deemed to expire therewith, when upon such date the provisions of  
12 section nine-b of this act shall take effect;

13 (h) provided, further, that the amendments to subdivisions 1 and 2 of  
14 section 241 of the vehicle and traffic law made by section ten of this  
15 act shall not affect the expiration of such subdivisions and shall be  
16 deemed to expire therewith, when upon such date the provisions of  
17 section ten-a of this act shall take effect; provided, further, that the  
18 amendments to subdivisions 1 and 2 of section 241 of the vehicle and  
19 traffic law made by section ten-a of this act shall not affect the expi-  
20 ration of such subdivisions and shall be deemed to expire therewith,  
21 when upon such date the provisions of section ten-b of this act shall  
22 take effect;

23 (i) provided, further, that the amendments to subparagraph (i) of  
24 paragraph a of subdivision 5-a of section 401 of the vehicle and traffic  
25 law made by section eleven of this act shall not affect the expiration  
26 of such paragraph and shall be deemed to expire therewith, when upon  
27 such date the provisions of section eleven-a of this act shall take  
28 effect; provided, further, that the amendments to paragraph a of subdi-  
29 vision 5-a of section 401 of the vehicle and traffic law made by section  
30 eleven-a of this act shall not affect the expiration of such paragraph  
31 and shall be deemed to expire therewith, when upon such date the  
32 provisions of section eleven-b of this act shall take effect;

33 (j) provided, further, that the amendments to subdivision 1 of section  
34 1809 of the vehicle and traffic law made by section thirteen of this act  
35 shall not affect the expiration of such subdivision pursuant to section  
36 406 of chapter 166 of the laws of 1991, as amended, and shall be deemed  
37 to expire therewith, when upon such date the provisions of section thir-  
38 teen-a of this act shall take effect; and

39 (k) provided, further, that the amendments to subdivision 1 of section  
40 1809 of the vehicle and traffic law made by section thirteen-a of this  
41 act shall not affect the expiration of such subdivision pursuant to  
42 chapter 746 of the laws of 1988, as amended, and shall be deemed to  
43 expire therewith, when upon such date the provisions of section thir-  
44 teen-b of this act shall take effect.