

S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. HOYT, CANESTRARI -- Multi-Sponsored by -- M. of
A. CYMBROWITZ, DINOWITZ, ESPAILLAT, JOHN, SWEENEY, TOWNS, WEISENBERG
-- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, the general municipal law
and the public officers law, in relation to the civil liability of
vehicle owners of traffic control signal violations in the city of
Buffalo

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
2 law, as amended by chapter 379 of the laws of 1992, is amended to read
3 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 OR ELEVEN HUNDRED ELEVEN-B of this chapter, or to adjudicate
12 the liability of owners for violations of toll collection regulations as
13 defined in and in accordance with the provisions of section two thousand
14 nine hundred eighty-five of the public authorities law and sections
15 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
16 of the laws of nineteen hundred fifty, such tribunal and the rules and
17 regulations pertaining thereto shall be constituted in substantial
18 conformance with the following sections.
19 S 2. Section 235 of the vehicle and traffic law, as separately amended
20 by chapter 746 of the laws of 1988 and chapter 379 of the laws of 1992,
21 is amended to read as follows:

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

LBD04715-01-9

1 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any
2 general, special or local law or administrative code to the contrary, in
3 any city which heretofore or hereafter is authorized to establish an
4 administrative tribunal to hear and determine complaints of traffic
5 infractions constituting parking, standing or stopping violations, or to
6 adjudicate the liability of owners for violations of subdivision (d) of
7 section eleven hundred eleven of this chapter in accordance with section
8 eleven hundred eleven-a OR ELEVEN HUNDRED ELEVEN-B of this chapter, or
9 to 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, such tribu-
14 nal and the rules and regulations pertaining thereto shall be consti-
15 tuted in substantial conformance with the following sections.

16 S 3. Section 235 of the vehicle and traffic law, as added by chapter
17 715 of the laws of 1972 and as amended by chapter 379 of the laws of
18 1992, is amended to read as follows:

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

34 S 4. Subdivision 1 of section 236 of the vehicle and traffic law, as
35 amended by chapter 379 of the laws of 1992, is amended to read as
36 follows:

37 1. Creation. In any city as hereinbefore or hereafter authorized such
38 tribunal when created shall be known as the parking violations bureau
39 and shall have jurisdiction of traffic infractions which constitute a
40 parking violation and, where authorized by local law adopted pursuant to
41 subdivision (a) of section eleven hundred eleven-a OR OF SECTION ELEVEN
42 HUNDRED ELEVEN-B of this chapter, shall adjudicate the liability of
43 owners for violations of subdivision (d) of section eleven hundred elev-
44 en of this chapter in accordance with such section eleven hundred
45 eleven-a OR ELEVEN HUNDRED ELEVEN-B, and shall adjudicate the liability
46 of owners for violations of toll collection regulations as defined in
47 and in accordance with the provisions of section two thousand nine
48 hundred eighty-five of the public authorities law and sections
49 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
50 of the laws of nineteen hundred fifty. Such tribunal, except in a city
51 with a population of one million or more, shall also have jurisdiction
52 of abandoned vehicle violations. For the purposes of this article, a
53 parking violation is the violation of any law, rule or regulation
54 providing for or regulating the parking, stopping or standing of a vehi-
55 cle. In addition for purposes of this article, "commissioner" shall mean

1 and include the commissioner of traffic of the city or an official
2 possessing authority as such a commissioner.

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

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

18 S 6. Subdivision 10 of section 237 of the vehicle and traffic law, as
19 amended by chapter 379 of the laws of 1992, is amended to read as
20 follows:

21 10. To adjudicate the liability of owners for violations of subdivi-
22 sion (d) of section eleven hundred eleven of this chapter in accordance
23 with section eleven hundred eleven-a OR ELEVEN HUNDRED ELEVEN-B of this
24 chapter, if authorized by local law adopted pursuant to subdivision (a)
25 of such section eleven hundred eleven-a;

26 S 7. Section 237 of the vehicle and traffic law is amended by adding a
27 new subdivision 10 to read as follows:

28 10. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVI-
29 SION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE
30 WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER, IF AUTHORIZED BY
31 LOCAL LAW ADOPTED PURSUANT TO SUBDIVISION (A) OF SUCH SECTION ELEVEN
32 HUNDRED ELEVEN-B.

33 S 8. Paragraph f of subdivision 1 of section 239 of the vehicle and
34 traffic law, as amended by chapter 379 of the laws of 1992, is amended
35 to read as follows:

36 f. "Notice of violation" means a notice of violation as defined in
37 subdivision nine of section two hundred thirty-seven of this article,
38 but shall not be deemed to include a notice of liability issued pursuant
39 to authorization set forth in section eleven hundred eleven-a OR ELEVEN
40 HUNDRED ELEVEN-B of this chapter and shall not be deemed to include a
41 notice of liability issued pursuant to section two thousand nine hundred
42 eighty-five of the public authorities law and sections sixteen-a,
43 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
44 laws of nineteen hundred fifty.

45 S 9. Paragraph f of subdivision 1 of section 239 of the vehicle and
46 traffic law, as added by chapter 180 of the laws of 1980, is amended to
47 read as follows:

48 f. "Notice of violation" means a notice of violation as defined in
49 subdivision nine of section two hundred thirty-seven of this article BUT
50 SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED PURSUANT TO
51 AUTHORIZATION SET FORTH IN SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAP-
52 TER.

53 S 10. Section 239 of the vehicle and traffic law is amended by adding
54 a new subdivision 5 to read as follows:

55 5. APPLICABILITY; LIABILITY OF OWNERS IN ACCORDANCE WITH SECTION ELEV-
56 EN HUNDRED ELEVEN-B OF THIS CHAPTER. THE PROVISIONS OF PARAGRAPH B OF

1 SUBDIVISION TWO AND SUBDIVISION THREE OF THIS SECTION SHALL NOT BE
2 APPLICABLE TO DETERMINATIONS OF OWNER LIABILITY IN ACCORDANCE WITH
3 SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER FOR THE FAILURE OF AN
4 OPERATOR TO COMPLY WITH SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN
5 OF THIS CHAPTER.

6 S 11. Subdivision 1 of section 240 of the vehicle and traffic law, as
7 amended by chapter 379 of the laws of 1992, is amended to read as
8 follows:

9 1. Notice of hearing. Whenever a person charged with a parking
10 violation enters a plea of not guilty or a person alleged to be liable
11 in accordance with section eleven hundred eleven-a OR ELEVEN HUNDRED
12 ELEVEN-B of this chapter for a violation of subdivision (d) of section
13 eleven hundred eleven of this chapter contests such allegation, or a
14 person alleged to be liable in accordance with the provisions of section
15 two thousand nine hundred eighty-five of the public authorities law or
16 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
17 seventy-four of the laws of nineteen hundred fifty, the bureau shall
18 advise such person personally by such form of first class mail as the
19 director may direct of the date on which he must appear to answer the
20 charge at a hearing. The form and content of such notice of hearing
21 shall be prescribed by the director, and shall contain a warning to
22 advise the person so pleading or contesting that failure to appear on
23 the date designated, or on any subsequent adjourned date, shall be
24 deemed an admission of liability, and that a default judgment may be
25 entered thereon.

26 S 12. Subdivision 1 of section 240 of the vehicle and traffic law, as
27 added by chapter 715 of the laws of 1972, is amended to read as follows:

28 1. Notice of hearing. Whenever a person charged with a parking
29 violation enters a plea of not guilty OR A PERSON ALLEGED TO BE LIABLE
30 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER FOR A
31 VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS
32 CHAPTER CONTESTS SUCH ALLEGATION, the bureau shall advise such person
33 personally by such form of first class mail as the director may direct
34 of the date on which he must appear to answer the charge at a hearing.
35 The form and content of such notice of hearing shall be prescribed by
36 the director, and shall contain a warning to advise the person so plead-
37 ing OR CONTESTING that failure to appear on the date designated, or on
38 any subsequent adjourned date, shall be deemed an admission of liabil-
39 ity, and that a default judgment may be entered thereon.

40 S 13. Subdivision 1-a of section 240 of the vehicle and traffic law,
41 as amended by chapter 379 of the laws of 1992, is amended to read as
42 follows:

43 1-a. Fines and penalties. Whenever a plea of not guilty has been
44 entered, or the bureau has been notified that an allegation of liability
45 in accordance with section eleven hundred eleven-a OR ELEVEN HUNDRED
46 ELEVEN-B of this chapter or an allegation of liability in accordance
47 with section two thousand nine hundred eighty-five of the public author-
48 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
49 seven hundred seventy-four of the laws of nineteen hundred fifty, is
50 being contested, by a person in a timely fashion and a hearing upon the
51 merits has been demanded, but has not yet been held, the bureau shall
52 not issue any notice of fine or penalty to that person prior to the date
53 of the hearing.

54 S 14. Subdivision 1-a of section 240 of the vehicle and traffic law,
55 as added by chapter 365 of the laws of 1978, is amended to read as
56 follows:

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

8 S 15. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
9 cle and traffic law, as amended by chapter 379 of the laws of 1992, are
10 amended to read as follows:

11 a. Every hearing for the adjudication of a charge of parking violation
12 or an allegation of liability in accordance with section eleven hundred
13 eleven-a OR ELEVEN HUNDRED ELEVEN-B of this chapter or an allegation of
14 liability in accordance with section two thousand nine hundred eighty-
15 five of the public authorities law or sections sixteen-a, sixteen-b and
16 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
17 hundred fifty shall be held before a hearing examiner in accordance with
18 rules and regulations promulgated by the bureau.

19 g. A record shall be made of a hearing on a plea of not guilty or of a
20 hearing at which liability in accordance with section eleven hundred
21 eleven-a OR ELEVEN HUNDRED ELEVEN-B of this chapter is contested or of a
22 hearing at which liability in accordance with section two thousand nine
23 hundred eighty-five of the public authorities law or sections sixteen-a,
24 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
25 laws of nineteen hundred fifty is contested. Recording devices may be
26 used for the making of the record.

27 S 16. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
28 cle and traffic law, as added by chapter 715 of the laws of 1972, are
29 amended to read as follows:

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

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

38 S 17. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
39 law, as amended by chapter 379 of the laws of 1992, are amended to read
40 as follows:

41 1. The hearing examiner shall make a determination on the charges,
42 either sustaining or dismissing them. Where the hearing examiner deter-
43 mines that the charges have been sustained he OR SHE may examine either
44 the prior parking violations record or the record of liabilities
45 incurred in accordance with section eleven hundred eleven-a OR ELEVEN
46 HUNDRED ELEVEN-B of this chapter or the record of liabilities incurred
47 in accordance with section two thousand nine hundred eighty-five of the
48 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
49 chapter seven hundred seventy-four of the laws of nineteen hundred fifty
50 of the person charged, as applicable prior to rendering a final determi-
51 nation. Final determinations sustaining or dismissing charges shall be
52 entered on a final determination roll maintained by the bureau together
53 with records showing payment and nonpayment of penalties.

54 2. Where an operator or owner fails to enter a plea to a charge of a
55 parking violation or contest an allegation of liability in accordance
56 with section eleven hundred eleven-a OR ELEVEN HUNDRED ELEVEN-B of this

chapter or fails to contest 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 fails to appear on a designated hearing date or subsequent adjourned date or fails after a hearing to comply with the determination of a hearing examiner, as prescribed by this article or by rule or regulation of the bureau, such failure to plead or contest, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment in an amount provided by the rules and regulations of the bureau. However, after the expiration of the original date prescribed for entering a plea and before a default judgment may be rendered, in such case the bureau shall pursuant to the applicable provisions of law notify such operator or owner, by such form of first class mail as the commission may direct; (1) of the violation charged, or liability in accordance with section eleven hundred eleven-a OR ELEVEN HUNDRED ELEVEN-B of this chapter alleged or 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 alleged, (2) of the impending default judgment, (3) that such judgment will be entered in the Civil Court of the city in which the bureau has been established, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York, and (4) that a default may be avoided by entering a plea or contesting an allegation of liability in accordance with section eleven hundred eleven-a OR ELEVEN HUNDRED ELEVEN-B of this chapter or contesting 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, as appropriate, or making an appearance within thirty days of the sending of such notice. Pleas entered and allegations contested within that period shall be in the manner prescribed in the notice and not subject to additional penalty or fee. Such notice of impending default judgment shall not be required prior to the rendering and entry thereof in the case of operators or owners who are non-residents of the state of New York. In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea or contesting an allegation. When a person has demanded a hearing, no fine or penalty shall be imposed for any reason, prior to the holding of the hearing. If the hearing examiner shall make a determination on the charges, sustaining them, he OR SHE shall impose no greater penalty or fine than those upon which the person was originally charged.

S 18. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law, subdivision 1 as added by chapter 715 of the laws of 1972 and subdivision 2 as amended by chapter 365 of the laws of 1978, 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-B OF THIS CHAPTER of the person charged, AS APPLICABLE prior to rendering a final determination. Final determinations sustaining or dismissing charges

1 shall be entered on a final determination roll maintained by the bureau
2 together with 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-B OF THIS CHAPTER, or fails to appear
6 on a designated hearing date or subsequent adjourned date or fails after
7 a hearing to comply with the determination of a hearing examiner, as
8 prescribed by this article or by rule or regulation of the bureau, such
9 failure to plead, CONTEST, appear or comply shall be deemed, for all
10 purposes, an admission of liability and shall be grounds for rendering
11 and entering a default judgment in an amount provided by the rules and
12 regulations of the bureau. However, after the expiration of the original
13 date prescribed for entering a plea and before a default judgment may be
14 rendered, in such case the bureau shall pursuant to the applicable
15 provisions of law notify such operator or owner, by such form of first
16 class mail as the commission may direct; (1) of the violation charged,
17 OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS
18 CHAPTER ALLEGED, (2) of the impending default judgment, (3) that such
19 judgment will be entered in the Civil Court of the city in which the
20 bureau has been established, or other court of civil jurisdiction or any
21 other place provided for the entry of civil judgments within the state
22 of New York, and (4) that a default may be avoided by entering a plea OR
23 CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN
24 HUNDRED ELEVEN-B OF THIS CHAPTER, AS APPROPRIATE, or making an appear-
25 ance within thirty days of the sending of such notice. Pleas entered AND
26 ALLEGATIONS CONTESTED within that period shall be in the manner
27 prescribed in the notice and not subject to additional penalty or fee.
28 Such notice of impending default judgment shall not be required prior to
29 the rendering and entry thereof in the case of operators or owners who
30 are non-residents of the state of New York. In no case shall a default
31 judgment be rendered or, where required, a notice of impending default
32 judgment be sent, more than two years after the expiration of the time
33 prescribed for entering a plea OR CONTESTING AN ALLEGATION. When a
34 person has demanded a hearing, no fine or penalty shall be imposed for
35 any reason, prior to the holding of the hearing. If the hearing examiner
36 shall make a determination on the charges, sustaining them, he OR SHE
37 shall impose no greater penalty or fine than those upon which the person
38 was originally charged.

39 S 19. Paragraph a of subdivision 5-a of section 401 of the vehicle and
40 traffic law, as amended by chapter 496 of the laws of 1990, subparagraph
41 (i) as designated and subparagraph (ii) as added by chapter 373 of the
42 laws of 1994, is amended to read as follows:

43 a. (i) If at the time of application for a registration or renewal
44 thereof there is a certification from a court, parking violations
45 bureau, traffic and parking violations agency or administrative tribunal
46 of appropriate jurisdiction or administrative tribunal of appropriate
47 jurisdiction that the registrant or his OR HER representative failed to
48 appear on the return date or any subsequent adjourned date or failed to
49 comply with the rules and regulations of an administrative tribunal
50 following entry of a final decision in response to a total of three or
51 more summonses or other process in the aggregate, issued within an eigh-
52 teen month period, charging either that (i) such motor vehicle was
53 parked, stopped or standing, or that such motor vehicle was operated for
54 hire by the registrant or his OR HER agent without being licensed as a
55 motor vehicle for hire by the appropriate local authority, in violation
56 of any of the provisions of this chapter or of any law, ordinance, rule

1 or regulation made by a local authority or (ii) the registrant was
2 liable in accordance with section eleven hundred eleven-a OR ELEVEN
3 HUNDRED ELEVEN-B of this chapter for a violation of subdivision (d) of
4 section eleven hundred eleven of this chapter, the commissioner or his
5 OR HER agent shall deny the registration or renewal application until
6 the applicant provides proof from the court, traffic and parking
7 violations agency or administrative tribunal wherein the charges are
8 pending that an appearance or answer has been made or in the case of an
9 administrative tribunal that he OR SHE has complied with the rules and
10 regulations of said tribunal following entry of a final decision. Where
11 an application is denied pursuant to this section, the commissioner may,
12 in his OR HER discretion, deny a registration or renewal application to
13 any other person for the same vehicle and may deny a registration or
14 renewal application for any other motor vehicle registered in the name
15 of the applicant where the commissioner has determined that such regis-
16 trant's intent has been to evade the purposes of this subdivision and
17 where the commissioner has reasonable grounds to believe that such
18 registration or renewal will have the effect of defeating the purposes
19 of this subdivision. Such denial shall only remain in effect as long as
20 the summonses remain unanswered, or in the case of an administrative
21 tribunal, the registrant fails to comply with the rules and regulations
22 following entry of a final decision.

23 (ii) For purposes of this paragraph, the term "motor vehicle operated
24 for hire" shall mean and include a taxicab, livery, coach, limousine or
25 tow truck.

26 S 20. Paragraph a of subdivision 5-a of section 401 of the vehicle and
27 traffic law, as separately amended by chapters 339 and 592 of the laws
28 of 1987, is amended to read as follows:

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

1 believe that such registration or renewal will have the effect of
2 defeating the purposes of this subdivision. Such denial shall only
3 remain in effect as long as the summonses remain unanswered, or in the
4 case of an administrative tribunal, the registrant fails to comply with
5 the rules and regulations following entry of a final decision.

6 S 21. The vehicle and traffic law is amended by adding a new section
7 1111-b to read as follows:

8 S 1111-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
9 TRAFFIC-CONTROL INDICATIONS; CITY OF BUFFALO IN THE COUNTY OF ERIE. (A)
10 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE MUNICIPALITY OF THE CITY
11 OF BUFFALO IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND A LOCAL
12 LAW OR ORDINANCE ESTABLISHING A PROGRAM IMPOSING MONETARY LIABILITY ON
13 THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH
14 TRAFFIC-CONTROL INDICATIONS IN SUCH MUNICIPALITY IN ACCORDANCE WITH THE
15 PROVISIONS OF THIS SECTION. SUCH PROGRAM SHALL EMPOWER SUCH MUNICIPALITY
16 TO INSTALL AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO-MONITORING DEVICES
17 AT INTERSECTIONS AND HIGHWAY-RAILROAD CROSSINGS WITHIN SUCH MUNICI-
18 PALITY.

19 (B) FOR PURPOSES OF THIS SECTION:

20 1. THE TERM "MUNICIPALITY" SHALL MEAN THE CITY OF BUFFALO LOCATED
21 WITHIN THE COUNTY OF ERIE; AND

22 2. THE TERM "PARKING VIOLATIONS BUREAU" OR "BUREAU" SHALL MEAN THE
23 PARKING VIOLATIONS BUREAU OF THE CITY OF BUFFALO LOCATED WITHIN THE
24 COUNTY OF ERIE.

25 (C) IN THE MUNICIPALITY WHICH HAS ADOPTED A LOCAL LAW OR ORDINANCE
26 PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE
27 SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH
28 VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS
29 OR IMPLIED, IN VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED
30 ELEVEN OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION
31 OBTAINED FROM A TRAFFIC-CONTROL SIGNAL VIOLATION-MONITORING SYSTEM;
32 PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENAL-
33 TY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE
34 HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (D) OF
35 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

36 (D) FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING
37 PROVIDED IN ARTICLE TWO-B OF THIS CHAPTER. FOR PURPOSES OF THIS SECTION,
38 "TRAFFIC-CONTROL SIGNAL VIOLATION-MONITORING SYSTEM" SHALL MEAN A VEHI-
39 CLE SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A TRAFFIC-CONTROL
40 SIGNAL WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE
41 MICROPHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE
42 AT THE TIME IT IS USED OR OPERATED IN VIOLATION OF SUBDIVISION (D) OF
43 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

44 (E) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY
45 THE MUNICIPALITY IN WHICH THE CHARGED VIOLATION OCCURRED, OR A FACSIMILE
46 THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDE-
47 OTAPE OR OTHER RECORDED IMAGES PRODUCED BY A TRAFFIC-CONTROL SIGNAL
48 VIOLATION-MONITORING SYSTEM, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
49 CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER
50 RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR
51 INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH
52 VIOLATION PURSUANT TO A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO THIS
53 SECTION.

54 (F) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
55 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO A LOCAL LAW OR ORDI-
56 NANCE ADOPTED PURSUANT TO THIS SECTION SHALL BE LIABLE FOR MONETARY

1 PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES TO BE
2 PROMULGATED BY THE PARKING VIOLATIONS BUREAU. THE LIABILITY OF THE
3 OWNER PURSUANT TO THIS SECTION SHALL NOT EXCEED FIFTY DOLLARS FOR EACH
4 VIOLATION; PROVIDED, HOWEVER, THAT SUCH LOCAL LAW OR ORDINANCE MAY
5 PROVIDE FOR AN ADDITIONAL PENALTY NOT IN EXCESS OF TWENTY-FIVE DOLLARS
6 FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY
7 WITHIN THE PRESCRIBED TIME PERIOD. ANY MONETARY PENALTIES RECEIVED DUE
8 TO THE INSTALLATION AND OPERATION OF TRAFFIC-CONTROL SIGNAL PHOTO-MONI-
9 TORING DEVICES IN THE MUNICIPALITY IN ACCORDANCE WITH THIS SECTION SHALL
10 BE DEPOSITED TO THE CREDIT OF AND RECEIVED BY SUCH MUNICIPALITY AFTER
11 THE PAYMENT OF ANY ADMINISTRATIVE COSTS.

12 (G) AN IMPOSITION OF LIABILITY UNDER A LOCAL LAW OR ORDINANCE ADOPTED
13 PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION AS AN OPERATOR
14 AND SHALL NOT BE MADE PART OF THE OPERATING RECORD OF THE PERSON UPON
15 WHOM SUCH LIABILITY IS IMPOSED NOR SHALL IT BE USED FOR INSURANCE
16 PURPOSES IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

17 (H) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH
18 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
19 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS
20 SECTION. PERSONAL DELIVERY ON THE OWNER SHALL NOT BE REQUIRED. A MANUAL
21 OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDINARY COURSE OF BUSI-
22 NESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.

23 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
24 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
25 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS
26 SECTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH
27 VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND
28 TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE CAMERA WHICH
29 RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER.

30 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
31 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
32 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO
33 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST
34 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-
35 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

36 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE MUNICI-
37 PALITY OR BY ANY OTHER ENTITY AUTHORIZED BY THE MUNICIPALITY TO PREPARE
38 AND MAIL SUCH NOTIFICATION OF VIOLATION.

39 (I) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION
40 SHALL BE BY THE PARKING VIOLATIONS BUREAU.

41 (J) 1. IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS
42 SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED TO THE
43 POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO
44 AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
45 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS SECTION THAT THE
46 VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE
47 VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES
48 OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFI-
49 CIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE
50 BE SENT BY FIRST CLASS MAIL TO THE PARKING VIOLATIONS BUREAU.

51 2. IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS SECTION
52 PERTAINING TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION
53 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE, IT SHALL BE A
54 VALID DEFENSE TO SUCH ALLEGATION THAT THE OPERATOR OF THE VEHICLE AT THE
55 TIME OF SUCH ALLEGED VIOLATION WAS COMPELLED TO YIELD RIGHT-OF-WAY TO AN
56 AUTHORIZED EMERGENCY VEHICLE ENGAGED IN AN EMERGENCY OPERATION, AS

1 DEFINED IN SECTIONS ONE HUNDRED ONE AND ONE HUNDRED FOURTEEN-B, RESPEC-
2 TIVELY, OF THIS CHAPTER. THE DEFENSE PROVIDED FOR IN THIS PARAGRAPH MAY
3 BE ASSERTED BY THE OWNER IF PRIOR TO THE TIME TO PLEAD OR APPEAR WITH
4 RESPECT TO SUCH VIOLATION, THE OWNER SENDS TO THE PARKING VIOLATIONS
5 BUREAU BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, A WRITTEN NOTIFICA-
6 TION THAT HE OR SHE INTENDS TO ASSERT SUCH DEFENSE. AFTER RECEIPT OF
7 SUCH NOTIFICATION, THE MUNICIPALITY SHALL REVIEW THE PHOTOGRAPHS, MICRO-
8 PHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES AT ISSUE IN THE CASE,
9 AND SHALL ADVISE THE PARKING VIOLATIONS BUREAU WHETHER OR NOT THE NOTICE
10 OF LIABILITY SHOULD BE WITHDRAWN. IF THE MUNICIPALITY FINDS THAT THE
11 NOTICE OF LIABILITY SHOULD BE WITHDRAWN, THE CASE SHALL BE DISMISSED. IF
12 THE CASE IS NOT DISMISSED, THE OWNER SHALL BE NOTIFIED OF SUCH DETERMI-
13 NATION AND SHALL BE GIVEN THE OPPORTUNITY FOR A HEARING, AT WHICH THE
14 MUNICIPALITY SHALL MAKE AVAILABLE THE PHOTOGRAPHS, MICROPHOTOGRAPHS,
15 VIDEOTAPE OR OTHER RECORDED IMAGES AT ISSUE IN THE CASE.

16 (K) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF LIABIL-
17 ITY WAS ISSUED PURSUANT TO SUBDIVISION (H) OF THIS SECTION SHALL NOT BE
18 LIABLE FOR THE VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED
19 ELEVEN OF THIS ARTICLE, PROVIDED THAT:

20 1. PRIOR TO THE VIOLATION, THE LESSOR HAS FILED WITH THE BUREAU IN
21 ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE OF
22 THIS CHAPTER; AND

23 2. WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM THE BUREAU OF
24 THE DATE AND TIME OF A LIABILITY, TOGETHER WITH THE OTHER INFORMATION
25 CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY, THE LESSOR SUBMITS TO THE
26 BUREAU THE CORRECT NAME AND ADDRESS OF THE LESSEE OF THE VEHICLE IDENTI-
27 FIED IN THE NOTICE OF LIABILITY AT THE TIME OF SUCH VIOLATION, TOGETHER
28 WITH SUCH OTHER ADDITIONAL INFORMATION CONTAINED IN THE RENTAL, LEASE OR
29 OTHER CONTRACT DOCUMENT, AS MAY BE REASONABLY REQUIRED BY THE BUREAU
30 PURSUANT TO REGULATIONS THAT MAY BE PROMULGATED FOR SUCH PURPOSE.

31 (I) FAILURE TO COMPLY WITH PARAGRAPH TWO OF THIS SUBDIVISION SHALL
32 RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN THIS SECTION.

33 (II) WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS SUBDIVI-
34 SION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE
35 DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION,
36 SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS
37 SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION
38 (H) OF THIS SECTION.

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

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

46 S 22. Subdivision 1 of section 1809 of the vehicle and traffic law, as
47 amended by section 2 of part DD of chapter 56 of the laws of 2008, is
48 amended to read as follows:

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

1 eleven-a OR ELEVEN HUNDRED ELEVEN-B of this chapter, there shall be
2 levied a crime victim assistance fee and a mandatory surcharge, in addi-
3 tion to any sentence required or permitted by law, in accordance with
4 the following schedule:

5 (a) Whenever proceedings in an administrative tribunal or a court of
6 this state result in a conviction for a traffic infraction pursuant to
7 article nine of this chapter, there shall be levied a crime victim
8 assistance fee in the amount of five dollars and a mandatory surcharge,
9 in addition to any sentence required or permitted by law, in the amount
10 of twenty-five dollars.

11 (b) Whenever proceedings in an administrative tribunal or a court of
12 this state result in a conviction for a misdemeanor or felony pursuant
13 to section eleven hundred ninety-two of this chapter, there shall be
14 levied, in addition to any sentence required or permitted by law, a
15 crime victim assistance fee in the amount of twenty-five dollars and a
16 mandatory surcharge in accordance with the following schedule:

17 (i) a person convicted of a felony shall pay a mandatory surcharge of
18 three hundred dollars;

19 (ii) a person convicted of a misdemeanor shall pay a mandatory
20 surcharge of one hundred seventy-five dollars.

21 (c) Whenever proceedings in an administrative tribunal or a court of
22 this state result in a conviction for an offense under this chapter
23 other than a crime pursuant to section eleven hundred ninety-two of this
24 chapter, or a traffic infraction under this chapter, or a local law,
25 ordinance, rule or regulation adopted pursuant to this chapter, other
26 than a traffic infraction involving standing, stopping, or parking or
27 violations by pedestrians or bicyclists, or other than an adjudication
28 of liability of an owner for a violation of subdivision (d) of section
29 eleven hundred eleven of this chapter in accordance with section eleven
30 hundred eleven-a OR ELEVEN HUNDRED ELEVEN-B of this chapter or other
31 than an infraction pursuant to article nine of this chapter or other
32 than an adjudication of liability of an owner for a violation of toll
33 collection regulations pursuant to section two thousand nine hundred
34 eighty-five of the public authorities law or sections sixteen-a,
35 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
36 laws of nineteen hundred fifty, there shall be levied a crime victim
37 assistance fee in the amount of five dollars and a mandatory surcharge,
38 in addition to any sentence required or permitted by law, in the amount
39 of fifty-five dollars.

40 S 23. Subdivision 1 of section 371 of the general municipal law, as
41 amended by chapter 496 of the laws of 1990, is amended to read as
42 follows:

43 1. A traffic violations bureau so established may be authorized to
44 dispose of violations of traffic laws, ordinances, rules and regulations
45 when such offenses shall not constitute the traffic infraction known as
46 speeding or a misdemeanor or felony, and, if authorized by local law or
47 ordinance, to adjudicate the liability of owners for violations of
48 subdivision (d) of section eleven hundred eleven of the vehicle and
49 traffic law in accordance with section eleven hundred eleven-a OR ELEVEN
50 HUNDRED ELEVEN-B of such law.

51 S 24. Section 371 of the general municipal law, as amended by chapter
52 802 of the laws of 1949, is amended to read as follows:

53 S 371. Jurisdiction and procedure. A traffic violations bureau so
54 established may be authorized to dispose of violations of traffic laws,
55 ordinances, rules and regulations when such offenses shall not consti-
56 tute the traffic infraction known as speeding or a misdemeanor or felo-

ny, AND, IF AUTHORIZED BY LOCAL LAW OR ORDINANCE, TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC LAW IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF SUCH LAW, by permitting a person charged with an offense within the limitations herein stated, to answer, within a specified time, at the traffic violations bureau, either in person or by written power of attorney in such form as may be prescribed in the ordinance creating the bureau, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge OR ADMITTING LIABILITY AS AN OWNER FOR THE VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC LAW, AS THE CASE MAY BE, and authorizing the person in charge of the bureau to make such a plea OR ADMISSION and pay such a fine in court. Acceptance of the prescribed fine and power of attorney by the bureau shall be deemed complete satisfaction for the violation OR OF THE LIABILITY, and the violator OR OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC LAW shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the bureau shall cause a complaint to be entered against him OR HER forthwith and a warrant to be issued for his OR HER arrest and appearance before the court. Any person who shall have been, within the preceding twelve months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the traffic violations bureau, but must appear in court at a time specified by the bureau. Such traffic violations bureau shall not be authorized to deprive a person of his OR HER right to counsel or to prevent him OR HER from exercising his OR HER right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

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

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

S 26. The purchase or lease of equipment for a program established pursuant to section 1111-b of the vehicle and traffic law shall be subject to the provisions of section 103 of the general municipal law.

S 27. This act shall take effect immediately; provided, however that:

(a) the amendments to subdivision 1 of section 235 of the vehicle and traffic law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 406 of chapter 166 of the laws of 1991, as amended, when upon such date the provisions of section two of this act shall take effect;

(b) the amendments to section 235 of the vehicle and traffic law made by section two of this act shall be subject to the expiration and reversion of such section pursuant to section 17 of chapter 746 of the laws of 1988, as amended, when upon such date the provisions of section three of this act shall take effect;

(c) the amendments to subdivision 1 of section 236 of the vehicle and traffic law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 17 of chapter 746 of the laws of 1988, as amended, when upon such date the provisions of section five of this act shall take effect;

1 (d) the amendments to subdivision 10 of section 237 of the vehicle and
2 traffic law made by section six of this act shall be subject to the
3 repeal of such subdivision pursuant to section 17 of chapter 746 of the
4 laws of 1988, as amended, when upon such date the provisions of section
5 seven of this act shall take effect;

6 (e) the amendments to paragraph f of subdivision 1 of section 239 of
7 the vehicle and traffic law made by section eight of this act shall be
8 subject to the expiration and reversion of such paragraph pursuant to
9 section 17 of chapter 746 of the laws of 1988, as amended, when upon
10 such date the provisions of section nine of this act shall take effect;

11 (f) the amendments to subdivision 1 of section 240 of the vehicle and
12 traffic law made by section eleven of this act shall be subject to the
13 expiration and reversion of such subdivision pursuant to section 17 of
14 chapter 746 of the laws of 1988, as amended, when upon such date the
15 provisions of section twelve of this act shall take effect;

16 (g) the amendments to subdivision 1-a of section 240 of the vehicle
17 and traffic law made by section thirteen of this act shall be subject to
18 the expiration and reversion of such subdivision pursuant to section 17
19 of chapter 746 of the laws of 1988, as amended, when upon such date the
20 provisions of section fourteen of this act shall take effect;

21 (h) the amendments to paragraphs a and g of subdivision 2 of section
22 240 of the vehicle and traffic law made by section fifteen of this act
23 shall be subject to the expiration and reversion of such paragraphs
24 pursuant to section 17 of chapter 746 of the laws of 1988, as amended,
25 when upon such date the provisions of section sixteen of this act shall
26 take effect;

27 (i) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
28 cle and traffic law made by section seventeen of this act shall be
29 subject to the expiration and reversion of such subdivisions pursuant to
30 section 17 of chapter 746 of the laws of 1988, as amended, when upon
31 such date the provisions of section eighteen of this act shall take
32 effect;

33 (j) the amendments to paragraph a of subdivision 5-a of section 401 of
34 the vehicle and traffic law made by section nineteen of this act shall
35 be subject to the expiration and reversion of such paragraph pursuant to
36 section 17 of chapter 746 of the laws of 1988, as amended, when upon
37 such date the provisions of section twenty of this act shall take
38 effect;

39 (k) the amendments made to subdivision 1 of section 1809 of the vehi-
40 cle and traffic law made by section twenty-two of this act shall not
41 affect the expiration of such subdivision and shall be deemed to expire
42 therewith; and

43 (l) the amendments to subdivision 1 of section 371 of the general
44 municipal law made by section twenty-three of this act shall be subject
45 to the expiration and reversion of such subdivision pursuant to section
46 17 of chapter 746 of the laws of 1988, as amended, when upon such date
47 the provisions of section twenty-four of this act shall take effect.