

3746

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

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

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to owner liability for failure of operator to comply with traffic control indications; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic  
2 law, as amended by 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 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 OF THE LAWS OF TWO THOU-  
15 SAND NINE WHICH AMENDED THIS SUBDIVISION, or to adjudicate the liability  
16 of owners for violations of toll collection regulations as defined in  
17 and in accordance with the provisions of section two thousand nine  
18 hundred eighty-five of the public authorities law and sections  
19 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four  
20 of the laws of nineteen hundred fifty, such tribunal and the rules and  
21 regulations pertaining thereto shall be constituted in substantial  
22 conformance with the following sections.

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

LBD10847-01-9

1 S 2. Section 235 of the vehicle and traffic law, as separately  
2 amended by chapter 746 of the laws of 1988 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 subdivision (d) of  
10 section eleven hundred eleven of this chapter in accordance with section  
11 eleven hundred eleven-a of this chapter, OR TO ADJUDICATE THE LIABILITY  
12 OF OWNERS FOR VIOLATIONS OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED  
13 ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
14 ELEVEN-B OF THIS CHAPTER AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF  
15 THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SECTION, or to adjudi-  
16 cate the liability of owners for violations of toll collection regu-  
17 lations as defined in and in accordance with the provisions of section  
18 two thousand nine hundred eighty-five of the public authorities law and  
19 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
20 seventy-four of the laws of nineteen hundred fifty, such tribunal and  
21 the rules and regulations pertaining thereto shall be constituted in  
22 substantial conformance with the following sections.

23 S 3. Section 235 of the vehicle and traffic law, as separately amended  
24 by chapter 715 of the laws of 1972 and chapter 379 of the laws of 1992,  
25 is amended to read as follows:

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

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

46 1. Creation. In any city as hereinbefore or hereafter authorized such  
47 tribunal when created shall be known as the parking violations bureau  
48 and shall have jurisdiction of traffic infractions which constitute a  
49 parking violation and, where authorized by local law adopted pursuant to  
50 subdivision (a) of section eleven hundred eleven-a OF THIS CHAPTER OR  
51 SUBDIVISION (A) OF SECTION ELEVEN HUNDRED ELEVEN-B of this chapter AS  
52 ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE  
53 WHICH AMENDED THIS SUBDIVISION, shall adjudicate the liability of owners  
54 for violations of subdivision (d) of section eleven hundred eleven of  
55 this chapter in accordance with such section eleven hundred eleven-a[,]  
56 OR SUCH SECTION ELEVEN HUNDRED ELEVEN-B AS ADDED BY SECTION SIXTEEN OF

1 THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVI-  
2 SION and shall adjudicate the liability of owners for violations of toll  
3 collection regulations as defined in and in accordance with the  
4 provisions of section two thousand nine hundred eighty-five of the  
5 public authorities law and sections sixteen-a, sixteen-b and sixteen-c  
6 of chapter seven hundred seventy-four of the laws of nineteen hundred  
7 fifty. Such tribunal, except in a city with a population of one million  
8 or more, shall also have jurisdiction of abandoned vehicle violations.  
9 For the purposes of this article, a parking violation is the violation  
10 of any law, rule or regulation providing for or regulating the parking,  
11 stopping or standing of a vehicle. In addition for purposes of this  
12 article, "commissioner" shall mean and include the commissioner of traf-  
13 fic of the city or an official possessing authority as such a commis-  
14 sioner.

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

17 1. Creation. In any city as hereinbefore or hereafter authorized such  
18 tribunal when created shall be known as the parking violations bureau  
19 and shall have jurisdiction of traffic infractions which constitute a  
20 parking violation AND, WHERE AUTHORIZED BY LOCAL LAW ADOPTED PURSUANT TO  
21 SUBDIVISION (A) OF SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER AS  
22 ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE  
23 WHICH AMENDED THIS SUBDIVISION, SHALL ADJUDICATE THE LIABILITY OF OWNERS  
24 FOR VIOLATIONS OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF  
25 THIS CHAPTER IN ACCORDANCE WITH SUCH SECTION ELEVEN HUNDRED ELEVEN-B AS  
26 ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE  
27 WHICH AMENDED THIS SUBDIVISION. For the purposes of this article, a  
28 parking violation is the violation of any law, rule or regulation  
29 providing for or regulating the parking, stopping or standing of a vehi-  
30 cle. In addition for purposes of this article, "commissioner" shall mean  
31 and include the commissioner of traffic of the city or an official  
32 possessing authority as such a commissioner.

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

36 10. To adjudicate the liability of owners for violations of subdivi-  
37 sion (d) of section eleven hundred eleven of this chapter in accordance  
38 with section eleven hundred eleven-a OF THIS CHAPTER OR SECTION ELEVEN  
39 HUNDRED ELEVEN-B of this chapter AS ADDED BY SECTION SIXTEEN OF THE  
40 CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVISION,  
41 if authorized by local law adopted pursuant to subdivision (a) of such  
42 section eleven hundred eleven-a OR PURSUANT TO SUBDIVISION (A) OF SUCH  
43 SECTION ELEVEN HUNDRED ELEVEN-B AS ADDED BY SECTION SIXTEEN OF THE CHAP-  
44 TER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVISION;

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

47 10. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVI-  
48 SION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE  
49 WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER AS ADDED BY SECTION  
50 SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH ADDED THIS  
51 SUBDIVISION, IF AUTHORIZED BY LOCAL LAW ADOPTED PURSUANT TO SUBDIVISION  
52 (A) OF SUCH SECTION ELEVEN HUNDRED ELEVEN-B AS ADDED BY SECTION SIXTEEN  
53 OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH ADDED THIS SUBDI-  
54 VISION.

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

4 f. "Notice of violation" means a notice of violation as defined in  
5 subdivision nine of section two hundred thirty-seven of this article,  
6 but shall not be deemed to include a notice of liability issued pursuant  
7 to authorization set forth in section eleven hundred eleven-a OF THIS  
8 CHAPTER OR SECTION ELEVEN HUNDRED ELEVEN-B of this chapter AS ADDED BY  
9 SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH  
10 AMENDED THIS PARAGRAPH, and shall not be deemed to include a notice of  
11 liability issued pursuant to section two thousand nine hundred eighty-  
12 five of the public authorities law and sections sixteen-a, sixteen-b and  
13 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
14 hundred fifty.

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

18 f. "Notice of violation" means a notice of violation as defined in  
19 subdivision nine of section two hundred thirty-seven of this article BUT  
20 SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED PURSUANT TO  
21 AUTHORIZATION SET FORTH IN SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAP-  
22 TER AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOU-  
23 SAND NINE WHICH AMENDED THIS PARAGRAPH.

24 S 10. Subdivisions 1 and 1-a and paragraphs a and g of subdivision 2  
25 of section 240 of the vehicle and traffic law, as amended by chapter 379  
26 of the laws of 1992, are amended to read as follows:

27 1. Notice of hearing. Whenever a person charged with a parking  
28 violation enters a plea of not guilty or a person alleged to be liable  
29 in accordance with section eleven hundred eleven-a OF THIS CHAPTER OR  
30 SECTION ELEVEN HUNDRED ELEVEN-B of this chapter AS ADDED BY SECTION  
31 SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED  
32 THIS PARAGRAPH, for a violation of subdivision (d) of section eleven  
33 hundred eleven of this chapter contests such allegation, or a person  
34 alleged to be liable in accordance with the provisions of section two  
35 thousand nine hundred eighty-five of the public authorities law or  
36 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
37 seventy-four of the laws of nineteen hundred fifty, the bureau shall  
38 advise such person personally by such form of first class mail as the  
39 director may direct of the date on which he OR SHE must appear to answer  
40 the charge at a hearing. The form and content of such notice of hearing  
41 shall be prescribed by the director, and shall contain a warning to  
42 advise the person so pleading or contesting that failure to appear on  
43 the date designated, or on any subsequent adjourned date, shall be  
44 deemed an admission of liability, and that a default judgment may be  
45 entered thereon.

46 1-a. Fines and penalties. Whenever a plea of not guilty has been  
47 entered, or the bureau has been notified that an allegation of liability  
48 in accordance with section eleven hundred eleven-a OF THIS CHAPTER OR  
49 SECTION ELEVEN HUNDRED ELEVEN-B of this chapter AS ADDED BY SECTION  
50 SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED  
51 THIS SUBDIVISION or an allegation of liability in accordance with  
52 section two thousand nine hundred eighty-five of the public authorities  
53 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
54 hundred seventy-four of the laws of nineteen hundred fifty, is being  
55 contested, by a person in a timely fashion and a hearing upon the merits  
56 has been demanded, but has not yet been held, the bureau shall not issue

1 any notice of fine or penalty to that person prior to the date of the  
2 hearing.

3 a. Every hearing for the adjudication of a charge of parking violation  
4 or an allegation of liability in accordance with section eleven hundred  
5 eleven-a OF THIS CHAPTER OR IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
6 ELEVEN-B of this chapter AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF  
7 THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS PARAGRAPH or an allega-  
8 tion of liability in accordance with section two thousand nine hundred  
9 eighty-five of the public authorities law or sections sixteen-a,  
10 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
11 laws of nineteen hundred fifty shall be held before a hearing examiner  
12 in accordance with rules and regulations promulgated by the bureau.

13 g. A record shall be made of a hearing on a plea of not guilty or of a  
14 hearing at which liability in accordance with section eleven hundred  
15 eleven-a OF THIS CHAPTER OR IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
16 ELEVEN-B of this chapter AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF  
17 THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS PARAGRAPH is contested  
18 or of a hearing at which liability in accordance with section two thou-  
19 sand nine hundred eighty-five of the public authorities law or sections  
20 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four  
21 of the laws of nineteen hundred fifty is contested. Recording devices  
22 may be used for the making of the record.

23 S 11. Subdivisions 1 and 1-a and paragraphs a and g of subdivision 2  
24 of section 240 of the vehicle and traffic law, subdivision 1 as added by  
25 chapter 715 of the laws of 1972, subdivision 1-a as added by chapter 365  
26 of the laws of 1978 and paragraphs a and g of subdivision 2 as added by  
27 chapter 715 of the laws of 1972, are 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 AS  
31 ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE  
32 WHICH AMENDED THIS SUBDIVISION FOR A VIOLATION OF SUBDIVISION (D) OF  
33 SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER CONTESTS SUCH ALLEGATION,  
34 the bureau shall advise such person personally by such form of first  
35 class mail as the director may direct of the date on which he must  
36 appear to answer the charge at a hearing. The form and content of such  
37 notice of hearing shall be prescribed by the director, and shall contain  
38 a warning to advise the person so pleading OR CONTESTING that failure to  
39 appear on the date designated, or on any subsequent adjourned date,  
40 shall be deemed an admission of liability, and that a default judgment  
41 may be entered thereon.

42 1-a. Fines and penalties. Whenever a plea of not guilty has been  
43 entered, OR THE BUREAU HAS BEEN NOTIFIED THAT AN ALLEGATION OF LIABILITY  
44 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER, AS  
45 ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE  
46 WHICH AMENDED THIS SUBDIVISION, IS BEING CONTESTED, by a person in a  
47 timely fashion and a hearing upon the merits has been demanded, but has  
48 not yet been held, the bureau shall not issue any notice of fine or  
49 penalty to that person prior to the date of the hearing.

50 a. Every hearing for the adjudication of a charge of parking violation  
51 OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
52 ELEVEN-B OF THIS CHAPTER, AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF  
53 THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS PARAGRAPH shall be held  
54 before a hearing examiner in accordance with rules and regulations  
55 promulgated by the bureau.

1 g. A record shall be made of a hearing on a plea of not guilty OR OF A  
2 HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
3 ELEVEN-B OF THIS CHAPTER, AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF  
4 THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS PARAGRAPH. Recording  
5 devices may be used for the making of the record.

6 S 12. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
7 law, as amended by chapter 379 of the laws of 1992, are amended to read  
8 as follows:

9 1. The hearing examiner shall make a determination on the charges,  
10 either sustaining or dismissing them. Where the hearing examiner deter-  
11 mines that the charges have been sustained he OR SHE may examine either  
12 the prior parking violations record or the record of liabilities  
13 incurred in accordance with section eleven hundred eleven-a OF THIS  
14 CHAPTER OR IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B of this  
15 chapter AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO  
16 THOUSAND NINE WHICH AMENDED THIS SUBDIVISION or the record of liabil-  
17 ities incurred in accordance with section two thousand nine hundred  
18 eighty-five of the public authorities law or sections sixteen-a,  
19 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
20 laws of nineteen hundred fifty of the person charged, as applicable  
21 prior to rendering a final determination. Final determinations sustain-  
22 ing or dismissing charges shall be entered on a final determination roll  
23 maintained by the bureau together with records showing payment and  
24 nonpayment of penalties.

25 2. Where an operator or owner fails to enter a plea to a charge of a  
26 parking violation or contest an allegation of liability in accordance  
27 with section eleven hundred eleven-a OF THIS CHAPTER OR IN ACCORDANCE  
28 WITH SECTION ELEVEN HUNDRED ELEVEN-B of this chapter AS ADDED BY SECTION  
29 SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED  
30 THIS SUBDIVISION or fails to contest an allegation of liability in  
31 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  
34 fifty, or fails to appear on a designated hearing date or subsequent  
35 adjourned date or fails after a hearing to comply with the determination  
36 of a hearing examiner, as prescribed by this article or by rule or regu-  
37 lation of the bureau, such failure to plead or contest, appear or comply  
38 shall be deemed, for all purposes, an admission of liability and shall  
39 be grounds for rendering and entering a default judgment in an amount  
40 provided by the rules and regulations of the bureau. However, after the  
41 expiration of the original date prescribed for entering a plea and  
42 before a default judgment may be rendered, in such case the bureau shall  
43 pursuant to the applicable provisions of law notify such operator or  
44 owner, by such form of first class mail as the commission may direct;  
45 (1) of the violation charged, or liability in accordance with section  
46 eleven hundred eleven-a OF THIS CHAPTER OR IN ACCORDANCE WITH SECTION  
47 ELEVEN HUNDRED ELEVEN-B of this chapter AS ADDED BY SECTION SIXTEEN OF  
48 THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVI-  
49 SION alleged or liability in accordance with section two thousand nine  
50 hundred eighty-five of the public authorities law or sections sixteen-a,  
51 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
52 laws of nineteen hundred fifty alleged, (2) of the impending default  
53 judgment, (3) that such judgment will be entered in the Civil Court of  
54 the city in which the bureau has been established, or other court of  
55 civil jurisdiction or any other place provided for the entry of civil  
56 judgments within the state of New York, and (4) that a default may be

1 avoided by entering a plea or contesting an allegation of liability in  
2 accordance with section eleven hundred eleven-a OF THIS CHAPTER OR IN  
3 ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B of this chapter AS ADDED  
4 BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH  
5 AMENDED THIS SUBDIVISION or contesting an allegation of liability in  
6 accordance with section two thousand nine hundred eighty-five of the  
7 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of  
8 chapter seven hundred seventy-four of the laws of nineteen hundred  
9 fifty, as appropriate, or making an appearance within thirty days of the  
10 sending of such notice. Pleas entered and allegations contested within  
11 that period shall be in the manner prescribed in the notice and not  
12 subject to additional penalty or fee. Such notice of impending default  
13 judgment shall not be required prior to the rendering and entry thereof  
14 in the case of operators or owners who are non-residents of the state of  
15 New York. In no case shall a default judgment be rendered or, where  
16 required, a notice of impending default judgment be sent, more than two  
17 years after the expiration of the time prescribed for entering a plea or  
18 contesting an allegation. When a person has demanded a hearing, no fine  
19 or penalty shall be imposed for any reason, prior to the holding of the  
20 hearing. If the hearing examiner shall make a determination on the  
21 charges, sustaining them, he shall impose no greater penalty or fine  
22 than those upon which the person was originally charged.

23 S 13. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
24 law, subdivision 1 as added by chapter 715 of the laws of 1972 and  
25 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended  
26 to read as follows:

27 1. The hearing examiner shall make a determination on the charges,  
28 either sustaining or dismissing them. Where the hearing examiner deter-  
29 mines that the charges have been sustained he OR SHE may examine EITHER  
30 the prior parking violations record OR THE RECORD OF LIABILITIES  
31 INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS  
32 CHAPTER AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO  
33 THOUSAND NINE WHICH AMENDED THIS SUBDIVISION of the person charged, AS  
34 APPLICABLE prior to rendering a final determination. Final determi-  
35 nations sustaining or dismissing charges shall be entered on a final  
36 determination roll maintained by the bureau together with records show-  
37 ing payment and nonpayment of penalties.

38 2. Where an operator or owner fails to enter a plea to a charge of a  
39 parking violation OR CONTEST AN ALLEGATION OF LIABILITY IN ACCORDANCE  
40 WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER AS ADDED BY SECTION  
41 SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED  
42 THIS SUBDIVISION, or fails to appear on a designated hearing date or  
43 subsequent adjourned date or fails after a hearing to comply with the  
44 determination of a hearing examiner, as prescribed by this article or by  
45 rule or regulation of the bureau, such failure to plead, CONTEST, appear  
46 or comply shall be deemed, for all purposes, an admission of liability  
47 and shall be grounds for rendering and entering a default judgment in an  
48 amount provided by the rules and regulations of the bureau. However,  
49 after the expiration of the original date prescribed for entering a plea  
50 and before a default judgment may be rendered, in such case the bureau  
51 shall pursuant to the applicable provisions of law notify such operator  
52 or owner, by such form of first class mail as the commission may direct;  
53 (1) of the violation charged, OR LIABILITY IN ACCORDANCE WITH SECTION  
54 ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER, AS ADDED BY SECTION SIXTEEN OF  
55 THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVI-  
56 SION, ALLEGED, (2) of the impending default judgment, (3) that such

1 judgment will be entered in the Civil Court of the city in which the  
2 bureau has been established, or other court of civil jurisdiction or any  
3 other place provided for the entry of civil judgments within the state  
4 of New York, and (4) that a default may be avoided by entering a plea OR  
5 CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN  
6 HUNDRED ELEVEN-B OF THIS CHAPTER AS ADDED BY SECTION SIXTEEN OF THE  
7 CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVISION,  
8 AS APPROPRIATE, or making an appearance within thirty days of the send-  
9 ing of such notice. Pleas entered AND ALLEGATIONS CONTESTED within that  
10 period shall be in the manner prescribed in the notice and not subject  
11 to additional penalty or fee. Such notice of impending default judgment  
12 shall not be required prior to the rendering and entry thereof in the  
13 case of operators or owners who are non-residents of the state of New  
14 York. In no case shall a default judgment be rendered or, where  
15 required, a notice of impending default judgment be sent, more than two  
16 years after the expiration of the time prescribed for entering a plea OR  
17 CONTESTING AN ALLEGATION. When a person has demanded a hearing, no fine  
18 or penalty shall be imposed for any reason, prior to the holding of the  
19 hearing. If the hearing examiner shall make a determination on the  
20 charges, sustaining them, he OR SHE shall impose no greater penalty or  
21 fine than those upon which the person was originally charged.

22 S 14. Paragraph a of subdivision 5-a of section 401 of the vehicle and  
23 traffic law, as amended by chapter 496 of the laws of 1990, subparagraph  
24 (i) as designated and subparagraph (ii) as added by chapter 373 of the  
25 laws of 1994, is amended to read as follow:

26 a. (i) If at the time of application for a registration or renewal  
27 thereof there is a certification from a court, parking violations  
28 bureau, traffic and parking violations agency or administrative tribunal  
29 of appropriate jurisdiction or administrative tribunal of appropriate  
30 jurisdiction that the registrant or his OR HER representative failed to  
31 appear on the return date or any subsequent adjourned date or failed to  
32 comply with the rules and regulations of an administrative tribunal  
33 following entry of a final decision in response to a total of three or  
34 more summonses or other process in the aggregate, issued within an eigh-  
35 teen month period, charging either that (i) such motor vehicle was  
36 parked, stopped or standing, or that such motor vehicle was operated for  
37 hire by the registrant or his OR HER agent without being licensed as a  
38 motor vehicle for hire by the appropriate local authority, in violation  
39 of any of the provisions of this chapter or of any law, ordinance, rule  
40 or regulation made by a local authority or (ii) the registrant was  
41 liable in accordance with section eleven hundred eleven-a of this chap-  
42 ter OR SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER for a violation  
43 of subdivision (d) of section eleven hundred eleven of this chapter, the  
44 commissioner or his OR HER agent shall deny the registration or renewal  
45 application until the applicant provides proof from the court, traffic  
46 and parking violations agency or administrative tribunal wherein the  
47 charges are pending that an appearance or answer has been made or in the  
48 case of an administrative tribunal that he OR SHE has complied with the  
49 rules and regulations of said tribunal following entry of a final deci-  
50 sion. Where an application is denied pursuant to this section, the  
51 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 (ii) For purposes of this paragraph, the term "motor vehicle operated  
7 for hire" shall mean and include a taxicab, livery, coach, limousine or  
8 tow truck.

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

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

45 S 16. The vehicle and traffic law is amended by adding a new section  
46 1111-b to read as follows:

47 S 1111-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH  
48 TRAFFIC-CONTROL INDICATIONS. (A) 1. NOTWITHSTANDING ANY OTHER PROVISION  
49 OF LAW, THE CITY OF ROCHESTER IS HEREBY AUTHORIZED AND EMPOWERED TO  
50 ADOPT AND AMEND A LOCAL LAW OR ORDINANCE ESTABLISHING A DEMONSTRATION  
51 PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAIL-  
52 URE OF AN OPERATOR THEREOF TO COMPLY WITH TRAFFIC-CONTROL INDICATIONS IN  
53 SUCH CITY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH DEMON-  
54 STRATION PROGRAM SHALL EMPOWER SUCH CITY TO INSTALL AND OPERATE TRAFF-  
55 IC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES AT NO MORE THAN  
56 FIFTY INTERSECTIONS WITHIN SUCH CITY AT ANY ONE TIME.

1 2. SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES TO  
2 ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH  
3 TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEMS SHALL NOT  
4 INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSENGERS, OR THE CONTENTS  
5 OF THE VEHICLE. PROVIDED, HOWEVER, THAT NO NOTICE OF LIABILITY ISSUED  
6 PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE A PHOTOGRAPH  
7 OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS OF A VEHI-  
8 CLE, PROVIDED THAT SUCH CITY HAS MADE A REASONABLE EFFORT TO COMPLY WITH  
9 THE PROVISIONS OF THIS PARAGRAPH.

10 (B) IN ANY SUCH CITY WHICH HAS ADOPTED A LOCAL LAW OR ORDINANCE PURSU-  
11 ANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE  
12 LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE  
13 WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR  
14 IMPLIED, IN VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEV-  
15 EN OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION  
16 OBTAINED FROM A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING  
17 SYSTEM; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR  
18 A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH  
19 VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION  
20 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

21 (C) FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING  
22 PROVIDED IN ARTICLE TWO-B OF THIS CHAPTER. FOR PURPOSES OF THIS SECTION,  
23 "TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM" SHALL MEAN A  
24 VEHICLE SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A TRAFFIC-CONTROL  
25 SIGNAL WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE  
26 MICROPHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE  
27 AT THE TIME IT IS USED OR OPERATED IN VIOLATION OF SUBDIVISION (D) OF  
28 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

29 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY  
30 THE CITY OF ROCHESTER IN WHICH THE CHARGED VIOLATION OCCURRED, OR A  
31 FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTO-  
32 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A TRAFFIC-CONTROL  
33 SIGNAL PHOTO VIOLATION-MONITORING SYSTEM, SHALL BE PRIMA FACIE EVIDENCE  
34 OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDE-  
35 OTAPE OR OTHER RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE  
36 AVAILABLE FOR INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE LIABILITY  
37 FOR SUCH VIOLATION PURSUANT TO A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT  
38 TO THIS SECTION.

39 (E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF SECTION  
40 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO A LOCAL LAW OR ORDI-  
41 NANCE ADOPTED PURSUANT TO THIS SECTION SHALL BE LIABLE FOR MONETARY  
42 PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES TO BE SET  
43 FORTH IN SUCH LOCAL LAW OR ORDINANCE, EXCEPT THAT IF SUCH CITY BY LOCAL  
44 LAW HAS AUTHORIZED THE ADJUDICATION OF SUCH OWNER LIABILITY BY A PARKING  
45 VIOLATIONS BUREAU, SUCH SCHEDULE SHALL BE PROMULGATED BY SUCH BUREAU.  
46 THE LIABILITY OF THE OWNER PURSUANT TO THIS SECTION SHALL NOT EXCEED  
47 FIFTY DOLLARS FOR EACH VIOLATION; PROVIDED, HOWEVER, THAT SUCH LOCAL LAW  
48 OR ORDINANCE MAY PROVIDE FOR AN ADDITIONAL PENALTY NOT IN EXCESS OF  
49 TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A  
50 NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

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

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

7 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE  
8 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION  
9 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS  
10 SECTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH  
11 VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND  
12 TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE CAMERA WHICH  
13 RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER.

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

20 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE CITY OF  
21 ROCHESTER, OR BY ANY OTHER ENTITY AUTHORIZED BY SUCH CITY TO PREPARE AND  
22 MAIL SUCH NOTIFICATION OF VIOLATION.

23 (H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION  
24 SHALL BE BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS,  
25 EXCEPT THAT IF SUCH CITY HAS ESTABLISHED AN ADMINISTRATIVE TRIBUNAL TO  
26 HEAR AND DETERMINE COMPLAINTS OF TRAFFIC INFRACTIONS CONSTITUTING PARK-  
27 ING, STANDING OR STOPPING VIOLATIONS SUCH CITY MAY, BY LOCAL LAW,  
28 AUTHORIZE SUCH ADJUDICATION BY SUCH TRIBUNAL.

29 (I) IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS  
30 SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED TO THE  
31 POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO  
32 AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION (D) OF SECTION  
33 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS SECTION THAT THE  
34 VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE  
35 VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES  
36 OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFI-  
37 CIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE  
38 BE SENT BY FIRST CLASS MAIL TO THE TRAFFIC VIOLATIONS BUREAU, COURT  
39 HAVING JURISDICTION OR PARKING VIOLATIONS BUREAU.

40 (J) 1. IN SUCH CITY WHERE THE ADJUDICATION OF LIABILITY IMPOSED UPON  
41 OWNERS PURSUANT TO THIS SECTION IS BY A COURT HAVING JURISDICTION, AN  
42 OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF LIABILITY WAS  
43 ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL NOT BE LIABLE  
44 FOR THE VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF  
45 THIS ARTICLE, PROVIDED THAT HE OR SHE SENDS TO THE COURT HAVING JURIS-  
46 DICTION A COPY OF THE RENTAL, LEASE OR OTHER SUCH CONTRACT DOCUMENT  
47 COVERING SUCH VEHICLE ON THE DATE OF THE VIOLATION, WITH THE NAME AND  
48 ADDRESS OF THE LESSEE CLEARLY LEGIBLE, WITHIN THIRTY-SEVEN DAYS AFTER  
49 RECEIVING NOTICE FROM THE COURT OF THE DATE AND TIME OF SUCH VIOLATION,  
50 TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL NOTICE OF  
51 LIABILITY. FAILURE TO SEND SUCH INFORMATION WITHIN SUCH THIRTY-SEVEN DAY  
52 TIME PERIOD SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED BY  
53 THIS SECTION. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS  
54 PARAGRAPH, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION  
55 SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS  
56 SECTION, SHALL BE SUBJECT TO LIABILITY FOR THE VIOLATION OF SUBDIVISION

1 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS  
2 SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION  
3 (G) OF THIS SECTION.

4 2. (I) IN SUCH CITY WHICH, BY LOCAL LAW, HAS AUTHORIZED THE ADJUDI-  
5 CATION OF LIABILITY IMPOSED UPON OWNERS BY THIS SECTION BY A PARKING  
6 VIOLATIONS BUREAU, AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A  
7 NOTICE OF LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS  
8 SECTION SHALL NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (D) OF  
9 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE, PROVIDED THAT:

10 (A) PRIOR TO THE VIOLATION, THE LESSOR HAS FILED WITH THE BUREAU IN  
11 ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE OF  
12 THIS CHAPTER; AND

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

21 (II) FAILURE TO COMPLY WITH CLAUSE (B) OF SUBPARAGRAPH (I) OF THIS  
22 PARAGRAPH SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN  
23 THIS SECTION.

24 (III) WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS PARAGRAPH,  
25 THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED  
26 TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION, SHALL BE  
27 SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION AND  
28 SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION (G) OF THIS  
29 SECTION.

30 (K) 1. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF  
31 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS SECTION  
32 WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE  
33 OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

34 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A  
35 VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO THIS  
36 SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITH-  
37 OUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR FAILED TO OBEY A  
38 TRAFFIC-CONTROL INDICATION. FOR PURPOSES OF THIS SUBDIVISION THERE SHALL  
39 BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH  
40 VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR FAILED  
41 TO OBEY A TRAFFIC-CONTROL INDICATION.

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

45 (M) IN ANY SUCH CITY WHICH ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO  
46 SUBDIVISION (A) OF THIS SECTION, SUCH CITY SHALL SUBMIT AN ANNUAL REPORT  
47 ON THE RESULTS OF THE USE OF A TRAFFIC-CONTROL SIGNAL PHOTO  
48 VIOLATION-MONITORING SYSTEM TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF  
49 THE SENATE AND THE SPEAKER OF THE ASSEMBLY ON OR BEFORE JUNE FIRST, TWO  
50 THOUSAND TEN AND ON THE SAME DATE IN EACH SUCCEEDING YEAR IN WHICH THE  
51 DEMONSTRATION PROGRAM IS OPERABLE. SUCH REPORT SHALL INCLUDE, BUT NOT BE  
52 LIMITED TO:

53 1. A DESCRIPTION OF THE LOCATIONS WHERE TRAFFIC-CONTROL SIGNAL PHOTO  
54 VIOLATION-MONITORING SYSTEMS WERE USED;

55 2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF ACCIDENTS REPORTED AT  
56 INTERSECTIONS WHERE A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING

1 SYSTEM IS USED FOR THE YEAR PRECEDING THE INSTALLATION OF SUCH SYSTEM,  
2 TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR  
3 VEHICLES OF THIS STATE;

4 3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF ACCIDENTS REPORTED AT  
5 INTERSECTIONS WHERE A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING  
6 SYSTEM IS USED, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE  
7 DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;

8 4. THE NUMBER OF VIOLATIONS RECORDED AT EACH INTERSECTION WHERE A  
9 TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM IS USED AND IN  
10 THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

11 5. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED FOR VIOLATIONS  
12 RECORDED BY SUCH SYSTEMS;

13 6. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST  
14 NOTICE OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;

15 7. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-  
16 CATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS  
17 RECORDED BY SUCH SYSTEMS;

18 8. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY FROM SUCH ADJUDI-  
19 CATIONS;

20 9. EXPENSES INCURRED BY SUCH CITY IN CONNECTION WITH THE PROGRAM; AND

21 10. QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

22 (N) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDI-  
23 VISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO  
24 A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO THIS SECTION THAT SUCH  
25 TRAFFIC-CONTROL INDICATIONS WERE MALFUNCTIONING AT THE TIME OF THE  
26 ALLEGED VIOLATION.

27 S 17. The opening paragraph and paragraph (c) of subdivision 1 of  
28 section 1809 of the vehicle and traffic law, as amended by section 2 of  
29 part DD of chapter 56 of the laws of 2008, are amended to read as  
30 follows:

31 Whenever proceedings in an administrative tribunal or a court of this  
32 state result in a conviction for an offense under this chapter or a  
33 traffic infraction under this chapter, or a local law, ordinance, rule  
34 or regulation adopted pursuant to this chapter, other than a traffic  
35 infraction involving standing, stopping, or parking or violations by  
36 pedestrians or bicyclists, or other than an adjudication of liability of  
37 an owner for a violation of subdivision (d) of section eleven hundred  
38 eleven of this chapter in accordance with section eleven hundred  
39 eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF  
40 AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED  
41 ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
42 ELEVEN-B OF THIS CHAPTER, there shall be levied a crime victim assist-  
43 ance fee and a mandatory surcharge, in addition to any sentence required  
44 or permitted by law, in accordance with the following schedule:

45 (c) Whenever proceedings in an administrative tribunal or a court of  
46 this state result in a conviction for an offense under this chapter  
47 other than a crime pursuant to section eleven hundred ninety-two of this  
48 chapter, or a traffic infraction under this chapter, or a local law,  
49 ordinance, rule or regulation adopted pursuant to this chapter, other  
50 than a traffic infraction involving standing, stopping, or parking or  
51 violations by pedestrians or bicyclists, or other than an adjudication  
52 of liability of an owner for a violation of subdivision (d) of section  
53 eleven hundred eleven of this chapter in accordance with section eleven  
54 hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF  
55 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION  
56 ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN

1 HUNDRED ELEVEN-B OF THIS CHAPTER, or other than an infraction pursuant  
2 to article nine of this chapter or other than an adjudication of liability  
3 of an owner for a violation of toll collection regulations pursuant  
4 to section two thousand nine hundred eighty-five of the public authorities  
5 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
6 hundred seventy-four of the laws of nineteen hundred fifty, there shall  
7 be levied a crime victim assistance fee in the amount of five dollars  
8 and a mandatory surcharge, in addition to any sentence required or  
9 permitted by law, in the amount of fifty-five dollars.

10 S 18. Subdivision 1 of section 1809 of the vehicle and traffic law, as  
11 amended by chapter 190 of the laws of 1990, is amended to read as  
12 follows:

13 1. Whenever proceedings in an administrative tribunal or a court of  
14 this state result in a conviction for a crime under this chapter or a  
15 traffic infraction under this chapter, or a local law, ordinance, rule  
16 or regulation adopted pursuant to this chapter, other than a traffic  
17 infraction involving standing, stopping, parking or motor vehicle equip-  
18 ment or violations by pedestrians or bicyclists, or other than an adju-  
19 dication of liability of an owner for a violation of subdivision (d) of  
20 section eleven hundred eleven of this chapter in accordance with section  
21 eleven hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION  
22 OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION  
23 ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN  
24 HUNDRED ELEVEN-B OF THIS CHAPTER, there shall be levied a mandatory  
25 surcharge, in addition to any sentence required or permitted by law, in  
26 the amount of twenty-five dollars.

27 S 19. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
28 and traffic law, as added by section 1 of part EE of chapter 56 of the  
29 laws of 2008, is amended to read as follows:

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

50 S 20. Subdivision 2 of section 87 of the public officers law is  
51 amended by adding a new paragraph (k) to read as follows:

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

55 S 21. The purchase or lease of equipment for a demonstration program  
56 established pursuant to section 1111-b of the vehicle and traffic law

1 shall be subject to the provisions of section 103 of the general municipal law.

2  
3 S 22. This act shall take effect on the thirtieth day after it shall  
4 have become a law and shall expire December 1, 2014 when upon such date  
5 the provisions of this act shall be deemed repealed; provided that:

6 (a) the amendments to section 235 of the vehicle and traffic law made  
7 by section one of this act shall be subject to the expiration and rever-  
8 sion of such section pursuant to subdivision (p) of section 406 of chap-  
9 ter 166 of the laws of 1991, as amended, when upon such date the  
10 provisions of section two of this act shall take effect;

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

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

21 (d) the amendments made to subdivision 10 of section 237 of the vehi-  
22 cle and traffic law made by section six of this act shall be subject to  
23 the repeal of such subdivision pursuant to section 17 of chapter 746 of  
24 the laws of 1988, as amended, when upon such date the provisions of  
25 section seven of this act shall take effect;

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

31 (f) the amendments made to subdivisions 1 and 1-a and paragraphs a and  
32 g of subdivision 2 of section 240 of the vehicle and traffic law made by  
33 section ten of this act shall be subject to the expiration and reversion  
34 of such provisions pursuant to section 17 of chapter 746 of the laws of  
35 1988, as amended, when upon such date the provisions of section eleven  
36 of this act shall take effect;

37 (g) the amendments made to subdivisions 1 and 2 of section 241 of the  
38 vehicle and traffic law made by section twelve of this act shall be  
39 subject to the expiration and reversion of such subdivisions pursuant to  
40 section 17 of chapter 746 of the laws of 1988, as amended, when upon  
41 such date the provisions of section thirteen of this act shall take  
42 effect;

43 (h) the amendments to paragraph a of subdivision 5-a of section 401 of  
44 the vehicle and traffic law made by section fourteen of this act shall  
45 be subject to the expiration and reversion of such paragraph pursuant to  
46 section 17 of chapter 746 of the laws of 1988, as amended, when upon  
47 such date the provisions of section fifteen of this act shall take  
48 effect;

49 (i) the amendments made to the opening paragraph and paragraph (c) of  
50 subdivision 1 of section 1809 of the vehicle and traffic law made by  
51 section seventeen of this act shall not affect the expiration and rever-  
52 sion of such subdivision and shall be deemed to expire therewith when  
53 upon such date the provisions of section eighteen of this act shall take  
54 effect; and provided that the amendments made to subdivision 1 of  
55 section 1809 of the vehicle and traffic law made by section eighteen of

1 this act shall not affect the expiration of such subdivision and shall  
2 be deemed to expire therewith; and  
3 (j) any such local laws as may be enacted pursuant to this act shall  
4 remain in full force and effect only until December 1, 2014.