

3358

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. EDDINGTON, FIELDS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to adjudications and owner liability for a violation of traffic-control signal 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 5-a of section 401 of the vehicle and traffic
2 law is amended by adding a new paragraph a-1 to read as follows:
3 A-1. IF AT THE TIME OF APPLICATION FOR A REGISTRATION OR RENEWAL THERE-
4 EOF THERE IS A CERTIFICATION FROM A COURT, PARKING VIOLATIONS BUREAU,
5 TRAFFIC AND PARKING VIOLATIONS AGENCY OR ADMINISTRATIVE TRIBUNAL OF
6 APPROPRIATE JURISDICTION OR ADMINISTRATIVE TRIBUNAL OF APPROPRIATE
7 JURISDICTION THAT THE REGISTRANT OR HIS OR HER REPRESENTATIVE FAILED TO
8 APPEAR ON THE RETURN DATE OR ANY SUBSEQUENT ADJOURNED DATE OR FAILED TO
9 COMPLY WITH THE RULES AND REGULATIONS OF AN ADMINISTRATIVE TRIBUNAL
10 FOLLOWING ENTRY OF A FINAL DECISION IN RESPONSE TO A TOTAL OF THREE OR
11 MORE SUMMONSES OR OTHER PROCESS IN THE AGGREGATE, ISSUED WITHIN AN EIGH-
12 TEEN MONTH PERIOD, CHARGING EITHER THAT (I) SUCH MOTOR VEHICLE WAS
13 PARKED, STOPPED OR STANDING, OR THAT SUCH MOTOR VEHICLE WAS OPERATED FOR
14 HIRE BY THE REGISTRANT OR HIS OR HER AGENT WITHOUT BEING LICENSED AS A
15 MOTOR VEHICLE FOR HIRE BY THE APPROPRIATE LOCAL AUTHORITY, IN VIOLATION
16 OF ANY OF THE PROVISIONS OF THIS CHAPTER OR OF ANY LAW, ORDINANCE, RULE
17 OR REGULATION MADE BY A LOCAL AUTHORITY OR (II) THE REGISTRANT WAS
18 LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAP-
19 TER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN
20 OF THIS CHAPTER, THE COMMISSIONER OR HIS OR HER AGENT SHALL DENY THE
21 REGISTRATION OR RENEWAL APPLICATION UNTIL THE APPLICANT PROVIDES PROOF
22 FROM THE COURT, TRAFFIC AND PARKING VIOLATIONS AGENCY OR ADMINISTRATIVE
23 TRIBUNAL WHEREIN THE CHARGES ARE PENDING THAT AN APPEARANCE OR ANSWER

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

LBD04586-01-9

1 HAS BEEN MADE OR IN THE CASE OF AN ADMINISTRATIVE TRIBUNAL THAT HE OR
2 SHE HAS COMPLIED WITH THE RULES AND REGULATIONS OF SAID TRIBUNAL FOLLOW-
3 ING ENTRY OF A FINAL DECISION. WHERE AN APPLICATION IS DENIED PURSUANT
4 TO THIS SECTION, THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, DENY A
5 REGISTRATION OR RENEWAL APPLICATION TO ANY OTHER PERSON FOR THE SAME
6 VEHICLE AND MAY DENY A REGISTRATION OR RENEWAL APPLICATION FOR ANY OTHER
7 MOTOR VEHICLE REGISTERED IN THE NAME OF THE APPLICANT WHERE THE COMMIS-
8 SIONER HAS DETERMINED THAT SUCH REGISTRANT'S INTENT HAS BEEN TO EVADE
9 THE PURPOSES OF THIS SUBDIVISION AND WHERE THE COMMISSIONER HAS REASON-
10 ABLE GROUNDS TO BELIEVE THAT SUCH REGISTRATION OR RENEWAL WILL HAVE THE
11 EFFECT OF DEFEATING THE PURPOSES OF THIS SUBDIVISION. SUCH DENIAL SHALL
12 ONLY REMAIN IN EFFECT AS LONG AS THE SUMMONSES REMAIN UNANSWERED, OR IN
13 THE CASE OF AN ADMINISTRATIVE TRIBUNAL, THE REGISTRANT FAILS TO COMPLY
14 WITH THE RULES AND REGULATIONS FOLLOWING ENTRY OF A FINAL DECISION.

15 FOR PURPOSES OF THIS PARAGRAPH, THE TERM "MOTOR VEHICLE OPERATED FOR
16 HIRE" SHALL MEAN AND INCLUDE A TAXICAB, LIVERY, COACH, LIMOUSINE OR TOW
17 TRUCK.

18 S 2. The vehicle and traffic law is amended by adding a new section
19 1111-b to read as follows:

20 S 1111-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
21 TRAFFIC-CONTROL INDICATIONS. (A) 1. NOTWITHSTANDING ANY OTHER PROVISION
22 OF LAW, THE COUNTY OF SUFFOLK IS HEREBY AUTHORIZED AND EMPOWERED TO
23 ADOPT AND AMEND A LOCAL LAW OR ORDINANCE ESTABLISHING A DEMONSTRATION
24 PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAIL-
25 URE OF AN OPERATOR THEREOF TO COMPLY WITH TRAFFIC-CONTROL INDICATIONS IN
26 SUCH COUNTY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH
27 DEMONSTRATION PROGRAM SHALL EMPOWER SUCH COUNTY TO INSTALL AND OPERATE
28 TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES AT NO MORE
29 THAN FIFTY INTERSECTIONS WITHIN SUCH COUNTY AT ANY ONE TIME.

30 2. SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES TO
31 ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH
32 TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEMS SHALL NOT
33 INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSENGERS, OR THE CONTENTS
34 OF THE VEHICLE. PROVIDED, HOWEVER, THAT NO NOTICE OF LIABILITY ISSUED
35 PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE A PHOTOGRAPH
36 OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS OF A VEHI-
37 CLE, PROVIDED THAT SUCH COUNTY HAS MADE A REASONABLE EFFORT TO COMPLY
38 WITH THE PROVISIONS OF THIS PARAGRAPH.

39 (B) IN ANY SUCH COUNTY WHICH HAS ADOPTED A LOCAL LAW OR ORDINANCE
40 PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE
41 SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH
42 VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS
43 OR IMPLIED, IN VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED
44 ELEVEN OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION
45 OBTAINED FROM A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING
46 SYSTEM; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR
47 A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH
48 VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION
49 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

50 (C) FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING
51 PROVIDED IN ARTICLE TWO-B OF THIS CHAPTER. FOR PURPOSES OF THIS SECTION,
52 "TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM" SHALL MEAN A
53 VEHICLE SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A TRAFFIC-CONTROL
54 SIGNAL WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE
55 MICROPHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE

1 AT THE TIME IT IS USED OR OPERATED IN VIOLATION OF SUBDIVISION (D) OF
2 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

3 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY
4 THE COUNTY IN WHICH THE CHARGED VIOLATION OCCURRED, OR A FACSIMILE THERE-
5 EOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE
6 OR OTHER RECORDED IMAGES PRODUCED BY A TRAFFIC-CONTROL SIGNAL PHOTO
7 VIOLATION-MONITORING SYSTEM, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
8 CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER
9 RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR
10 INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH
11 VIOLATION PURSUANT TO A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO THIS
12 SECTION.

13 (E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
14 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO A LOCAL LAW OR ORDI-
15 NANCE ADOPTED PURSUANT TO THIS SECTION SHALL BE LIABLE FOR MONETARY
16 PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES TO BE SET
17 FORTH IN SUCH LOCAL LAW OR ORDINANCE. THE LIABILITY OF THE OWNER PURSU-
18 ANT TO THIS SECTION SHALL NOT EXCEED FIFTY DOLLARS FOR EACH VIOLATION;
19 PROVIDED, HOWEVER, THAT SUCH LOCAL LAW OR ORDINANCE MAY PROVIDE FOR AN
20 ADDITIONAL PENALTY NOT IN EXCESS OF TWENTY-FIVE DOLLARS FOR EACH
21 VIOLATION FOR THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY WITHIN THE
22 PRESCRIBED TIME PERIOD.

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

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

34 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
35 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
36 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS
37 SECTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH
38 VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND
39 TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE CAMERA WHICH
40 RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER.

41 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
42 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE MAY CONTEST THE
43 LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO
44 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST
45 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-
46 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

47 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE COUNTY
48 HAVING JURISDICTION OVER THE INTERSECTION WHERE THE VIOLATION OCCURRED,
49 OR BY ANY OTHER ENTITY AUTHORIZED BY THE COUNTY TO PREPARE AND MAIL SUCH
50 NOTIFICATION OF VIOLATION.

51 (H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION
52 SHALL BE BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS.

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

1 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS SECTION THAT THE
2 VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE
3 VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES
4 OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFI-
5 CIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE
6 BE SENT BY FIRST CLASS MAIL TO THE COURT HAVING JURISDICTION.

7 (J) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF LIABIL-
8 ITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL NOT BE
9 LIABLE FOR THE VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED
10 ELEVEN OF THIS ARTICLE, PROVIDED THAT HE OR SHE SENDS TO THE COURT
11 HAVING JURISDICTION A COPY OF THE RENTAL, LEASE OR OTHER SUCH CONTRACT
12 DOCUMENT COVERING SUCH VEHICLE ON THE DATE OF THE VIOLATION, WITH THE
13 NAME AND ADDRESS OF THE LESSEE CLEARLY LEGIBLE, WITHIN THIRTY-SEVEN DAYS
14 AFTER RECEIVING NOTICE FROM THE COURT OF THE DATE AND TIME OF SUCH
15 VIOLATION, TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL
16 NOTICE OF LIABILITY. FAILURE TO SEND SUCH INFORMATION WITHIN SUCH THIR-
17 TY-SEVEN DAY TIME PERIOD SHALL RENDER THE OWNER LIABLE FOR THE PENALTY
18 PRESCRIBED BY THIS SECTION. WHERE THE LESSOR COMPLIES WITH THE
19 PROVISIONS OF THIS PARAGRAPH, THE LESSEE OF SUCH VEHICLE ON THE DATE OF
20 SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR
21 PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR THE
22 VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS
23 ARTICLE PURSUANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY
24 PURSUANT TO SUBDIVISION (G) OF THIS SECTION.

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

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

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

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

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

50 2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF ACCIDENTS REPORTED AT
51 INTERSECTIONS WHERE A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING
52 SYSTEM IS USED FOR THE YEAR PRECEDING THE INSTALLATION OF SUCH SYSTEM,
53 TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE DEPARTMENT;

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

1 SYSTEM IS USED, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE
2 DEPARTMENT;

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

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

8 6. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST
9 NOTICE OF LIABILITY;

10 7. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-
11 CATIONS INCLUDING BREAKDOWNS OF DISPOSITION MADE;

12 8. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH COUNTY;

13 9. EXPENSES INCURRED BY SUCH COUNTY IN CONNECTION WITH THE PROGRAM;
14 AND

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

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

21 S 3. The opening paragraph of subdivision 1 of section 1809 of the
22 vehicle and traffic law, as amended by section 2 of part DD of chapter
23 56 of the laws of 2008, is amended to read as follows:

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

38 S 4. The opening paragraph of subdivision 1 of section 1809 of the
39 vehicle and traffic law, as amended by chapter 190 of the laws of 1990,
40 is amended to read as follows:

41 Whenever proceedings in an administrative tribunal or a court of this
42 state result in a conviction for a crime under this chapter or a traffic
43 infraction under this chapter, or a local law, ordinance, rule or regu-
44 lation adopted pursuant to this chapter, other than a traffic infraction
45 involving standing, stopping, parking or motor vehicle equipment or
46 violations by pedestrians or bicyclists, or other than an adjudication
47 of liability of an owner for a violation of subdivision (d) of section
48 eleven hundred eleven of this chapter in accordance with section eleven
49 hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF
50 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
51 ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
52 HUNDRED ELEVEN-B OF THIS CHAPTER, there shall be levied a mandatory
53 surcharge, in addition to any sentence required or permitted by law, in
54 the amount of twenty-five dollars.

55 S 5. Subdivision 2 of section 87 of the public officers law is amended
56 by adding a new paragraph (k) to read as follows:

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

4 S 6. The purchase or lease of equipment for a demonstration program
5 established pursuant to section 1111-b of the vehicle and traffic law
6 shall be subject to the provisions of section 103 of the general municipi-
7 pal law.

8 S 7. This act shall take effect on the thirtieth day after it shall
9 have become a law and shall expire on December 1, 2014 when upon such
10 date the provisions of this act shall be deemed repealed; provided that
11 the amendments to the opening paragraph of subdivision 1 of section 1809
12 of the vehicle and traffic law made by section three of this act shall
13 be subject to the expiration and reversion of such subdivision pursuant
14 to chapter 166 of the laws of 1991, as amended, when upon such date the
15 provisions of section four of this act shall take effect; provided,
16 however, that the amendments to the opening paragraph of subdivision 1
17 of section 1809 of the vehicle and traffic law made by section four of
18 this act shall not affect the expiration of such subdivision and shall
19 expire therewith; and provided, further, that any such local laws as may
20 be enacted pursuant to this act shall remain in full force and effect
21 only until December 1, 2014.