

2709--B

2009-2010 Regular Sessions

I N S E N A T E

February 27, 2009

Introduced by Sens. DILAN, DIAZ, HASSELL-THOMPSON, KRUEGER, PERKINS, SAMPSON, SAVINO, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus rapid transit and bus mobility demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
2 law, as 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 toll collection regulations as defined in and in accord-
13 ance with the provisions of section two thousand nine hundred eighty-
14 five of the public authorities law and sections sixteen-a, sixteen-b and
15 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen

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

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

6 S 1-a. Section 235 of the vehicle and traffic law, as separately
7 amended by chapter 746 of the laws of 1988 and chapter 379 of the laws
8 of 1992, is amended to read as follows:

9 S 235. Jurisdiction. Notwithstanding any inconsistent provision of
10 any general, special or local law or administrative code to the contra-
11 ry, in any city which heretofore or hereafter is authorized to establish
12 an administrative tribunal to hear and determine complaints of traffic
13 infractions constituting parking, standing or stopping violations, or to
14 adjudicate the liability of owners for violations of subdivision (d) of
15 section eleven hundred eleven of this chapter in accordance with section
16 eleven hundred eleven-a of this chapter, or to adjudicate the liability
17 of owners for violations of toll collection regulations as defined in
18 and in accordance with the provisions of section two thousand nine
19 hundred eighty-five of the public authorities law and sections
20 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
21 of the laws of nineteen hundred fifty, OR TO ADJUDICATE LIABILITY OF
22 OWNERS IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAP-
23 TER FOR VIOLATIONS OF BUS LANE RESTRICTIONS AS DEFINED IN SUCH SECTION,
24 such tribunal and the rules and regulations pertaining thereto shall be
25 constituted in substantial conformance with the following sections.

26 S 1-b. Section 235 of the vehicle and traffic law, as added by chapter
27 715 of the laws of 1972 and as further amended by chapter 379 of the
28 laws of 1992, is amended to read as follows:

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

44 S 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
45 amended by chapter 379 of the laws of 1992, is amended to read as
46 follows:

47 1. Creation. In any city as hereinbefore or hereafter authorized such
48 tribunal when created shall be known as the parking violations bureau
49 and shall have jurisdiction of traffic infractions which constitute a
50 parking violation and, where authorized by local law adopted pursuant to
51 subdivision (a) of section eleven hundred eleven-a of this chapter,
52 shall adjudicate the liability of owners for violations of subdivision
53 (d) of section eleven hundred eleven of this chapter in accordance with
54 such section eleven hundred eleven-a, and shall adjudicate the liability
55 of owners for violations of toll collection regulations as defined in
56 and in accordance with the provisions of section two thousand nine

1 hundred eighty-five of the public authorities law and sections
2 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
3 of the laws of nineteen hundred fifty, AND SHALL ADJUDICATE LIABILITY OF
4 OWNERS IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAP-
5 TER FOR VIOLATIONS OF BUS LANE RESTRICTIONS AS DEFINED IN SUCH SECTION.
6 Such tribunal, except in a city with a population of one million or
7 more, shall also have jurisdiction of abandoned vehicle violations. For
8 the purposes of this article, a parking violation is the violation of
9 any law, rule or regulation providing for or regulating the parking,
10 stopping or standing of a vehicle. In addition for purposes of this
11 article, "commissioner" shall mean and include the commissioner of traf-
12 fic of the city or an official possessing authority as such a commis-
13 sioner.

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

16 1. Creation. In any city as hereinbefore or hereafter authorized such
17 tribunal when created shall be known as the parking violations bureau
18 and shall have jurisdiction of traffic infractions which constitute a
19 parking violation, AND SHALL ADJUDICATE LIABILITY OF OWNERS IN ACCORD-
20 ANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER FOR VIOLATIONS
21 OF BUS LANE RESTRICTIONS AS DEFINED IN SUCH SECTION. For the purposes
22 of this article, a parking violation is the violation of any law, rule
23 or regulation providing for or regulating the parking, stopping or
24 standing of a vehicle. In addition for purposes of this article,
25 "commissioner" shall mean and include the commissioner of traffic of the
26 city or an official possessing authority as such a commissioner.

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

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

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

37 12. TO ADJUDICATE LIABILITY OF OWNERS IN ACCORDANCE WITH SECTION ELEV-
38 EN HUNDRED ELEVEN-B OF THIS CHAPTER FOR VIOLATIONS OF BUS LANE
39 RESTRICTIONS AS DEFINED IN SUCH SECTION.

40 S 5. Paragraph f of subdivision 1 of section 239 of the vehicle and
41 traffic law, as amended by chapter 379 of the laws of 1992, is amended
42 to read as follows:

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

53 S 5-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
54 traffic law, as added by chapter 180 of the laws of 1980, is amended to
55 read as follows:

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

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

8 4. Applicability. The provisions of paragraph b of subdivision two and
9 subdivision three of this section shall not be applicable to determi-
10 nations of owner liability for the failure of an operator to comply with
11 subdivision (d) of section eleven hundred eleven of this chapter and
12 shall not be applicable to determinations of owner liability imposed
13 pursuant to section two thousand nine hundred eighty-five of the public
14 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-
15 ter seven hundred seventy-four of the laws of nineteen hundred fifty AND
16 SHALL NOT BE APPLICABLE TO DETERMINATIONS OF OWNER LIABILITY FOR
17 VIOLATIONS OF SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER.

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

20 4. APPLICABILITY. THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION TWO AND
21 SUBDIVISION THREE OF THIS SECTION SHALL NOT BE APPLICABLE TO DETERMI-
22 NATIONS OF OWNER LIABILITY FOR VIOLATIONS OF SECTION ELEVEN HUNDRED
23 ELEVEN-B OF THIS CHAPTER.

24 S 7. Subdivision 1 of section 240 of the vehicle and traffic law, as
25 amended by chapter 379 of the laws of 1992, is amended to read as
26 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 for a
30 violation of subdivision (d) of section eleven hundred eleven of this
31 chapter contests such allegation, or a person alleged to be liable in
32 accordance with the provisions of section two thousand nine hundred
33 eighty-five of the public authorities law or sections sixteen-a,
34 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
35 laws of nineteen hundred fifty, OR A PERSON ALLEGED TO BE LIABLE IN
36 ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED ELEVEN-B OF
37 THIS CHAPTER FOR A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN
38 SUCH SECTION CONTESTS SUCH ALLEGATION, the bureau shall advise such
39 person personally by such form of first class mail as the director may
40 direct of the date on which he must appear to answer the charge at a
41 hearing. The form and content of such notice of hearing shall be
42 prescribed by the director, and shall contain a warning to advise the
43 person so pleading or contesting that failure to appear on the date
44 designated, or on any subsequent adjourned date, shall be deemed an
45 admission of liability, and that a default judgment may be entered ther-
46 eon.

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

49 1. Notice of hearing. Whenever a person charged with a parking
50 violation enters a plea of not guilty, OR A PERSON ALLEGED TO BE LIABLE
51 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED ELEVEN-B OF
52 THIS CHAPTER FOR A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN
53 SUCH SECTION CONTESTS SUCH ALLEGATION, the bureau shall advise such
54 person personally by such form of first class mail as the director may
55 direct of the date on which he must appear to answer the charge at a
56 hearing. The form and content of such notice of hearing shall be

1 prescribed by the director, and shall contain a warning to advise the
2 person so pleading that failure to appear on the date designated, or on
3 any subsequent adjourned date, shall be deemed an admission of liability,
4 and that a default judgment may be entered thereon.

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

8 1-a. Fines and penalties. Whenever a plea of not guilty has been
9 entered, or the bureau has been notified that an allegation of liability
10 in accordance with section eleven hundred eleven-a of this chapter or an
11 allegation of liability in accordance with section two thousand nine
12 hundred eighty-five of the public authorities law or sections sixteen-a,
13 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
14 laws of nineteen hundred fifty OR AN ALLEGATION OF LIABILITY IN ACCORD-
15 ANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER, is being
16 contested, by a person in a timely fashion and a hearing upon the merits
17 has been demanded, but has not yet been held, the bureau shall not issue
18 any notice of fine or penalty to that person prior to the date of the
19 hearing.

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

23 1-a. Fines and penalties. Whenever a plea of not guilty has been
24 entered, OR THE BUREAU HAS BEEN NOTIFIED THAT AN ALLEGATION OF LIABILITY
25 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER IS
26 BEING CONTESTED, by a person in a timely fashion and a hearing upon the
27 merits has been demanded, but has not yet been held, the bureau shall
28 not issue any notice of fine or penalty to that person prior to the date
29 of the hearing.

30 S 9. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
31 and traffic law, as amended by chapter 379 of the laws of 1992, are
32 amended to read as follows:

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

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

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

54 a. Every hearing for the adjudication of a charge of parking violation
55 OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED

1 ELEVEN-B OF THIS CHAPTER shall be held before a hearing examiner in
2 accordance with rules and regulations promulgated by the bureau.

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

7 S 10. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
8 law, as amended by chapter 379 of the laws of 1992, are amended to read
9 as follows:

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

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

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

19 S 10-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
20 law, subdivision 1 as added by chapter 715 of the laws of 1972, subdivi-
21 sion 2 as amended by chapter 365 of the laws of 1978, are amended to
22 read as follows:

23 1. The hearing examiner shall make a determination on the charges,
24 either sustaining or dismissing them. Where the hearing examiner deter-
25 mines that the charges have been sustained he may examine EITHER the
26 prior parking violations record of the person charged, OR THE RECORD OF
27 LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B
28 OF THIS CHAPTER, AS APPLICABLE, prior to rendering a final determi-
29 nation. Final determinations sustaining or dismissing charges shall be
30 entered on a final determination roll maintained by the bureau together
31 with records showing payment and nonpayment of penalties.

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

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

11 S 11. Subparagraph (i) of paragraph a of subdivision 5-a of section
12 401 of the vehicle and traffic law, as amended by chapter 496 of the
13 laws of 1990 and as designated by chapter 373 of the laws of 1994, is
14 amended to read as follows:

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

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

55 a. If at the time of application for a registration or renewal thereof
56 there is a certification from a court or administrative tribunal of

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

31 S 12. The vehicle and traffic law is amended by adding a new section
32 1111-b to read as follows:

33 S 1111-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH BUS
34 LANE RESTRICTIONS. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH
35 CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY AUTHORIZED AND
36 EMPOWERED TO ESTABLISH A BUS RAPID TRANSIT AND BUS MOBILITY DEMON-
37 STRATION PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE
38 FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH BUS LANE RESTRICTIONS
39 IN SUCH CITY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE
40 DEPARTMENT OF TRANSPORTATION OF SUCH CITY, FOR PURPOSES OF THE IMPLEMEN-
41 TATION OF SUCH PROGRAM, SHALL OPERATE BUS LANE PHOTO DEVICES ONLY WITHIN
42 SUCH BUS RAPID TRANSIT AND BUS MOBILITY DEMONSTRATION PROGRAM IN SUCH
43 CITY. SUCH BUS LANE PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL
44 BE ACTIVATED AT LOCATIONS DETERMINED BY SUCH DEPARTMENT OF TRANSPORTA-
45 TION AND/OR ON BUSES SELECTED BY SUCH DEPARTMENT OF TRANSPORTATION IN
46 CONSULTATION WITH THE APPLICABLE MASS TRANSIT AGENCY. ANY MOBILE BUS
47 LANE PHOTO DEVICE MOUNTED ON A BUS SHALL BE DIRECTED OUTWARDLY FROM SUCH
48 BUS TO CAPTURE IMAGES OF VEHICLES OPERATED IN VIOLATION OF BUS LANE
49 RESTRICTIONS, AND IMAGES PRODUCED BY SUCH DEVICE SHALL NOT BE USED FOR
50 ANY OTHER PURPOSE IN THE ABSENCE OF A COURT ORDER REQUIRING SUCH IMAGES
51 TO BE PRODUCED. ANY IMAGE OR IMAGES CAPTURED BY STATIONARY BUS LANE
52 PHOTO DEVICES SHALL BE INADMISSIBLE IN ANY DISCIPLINARY PROCEEDING
53 CONVENED BY THE APPLICABLE MASS TRANSIT AGENCY OR ANY SUBSIDIARY THEREOF
54 AND ANY PROCEEDING INITIATED BY THE DEPARTMENT OF MOTOR VEHICLES INVOLV-
55 ING LICENSURE PRIVILEGES OF BUS OPERATORS. A CITY AUTHORIZED TO INSTALL
56 A BUS LANE PHOTO DEVICE PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL

ADOPT AND ENFORCE MEASURES TO PROTECT THE PRIVACY OF DRIVERS, PASSENGERS, PEDESTRIANS AND CYCLISTS WHOSE IDENTITY AND IDENTIFYING INFORMATION MAY BE CAPTURED BY A BUS LANE PHOTO DEVICE. SUCH MEASURES SHALL INCLUDE:

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

2. A PROHIBITION ON THE USE OR DISSEMINATION OF VEHICLES' LICENSE PLATE INFORMATION AND OTHER INFORMATION AND IMAGES CAPTURED BY BUS LANE PHOTO DEVICES EXCEPT AS REQUIRED TO ESTABLISH LIABILITY UNDER THIS SECTION OR COLLECT PAYMENT OF PENALTIES; OR TO RESPOND TO REQUESTS BY LAW ENFORCEMENT OFFICIALS PERTAINING TO A SPECIFIC ACCIDENT OR SPECIFIC INCIDENT OF ALLEGED CRIMINAL CONDUCT; OR EXCEPT OTHERWISE REQUIRED BY LAW;

3. THE INSTALLATION OF SIGNAGE AT REGULAR INTERVALS WITHIN RESTRICTED BUS LANES STATING THAT BUS LANE PHOTO DEVICES ARE USED TO ENFORCE RESTRICTIONS ON VEHICULAR TRAFFIC IN BUS LANES; AND

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

WITHIN A CITY WITH A POPULATION OF ONE MILLION OR MORE, SUCH BUS LANE PHOTO DEVICES SHALL BE OPERATED ON NO MORE THAN FIFTY MILES OF BUS LANES WITHIN SUCH CITY AND ONLY DURING WEEKDAYS FROM 7:00 A.M. TO 7:00 P.M.

(B) IN ANY CITY THAT HAS ESTABLISHED A BUS RAPID TRANSIT AND BUS MOBILITY DEMONSTRATION PROGRAM PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR IMPLIED, IN VIOLATION OF ANY BUS LANE RESTRICTIONS THAT APPLY TO ROUTES WITHIN SUCH DEMONSTRATION PROGRAM, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM A BUS LANE PHOTO DEVICE; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF ANY BUS LANE RESTRICTIONS.

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

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

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

3. "BUS LANE RESTRICTIONS" SHALL MEAN RESTRICTIONS ON THE USE OF DESIGNATED TRAFFIC LANES BY VEHICLES OTHER THAN BUSES IMPOSED ON ROUTES WITHIN A BUS RAPID TRANSIT AND BUS MOBILITY DEMONSTRATION PROGRAM BY RULE OR SIGNS ERECTED BY THE DEPARTMENT OF TRANSPORTATION OF A CITY THAT ESTABLISHES SUCH A DEMONSTRATION PROGRAM PURSUANT TO THIS SECTION.

4. "BUS RAPID TRANSIT AND BUS MOBILITY DEMONSTRATION PROGRAM" SHALL MEAN A PROGRAM THAT OPERATES ON ROUTES DESIGNATED BY THE DEPARTMENT OF TRANSPORTATION OF A CITY THAT ESTABLISHES SUCH A DEMONSTRATION PROGRAM PURSUANT TO THIS SECTION AND SHALL OPERATE ON ROUTES RECEIVING IMPROVEMENTS AS PART OF SUCH PROGRAM. SUCH IMPROVEMENTS SHALL INCLUDE UPGRADED SIGNAGE AND ENHANCED MARKINGS OF THE TRAFFIC LANES DESIGNATED FOR BUSES, AND MAY INCLUDE, BUT NOT BE LIMITED TO, SIGNALS THAT PROLONG THE GREEN

1 PHASE FOR APPROACHING BUSES, OFF-BOARD FARE COLLECTION, AND OTHER SIMI-
2 LAR IMPROVEMENTS.

3 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY
4 THE CITY IN WHICH THE CHARGED VIOLATION OCCURRED OR ITS VENDOR OR
5 CONTRACTOR, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTO-
6 GRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY
7 A BUS LANE PHOTO DEVICE, 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 THIS SECTION.

12 (E) AN OWNER LIABLE FOR A VIOLATION OF A BUS LANE RESTRICTION IMPOSED
13 ON ANY ROUTE WITHIN A BUS RAPID TRANSIT AND BUS MOBILITY DEMONSTRATION
14 PROGRAM SHALL BE LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A
15 SCHEDULE OF FINES AND PENALTIES PROMULGATED BY THE PARKING VIOLATIONS
16 BUREAU OF SUCH CITY; PROVIDED, HOWEVER, THAT THE MONETARY PENALTY FOR
17 VIOLATING A BUS LANE RESTRICTION SHALL NOT EXCEED ONE HUNDRED FIFTEEN
18 DOLLARS; PROVIDED, FURTHER, THAT AN OWNER SHALL BE LIABLE FOR AN ADDI-
19 TIONAL PENALTY NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR
20 THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY WITHIN THE PRESCRIBED
21 TIME PERIOD.

22 (F) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE
23 DEEMED A CONVICTION OF AN OPERATOR AND SHALL NOT BE MADE PART OF THE
24 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED, NOR
25 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-
26 CLE INSURANCE COVERAGE.

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

32 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
33 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF A BUS LANE
34 RESTRICTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH
35 VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND
36 TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE BUS LANE
37 PHOTO DEVICE WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR
38 NUMBER.

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

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

47 (H) IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT
48 TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS
49 REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A
50 VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF A BUS
51 LANE RESTRICTION THAT THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS
52 STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAD NOT BEEN RECOV-
53 ERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY
54 THIS SUBDIVISION IT SHALL BE SUFFICIENT THAT AN ORIGINAL INCIDENT FORM
55 ISSUED BY THE POLICE ON THE STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL
56 TO THE PARKING VIOLATIONS BUREAU OF SUCH CITY.

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

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

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

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

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

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

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

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

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

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

3. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED;

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

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

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

7. QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

S 13. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 2 of part DD of chapter 56 of the laws of 2008, are amended to read as follows:

Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than an adjudication of liability of

1 an owner for a violation of subdivision (d) of section eleven hundred
2 eleven of this chapter in accordance with section eleven hundred
3 eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION IN ACCORDANCE
4 WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER OF A VIOLATION OF A
5 BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, there shall be levied a
6 crime victim assistance fee and a mandatory surcharge, in addition to
7 any sentence required or permitted by law, in accordance with the
8 following schedule:

9 (c) Whenever proceedings in an administrative tribunal or a court of
10 this state result in a conviction for an offense under this chapter
11 other than a crime pursuant to section eleven hundred ninety-two of this
12 chapter, or a traffic infraction under this chapter, or a local law,
13 ordinance, rule or regulation adopted pursuant to this chapter, other
14 than a traffic infraction involving standing, stopping, or parking or
15 violations by pedestrians or bicyclists, or other than an adjudication
16 of liability of an owner for a violation of subdivision (d) of section
17 eleven hundred eleven of this chapter in accordance with section eleven
18 hundred eleven-a of this chapter or other than an infraction pursuant to
19 article nine of this chapter or other than an adjudication of liability
20 of an owner for a violation of toll collection regulations pursuant to
21 section two thousand nine hundred eighty-five of the public authorities
22 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
23 hundred seventy-four of the laws of nineteen hundred fifty, OR OTHER
24 THAN AN ADJUDICATION IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B
25 OF THIS CHAPTER OF A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN
26 SUCH SECTION, there shall be levied a crime victim assistance fee in the
27 amount of five dollars and a mandatory surcharge, in addition to any
28 sentence required or permitted by law, in the amount of fifty-five
29 dollars.

30 S 13-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
31 as amended by chapter 190 of the laws of 1990, is amended to read as
32 follows:

33 1. Whenever proceedings in an administrative tribunal or a court of
34 this state result in a conviction for a crime under this chapter or a
35 traffic infraction under this chapter, or a local law, ordinance, rule
36 or regulation adopted pursuant to this chapter, other than a traffic
37 infraction involving standing, stopping, parking or motor vehicle equip-
38 ment or violations by pedestrians or bicyclists, or other than an adju-
39 dication of liability of an owner for a violation of subdivision (d) of
40 section eleven hundred eleven of this chapter in accordance with section
41 eleven hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION
42 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER OF A
43 VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, there
44 shall be levied a mandatory surcharge, in addition to any sentence
45 required or permitted by law, in the amount of twenty-five dollars.

46 S 13-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
47 as separately amended by chapter 16 of the laws of 1983 and chapter 62
48 of the laws of 1989, is 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 a crime under this chapter or a
51 traffic infraction under this chapter other than a traffic infraction
52 involving standing, stopping, parking or motor vehicle equipment or
53 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION
54 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER OF A
55 VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, there

1 shall be levied a mandatory surcharge, in addition to any sentence
2 required or permitted by law, in the amount of seventeen dollars.

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

5 (K) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
6 IMAGES PRODUCED BY A BUS LANE PHOTO DEVICE PREPARED UNDER THE AUTHORITY
7 OF SECTION ELEVEN HUNDRED ELEVEN-B OF THE VEHICLE AND TRAFFIC LAW.

8 S 15. This act shall take effect on the thirtieth day after it shall
9 have become a law and shall expire 7 years after such effective date
10 when upon such date the provisions of this act shall be deemed repealed;
11 and provided that any rules and regulations necessary for the implemen-
12 tation of this act on its effective date shall be promulgated on or
13 before such date;

14 (a) provided, however, that the amendments to subdivision 1 of section
15 235 of the vehicle and traffic law made by section one of this act shall
16 not affect the expiration of such section and shall be deemed to expire
17 therewith, when upon such date the provisions of section one-a of this
18 act shall take effect, provided, further, however, that the amendments
19 to section 235 of the vehicle and traffic law made by section one-a of
20 this act shall not affect the expiration of such section and shall be
21 deemed to expire therewith, when upon such date the provisions of
22 section one-b of this act shall take effect;

23 (b) provided, further, that the amendments to subdivision 1 of section
24 236 of the vehicle and traffic law made by section two of this act shall
25 not affect the expiration of such subdivision and shall be deemed to
26 expire therewith, when upon such date the provisions of section two-a of
27 this act shall take effect;

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

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

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

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

48 (g) provided, further, that the amendments to paragraphs a and g of
49 subdivision 2 of section 240 of the vehicle and traffic law made by
50 section nine of this act shall not affect the expiration of such para-
51 graphs and shall be deemed to expire therewith, when upon such date the
52 provisions of section nine-a of this act shall take effect;

53 (h) provided, further, that the amendments to subdivisions 1 and 2 of
54 section 241 of the vehicle and traffic law made by section ten of this
55 act shall not affect the expiration of such subdivisions and shall be

1 deemed to expire therewith, when upon such date the provisions of
2 section ten-a of this act shall take effect;

3 (i) provided, further, that the amendments to subparagraph (i) of
4 paragraph a of subdivision 5-a of section 401 of the vehicle and traffic
5 law made by section eleven of this act shall not affect the expiration
6 of such paragraph and shall be deemed to expire therewith, when upon
7 such date the provisions of section eleven-a of this act shall take
8 effect;

9 (j) provided, further, that the amendments to subdivision 1 of section
10 1809 of the vehicle and traffic law made by section thirteen of this act
11 shall not affect the expiration of such subdivision pursuant to section
12 406 of chapter 166 of the laws of 1991, as amended, when upon such date
13 the provisions of section thirteen-a of this act shall take effect; and

14 (k) provided, further, that the amendments to subdivision 1 of section
15 1809 of the vehicle and traffic law made by section thirteen-a of this
16 act shall not affect the expiration of such subdivision pursuant to
17 chapter 746 of the laws of 1988, as amended, and shall be deemed to
18 expire therewith, when upon such date the provisions of section thir-
19 teen-b of this act shall take effect.