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

3745

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

Introduced by Sens. STEWART-COUSINS, KLEIN -- 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, the general municipal 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:

Section 1. Subdivision 1 of section 235 of the vehicle and traffic law, as amended by chapter 379 of the laws of 1992, is amended to read as follows:

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

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

LBD10851-01-9

S 2. Section 235 of the vehicle and traffic law, as separately amended by chapter 746 of the laws of 1988 and chapter 379 of the laws of 1992, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

10. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH ADDED THIS SUBDIVISION, IF AUTHORIZED BY LOCAL LAW ADOPTED PURSUANT TO SUBDIVISION (A) OF SUCH SECTION ELEVEN HUNDRED ELEVEN-B AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH ADDED THIS SUBDIVISION.

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

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

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

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

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

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

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

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

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

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

S 11. Subdivisions 1 and 1-a and paragraphs a and g of subdivision 2 of section 240 of the vehicle and traffic law, subdivision 1 as added by chapter 715 of the laws of 1972, subdivision 1-a as added by chapter 365 of the laws of 1978 and paragraphs a and g of subdivision 2 as added by chapter 715 of the laws of 1972, are amended to read as follows:

1. Notice of hearing. Whenever a person charged with a parking violation enters a plea of not guilty OR A PERSON ALLEGED TO BE LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVISION FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which he must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading OR CONTESTING that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

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

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

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

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

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

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

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

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

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

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

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

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

a. (i) If at the time of application for a registration or renewal thereof there is a certification from a court, parking violations bureau, traffic and parking violations agency or administrative tribunal of appropriate jurisdiction or administrative tribunal of appropriate jurisdiction that the registrant or his OR HER representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his OR HER agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority or (ii) the registrant was liable in accordance with section eleven hundred eleven-a of this chapter OR SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER for a violation of subdivision (d) of section eleven hundred eleven of this chapter, the commissioner or his OR HER agent shall deny the registration or renewal application until the applicant provides proof from the court, traffic and parking violations agency or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he OR SHE has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his OR HER discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to

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

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

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

a. If at the time of application for a registration or renewal thereof there is a certification from a court or administrative tribunal of appropriate jurisdiction that the registrant or his OR HER representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to A TOTAL OF three or more summonses or other process IN THE AGGREGATE, issued within an eighteen month period, charging EITHER that (I) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his OR HER agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority OR (II) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER, the commissioner or his OR HER agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he OR SHE has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his OR HER discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

S 1111-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH TRAFFIC-CONTROL INDICATIONS. (A) 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CITY OF YONKERS IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND A LOCAL LAW OR ORDINANCE ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH TRAFFIC-CONTROL INDICATIONS IN SUCH CITY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH DEMONSTRATION PROGRAM SHALL EMPOWER SUCH CITY TO INSTALL AND OPERATE TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES AT NO MORE THAN TWENTY-FIVE INTERSECTIONS WITHIN SUCH CITY AT ANY ONE TIME.

2. SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEMS 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 CONTENTS OF A VEHICLE, PROVIDED THAT SUCH CITY HAS MADE A REASONABLE EFFORT TO COMPLY WITH THE PROVISIONS OF THIS PARAGRAPH.

(B) IN ANY SUCH CITY WHICH HAS ADOPTED A LOCAL LAW OR ORDINANCE 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 SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM; 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 SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

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

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

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

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

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

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

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

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

(H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION SHALL BE BY A TRAFFIC VIOLATIONS BUREAU ESTABLISHED PURSUANT TO SECTION THREE HUNDRED SEVENTY OF THE GENERAL MUNICIPAL LAW OR, IF THERE BE NONE, BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS, EXCEPT THAT IF SUCH CITY HAS ESTABLISHED AN ADMINISTRATIVE TRIBUNAL TO HEAR AND DETERMINE COMPLAINTS OF TRAFFIC INFRACTIONS CONSTITUTING PARKING, STANDING OR STOPPING VIOLATIONS SUCH CITY MAY, BY LOCAL LAW, AUTHORIZE SUCH ADJUDICATION BY SUCH TRIBUNAL.

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

(J) 1. IN SUCH CITY WHERE THE ADJUDICATION OF LIABILITY IMPOSED UPON OWNERS PURSUANT TO THIS SECTION IS BY A TRAFFIC VIOLATIONS BUREAU OR A COURT HAVING JURISDICTION, 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 SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE, PROVIDED THAT HE OR SHE SENDS TO THE TRAFFIC VIOLATIONS BUREAU OR COURT HAVING JURISDICTION A COPY OF THE RENTAL, LEASE OR OTHER SUCH CONTRACT DOCUMENT COVERING SUCH VEHICLE ON THE DATE OF THE VIOLATION, WITH THE NAME AND ADDRESS OF THE LESSEE CLEARLY LEGIBLE, WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM THE BUREAU OR COURT OF THE DATE AND TIME OF SUCH VIOLATION, TOGETHER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY. FAILURE TO SEND SUCH INFORMATION WITHIN SUCH THIRTY-SEVEN DAY TIME PERIOD SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED BY THIS SECTION. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS

PARAGRAPH, 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 THE VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION (G) OF THIS SECTION.

2. (I) IN SUCH CITY WHICH, BY LOCAL LAW, HAS AUTHORIZED THE ADJUDICATION OF LIABILITY IMPOSED UPON OWNERS BY THIS SECTION BY A PARKING VIOLATIONS BUREAU, 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 SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE, PROVIDED THAT:

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

(B) WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM THE 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 THE 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 THE BUREAU PURSUANT TO REGULATIONS THAT MAY BE PROMULGATED FOR SUCH PURPOSE.

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

(III) WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS PARAGRAPH, 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.

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

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO THIS SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITHOUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR FAILED TO OBEY A TRAFFIC-CONTROL INDICATION. FOR PURPOSES OF THIS SUBDIVISION THERE SHALL BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR FAILED TO OBEY A TRAFFIC-CONTROL INDICATION.

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

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

1. A DESCRIPTION OF THE LOCATIONS WHERE TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEMS WERE USED;
2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF ACCIDENTS REPORTED AT INTERSECTIONS WHERE A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM IS USED FOR THE YEAR PRECEDING THE INSTALLATION OF SUCH SYSTEM, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;
3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF ACCIDENTS REPORTED AT INTERSECTIONS WHERE A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM IS USED, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;
4. THE NUMBER OF VIOLATIONS RECORDED AT EACH INTERSECTION WHERE A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM IS USED AND IN THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;
5. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;
6. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST NOTICE OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;
7. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;
8. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY FROM SUCH ADJUDICATIONS;
9. EXPENSES INCURRED BY SUCH CITY IN CONNECTION WITH THE PROGRAM; AND
10. QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

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

S 17. 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 an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER, there shall be levied a crime victim assistance fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:

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

eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER, or other than an infraction pursuant to article nine of this chapter or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime 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, parking or motor vehicle equipment or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

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

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

S 20. Subdivision 1 of section 371 of the general municipal law, as amended by chapter 496 of the laws of 1990, is amended to read as follows:

1. A traffic violations bureau so established may be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, and, if authorized by local law or ordinance, to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with section eleven hundred eleven-a OF SUCH LAW OR SECTION ELEVEN HUNDRED ELEVEN-B of such law AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SECTION.

S 21. Section 371 of the general municipal law, as amended by chapter 802 of the laws of 1949, is amended to read as follows:

S 371. Jurisdiction and procedure. A traffic violations bureau so established may be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, AND, IF AUTHORIZED BY LOCAL LAW OR ORDINANCE, TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC LAW IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF SUCH LAW AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SECTION, by permitting a person charged with an offense within the limitations herein stated, to answer, within a specified time, at the traffic violations bureau, either in person or by written power of attorney in such form as may be prescribed in the ordinance creating the bureau, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge OR ADMITTING LIABILITY AS AN OWNER FOR THE VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC LAW, AS THE CASE MAY BE, and authorizing the person in charge of the bureau to make such a plea OR ADMISSION and pay such a fine in court. Acceptance of the prescribed fine and power of attorney by the bureau shall be deemed complete satisfaction for the violation OR OF THE LIABILITY, and the violator OR OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THE VEHICLE AND TRAFFIC LAW shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the bureau shall cause a complaint to be entered against him OR HER forthwith and a warrant to be issued for his OR HER arrest and appearance before the court. Any person who shall have been, within the preceding twelve months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the traffic violations bureau, but must appear in court at a time specified by the bureau. Such traffic violations bureau shall not be authorized to deprive a person of his OR HER right to counsel or to prevent him OR HER from exercising his OR HER right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

S 22. Subdivision 2 of section 87 of the public officers law is amended by adding a new paragraph (k) to read as follows:

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

S 23. The purchase or lease of equipment for a demonstration program established pursuant to section 1111-b of the vehicle and traffic law

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

S 24. This act shall take effect on the thirtieth day after it shall have become a law and shall expire December 1, 2014 when upon such date the provisions of this act shall be deemed repealed; provided that:

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

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

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

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

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

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

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

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

(i) the amendments made to the opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law made by section seventeen of this act shall not affect the expiration and reversion of such subdivision and shall be deemed to expire therewith when upon such date the provisions of section eighteen of this act shall take effect; and provided that the amendments made to subdivision 1 of section 1809 of the vehicle and traffic law made by section eighteen of

this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith;

(j) the amendments made to subdivision 1 of section 371 of the general municipal law made by section twenty of this act shall be subject to the expiration and reversion of such section pursuant to section 17 of chapter 746 of the laws of 1988, as amended, when upon such date the provisions of section twenty-one of this act shall take effect; and

(k) any such local laws as may be enacted pursuant to this act shall remain in full force and effect only until December 1, 2014.