

3746

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

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

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

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
2 law, as amended by chapter 379 of the laws of 1992, is amended to read
3 as follows:
4 1. Notwithstanding any inconsistent provision of any general, special
5 or local law or administrative code to the contrary, in any city which
6 heretofore or hereafter is authorized to establish an administrative
7 tribunal to hear and determine complaints of traffic infractions consti-
8 tuting parking, standing or stopping violations, or to adjudicate the
9 liability of owners for violations of subdivision (d) of section eleven
10 hundred eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, OR TO ADJUDICATE THE LIABILITY OF OWNERS FOR
12 VIOLATIONS OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS
13 CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAP-
14 TER AS ADDED BY SECTION SIXTEEN OF THE CHAPTER OF THE LAWS OF TWO THOU-
15 SAND NINE WHICH AMENDED THIS SUBDIVISION, or to adjudicate the liability
16 of owners for violations of toll collection regulations as defined in
17 and in accordance with the provisions of section two thousand nine
18 hundred eighty-five of the public authorities law and sections
19 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
20 of the laws of nineteen hundred fifty, such tribunal and the rules and
21 regulations pertaining thereto shall be constituted in substantial
22 conformance with the following sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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 ROCHESTER, 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 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 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 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 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

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

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

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

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

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

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

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

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

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

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

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

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

1 SYSTEM IS USED FOR THE YEAR PRECEDING THE INSTALLATION OF SUCH SYSTEM,
2 TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR
3 VEHICLES OF THIS STATE;
4 3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF ACCIDENTS REPORTED AT
5 INTERSECTIONS WHERE A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING
6 SYSTEM IS USED, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE
7 DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;
8 4. THE NUMBER OF VIOLATIONS RECORDED AT EACH INTERSECTION WHERE A
9 TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM IS USED AND IN
10 THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;
11 5. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED FOR VIOLATIONS
12 RECORDED BY SUCH SYSTEMS;
13 6. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST
14 NOTICE OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;
15 7. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-
16 CATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS
17 RECORDED BY SUCH SYSTEMS;
18 8. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY FROM SUCH ADJUDI-
19 CATIONS;
20 9. EXPENSES INCURRED BY SUCH CITY IN CONNECTION WITH THE PROGRAM; AND
21 10. QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.
22 (N) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDI-
23 VISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO
24 A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO THIS SECTION THAT SUCH
25 TRAFFIC-CONTROL INDICATIONS WERE MALFUNCTIONING AT THE TIME OF THE
26 ALLEGED VIOLATION.
27 S 17. The opening paragraph and paragraph (c) of subdivision 1 of
28 section 1809 of the vehicle and traffic law, as amended by section 2 of
29 part DD of chapter 56 of the laws of 2008, are amended to read as
30 follows:
31 Whenever proceedings in an administrative tribunal or a court of this
32 state result in a conviction for an offense under this chapter or a
33 traffic infraction under this chapter, or a local law, ordinance, rule
34 or regulation adopted pursuant to this chapter, other than a traffic
35 infraction involving standing, stopping, or parking or violations by
36 pedestrians or bicyclists, or other than an adjudication of liability of
37 an owner for a violation of subdivision (d) of section eleven hundred
38 eleven of this chapter in accordance with section eleven hundred
39 eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF
40 AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED
41 ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
42 ELEVEN-B OF THIS CHAPTER, there shall be levied a crime victim assist-
43 ance fee and a mandatory surcharge, in addition to any sentence required
44 or permitted by law, in accordance with the following schedule:
45 (c) Whenever proceedings in an administrative tribunal or a court of
46 this state result in a conviction for an offense under this chapter
47 other than a crime pursuant to section eleven hundred ninety-two of this
48 chapter, or a traffic infraction under this chapter, or a local law,
49 ordinance, rule or regulation adopted pursuant to this chapter, other
50 than a traffic infraction involving standing, stopping, or parking or
51 violations by pedestrians or bicyclists, or other than an adjudication
52 of liability of an owner for a violation of subdivision (d) of section
53 eleven hundred eleven of this chapter in accordance with section eleven
54 hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF
55 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
56 ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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