

3749

2009-2010 Regular Sessions

I N S E N A T E

March 30, 2009

Introduced by Sen. C. JOHNSON -- 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 adjudications and owner liability for a violation of traffic-control signal indications and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Paragraph a of subdivision 5-a of section 401 of the vehi-  
2 cle and traffic law, as amended by chapter 496 of the laws of 1990,  
3 subparagraph (i) as designated and subparagraph (ii) as added by chapter  
4 373 of the laws of 1994, is amended to read as follows:  
5 a. (i) If at the time of application for a registration or renewal  
6 thereof there is a certification from a court, parking violations  
7 bureau, traffic and parking violations agency or administrative tribunal  
8 of appropriate jurisdiction or administrative tribunal of appropriate  
9 jurisdiction that the registrant or his OR HER representative failed to  
10 appear on the return date or any subsequent adjourned date or failed to  
11 comply with the rules and regulations of an administrative tribunal  
12 following entry of a final decision in response to a total of three or  
13 more summonses or other process in the aggregate, issued within an eigh-  
14 teen month period, charging either that (i) such motor vehicle was  
15 parked, stopped or standing, or that such motor vehicle was operated for  
16 hire by the registrant or his OR HER agent without being licensed as a  
17 motor vehicle for hire by the appropriate local authority, in violation  
18 of any of the provisions of this chapter or of any law, ordinance, rule  
19 or regulation made by a local authority or (ii) the registrant was  
20 liable in accordance with section eleven hundred eleven-a OR ELEVEN  
21 HUNDRED ELEVEN-B of this chapter for a violation of subdivision (d) of  
22 section eleven hundred eleven of this chapter, the commissioner or his  
23 OR HER agent shall deny the registration or renewal application until

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

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1 the applicant provides proof from the court, traffic and parking  
2 violations agency or administrative tribunal wherein the charges are  
3 pending that an appearance or answer has been made or in the case of an  
4 administrative tribunal that he OR SHE has complied with the rules and  
5 regulations of said tribunal following entry of a final decision. Where  
6 an application is denied pursuant to this section, the commissioner may,  
7 in his OR HER discretion, deny a registration or renewal application to  
8 any other person for the same vehicle and may deny a registration or  
9 renewal application for any other motor vehicle registered in the name  
10 of the applicant where the commissioner has determined that such regis-  
11 trant's intent has been to evade the purposes of this subdivision and  
12 where the commissioner has reasonable grounds to believe that such  
13 registration or renewal will have the effect of defeating the purposes  
14 of this subdivision. Such denial shall only remain in effect as long as  
15 the summonses remain unanswered, or in the case of an administrative  
16 tribunal, the registrant fails to comply with the rules and regulations  
17 following entry of a final decision.

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

21 S 2. Paragraph a of subdivision 5-a of section 401 of the vehicle and  
22 traffic law, as separately amended by chapters 339 and 592 of the laws  
23 of 1987, is amended to read as follows:

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

1 S 3. The vehicle and traffic law is amended by adding a new section  
2 1111-b to read as follows:

3 S 1111-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH  
4 TRAFFIC-CONTROL INDICATIONS. (A) 1. NOTWITHSTANDING ANY OTHER PROVISION  
5 OF LAW, THE COUNTY OF NASSAU IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT  
6 AND AMEND A LOCAL LAW OR ORDINANCE ESTABLISHING A DEMONSTRATION PROGRAM  
7 IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN  
8 OPERATOR THEREOF TO COMPLY WITH TRAFFIC-CONTROL INDICATIONS IN SUCH  
9 COUNTY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH DEMON-  
10 STRATION PROGRAM SHALL EMPOWER SUCH COUNTY TO INSTALL AND OPERATE TRAFF-  
11 IC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES AT NO MORE THAN  
12 FIFTY INTERSECTIONS WITHIN AND UNDER THE JURISDICTION OF SUCH COUNTY AT  
13 ANY ONE TIME.

14 2. SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES TO  
15 ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH  
16 TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEMS SHALL NOT  
17 INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSENGERS, OR THE CONTENTS  
18 OF THE VEHICLE. PROVIDED, HOWEVER, THAT NO NOTICE OF LIABILITY ISSUED  
19 PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE A PHOTOGRAPH  
20 OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS OF A VEHI-  
21 CLE, PROVIDED THAT SUCH COUNTY HAS MADE A REASONABLE EFFORT TO COMPLY  
22 WITH THE PROVISIONS OF THIS PARAGRAPH.

23 (B) IN ANY SUCH COUNTY WHICH HAS ADOPTED A LOCAL LAW OR ORDINANCE  
24 PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE  
25 SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH  
26 VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS  
27 OR IMPLIED, IN VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED  
28 ELEVEN OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION  
29 OBTAINED FROM A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING  
30 SYSTEM; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR  
31 A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH  
32 VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION  
33 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

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

42 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY  
43 NASSAU COUNTY IN WHICH THE CHARGED VIOLATION OCCURRED, OR A FACSIMILE  
44 THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDE-  
45 OTAPE OR OTHER RECORDED IMAGES PRODUCED BY A TRAFFIC-CONTROL SIGNAL  
46 PHOTO VIOLATION-MONITORING SYSTEM, SHALL BE PRIMA FACIE EVIDENCE OF THE  
47 FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR  
48 OTHER RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR  
49 INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH  
50 VIOLATION PURSUANT TO A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO THIS  
51 SECTION.

52 (E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF SECTION  
53 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO A LOCAL LAW OR ORDI-  
54 NANCE ADOPTED PURSUANT TO THIS SECTION SHALL BE LIABLE FOR MONETARY  
55 PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES TO BE SET  
56 FORTH IN SUCH LOCAL LAW OR ORDINANCE. THE LIABILITY OF THE OWNER PURSU-

1 ANT TO THIS SECTION SHALL NOT EXCEED FIFTY DOLLARS FOR EACH VIOLATION;  
2 PROVIDED, HOWEVER, THAT SUCH LOCAL LAW OR ORDINANCE MAY PROVIDE FOR AN  
3 ADDITIONAL PENALTY NOT IN EXCESS OF TWENTY-FIVE DOLLARS FOR EACH  
4 VIOLATION FOR THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY WITHIN THE  
5 PRESCRIBED TIME PERIOD.

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

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

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

24 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE  
25 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST  
26 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO  
27 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST  
28 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-  
29 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

30 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY NASSAU  
31 COUNTY OR BY ANY OTHER ENTITY AUTHORIZED BY SUCH COUNTY TO PREPARE AND  
32 MAIL SUCH NOTIFICATION OF VIOLATION.

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

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

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

1 PROVISIONS OF THIS PARAGRAPH, THE LESSEE OF SUCH VEHICLE ON THE DATE OF  
2 SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR  
3 PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR THE  
4 VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS  
5 ARTICLE PURSUANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY  
6 PURSUANT TO SUBDIVISION (G) OF THIS SECTION.

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

11 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A  
12 VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO THIS  
13 SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITH-  
14 OUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR FAILED TO OBEY A  
15 TRAFFIC-CONTROL INDICATION. FOR PURPOSES OF THIS SUBDIVISION THERE SHALL  
16 BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH  
17 VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR FAILED  
18 TO OBEY A TRAFFIC-CONTROL INDICATION.

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

22 (M) WHEN A COUNTY HAS ESTABLISHED A DEMONSTRATION PROGRAM PURSUANT TO  
23 THIS SECTION, ALL FINES AND PENALTIES COLLECTED UNDER SUCH PROGRAM SHALL  
24 BE MADE TO THE COUNTY TREASURER WITHIN THE FIRST TEN DAYS OF THE MONTH  
25 FOLLOWING COLLECTION.

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

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

36 2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF ACCIDENTS REPORTED AT  
37 INTERSECTIONS WHERE A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING  
38 SYSTEM IS USED FOR THE YEAR PRECEDING THE INSTALLATION OF SUCH SYSTEM,  
39 TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR  
40 VEHICLES OF THIS STATE;

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

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

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

50 6. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST  
51 NOTICE OF LIABILITY;

52 7. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-  
53 CATIONS INCLUDING BREAKDOWNS OF DISPOSITION MADE FOR VIOLATIONS RECORDED  
54 BY SUCH SYSTEMS;

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

1 9. EXPENSES INCURRED BY SUCH COUNTY IN CONNECTION WITH THE PROGRAM;  
2 AND

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

4 (O) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDI-  
5 VISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO  
6 A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO THIS SECTION THAT SUCH  
7 TRAFFIC-CONTROL INDICATIONS WERE MALFUNCTIONING AT THE TIME OF THE  
8 ALLEGED VIOLATION.

9 S 4. The opening paragraph and paragraph (c) of subdivision 1 of  
10 section 1809 of the vehicle and traffic law, as amended by section 2 of  
11 part DD of chapter 56 of the laws of 2008, are amended to read as  
12 follows:

13 Whenever proceedings in an administrative tribunal or a court of this  
14 state result in a conviction for an offense 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, or parking or violations by  
18 pedestrians or bicyclists, or other than an adjudication of liability of  
19 an owner for a violation of subdivision (d) of section eleven hundred  
20 eleven of this chapter in accordance with section eleven hundred  
21 eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF  
22 AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED  
23 ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
24 ELEVEN-B OF THIS CHAPTER, there shall be levied a crime victim assist-  
25 ance fee and a mandatory surcharge, in addition to any sentence required  
26 or permitted by law, in accordance with the following schedule:

27 (c) Whenever proceedings in an administrative tribunal or a court of  
28 this state result in a conviction for an offense under this chapter  
29 other than a crime pursuant to section eleven hundred ninety-two of this  
30 chapter, or a traffic infraction under this chapter, or a local law,  
31 ordinance, rule or regulation adopted pursuant to this chapter, other  
32 than a traffic infraction involving standing, stopping, or parking or  
33 violations by pedestrians or bicyclists, or other than an adjudication  
34 of liability of an owner for a violation of subdivision (d) of section  
35 eleven hundred eleven of this chapter in accordance with section eleven  
36 hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF  
37 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION  
38 ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN  
39 HUNDRED ELEVEN-B OF THIS CHAPTER, or other than an infraction pursuant  
40 to article nine of this chapter or other than an adjudication of liabil-  
41 ity of an owner for a violation of toll collection regulations pursuant  
42 to section two thousand nine hundred eighty-five of the public authori-  
43 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
44 hundred seventy-four of the laws of nineteen hundred fifty, there shall  
45 be levied a crime victim assistance fee in the amount of five dollars  
46 and a mandatory surcharge, in addition to any sentence required or  
47 permitted by law, in the amount of fifty-five dollars.

48 S 5. The opening paragraph of subdivision 1 of section 1809 of the  
49 vehicle and traffic law, as amended by chapter 190 of the laws of 1990,  
50 is amended to read as follows:

51 Whenever proceedings in an administrative tribunal or a court of this  
52 state result in a conviction for a crime under this chapter or a traffic  
53 infraction under this chapter, or a local law, ordinance, rule or regu-  
54 lation adopted pursuant to this chapter, other than a traffic infraction  
55 involving standing, stopping, parking or motor vehicle equipment or  
56 violations by pedestrians or bicyclists, or other than an adjudication

1 of liability of an owner for a violation of subdivision (d) of section  
2 eleven hundred eleven of this chapter in accordance with section eleven  
3 hundred eleven-a of this chapter, OR OTHER THAN AN ADJUDICATION OF  
4 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION  
5 ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN  
6 HUNDRED ELEVEN-B OF THIS CHAPTER, there shall be levied a mandatory  
7 surcharge, in addition to any sentence required or permitted by law, in  
8 the amount of twenty-five dollars.

9 S 6. Paragraph a of subdivision 1 of section 1809-e of the vehicle and  
10 traffic law, as amended by section 1 of part EE of chapter 56 of the  
11 laws of 2008, is amended to read as follows:

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

32 S 7. Subdivision 2 of section 371 of the general municipal law, as  
33 added by chapter 496 of the laws of 1990, is amended to read as follows:

34 2. The Nassau county traffic and parking violations agency, as estab-  
35 lished, may be authorized to assist the Nassau county district court in  
36 the disposition and administration of infractions of traffic and parking  
37 laws, ordinances, rules and regulations AND THE LIABILITY OF OWNERS FOR  
38 VIOLATIONS OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THE  
39 VEHICLE AND TRAFFIC LAW IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
40 ELEVEN-B OF SUCH LAW, except that such agency shall not have jurisdic-  
41 tion over (a) the traffic infraction defined under subdivision one of  
42 section eleven hundred ninety-two of the vehicle and traffic law; (b)  
43 the traffic infraction defined under subdivision five of section eleven  
44 hundred ninety-two of the vehicle and traffic law; (c) the violation  
45 defined under paragraph (b) of subdivision four of section fourteen-f of  
46 the transportation law and the violation defined under clause (b) of  
47 subparagraph (iii) of paragraph [(d)] D of subdivision two of section  
48 one hundred forty of the transportation law; (d) the traffic infraction  
49 defined under section three hundred ninety-seven-a of the vehicle and  
50 traffic law and the traffic infraction defined under subdivision (g) of  
51 section eleven hundred eighty of the vehicle and traffic law; (e) any  
52 misdemeanor or felony; or (f) any offense that is part of the same crim-  
53 inal transaction, as that term is defined in subdivision two of section  
54 40.10 of the criminal procedure law, as a violation of subdivision one  
55 of section eleven hundred ninety-two of the vehicle and traffic law, a  
56 violation of subdivision five of section eleven hundred ninety-two of

1 the vehicle and traffic law, a violation of paragraph (b) of subdivision  
2 four of section fourteen-f of the transportation law, a violation of  
3 clause (b) of subparagraph (iii) of paragraph [(d)] D of subdivision two  
4 of section one hundred forty of the transportation law, a violation of  
5 section three hundred ninety-seven-a of the vehicle and traffic law, a  
6 violation of subdivision (g) of section eleven hundred eighty of the  
7 vehicle and traffic law or any misdemeanor or felony.

8 S 8. Subdivision 2 of section 87 of the public officers law is amended  
9 by adding a new paragraph (k) to read as follows:

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

13 S 9. The purchase or lease of equipment for a demonstration program  
14 established pursuant to section 1111-b of the vehicle and traffic law  
15 shall be subject to the provisions of section 103 of the general municipi-  
16 pal law.

17 S 10. This act shall take effect on the thirtieth day after it shall  
18 have become a law and shall expire December 1, 2014 when upon such date  
19 the provisions of this act shall be deemed repealed; provided that the  
20 amendments to paragraph a of subdivision 5-a of section 401 of the vehi-  
21 cle and traffic law made by section one of this act shall be subject to  
22 the expiration and reversion of such paragraph pursuant to section 17 of  
23 chapter 746 of the laws of 1988, as amended, when upon such date the  
24 provisions of section two of this act shall take effect; provided that  
25 the amendments to the opening paragraph and paragraph (c) of subdivision  
26 1 of section 1809 of the vehicle and traffic law made by section four of  
27 this act shall be subject to the expiration and reversion of such subdi-  
28 vision pursuant to chapter 166 of the laws of 1991, as amended, when  
29 upon such date the provisions of section five of this act shall take  
30 effect; provided, however, that the amendments to the opening paragraph  
31 of subdivision 1 of section 1809 of the vehicle and traffic law made by  
32 section five of this act shall not affect the expiration of such subdi-  
33 vision and shall expire therewith; provided, however, that the amend-  
34 ments to subdivision 2 of section 371 of the general municipal law made  
35 by section seven of this act shall not affect the expiration of such  
36 section and shall be deemed to expire therewith; and provided, further,  
37 that any such local laws as may be enacted pursuant to this act shall  
38 remain in full force and effect only until December 1, 2014.