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

5762

2011-2012 Regular Sessions

I N S E N A T E

June 14, 2011

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

AN ACT to amend the public authorities law, the vehicle and traffic law and the public officers law, in relation to bus lane restrictions enforcement by photo devices

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

Section 1. Subdivision 3 of section 1209-a of the public authorities law, as amended by chapter 379 of the laws of 1992, is amended to read as follows:

3. Jurisdiction. The bureau shall have, with respect to acts or incidents in or on the transit facilities of the authority committed by or involving persons who are sixteen years of age or over, VIOLATION OF BUS LANE RESTRICTIONS ENFORCED BY PHOTO DEVICES IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW, NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW, and with respect to violation of toll collection regulations of the triborough bridge and tunnel authority as described in section two thousand nine hundred eighty-five of this chapter, non-exclusive jurisdiction over violations of: (a) the rules which may from time to time be established by the authority under subdivision five-a of section twelve hundred four of this chapter; (b) article one hundred thirty-nine of the health code of the city of New York, as it may be amended from time to time, relating to public transportation facilities; and (c) article four of the noise control code of the city of New York, as it may be amended from time to time, insofar as it pertains to sound reproduction devices; [and] (d) the rules and regulations which may from time to time be established by the triborough bridge and tunnel authority in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter; (E) BUS LANE

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

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RESTRICTIONS ENFORCED BY PHOTO DEVICES IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW; AND (F) BUS LANE RESTRICTIONS FOR NOTICES OF VIOLATION ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW. Matters within the jurisdiction of the bureau except violations of the rules and regulations of the triborough bridge and tunnel authority shall be known for purposes of this section as transit infractions, WHICH INCLUDE VIOLATIONS OF BUS LANE RESTRICTIONS ENFORCED BY PHOTO DEVICES IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW AND NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW. Nothing [herein] IN THIS SUBDIVISION shall be construed to divest jurisdiction from any court now having jurisdiction over any criminal charge or traffic infraction relating to any act committed in a transit or toll facility OR A DESIGNATED BUS LANE, or to impair the ability of a police officer to conduct a lawful search of a person in a transit facility. The criminal court of the city of New York shall continue to have jurisdiction over any criminal charge or traffic infraction brought for violation of the rules of the authority or the triborough bridge and tunnel authority, as well as jurisdiction relating to any act which may constitute a crime or an offense under any law of the state of New York or any municipality or political subdivision thereof and which may also constitute a violation of such rules. The bureau shall have concurrent jurisdiction with the environmental control board and the administrative tribunal of the department of health over the aforesaid provisions of the health code and noise control code of the city of New York.

S 2. Paragraphs b and j of subdivision 4 of section 1209-a of the public authorities law, as amended by chapter 379 of the laws of 1992, are amended to read as follows:

b. To impose civil penalties not to exceed a total of one hundred fifty dollars for any transit infraction within its jurisdiction, in accordance with a penalty schedule established by the authority except that penalties for violations of the health code of the city of New York shall be in accordance with the penalties established for such violations by the board of health of the city of New York, and penalties for violations of the noise code of the city of New York shall be in accordance with the penalties established for such violations by law, and civil penalties for violations of the rules and regulations of the triborough bridge and tunnel authority shall be in accordance with the penalties established for such violations by section two thousand nine hundred eighty-five of this chapter, AND THAT PENALTIES FOR VIOLATIONS OF BUS LANE RESTRICTIONS ENFORCED BY PHOTO DEVICES AND FOR NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW SHALL BE IN ACCORDANCE WITH THE PENALTIES SET FORTH IN SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW;

j. To adjudicate the liability of motor vehicle owners for violations of rules and regulations established in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter AND SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW, AND FOR NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW.

S 3. Section 1209-a of the public authorities law is amended by adding two new subdivisions 5-a and 5-b to read as follows:

5-A. NOTICES OF LIABILITY FOR VIOLATION OF BUS LANE RESTRICTIONS; PHOTO DEVICES. NOTICES OF LIABILITY FOR VIOLATION OF BUS LANE RESTRICTIONS ENFORCED BY PHOTO DEVICES SHALL BE PREPARED AND MAILED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW.

5-B. NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS; AUTHORIZED AUTHORITY EMPLOYEES. NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES SHALL BE IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW.

S 4. Subdivision 6 of section 1209-a of the public authorities law, as amended by chapter 379 of the laws of 1992, is amended to read as follows:

6. Defaults. Where a respondent has failed to plead to a notice of violation or to a notice of liability issued pursuant to section two thousand nine hundred eighty-five of this chapter OR SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW OR TO A NOTICE OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW within the time allowed by the rules of said bureau or has failed to appear on a designated hearing date or a subsequent date following an adjournment, such failure to plead or appear shall be deemed, for all purposes, to be an admission of liability and shall be grounds for rendering a default decision and order imposing a penalty in such amount as may be prescribed by the authority, OR IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW FOR A DEFAULT ON A VIOLATION OF BUS LANE RESTRICTIONS ENFORCED BY PHOTO DEVICES OR ON A NOTICE OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW.

S 5. Paragraph g of subdivision 7 of section 1209-a of the public authorities law, as amended by chapter 379 of the laws of 1992, is amended to read as follows:

g. After due consideration of the evidence and arguments, the hearing officer shall determine whether the charges or allegations have been established. No charge may be established except upon proof by clear and convincing evidence except allegations of civil liability for violations of triborough bridge and tunnel authority rules and regulations will be established in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter. Where the charges have not been established, an order dismissing the charges or allegations shall be entered. Where a determination is made that a charge or allegation has been established or if an answer admitting the charge or allegation has been received, the hearing officer shall set a penalty in accordance with the penalty schedule established by the authority, or for allegations of civil liability in accordance with the provisions of section two thousand nine hundred eighty-five of this chapter; OR FOR NOTICES OF LIABILITY FOR VIOLATION OF BUS LANE RESTRICTIONS ENFORCED BY PHOTO DEVICES OR NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW, THE PENALTY SHALL BE SET IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW, and an appropriate order shall be entered in the records of the bureau. The respondent shall be given notice of such entry in person or by certified mail. This order shall constitute the final determination of the hearing officer, and for purposes of review it shall be deemed to incorporate any intermediate determinations made by said officer in the

course of the proceeding. When no appeal is filed this order shall be the final order of the bureau.

S 6. Subdivision 10 of section 1209-a of the public authorities law, as amended by chapter 379 of the laws of 1992, is amended to read as follows:

10. Funds. All penalties collected pursuant to the provisions of this section shall be paid to the authority to the credit of a transit crime fund which the authority shall establish. Any sums in this fund shall be used to pay for programs selected by the board of the authority, in its discretion, to reduce the incidence of crimes and infractions on transit facilities OR VIOLATION OF BUS LANE RESTRICTIONS, or to improve the enforcement of laws against such crimes and infractions. Such funds shall be in addition to and not in substitution for any funds provided by the state or the city of New York for such purposes.

S 7. Subparagraph (i) of paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law, as amended by section 1 of part SS of chapter 57 of the laws of 2010, is amended to read as follows:

(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; or (iii) the registrant was liable in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, 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.

S 8. Paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law, as amended by section 8-a of part II of chapter 59 of the laws of 2010, 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; or (iii) the registrant was liable in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, 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 9. Paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law, as amended by section 8-b of part II of chapter 59 of the laws of 2010, 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 three or more summonses or other process, issued within an eighteen month period, charging that 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 the registrant was liable in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this

chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, 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 10. 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 three or more summonses or other process, issued within an eighteen month period, charging that 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 THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THIS CHAPTER FOR A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, 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 11. Subdivision (d) of section 1111-c of the vehicle and traffic law, as added by section 9 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

(d) A certificate, sworn to or affirmed by a technician employed by the city in which the charged violation occurred OR BY THE APPLICABLE MASS TRANSIT AGENCY, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device, 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 this section.

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

S 1111-D. MASS TRANSIT PHOTO DEVICE ENFORCEMENT OF OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH BUS LANE RESTRICTIONS. (A) 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CITY OF NEW YORK IS HEREBY AUTHORIZED AND EMPOWERED TO ESTABLISH A BUS LANE PHOTO DEVICE ENFORCEMENT PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH BUS LANE RESTRICTIONS IN SUCH CITY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION OR THE APPLICABLE MASS TRANSIT AGENCY, FOR PURPOSES OF THE IMPLEMENTATION OF SUCH PROGRAM, SHALL OPERATE BUS LANE PHOTO DEVICES ONLY ON DESIGNATED BUS LANES IN SUCH CITY, IN ADDITION TO THE BUS ROUTES SPECIFIED IN PARAGRAPH FOUR OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED ELEVEN-C OF THIS CHAPTER. SUCH BUS LANE PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE ACTIVATED AT LOCATIONS DETERMINED BY SUCH DEPARTMENT OF TRANSPORTATION AND/OR ON BUSES OR VEHICLES SELECTED BY SUCH DEPARTMENT OF TRANSPORTATION IN CONSULTATION WITH THE APPLICABLE MASS TRANSIT AGENCY.

2. ANY IMAGE OR IMAGES CAPTURED BY BUS LANE PHOTO DEVICES SHALL BE INADMISSIBLE IN ANY DISCIPLINARY PROCEEDING CONVENED BY THE APPLICABLE MASS TRANSIT AGENCY OR ANY SUBSIDIARY THEREOF AND ANY PROCEEDING INITIATED BY THE DEPARTMENT OF MOTOR VEHICLES INVOLVING LICENSURE PRIVILEGES OF BUS OPERATORS. ANY MOBILE BUS LANE PHOTO DEVICE MOUNTED ON A BUS SHALL BE DIRECTED OUTWARDLY FROM SUCH BUS TO CAPTURE IMAGES OF VEHICLES OPERATED IN VIOLATION OF BUS LANE RESTRICTIONS, AND IMAGES PRODUCED BY SUCH DEVICE SHALL NOT BE USED FOR ANY OTHER PURPOSE IN THE ABSENCE OF A COURT ORDER REQUIRING SUCH IMAGES TO BE PRODUCED.

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

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

(II) A PROHIBITION ON THE USE OR DISSEMINATION OF VEHICLES' NUMBER PLATE INFORMATION AND OTHER INFORMATION AND IMAGES CAPTURED BY BUS LANE PHOTO DEVICES EXCEPT: (A) AS REQUIRED TO ESTABLISH LIABILITY UNDER THIS SECTION OR COLLECT PAYMENT OF PENALTIES; (B) AS REQUIRED BY COURT ORDER; OR (C) AS OTHERWISE REQUIRED BY LAW;

(III) THE INSTALLATION OF SIGNAGE AT REGULAR INTERVALS OR ENHANCED ROAD MARKINGS WITHIN DESIGNATED BUS LANES STATING THAT BUS LANE PHOTO DEVICES ARE USED TO ENFORCE RESTRICTIONS ON VEHICULAR TRAFFIC IN BUS LANES; AND

(IV) OVERSIGHT PROCEDURES TO ENSURE COMPLIANCE WITH THE AFOREMENTIONED PRIVACY PROTECTION MEASURES.

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

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

1. "OWNER" SHALL HAVE THE MEANING PROVIDED IN SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER.

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

3. "BUS LANE RESTRICTIONS" SHALL MEAN RESTRICTIONS ON THE USE OF DESIGNATED BUS LANES BY VEHICLES OTHER THAN BUSES IMPOSED BY LOCAL LAW AND SIGNS ERECTED BY THE NEW YORK CITY DEPARTMENT OF TRANSPORTATION.

4. "DESIGNATED BUS LANE" SHALL MEAN A LANE DEDICATED FOR THE EXCLUSIVE USE OF BUSES, WHICH INCLUDES BUS STOPS WITHIN THE DESIGNATED BUS LANE, AND WHICH HAS BEEN DEFINED AS A "CAMERA ENFORCEABLE BUS LANE" PURSUANT TO TITLE 34 OF THE RULES OF THE CITY OF NEW YORK, PROMULGATED IN CONSULTATION WITH THE APPLICABLE MASS TRANSIT AGENCY, WITH THE EXCEPTIONS ALLOWED UNDER 4-12(M) AND 4-08(A)(3) OF TITLE 34 OF THE RULES OF THE CITY OF NEW YORK OR ANY SUCH RULES OF A CITY WITH A POPULATION OF ONE MILLION OR MORE.

(D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY THE CITY IN WHICH THE CHARGED VIOLATION OCCURRED, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A BUS LANE PHOTO DEVICE, 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 THIS SECTION.

(E) AN OWNER LIABLE FOR A VIOLATION OF A BUS LANE RESTRICTION IMPOSED ON ANY ROUTE WITHIN A DESIGNATED BUS LANE SHALL BE LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF THE CITY OF NEW YORK; PROVIDED, HOWEVER, THAT THE MONETARY PENALTY FOR VIOLATING A BUS LANE RESTRICTION SHALL NOT EXCEED ONE HUNDRED FIFTEEN DOLLARS; PROVIDED, FURTHER, THAT AN OWNER SHALL BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO EXCEED 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 PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION OF 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 A BUS LANE RESTRICTION. PERSONAL DELIVERY TO 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 A BUS LANE RESTRICTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE INCLUDING THE STREET ADDRESS OR CROSS STREETS, ONE OR MORE IMAGES IDENTIFYING THE VIOLATION, THE DATE AND TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE BUS LANE PHOTO DEVICE 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 OR SHE 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 AGENCY OR AGENCIES DESIGNATED BY THE CITY OF NEW YORK, OR ANY OTHER ENTITY AUTHORIZED BY SUCH CITY TO PREPARE AND MAIL SUCH NOTIFICATION OF VIOLATION.

5. ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION SHALL BE BY THE PARKING VIOLATIONS BUREAU OF THE CITY OF NEW YORK.

(H) IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH 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 A BUS LANE RESTRICTION 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 PARKING VIOLATIONS BUREAU OF THE CITY OF NEW YORK.

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

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

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

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

3. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES

OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION (G) OF THIS SECTION.

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

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

(1) THE CITY OF NEW YORK SHALL SUBMIT A REPORT ON THE RESULTS OF THE USE OF BUS LANE PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY BY APRIL FIRST, TWO THOUSAND THIRTEEN AND EVERY TWO YEARS THEREAFTER. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

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

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

3. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED;

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

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

6. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY AND ANY PARTICIPATING MASS TRANSIT AGENCY;

7. THE QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS;

8. THE TOTAL NUMBER OF CAMERAS BY TYPE OF CAMERA;

9. THE TOTAL COST TO THE CITY OF NEW YORK AND THE TOTAL COST TO ANY PARTICIPATING MASS TRANSIT AGENCY; AND

10. A DETAILED REPORT ON THE BUS SPEEDS, RELIABILITY, AND RIDERSHIP BEFORE AND AFTER IMPLEMENTATION OF THE BUS LANE PHOTO DEVICE ENFORCEMENT PROGRAM FOR EACH BUS ROUTE, INCLUDING CURRENT STATISTICS.

S 13. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10 of part II of chapter 59 of the laws of 2010, 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, or other than an adjudication in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, 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 or other than an adjudication in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, 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 14. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-a of part II of chapter 59 of the laws of 2010, 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, or other than an adjudication in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, 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 15. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-b of part II of chapter 59 of the laws of 2010, 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 other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, or other than an adjudication in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

S 16. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by chapter 16 of the laws of 1983 and chapter 62 of the laws of 1989, 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 other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THIS CHAPTER FOR A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

S 17. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 11 of part II of chapter 59 of the laws of 2010, 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 in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter of a violation of a bus lane restriction as defined in such [section] SECTIONS, 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 18. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 11-a of part II of chapter 59 of the laws of 2010, 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 in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter of a violation of a bus lane restriction as defined in such [section] SECTIONS, 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 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 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THIS CHAPTER A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH SECTION, 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. Paragraph (l) of subdivision 2 of section 87 of the public officers law, as added by section 12 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

(l) are photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device prepared under authority of section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of the vehicle and traffic law.

S 21. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that:

(a) the amendments to paragraph (i) of subdivision a of section 401 of the vehicle and traffic law made by section seven of this act shall not affect the expiration of such subdivision and shall expire therewith, when upon such date section eight of this act shall take effect;

(b) the amendments to subdivision a of section 401 of the vehicle and traffic law as made by section eight of this act shall not affect the expiration of such subdivision and shall expire therewith, when upon such date section nine of this act shall take effect;

(c) the amendments to subdivision a of section 401 of the vehicle and traffic law as made by section nine of this act shall not affect the expiration of such subdivision and shall expire therewith, when upon such date section ten of this act shall take effect;

(d) the amendments to subdivision (d) of section 1111-c of the vehicle and traffic law made by section eleven of this act shall not affect the repeal of such subdivision and shall be deemed to repeal therewith;

(e) the amendments to the opening paragraph and paragraph (c) of subdivision one of section 1809 of the vehicle and traffic law made by section thirteen of this act shall not affect the expiration of such subdivision and shall expire therewith, when upon such date, section fourteen of this act shall take effect;

(f) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section fourteen of this act shall not affect the

expiration of such subdivision and shall expire therewith when upon such date, section fifteen of this act shall take effect;

(g) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section fifteen of this act shall not affect the expiration of such subdivision and shall expire therewith when upon such date, section sixteen of this act shall take effect;

(h) the amendments to paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law made by section seventeen of this act shall not affect the expiration of such subdivision and shall expire therewith when upon such date, section eighteen of this act shall take effect;

(i) the amendments to paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law made by section eighteen of this act shall not affect the expiration of such subdivision and shall expire therewith when upon such date, section nineteen of this act shall take effect; and

(j) the amendments to paragraph (l) of subdivision 2 of section 87 of the public officers law made by section twenty of this act shall not affect the repeal of such subdivision and shall be deemed to repeal therewith.