

7481

I N   S E N A T E

May 24, 2012

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Introduced by Sen. LANZA -- 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 establishing in each city with a population of one million or more a demonstration program to enforce maximum speed limits by means of speed limit photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1     Section 1. Subdivision 1 of section 235 of the vehicle and traffic  
2 law, as amended by section 1 of part II of chapter 59 of the laws of  
3 2010, is amended to read 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 sections eleven hundred eleven-b of this  
14 chapter as added by sections sixteen of chapters twenty, twenty-one, and  
15 twenty-two of the laws of two thousand nine, or to adjudicate the  
16 liability of owners for violations of toll collection regulations as  
17 defined in and in accordance with the provisions of section two thousand  
18 nine 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, or to adjudicate liability of  
21 owners in accordance with section eleven hundred eleven-c of this chap-  
22 ter for violations of bus lane restrictions as defined in such section,  
23 OR TO ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C)  
24 AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE  
25 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and

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

LBD10928-03-2

1 the rules and regulations pertaining thereto shall be constituted in  
2 substantial conformance with the following sections.

3 S 1-a. Section 235 of the vehicle and traffic law, as amended by  
4 section 1-a of part II of chapter 59 of the laws of 2010, is amended to  
5 read as follows:

6 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any  
7 general, special or local law or administrative code to the contrary, in  
8 any city which heretofore or hereafter is authorized to establish an  
9 administrative tribunal to hear and determine complaints of traffic  
10 infractions constituting parking, standing or stopping violations, or to  
11 adjudicate the liability of owners for violations of subdivision (d) of  
12 section eleven hundred eleven of this chapter in accordance with section  
13 eleven hundred eleven-a of this chapter, or to adjudicate the liability  
14 of owners for violations of subdivision (d) of section eleven hundred  
15 eleven of this chapter in accordance with sections eleven hundred  
16 eleven-b of this chapter as added by sections sixteen of chapters twen-  
17 ty, twenty-one, and twenty-two of the laws of two thousand nine, or to  
18 adjudicate the liability of owners for violations of toll collection  
19 regulations as defined in and in accordance with the provisions of  
20 section two thousand nine hundred eighty-five of the public authorities  
21 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
22 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-  
23 dicate liability of owners in accordance with section eleven hundred  
24 eleven-c of this chapter for violations of bus lane restrictions as  
25 defined in such section, OR TO ADJUDICATE LIABILITY OF OWNERS FOR  
26 VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY  
27 OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF  
28 THIS CHAPTER, such tribunal and the rules and regulations pertaining  
29 thereto shall be constituted in substantial conformance with the follow-  
30 ing sections.

31 S 1-b. Section 235 of the vehicle and traffic law, as amended by  
32 section 1-b of part II of chapter 59 of the laws of 2010, is amended to  
33 read as follows:

34 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any  
35 general, special or local law or administrative code to the contrary, in  
36 any city which heretofore or hereafter is authorized to establish an  
37 administrative tribunal to hear and determine complaints of traffic  
38 infractions constituting parking, standing or stopping violations, or to  
39 adjudicate the liability of owners for violations of subdivision (d) of  
40 section eleven hundred eleven of this chapter in accordance with  
41 sections eleven hundred eleven-b of this chapter as added by sections  
42 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of  
43 two thousand nine, or to adjudicate the liability of owners for  
44 violations of toll collection regulations as defined in and in accord-  
45 ance with the provisions of section two thousand nine hundred eighty-  
46 five of the public authorities law and sections sixteen-a, sixteen-b and  
47 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
48 hundred fifty, or to adjudicate liability of owners in accordance with  
49 section eleven hundred eleven-c of this chapter for violations of bus  
50 lane restrictions as defined in such section, OR TO ADJUDICATE LIABILITY  
51 OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN  
52 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED  
53 EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and regulations  
54 pertaining thereto shall be constituted in substantial conformance with  
55 the following sections.

1 S 1-c. Section 235 of the vehicle and traffic law, as amended by  
2 section 1-c of part II of chapter 59 of the laws of 2010, is amended to  
3 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 toll collection  
10 regulations as defined in and in accordance with the provisions of  
11 section two thousand nine hundred eighty-five of the public authorities  
12 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
13 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-  
14 dicate liability of owners in accordance with section eleven hundred  
15 eleven-c of this chapter for violations of bus lane restrictions as  
16 defined in such section, OR TO ADJUDICATE LIABILITY OF OWNERS FOR  
17 VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY  
18 OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF  
19 THIS CHAPTER, such tribunal and the rules and regulations pertaining  
20 thereto shall be constituted in substantial conformance with the follow-  
21 ing sections.

22 S 1-d. Section 235 of the vehicle and traffic law, as separately  
23 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws  
24 of 1992, is amended to read as follows:

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

40 S 2. Subdivision 1 of section 236 of the vehicle and traffic law, as  
41 amended by section 2 of part II of chapter 59 of the laws of 2010, is  
42 amended to read as follows:

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

1   ance with the provisions of section two thousand nine hundred eighty-  
2   five of the public authorities law and sections sixteen-a, sixteen-b and  
3   sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
4   hundred fifty and shall adjudicate liability of owners in accordance  
5   with section eleven hundred eleven-c of this chapter for violations of  
6   bus lane restrictions as defined in such section AND SHALL ADJUDICATE  
7   LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF  
8   SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION  
9   ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. Such tribunal, except in a  
10   city with a population of one million or more, shall also have jurisdic-  
11   tion of abandoned vehicle violations. For the purposes of this article,  
12   a parking violation is the violation of any law, rule or regulation  
13   providing for or regulating the parking, stopping or standing of a vehi-  
14   cle. In addition for purposes of this article, "commissioner" shall mean  
15   and include the commissioner of traffic of the city or an official  
16   possessing authority as such a commissioner.

17   S 2-a. Subdivision 1 of section 236 of the vehicle and traffic law, as  
18   amended by section 2-a of part II of chapter 59 of the laws of 2010, is  
19   amended to read as follows:

20   1. Creation. In any city as hereinbefore or hereafter authorized such  
21   tribunal when created shall be known as the parking violations bureau  
22   and shall have jurisdiction of traffic infractions which constitute a  
23   parking violation and, where authorized by local law adopted pursuant to  
24   subdivisions (a) of sections eleven hundred eleven-b of this chapter as  
25   added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
26   of the laws of two thousand nine, shall adjudicate the liability of  
27   owners for violations of subdivision (d) of section eleven hundred elev-  
28   en of this chapter in accordance with such sections eleven hundred  
29   eleven-b as added by sections sixteen of chapters twenty, twenty-one,  
30   and twenty-two of the laws of two thousand nine; and shall adjudicate  
31   liability of owners in accordance with section eleven hundred eleven-c  
32   of this chapter for violations of bus lane restrictions as defined in  
33   such section AND SHALL ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF  
34   SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-  
35   TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.  
36   For the purposes of this article, a parking violation is the violation  
37   of any law, rule or regulation providing for or regulating the parking,  
38   stopping or standing of a vehicle. In addition for purposes of this  
39   article, "commissioner" shall mean and include the commissioner of traf-  
40   fic of the city or an official possessing authority as such a commis-  
41   sioner.

42   S 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as  
43   amended by section 2-b of part II of chapter 59 of the laws of 2010, is  
44   amended to read as follows:

45   1. Creation. In any city as hereinbefore or hereafter authorized such  
46   tribunal when created shall be known as the parking violations bureau  
47   and shall have jurisdiction of traffic infractions which constitute a  
48   parking violation and shall adjudicate liability of owners in accordance  
49   with section eleven hundred eleven-c of this chapter for violations of  
50   bus lane restrictions as defined in such section AND SHALL ADJUDICATE  
51   LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF  
52   SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION  
53   ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. For the purposes of this arti-  
54   cle, a parking violation is the violation of any law, rule or regulation  
55   providing for or regulating the parking, stopping or standing of a vehi-  
56   cle. In addition for purposes of this article, "commissioner" shall mean

1 and include the commissioner of traffic of the city or an official  
2 possessing authority as such a commissioner.

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

5 1. Creation. In any city as hereinbefore or hereafter authorized such  
6 tribunal when created shall be known as the parking violations bureau  
7 and shall have jurisdiction of traffic infractions which constitute a  
8 parking violation AND SHALL ADJUDICATE LIABILITY OF OWNERS FOR  
9 VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY  
10 OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF  
11 THIS CHAPTER. For the purposes of this article, a parking violation is  
12 the violation of any law, rule or regulation providing for or regulating  
13 the parking, stopping or standing of a vehicle. In addition for purposes  
14 of this article, "commissioner" shall mean and include the commissioner  
15 of traffic of the city or an official possessing authority as such a  
16 commissioner.

17 S 3. Subdivision 12 of section 237 of the vehicle and traffic law, as  
18 added by section 3 of part II of chapter 59 of the laws of 2010, is  
19 amended and a new subdivision 13 is added to read as follows:

20 12. To adjudicate liability of owners in accordance with section elev-  
21 en hundred eleven-c of this chapter for violations of bus lane  
22 restrictions as defined in such section[.];

23 13. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVI-  
24 SIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN  
25 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

26 S 3-a. Subdivision 11 of section 237 of the vehicle and traffic law,  
27 as added by chapter 379 of the laws of 1992, is amended and a new subdi-  
28 vision 12 is added to read as follows:

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

35 12. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVI-  
36 SIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN  
37 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

38 S 4. Paragraph f of subdivision 1 of section 239 of the vehicle and  
39 traffic law, as amended by section 4 of part II of chapter 59 of the  
40 laws of 2010, is amended to read as follows:

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

1 S 4-a. Paragraph f of subdivision 1 of section 239 of the vehicle and  
2 traffic law, as amended by section 4-a of part II of chapter 59 of the  
3 laws of 2010, is amended 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 but  
6 shall not be deemed to include a notice of liability issued pursuant to  
7 authorization set forth in sections eleven hundred eleven-b of this  
8 chapter as added by sections sixteen of chapters twenty, twenty-one, and  
9 twenty-two of the laws of two thousand nine and shall not be deemed to  
10 include a notice of liability issued pursuant to section eleven hundred  
11 eleven-c of this chapter AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF  
12 LIABILITY ISSUED PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF THIS  
13 CHAPTER.

14 S 4-b. Paragraph f of subdivision 1 of section 239 of the vehicle and  
15 traffic law, as amended by section 4-b of part II of chapter 59 of the  
16 laws of 2010, is amended to read as follows:

17 f. "Notice of violation" means a notice of violation as defined in  
18 subdivision nine of section two hundred thirty-seven of this article and  
19 shall not be deemed to include a notice of liability issued pursuant to  
20 section eleven hundred eleven-c of this chapter AND SHALL NOT BE DEEMED  
21 TO INCLUDE A NOTICE OF LIABILITY ISSUED PURSUANT TO SECTION ELEVEN  
22 HUNDRED EIGHTY-B OF THIS CHAPTER.

23 S 4-c. Paragraph f of subdivision 1 of section 239 of the vehicle and  
24 traffic law, as added by chapter 180 of the laws of 1980, is amended to  
25 read as follows:

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

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

33 4. Applicability. The provisions of paragraph b of subdivision two and  
34 subdivision three of this section shall not be applicable to determi-  
35 nations of owner liability for the failure of an operator to comply with  
36 subdivision (d) of section eleven hundred eleven of this chapter and  
37 shall not be applicable to determinations of owner liability imposed  
38 pursuant to section two thousand nine hundred eighty-five of the public  
39 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-  
40 ter seven hundred seventy-four of the laws of nineteen hundred fifty AND  
41 SHALL NOT BE APPLICABLE TO DETERMINATIONS OF OWNER LIABILITY FOR  
42 VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY  
43 OF THIS CHAPTER.

44 S 5-a. Section 239 of the vehicle and traffic law is amended by adding  
45 a new subdivision 4 to read as follows:

46 4. APPLICABILITY. THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION TWO AND  
47 SUBDIVISION THREE OF THIS SECTION SHALL NOT BE APPLICABLE TO DETERMI-  
48 NATIONS OF OWNER LIABILITY FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF  
49 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER.

50 S 6. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic  
51 law, as amended by section 5 of part II of chapter 59 of the laws of  
52 2010, are amended to read as follows:

53 1. Notice of hearing. Whenever a person charged with a parking  
54 violation enters a plea of not guilty or a person alleged to be liable  
55 in accordance with section eleven hundred eleven-a of this chapter or  
56 sections eleven hundred eleven-b of this chapter as added by sections

1 sixteen of chapters twenty, twenty-one, and twenty two of the laws of  
2 two thousand nine, for a violation of subdivision (d) of section eleven  
3 hundred eleven of this chapter contests such allegation, or a person  
4 alleged to be liable in accordance with the provisions of section two  
5 thousand nine hundred eighty-five of the public authorities law or  
6 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
7 seventy-four of the laws of nineteen hundred fifty, or a person alleged  
8 to be liable in accordance with the provisions of section eleven hundred  
9 eleven-c of this chapter for a violation of a bus lane restriction as  
10 defined in such section contests such allegation, OR A PERSON ALLEGED TO  
11 BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED  
12 EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF  
13 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,  
14 the bureau shall advise such person personally by such form of first  
15 class mail as the director may direct of the date on which he or she  
16 must appear to answer the charge at a hearing. The form and content of  
17 such notice of hearing shall be prescribed by the director, and shall  
18 contain a warning to advise the person so pleading or contesting that  
19 failure to appear on the date designated, or on any subsequent adjourned  
20 date, shall be deemed an admission of liability, and that a default  
21 judgment may be entered thereon.

22 1-a. Fines and penalties. Whenever a plea of not guilty has been  
23 entered, or the bureau has been notified that an allegation of liability  
24 in accordance with section eleven hundred eleven-a of this chapter or  
25 sections eleven hundred eleven-b of this chapter as added by sections  
26 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of  
27 two thousand nine or an allegation of liability in accordance with  
28 section two thousand nine hundred eighty-five of the public authorities  
29 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
30 hundred seventy-four of the laws of nineteen hundred fifty or an allega-  
31 tion of liability in accordance with section eleven hundred eleven-c of  
32 this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION  
33 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, is being contested, by a person  
34 in a timely fashion and a hearing upon the merits has been demanded, but  
35 has not yet been held, the bureau shall not issue any notice of fine or  
36 penalty to that person prior to the date of the hearing.

37 S 6-a. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-  
38 fic law, as amended by section 5-a of part II of chapter 59 of the laws  
39 of 2010, are amended to read as follows:

40 1. Notice of hearing. Whenever a person charged with a parking  
41 violation enters a plea of not guilty or a person alleged to be liable  
42 in accordance with sections eleven hundred eleven-b of this chapter as  
43 added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
44 of the laws of two thousand nine for a violation of subdivision (d) of  
45 section eleven hundred eleven of this chapter, or a person alleged to be  
46 liable in accordance with the provisions of section eleven hundred  
47 eleven-c of this chapter for a violation of a bus lane restriction as  
48 defined in such section contests such allegation, OR A PERSON ALLEGED TO  
49 BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED  
50 EIGHTY-B OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF  
51 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,  
52 the bureau shall advise such person personally by such form of first  
53 class mail as the director may direct of the date on which he or she  
54 must appear to answer the charge at a hearing. The form and content of  
55 such notice of hearing shall be prescribed by the director, and shall  
56 contain a warning to advise the person so pleading or contesting that

1 failure to appear on the date designated, or on any subsequent adjourned  
2 date, shall be deemed an admission of liability, and that a default  
3 judgment may be entered thereon.

4 1-a. Fines and penalties. Whenever a plea of not guilty has been  
5 entered, or the bureau has been notified that an allegation of liability  
6 in accordance with sections eleven hundred eleven-b of this chapter, as  
7 added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
8 of the laws of two thousand nine, or an allegation of liability in  
9 accordance with section eleven hundred eleven-c of this chapter OR AN  
10 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-  
11 Y-B OF THIS CHAPTER is being contested, by a person in a timely fashion  
12 and a hearing upon the merits has been demanded, but has not yet been  
13 held, the bureau shall not issue any notice of fine or penalty to that  
14 person prior to the date of the hearing.

15 S 6-b. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-  
16 fic law, as amended by section 5-b of part II of chapter 59 of the laws  
17 of 2010, are amended to read as follows:

18 1. Notice of hearing. Whenever a person charged with a parking  
19 violation enters a plea of not guilty or a person alleged to be liable  
20 in accordance with the provisions of section eleven hundred eleven-c of  
21 this chapter for a violation of a bus lane restriction as defined in  
22 such section, contests such allegation, OR A PERSON ALLEGED TO BE LIABLE  
23 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF  
24 THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEV-  
25 EN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau  
26 shall advise such person personally by such form of first class mail as  
27 the director may direct of the date on which he or she must appear to  
28 answer the charge at a hearing. The form and content of such notice of  
29 hearing shall be prescribed by the director, and shall contain a warning  
30 to advise the person so pleading that failure to appear on the date  
31 designated, or on any subsequent adjourned date, shall be deemed an  
32 admission of liability, and that a default judgment may be entered ther-  
33 eon.

34 1-a. Fines and penalties. Whenever a plea of not guilty has been  
35 entered, or the bureau has been notified that an allegation of liability  
36 in accordance with section eleven hundred eleven-c of this chapter OR AN  
37 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-  
38 Y-B OF THIS CHAPTER is being contested, by a person in a timely fashion  
39 and a hearing upon the merits has been demanded, but has not yet been  
40 held, the bureau shall not issue any notice of fine or penalty to that  
41 person prior to the date of the hearing.

42 S 6-c. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-  
43 fic law, subdivision 1 as added by chapter 715 of the laws of 1972 and  
44 subdivision 1-a as added by chapter 365 of the laws of 1978, are amended  
45 to read as follows:

46 1. Notice of hearing. Whenever a person charged with a parking  
47 violation enters a plea of not guilty, OR A PERSON ALLEGED TO BE LIABLE  
48 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF  
49 THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEV-  
50 EN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau  
51 shall advise such person personally by such form of first class mail as  
52 the director may direct of the date on which he OR SHE must appear to  
53 answer the charge at a hearing. The form and content of such notice of  
54 hearing shall be prescribed by the director, and shall contain a warning  
55 to advise the person so pleading that failure to appear on the date  
56 designated, or on any subsequent adjourned date, shall be deemed an



1 admission of liability, and that a default judgment may be entered ther-  
2 eon.

3 1-a. Fines and penalties. Whenever a plea of not guilty has been  
4 entered, OR THE BUREAU HAS BEEN NOTIFIED THAT AN ALLEGATION OF LIABILITY  
5 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, IS  
6 BEING CONTESTED, by a person in a timely fashion and a hearing upon the  
7 merits has been demanded, but has not yet been held, the bureau shall  
8 not issue any notice of fine or penalty to that person prior to the date  
9 of the hearing.

10 S 7. Paragraphs a and g of subdivision 2 of section 240 of the vehicle  
11 and traffic law, as amended by section 6 of part II of chapter 59 of the  
12 laws of 2010, are amended to read as follows:

13 a. Every hearing for the adjudication of a charge of parking violation  
14 or an allegation of liability in accordance with section eleven hundred  
15 eleven-a of this chapter or in accordance with sections eleven hundred  
16 eleven-b of this chapter as added by sections sixteen of chapters twen-  
17 ty, twenty-one, and twenty-two of the laws of two thousand nine or an  
18 allegation of liability in accordance with section two thousand nine  
19 hundred eighty-five of the public authorities law or sections sixteen-a,  
20 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
21 laws of nineteen hundred fifty or an allegation of liability in accord-  
22 ance with section eleven hundred eleven-c of this chapter OR AN ALLEGA-  
23 TION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF  
24 THIS CHAPTER, shall be held before a hearing examiner in accordance with  
25 rules and regulations promulgated by the bureau.

26 g. A record shall be made of a hearing on a plea of not guilty or of a  
27 hearing at which liability in accordance with section eleven hundred  
28 eleven-a of this chapter or in accordance with sections eleven hundred  
29 eleven-b of this chapter as added by sections sixteen of chapters twen-  
30 ty, twenty-one, and twenty-two of the laws of two thousand nine is  
31 contested or of a hearing at which liability in accordance with section  
32 two thousand nine hundred eighty-five of the public authorities law or  
33 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
34 seventy-four of the laws of nineteen hundred fifty is contested or of a  
35 hearing at which liability in accordance with section eleven hundred  
36 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE  
37 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.  
38 Recording devices may be used for the making of the record.

39 S 7-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-  
40 cle and traffic law, as amended by section 6-a of part II of chapter 59  
41 of the laws of 2010, are amended to read as follows:

42 a. Every hearing for the adjudication of a charge of parking violation  
43 or an allegation of liability in accordance with sections eleven hundred  
44 eleven-b of this chapter, as added by sections sixteen of chapters twen-  
45 ty, twenty-one, and twenty-two of the laws of two thousand nine or an  
46 allegation of liability in accordance with section eleven hundred  
47 eleven-c of this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE  
48 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, shall be held  
49 before a hearing examiner in accordance with rules and regulations  
50 promulgated by the bureau.

51 g. A record shall be made of a hearing on a plea of not guilty or of a  
52 hearing at which liability in accordance with sections eleven hundred  
53 eleven-b of this chapter, as added by sections sixteen of chapters twen-  
54 ty, twenty-one, and twenty-two of the laws of two thousand nine or of a  
55 hearing at which liability in accordance with section eleven hundred  
56 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE

WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested. Recording devices may be used for the making of the record.

S 7-b. Paragraphs a and g of subdivision 2 of section 240 of the vehicle and traffic law, as amended by section 6-b of part II of chapter 59 of the laws of 2010, are amended to read as follows:

a. Every hearing for the adjudication of a charge of parking violation or an allegation of liability in accordance with section eleven hundred eleven-c of this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER shall be held before a hearing examiner in accordance with rules and regulations promulgated by the bureau.

g. A record shall be made of a hearing on a plea of not guilty or of a hearing at which liability in accordance with section eleven hundred eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested. Recording devices may be used for the making of the record.

S 7-c. Paragraphs a and g of subdivision 2 of section 240 of the vehicle and traffic law, as added by chapter 715 of the laws of 1972, are amended to read as follows:

a. Every hearing for the adjudication of a charge of parking violation OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER shall be held before a hearing examiner in accordance with rules and regulations promulgated by the bureau.

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

S 8. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law, as amended by section 7 of part II of chapter 59 of the laws of 2010, are amended to read as follows:

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

2. Where an operator or owner fails to enter a plea to a charge of a parking violation or contest an allegation of liability in accordance with section eleven hundred eleven-a of this chapter or in accordance with sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine or fails to contest an allegation of liability in accordance with section two thousand nine hundred eighty-five of the

1 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of  
2 chapter seven hundred seventy-four of the laws of nineteen hundred  
3 fifty, or fails to contest an allegation of liability in accordance with  
4 section eleven hundred eleven-c of this chapter OR FAILS TO CONTEST AN  
5 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-  
6 Y-B OF THIS CHAPTER or fails to appear on a designated hearing date or  
7 subsequent adjourned date or fails after a hearing to comply with the  
8 determination of a hearing examiner, as prescribed by this article or by  
9 rule or regulation of the bureau, such failure to plead or contest,  
10 appear or comply shall be deemed, for all purposes, an admission of  
11 liability and shall be grounds for rendering and entering a default  
12 judgment in an amount provided by the rules and regulations of the  
13 bureau. However, after the expiration of the original date prescribed  
14 for entering a plea and before a default judgment may be rendered, in  
15 such case the bureau shall pursuant to the applicable provisions of law  
16 notify such operator or owner, by such form of first class mail as the  
17 commission may direct; (1) of the violation charged, or liability in  
18 accordance with section eleven hundred eleven-a of this chapter or in  
19 accordance with sections eleven hundred eleven-b of this chapter as  
20 added by sections sixteen of chapters twenty, twenty-one, and twenty-two  
21 of the laws of two thousand nine alleged or liability in accordance with  
22 section two thousand nine hundred eighty-five of the public authorities  
23 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
24 hundred seventy-four of the laws of nineteen hundred fifty alleged or  
25 liability in accordance with section eleven hundred eleven-c of this  
26 chapter OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B  
27 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that  
28 such judgment will be entered in the Civil Court of the city in which  
29 the bureau has been established, or other court of civil jurisdiction or  
30 any other place provided for the entry of civil judgments within the  
31 state of New York, and (4) that a default may be avoided by entering a  
32 plea or contesting an allegation of liability in accordance with section  
33 eleven hundred eleven-a of this chapter or in accordance with sections  
34 eleven hundred eleven-b of this chapter as added by sections sixteen of  
35 chapters twenty, twenty-one, and twenty-two of the laws of two thousand  
36 nine or contesting an allegation of liability in accordance with section  
37 two thousand nine hundred eighty-five of the public authorities law or  
38 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
39 seventy-four of the laws of nineteen hundred fifty or contesting an  
40 allegation of liability in accordance with section eleven hundred  
41 eleven-c of this chapter OR CONTESTING AN ALLEGATION OF LIABILITY IN  
42 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as  
43 appropriate, or making an appearance within thirty days of the sending  
44 of such notice. Pleas entered and allegations contested within that  
45 period shall be in the manner prescribed in the notice and not subject  
46 to additional penalty or fee. Such notice of impending default judgment  
47 shall not be required prior to the rendering and entry thereof in the  
48 case of operators or owners who are non-residents of the state of New  
49 York. In no case shall a default judgment be rendered or, where  
50 required, a notice of impending default judgment be sent, more than two  
51 years after the expiration of the time prescribed for entering a plea or  
52 contesting an allegation. When a person has demanded a hearing, no fine  
53 or penalty shall be imposed for any reason, prior to the holding of the  
54 hearing. If the hearing examiner shall make a determination on the  
55 charges, sustaining them, he or she shall impose no greater penalty or  
56 fine than those upon which the person was originally charged.

1 S 8-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
2 law, as amended by section 7-a of part II of chapter 59 of the laws of  
3 2010, are amended to read as follows:

4 1. The hearing examiner shall make a determination on the charges,  
5 either sustaining or dismissing them. Where the hearing examiner deter-  
6 mines that the charges have been sustained he or she may examine either  
7 the prior parking violations record or the record of liabilities  
8 incurred in accordance with sections eleven hundred eleven-b of this  
9 chapter as added by sections sixteen of chapters twenty, twenty-one, and  
10 twenty-two of the laws of two thousand nine of the person charged, or  
11 the record of liabilities incurred in accordance with section eleven  
12 hundred eleven-c of this chapter, OR THE RECORD OF LIABILITIES INCURRED  
13 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as  
14 applicable prior to rendering a final determination. Final determi-  
15 nations sustaining or dismissing charges shall be entered on a final  
16 determination roll maintained by the bureau together with records show-  
17 ing payment and nonpayment of penalties.

18 2. Where an operator or owner fails to enter a plea to a charge of a  
19 parking violation or contest an allegation of liability in accordance  
20 with sections eleven hundred eleven-b of this chapter as added by  
21 sections sixteen of chapters twenty, twenty-one, and twenty-two of the  
22 laws of two thousand nine or fails to contest an allegation of liability  
23 in accordance with section eleven hundred eleven-c of this chapter, OR  
24 FAILS TO CONTEST AN ALLEGATION OF LIABILITY INCURRED IN ACCORDANCE WITH  
25 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, or fails to appear on a  
26 designated hearing date or subsequent adjourned date or fails after a  
27 hearing to comply with the determination of a hearing examiner, as  
28 prescribed by this article or by rule or regulation of the bureau, such  
29 failure to plead, contest, appear or comply shall be deemed, for all  
30 purposes, an admission of liability and shall be grounds for rendering  
31 and entering a default judgment in an amount provided by the rules and  
32 regulations of the bureau. However, after the expiration of the original  
33 date prescribed for entering a plea and before a default judgment may be  
34 rendered, in such case the bureau shall pursuant to the applicable  
35 provisions of law notify such operator or owner, by such form of first  
36 class mail as the commission may direct; (1) of the violation charged,  
37 or liability in accordance with sections eleven hundred eleven-b of this  
38 chapter, as added by sections sixteen of chapters twenty, twenty-one,  
39 and twenty-two of the laws of two thousand nine, or liability in accord-  
40 ance with section eleven hundred eleven-c of this chapter OR LIABILITY  
41 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER  
42 alleged, (2) of the impending default judgment, (3) that such judgment  
43 will be entered in the Civil Court of the city in which the bureau has  
44 been established, or other court of civil jurisdiction or any other  
45 place provided for the entry of civil judgments within the state of New  
46 York, and (4) that a default may be avoided by entering a plea or  
47 contesting an allegation of liability in accordance with sections eleven  
48 hundred eleven-b of this chapter as added by sections sixteen of chap-  
49 ters twenty, twenty-one, and twenty-two of the laws of two thousand  
50 nine, or contesting an allegation of liability in accordance with  
51 section eleven hundred eleven-c of this chapter OR CONTESTING AN ALLEGA-  
52 TION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF  
53 THIS CHAPTER as appropriate, or making an appearance within thirty days  
54 of the sending of such notice. Pleas entered and allegations contested  
55 within that period shall be in the manner prescribed in the notice and  
56 not subject to additional penalty or fee. Such notice of impending

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

12 S 8-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
13 law, as amended by section 7-b of part II of chapter 59 of the laws of  
14 2010, are amended to read as follows:

15 1. The hearing examiner shall make a determination on the charges,  
16 either sustaining or dismissing them. Where the hearing examiner deter-  
17 mines that the charges have been sustained he or she may examine the  
18 prior parking violations record of the person charged, or the record of  
19 liabilities incurred in accordance with section eleven hundred eleven-c  
20 of this chapter, OR THE RECORD OF LIABILITIES INCURRED IN ACCORDANCE  
21 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as applicable,  
22 prior to rendering a final determination. Final determinations sustain-  
23 ing or dismissing charges shall be entered on a final determination roll  
24 maintained by the bureau together with records showing payment and  
25 nonpayment of penalties.

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

are non-residents of the state of New York. In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea. When a person has demanded a hearing, no fine or penalty shall be imposed for any reason, prior to the holding of the hearing. If the hearing examiner shall make a determination on the charges, sustaining them, he or she shall impose no greater penalty or fine than those upon which the person was originally charged.

S 8-c. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law, subdivision 1 as added by chapter 715 of the laws of 1972 and subdivision 2 as amended by chapter 365 of the laws of 1978, are amended to read as follows:

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

2. Where an operator or owner fails to enter a plea to a charge of a parking violation OR FAILS TO CONTEST AN ALLEGATION OF LIABILITY INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER or fails to appear on a designated hearing date or subsequent adjourned date or fails after a hearing to comply with the determination of a hearing examiner, as prescribed by this article or by rule or regulation of the bureau, such failure to plead, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment in an amount provided by the rules and regulations of the bureau. However, after the expiration of the original date prescribed for entering a plea and before a default judgment may be rendered, in such case the bureau shall pursuant to the applicable provisions of law notify such operator or owner, by such form of first class mail as the commission may direct; (1) of the violation charged OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that such judgment will be entered in the Civil Court of the city in which the bureau has been established, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York, and (4) that a default may be avoided by entering a plea OR CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER or making an appearance within thirty days of the sending of such notice. Pleas entered within that period shall be in the manner prescribed in the notice and not subject to additional penalty or fee. Such notice of impending default judgment shall not be required prior to the rendering and entry thereof in the case of operators or owners who are non-residents of the state of New York. In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea. When a person has demanded a hearing, no fine or penalty shall be imposed for any reason, prior to the holding of the hearing. If the hearing examiner shall make a determination on the charges, sustaining them, he shall impose no greater penalty or fine than those upon which the person was originally charged.

1 S 9. Subparagraph (i) of paragraph a of subdivision 5-a of section 401  
2 of the vehicle and traffic law, as amended by section 1 of part SS of  
3 chapter 57 of the laws of 2010, is amended to read as follows:

4 (i) If at the time of application for a registration or renewal there-  
5 of there is a certification from a court, parking violations bureau,  
6 traffic and parking violations agency or administrative tribunal of  
7 appropriate jurisdiction or administrative tribunal of appropriate  
8 jurisdiction that the registrant or his or her representative failed to  
9 appear on the return date or any subsequent adjourned date or failed to  
10 comply with the rules and regulations of an administrative tribunal  
11 following entry of a final decision in response to a total of three or  
12 more summonses or other process in the aggregate, issued within an eigh-  
13 teen month period, charging either that: (i) such motor vehicle was  
14 parked, stopped or standing, or that such motor vehicle was operated for  
15 hire by the registrant or his or her agent without being licensed as a  
16 motor vehicle for hire by the appropriate local authority, in violation  
17 of any of the provisions of this chapter or of any law, ordinance, rule  
18 or regulation made by a local authority; or (ii) the registrant was  
19 liable in accordance with section eleven hundred eleven-a of this chap-  
20 ter or section eleven hundred eleven-b of this chapter for a violation  
21 of subdivision (d) of section eleven hundred eleven of this chapter; or  
22 (iii) the registrant was liable in accordance with section eleven  
23 hundred eleven-c of this chapter for a violation of a bus lane  
24 restriction as defined in such section, OR (IV) THE REGISTRANT WAS  
25 LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAP-  
26 TER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED  
27 EIGHTY OF THIS CHAPTER, the commissioner or his or her agent shall deny  
28 the registration or renewal application until the applicant provides  
29 proof from the court, traffic and parking violations agency or adminis-  
30 trative tribunal wherein the charges are pending that an appearance or  
31 answer has been made or in the case of an administrative tribunal that  
32 he or she has complied with the rules and regulations of said tribunal  
33 following entry of a final decision. Where an application is denied  
34 pursuant to this section, the commissioner may, in his or her  
35 discretion, deny a registration or renewal application to any other  
36 person for the same vehicle and may deny a registration or renewal  
37 application for any other motor vehicle registered in the name of the  
38 applicant where the commissioner has determined that such registrant's  
39 intent has been to evade the purposes of this subdivision and where the  
40 commissioner has reasonable grounds to believe that such registration or  
41 renewal will have the effect of defeating the purposes of this subdivi-  
42 sion. Such denial shall only remain in effect as long as the summonses  
43 remain unanswered, or in the case of an administrative tribunal, the  
44 registrant fails to comply with the rules and regulations following  
45 entry of a final decision.

46 S 9-a. Paragraph a of subdivision 5-a of section 401 of the vehicle  
47 and traffic law, as amended by section 8-a of part II of chapter 59 of  
48 the laws of 2010, is amended to read as follows:

49 a. If at the time of application for a registration or renewal thereof  
50 there is a certification from a court or administrative tribunal of  
51 appropriate jurisdiction that the registrant or his or her represen-  
52 tative failed to appear on the return date or any subsequent adjourned  
53 date or failed to comply with the rules and regulations of an adminis-  
54 trative tribunal following entry of a final decision in response to a  
55 total of three or more summonses or other process in the aggregate,  
56 issued within an eighteen month period, charging either that: (i) such

1 motor vehicle was parked, stopped or standing, or that such motor vehi-  
2 cle was operated for hire by the registrant or his or her agent without  
3 being licensed as a motor vehicle for hire by the appropriate local  
4 authority, in violation of any of the provisions of this chapter or of  
5 any law, ordinance, rule or regulation made by a local authority; or  
6 (ii) the registrant was liable in accordance with section eleven hundred  
7 eleven-b of this chapter for a violation of subdivision (d) of section  
8 eleven hundred eleven of this chapter; or (iii) the registrant was  
9 liable in accordance with section eleven hundred eleven-c of this chap-  
10 ter for a violation of a bus lane restriction as defined in such  
11 section; OR (IV) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION  
12 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION  
13 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the commis-  
14 sioner or his or her agent shall deny the registration or renewal appli-  
15 cation until the applicant provides proof from the court or administra-  
16 tive tribunal wherein the charges are pending that an appearance or  
17 answer has been made or in the case of an administrative tribunal that  
18 he or she has complied with the rules and regulations of said tribunal  
19 following entry of a final decision. Where an application is denied  
20 pursuant to this section, the commissioner may, in his or her  
21 discretion, deny a registration or renewal application to any other  
22 person for the same vehicle and may deny a registration or renewal  
23 application for any other motor vehicle registered in the name of the  
24 applicant where the commissioner has determined that such registrant's  
25 intent has been to evade the purposes of this subdivision and where the  
26 commissioner has reasonable grounds to believe that such registration or  
27 renewal will have the effect of defeating the purposes of this subdivi-  
28 sion. Such denial shall only remain in effect as long as the summonses  
29 remain unanswered, or in the case of an administrative tribunal, the  
30 registrant fails to comply with the rules and regulations following  
31 entry of a final decision.

32 S 9-b. Paragraph a of subdivision 5-a of section 401 of the vehicle  
33 and traffic law, as amended by section 8-b of part II of chapter 59 of  
34 the laws of 2010, is amended to read as follows:

35 a. If at the time of application for a registration or renewal thereof  
36 there is a certification from a court or administrative tribunal of  
37 appropriate jurisdiction that the registrant or his or her represen-  
38 tative failed to appear on the return date or any subsequent adjourned  
39 date or failed to comply with the rules and regulations of an adminis-  
40 trative tribunal following entry of a final decision in response to  
41 three or more summonses or other process, issued within an eighteen  
42 month period, charging that such motor vehicle was parked, stopped or  
43 standing, or that such motor vehicle was operated for hire by the regis-  
44 trant or his or her agent without being licensed as a motor vehicle for  
45 hire by the appropriate local authority, in violation of any of the  
46 provisions of this chapter or of any law, ordinance, rule or regulation  
47 made by a local authority or the registrant was liable in accordance  
48 with section eleven hundred eleven-c of this chapter for a violation of  
49 a bus lane restriction as defined in such section, OR THE REGISTRANT WAS  
50 LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAP-  
51 TER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED  
52 EIGHTY OF THIS CHAPTER, the commissioner or his or her agent shall deny  
53 the registration or renewal application until the applicant provides  
54 proof from the court or administrative tribunal wherein the charges are  
55 pending that an appearance or answer has been made or in the case of an  
56 administrative tribunal that he or she has complied with the rules and



1 regulations of said tribunal following entry of a final decision. Where  
2 an application is denied pursuant to this section, the commissioner may,  
3 in his or her discretion, deny a registration or renewal application to  
4 any other person for the same vehicle and may deny a registration or  
5 renewal application for any other motor vehicle registered in the name  
6 of the applicant where the commissioner has determined that such regis-  
7 trant's intent has been to evade the purposes of this subdivision and  
8 where the commissioner has reasonable grounds to believe that such  
9 registration or renewal will have the effect of defeating the purposes  
10 of this subdivision. Such denial shall only remain in effect as long as  
11 the summonses remain unanswered, or in the case of an administrative  
12 tribunal, the registrant fails to comply with the rules and regulations  
13 following entry of a final decision.

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

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

49 S 10. The vehicle and traffic law is amended by adding a new section  
50 1180-b to read as follows:

51 S 1180-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH  
52 APPLICABLE MAXIMUM SPEED LIMIT. 1. NOTWITHSTANDING ANY OTHER PROVISION  
53 OF LAW, EACH CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY  
54 AUTHORIZED AND EMPOWERED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING  
55 MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR  
56 THEREOF TO COMPLY WITH THE APPLICABLE MAXIMUM SPEED LIMIT IN SUCH CITY

1 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH CITY, FOR  
2 PURPOSES OF THE IMPLEMENTATION OF SUCH PROGRAM, SHALL OPERATE SPEED  
3 LIMIT PHOTO DEVICES WITHIN SUCH CITY AT NO MORE THAN FORTY AND NO FEWER  
4 THAN TWENTY LOCATIONS AT ANY ONE TIME DURING ANY YEAR OF SUCH PROGRAM.  
5 SUCH SPEED LIMIT PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE  
6 ACTIVATED AT LOCATIONS SELECTED BY SUCH CITY, EXCEPT THAT NO MORE THAN  
7 TWENTY LOCATIONS SHALL BE ACTIVATED WITH MOBILE SPEED LIMIT PHOTO  
8 DEVICES AT ANY ONE TIME DURING ANY YEAR OF SUCH DEMONSTRATION PROGRAM.  
9 SUCH SPEED LIMIT PHOTO DEVICES SHALL BE INSTALLED BASED ON A DEMON-  
10 STRATED NEED, WHICH SHALL BE DETERMINED BY A NUMBER OF CRITERIA, INCLUD-  
11 ING BUT NOT LIMITED TO SPEEDING DATA, ACCIDENT HISTORY AND ROADWAY GEOM-  
12 ETRY.

13 2. IN ANY CITY THAT HAS ESTABLISHED A DEMONSTRATION PROGRAM PURSUANT  
14 TO SUBDIVISION ONE OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE  
15 LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE  
16 WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR  
17 IMPLIED, IN VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN  
18 HUNDRED EIGHTY OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY  
19 INFORMATION OBTAINED FROM A SPEED LIMIT PHOTO DEVICE; PROVIDED HOWEVER  
20 THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSU-  
21 ANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN  
22 CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (C) OR (D) OF  
23 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

24 3. SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES TO  
25 ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH  
26 SPEED LIMIT PHOTO DEVICES SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE  
27 DRIVER, THE PASSENGERS OR THE CONTENTS OF THE VEHICLE, PROVIDED, HOWEV-  
28 ER, THAT NO NOTICE OF LIABILITY ISSUED PURSUANT TO THIS SECTION SHALL BE  
29 DISMISSED SOLELY BECAUSE A PHOTOGRAPH OR PHOTOGRAPHS ALLOW FOR THE IDEN-  
30 TIFICATION OF THE DRIVER, THE PASSENGERS OR OTHER CONTENTS OF A VEHICLE,  
31 PROVIDED THAT SUCH CITY HAS MADE A REASONABLE EFFORT TO COMPLY WITH THE  
32 PROVISIONS OF THIS SUBDIVISION.

33 4. SUCH DEMONSTRATION PROGRAM SHALL INCLUDE A PROHIBITION ON THE USE  
34 OR DISSEMINATION OF VEHICLES' LICENSE PLATE INFORMATION AND OTHER INFOR-  
35 MATION AND IMAGES CAPTURED BY SPEED CAMERAS EXCEPT AS REQUIRED TO ESTAB-  
36 LISH LIABILITY UNDER THIS SECTION OR COLLECT PAYMENT OF PENALTIES;  
37 EXCEPT AS REQUIRED TO RESPOND TO A REQUEST BY LAW ENFORCEMENT OFFICIALS  
38 PERTAINING TO A SPECIFIC ACCIDENT OR SPECIFIC INCIDENT OF ALLEGED CRIMI-  
39 NAL CONDUCT; OR EXCEPT AS OTHERWISE REQUIRED BY LAW.

40 5. FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING  
41 PROVIDED IN SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER. FOR  
42 PURPOSES OF THIS SECTION, "SPEED LIMIT PHOTO DEVICE" SHALL MEAN EQUIP-  
43 MENT THAT TAKES A FILM OR DIGITAL CAMERA-BASED PHOTOGRAPH, MICROPHOTO-  
44 GRAPH, VIDEO, OR OTHER RECORDED IMAGE WHICH IS LINKED WITH A VIOLATION  
45 DETECTION SYSTEM THAT SYNCHRONIZES THE TAKING OF SUCH IMAGE OF A VEHICLE  
46 AT THE TIME THE VEHICLE IS USED OR OPERATED IN VIOLATION OF SUBDIVISION  
47 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

48 6. A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY THE  
49 CITY IN WHICH THE CHARGED VIOLATION OCCURRED OR ITS VENDOR OR CONTRAC-  
50 TOR, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS,  
51 MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A SPEED  
52 LIMIT PHOTO DEVICE, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED  
53 THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED  
54 IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN  
55 ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH VIOLATION PURSUANT  
56 TO THIS SECTION.

1 7. AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF  
2 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE SHALL BE LIABLE FOR MONE-  
3 TARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES  
4 PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF SUCH CITY; PROVIDED,  
5 HOWEVER, THAT THE MONETARY PENALTY FOR DRIVING AT A SPEED IN EXCESS OF  
6 THE MAXIMUM SPEED LIMIT BY TEN OR MORE MILES PER HOUR AND LESS THAN  
7 THIRTY MILES PER HOUR SHALL NOT EXCEED FIFTY DOLLARS, AND THE MONETARY  
8 PENALTY FOR DRIVING IN EXCESS OF THE MAXIMUM SPEED LIMIT BY THIRTY OR  
9 MORE MILES PER HOUR SHALL NOT EXCEED ONE HUNDRED DOLLARS; PROVIDED,  
10 FURTHER, THAT AN OWNER SHALL BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO  
11 EXCEED TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND  
12 TO A NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

13 8. AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE  
14 DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF THE  
15 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR  
16 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-  
17 CLE INSURANCE COVERAGE.

18 9. (A) A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL IN  
19 ACCORDANCE WITH THIS SECTION TO EACH PERSON ALLEGED TO BE LIABLE AS AN  
20 OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN  
21 HUNDRED EIGHTY OF THIS ARTICLE. PERSONAL DELIVERY ON THE OWNER SHALL NOT  
22 BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE  
23 ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS  
24 CONTAINED THEREIN.

25 (B) A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE  
26 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION  
27 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, THE REGIS-  
28 TRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH VIOLATION, THE LOCATION  
29 WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND TIME OF SUCH VIOLATION AND  
30 THE IDENTIFICATION NUMBER OF THE SPEED LIMIT PHOTO DEVICE WHICH RECORDED  
31 THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER.

32 (C) THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE  
33 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST  
34 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO  
35 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST  
36 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-  
37 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

38 (D) THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE AGENCY  
39 OR AGENCIES DESIGNATED BY SUCH CITY.

40 10. IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT  
41 TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS  
42 REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A  
43 VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVI-  
44 SION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE THAT  
45 THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME  
46 THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR  
47 PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL  
48 BE SUFFICIENT THAT AN ORIGINAL INCIDENT FORM ISSUED BY THE POLICE ON THE  
49 STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE PARKING VIOLATIONS  
50 BUREAU OF SUCH CITY.

51 11. (A) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF  
52 LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION NINE OF THIS SECTION SHALL  
53 NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION  
54 ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, PROVIDED THAT:

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

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

12 (B) FAILURE TO COMPLY WITH SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS  
13 SUBDIVISION SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN  
14 THIS SECTION.

15 (C) WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH (A) OF  
16 THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH  
17 VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES  
18 OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSU-  
19 ANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO  
20 SUBDIVISION NINE OF THIS SECTION.

21 12. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF  
22 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION  
23 WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE  
24 OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

25 13. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY  
26 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (C) OR (D)  
27 OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

28 14. ANY CITY THAT ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO SUBDIVI-  
29 SION ONE OF THIS SECTION SHALL SUBMIT A REPORT ON THE RESULTS OF THE USE  
30 OF SPEED LIMIT PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF  
31 THE SENATE AND THE SPEAKER OF THE ASSEMBLY BY APRIL FIRST, TWO THOUSAND  
32 FIFTEEN. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

33 (A) A DESCRIPTION OF THE LOCATIONS WHERE SPEED LIMIT PHOTO DEVICES  
34 WERE USED;

35 (B) THE NUMBER OF VIOLATIONS RECORDED AT EACH SUCH LOCATION AND IN THE  
36 AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

37 (C) THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED;

38 (D) THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST  
39 NOTICE OF LIABILITY;

40 (E) THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-  
41 CATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE;

42 (F) THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY; AND

43 (G) QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

44 S 11. The opening paragraph and paragraph (c) of subdivision 1 of  
45 section 1809 of the vehicle and traffic law, as amended by section 10 of  
46 part II of chapter 59 of the laws of 2010, are amended to read as  
47 follows:

48 Whenever proceedings in an administrative tribunal or a court of this  
49 state result in a conviction for an offense under this chapter or a  
50 traffic infraction under this chapter, or a local law, ordinance, rule  
51 or regulation adopted pursuant to this chapter, other than a traffic  
52 infraction involving standing, stopping, or parking or violations by  
53 pedestrians or bicyclists, or other than an adjudication of liability of  
54 an owner for a violation of subdivision (d) of section eleven hundred  
55 eleven of this chapter in accordance with section eleven hundred  
56 eleven-a of this chapter, or other than an adjudication of liability of

1 an owner for a violation of subdivision (d) of section eleven hundred  
2 eleven of this chapter in accordance with section eleven hundred  
3 eleven-b of this chapter, or other than an adjudication in accordance  
4 with section eleven hundred eleven-c of this chapter for a violation of  
5 a bus lane restriction as defined in such section, OR OTHER THAN AN  
6 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (C)  
7 OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE  
8 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be  
9 levied a crime victim assistance fee and a mandatory surcharge, in addi-  
10 tion to any sentence required or permitted by law, in accordance with  
11 the following schedule:

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

39 S 11-a. Subdivision 1 of section 1809 of the vehicle and traffic law,  
40 as amended by section 10-a of part II of chapter 59 of the laws of 2010,  
41 is amended to read as follows:

42 1. Whenever proceedings in an administrative tribunal or a court of  
43 this state result in a conviction for a crime under this chapter or a  
44 traffic infraction under this chapter, or a local law, ordinance, rule  
45 or regulation adopted pursuant to this chapter, other than a traffic  
46 infraction involving standing, stopping, parking or motor vehicle equip-  
47 ment or violations by pedestrians or bicyclists, or other than an adju-  
48 dication of liability of an owner for a violation of subdivision (d) of  
49 section eleven hundred eleven of this chapter in accordance with section  
50 eleven hundred eleven-a of this chapter, or other than an adjudication  
51 of liability of an owner for a violation of subdivision (d) of section  
52 eleven hundred eleven of this chapter in accordance with section eleven  
53 hundred eleven-b of this chapter, or other than an adjudication in  
54 accordance with section eleven hundred eleven-c of this chapter for a  
55 violation of a bus lane restriction as defined in such section, OR OTHER  
56 THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI-

VISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

S 11-b. 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 of this chapter for a violation of a bus lane restriction as defined in such section, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

S 11-c. 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 OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

S 12. Subdivision 2 of section 87 of the public officers law is amended by adding a new paragraph (m) to read as follows:

(M) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A SPEED LIMIT PHOTO DEVICE PREPARED UNDER AUTHORITY OF SECTION ELEVEN HUNDRED EIGHTY-B OF THE VEHICLE AND TRAFFIC LAW.

S 13. This act shall take effect on the thirtieth day after it shall have become a law and shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that any rules necessary for the implementation of this act on its effective date shall be promulgated on or before such date, provided that:

(a) the amendments to subdivision 1 of section 235 of the vehicle and traffic law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section one-a of this act shall take effect;

(b) the amendments to section 235 of the vehicle and traffic law made by section one-a of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section one-b of this act shall take effect;

(c) the amendments to section 235 of the vehicle and traffic law made by section one-b of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when upon such date the provisions of section one-c of this act shall take effect;

1 (d) the amendments to section 235 of the vehicle and traffic law made  
2 by section one-c of this act shall not affect the expiration of such  
3 section and shall be deemed to expire therewith, when upon such date the  
4 provisions of section one-d of this act shall take effect;

5 (e) the amendments to subdivision 1 of section 236 of the vehicle and  
6 traffic law made by section two of this act shall not affect the expira-  
7 tion of such subdivision and shall be deemed to expire therewith, when  
8 upon such date the provisions of section two-a of this act shall take  
9 effect;

10 (f) the amendments to subdivision 1 of section 236 of the vehicle and  
11 traffic law made by section two-a of this act shall not affect the expi-  
12 ration of such subdivision and shall be deemed to expire therewith, when  
13 upon such date the provisions of section two-b of this act shall take  
14 effect;

15 (g) the amendments to subdivision 1 of section 236 of the vehicle and  
16 traffic law made by section two-b of this act shall not affect the expi-  
17 ration of such subdivision and shall be deemed to expire therewith, when  
18 upon such date the provisions of section two-c of this act shall take  
19 effect;

20 (h) the amendments to subdivision 12 of section 237 of the vehicle and  
21 traffic law made by section three of this act shall not affect the  
22 repeal of such subdivision and shall be deemed to be repealed therewith,  
23 when upon such date the provisions of section three-a of this act shall  
24 take effect;

25 (i) the amendments to paragraph f of subdivision 1 of section 239 of  
26 the vehicle and traffic law made by section four of this act shall not  
27 affect the expiration of such paragraph and shall be deemed to expire  
28 therewith, when upon such date the provisions of section four-a of this  
29 act shall take effect;

30 (j) the amendments to paragraph f of subdivision 1 of section 239 of  
31 the vehicle and traffic law made by section four-a of this act shall not  
32 affect the expiration of such paragraph and shall be deemed to expire  
33 therewith, when upon such date the provisions of section four-b of this  
34 act shall take effect;

35 (k) the amendments to paragraph f of subdivision 1 of section 239 of  
36 the vehicle and traffic law made by section four-b of this act shall not  
37 affect the expiration of such paragraph and shall be deemed to expire  
38 therewith, when upon such date the provisions of section four-c of this  
39 act shall take effect;

40 (l) the amendments to subdivision 4 of section 239 of the vehicle and  
41 traffic law made by section five of this act shall not affect the repeal  
42 of such subdivision and shall be deemed to be repealed therewith, when  
43 upon such date the provisions of section five-a of this act shall take  
44 effect;

45 (m) the amendments to subdivisions 1 and 1-a of section 240 of the  
46 vehicle and traffic law made by section six of this act shall not affect  
47 the expiration of such subdivisions and shall be deemed to expire there-  
48 with, when upon such date the provisions of section six-a of this act  
49 shall take effect;

50 (n) the amendments to subdivisions 1 and 1-a of section 240 of the  
51 vehicle and traffic law made by section six-a of this act shall not  
52 affect the expiration of such subdivisions and shall be deemed to expire  
53 therewith, when upon such date the provisions of section six-b of this  
54 act shall take effect;

55 (o) the amendments to subdivisions 1 and 1-a of section 240 of the  
56 vehicle and traffic law made by section six-b of this act shall not

1 affect the expiration of such subdivisions and shall be deemed to expire  
2 therewith, when upon such date the provisions of section six-c of this  
3 act shall take effect;

4 (p) the amendments to paragraphs a and g of subdivision 2 of section  
5 240 of the vehicle and traffic law made by section seven of this act  
6 shall not affect the expiration of such paragraphs and shall be deemed  
7 to expire therewith, when upon such date the provisions of section  
8 seven-a of this act shall take effect;

9 (q) the amendments to paragraphs a and g of subdivision 2 of section  
10 240 of the vehicle and traffic law made by section seven-a of this act  
11 shall not affect the expiration of such paragraphs and shall be deemed  
12 to expire therewith, when upon such date the provisions of section  
13 seven-b of this act shall take effect;

14 (r) the amendments to paragraphs a and g of subdivision 2 of section  
15 240 of the vehicle and traffic law made by section seven-b of this act  
16 shall not affect the expiration of such paragraphs and shall be deemed  
17 to expire therewith, when upon such date the provisions of section  
18 seven-c of this act shall take effect;

19 (s) the amendments to subdivisions 1 and 2 of section 241 of the vehi-  
20 cle and traffic law made by section eight of this act shall not affect  
21 the expiration of such subdivisions and shall be deemed to expire there-  
22 with, when upon such date the provisions of section eight-a of this act  
23 shall take effect;

24 (t) the amendments to subdivisions 1 and 2 of section 241 of the vehi-  
25 cle and traffic law made by section eight-a of this act shall not affect  
26 the expiration of such subdivisions and shall be deemed to expire there-  
27 with, when upon such date the provisions of section eight-b of this act  
28 shall take effect;

29 (u) the amendments to subdivisions 1 and 2 of section 241 of the vehi-  
30 cle and traffic law made by section eight-b of this act shall not affect  
31 the expiration of such subdivisions and shall be deemed to expire there-  
32 with, when upon such date the provisions of section eight-c of this act  
33 shall take effect;

34 (v) the amendments to subparagraph (i) of paragraph a of subdivision  
35 5-a of section 401 of the vehicle and traffic law made by section nine  
36 of this act shall not affect the expiration of such subparagraph and  
37 shall be deemed to expire therewith, when upon such date the provisions  
38 of section nine-a of this act shall take effect;

39 (w) the amendments to paragraph a of subdivision 5-a of section 401 of  
40 the vehicle and traffic law made by section nine-a of this act shall not  
41 affect the expiration of such paragraph and shall be deemed to expire  
42 therewith, when upon such date the provisions of section nine-b of this  
43 act shall take effect;

44 (x) the amendments to paragraph a of subdivision 5-a of section 401 of  
45 the vehicle and traffic law made by section nine-b of this act shall not  
46 affect the expiration of such paragraph and shall be deemed to expire  
47 therewith, when upon such date the provisions of section nine-c of this  
48 act shall take effect;

49 (y) the amendments to subdivision 1 of section 1809 of the vehicle and  
50 traffic law made by section eleven of this act shall not affect the  
51 expiration of such subdivision and shall be deemed to expire therewith,  
52 when upon such date the provisions of section eleven-a of this act shall  
53 take effect;

54 (z) the amendments to subdivision 1 of section 1809 of the vehicle and  
55 traffic law made by section eleven-a of this act shall not affect the  
56 expiration of such subdivision and shall be deemed to expire therewith,



1 when upon such date the provisions of section eleven-b of this act shall  
2 take effect; and  
3 (aa) the amendments to subdivision 1 of section 1809 of the vehicle  
4 and traffic law made by section eleven-b of this act shall not affect  
5 the expiration of such subdivision and shall be deemed to expire there-  
6 with, when upon such date the provisions of section eleven-c of this act  
7 shall take effect.