

7737

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. GLICK, BING, BENEDETTO, MILLMAN, COOK, GOTTFRIED, WEPRIN, P. RIVERA, TITONE -- Multi-Sponsored by -- M. of A. LUPARDO, ROBINSON, TOBACCO -- read once and referred 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

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

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1 owners in accordance with section eleven hundred eleven-c of this chap-
2 ter for violations of bus lane restrictions as defined in such section,
3 OR TO ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C)
4 AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE
5 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and
6 the rules and regulations pertaining thereto shall be constituted in
7 substantial conformance with the following sections.

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

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

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

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

1 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
2 EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and regulations
3 pertaining thereto shall be constituted in substantial conformance with
4 the following sections.

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

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

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

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

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

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

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

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

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

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

49 1. Creation. In any city as hereinbefore or hereafter authorized such
50 tribunal when created shall be known as the parking violations bureau
51 and shall have jurisdiction of traffic infractions which constitute a
52 parking violation and shall adjudicate liability of owners in accordance
53 with section eleven hundred eleven-c of this chapter for violations of
54 bus lane restrictions as defined in such section AND SHALL ADJUDICATE
55 LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
56 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION

1 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. For the purposes of this arti-
2 cle, a parking violation is the violation of any law, rule or regulation
3 providing for or regulating the parking, stopping or standing of a vehi-
4 cle. In addition for purposes of this article, "commissioner" shall mean
5 and include the commissioner of traffic of the city or an official
6 possessing authority as such a commissioner.

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

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

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

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

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

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

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

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

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

45 f. "Notice of violation" means a notice of violation as defined in
46 subdivision nine of section two hundred thirty-seven of this article,
47 but shall not be deemed to include a notice of liability issued pursuant
48 to authorization set forth in section eleven hundred eleven-a of this
49 chapter or sections eleven hundred eleven-b of this chapter as added by
50 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
51 laws of two thousand nine, and shall not be deemed to include a notice
52 of liability issued pursuant to section two thousand nine hundred eight-
53 y-five of the public authorities law and sections sixteen-a, sixteen-b
54 and sixteen-c of chapter seven hundred seventy-four of the laws of nine-
55 teen hundred fifty and shall not be deemed to include a notice of
56 liability issued pursuant to section eleven hundred eleven-c of this

1 chapter AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED
2 PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

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

6 f. "Notice of violation" means a notice of violation as defined in
7 subdivision nine of section two hundred thirty-seven of this article but
8 shall not be deemed to include a notice of liability issued pursuant to
9 authorization set forth in sections eleven hundred eleven-b of this
10 chapter as added by sections sixteen of chapters twenty, twenty-one, and
11 twenty-two of the laws of two thousand nine and shall not be deemed to
12 include a notice of liability issued pursuant to section eleven hundred
13 eleven-c of this chapter AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF
14 LIABILITY ISSUED PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF THIS
15 CHAPTER.

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

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

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

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

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

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

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

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

52 S 6. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
53 law, as amended by section 5 of part II of chapter 59 of the laws of
54 2010, are amended to read as follows:

55 1. Notice of hearing. Whenever a person charged with a parking
56 violation enters a plea of not guilty or a person alleged to be liable

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

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

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

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

1 such notice of hearing shall be prescribed by the director, and shall
2 contain a warning to advise the person so pleading or contesting that
3 failure to appear on the date designated, or on any subsequent adjourned
4 date, shall be deemed an admission of liability, and that a default
5 judgment may be entered thereon.

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

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

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

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

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

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

1 to advise the person so pleading that failure to appear on the date
2 designated, or on any subsequent adjourned date, shall be deemed an
3 admission of liability, and that a default judgment may be entered ther-
4 eon.

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

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

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

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

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

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

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

1 hearing at which liability in accordance with section eleven hundred
2 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE
3 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.
4 Recording devices may be used for the making of the record.

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

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

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

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

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

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

30 S 8. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
31 law, as amended by section 7 of part II of chapter 59 of the laws of
32 2010, are amended to read as follows:

33 1. The hearing examiner shall make a determination on the charges,
34 either sustaining or dismissing them. Where the hearing examiner deter-
35 mines that the charges have been sustained he or she may examine either
36 the prior parking violations record or the record of liabilities
37 incurred in accordance with section eleven hundred eleven-a of this
38 chapter or in accordance with sections eleven hundred eleven-b of this
39 chapter as added by sections sixteen of chapters twenty, twenty-one, and
40 twenty-two of the laws of two thousand nine or the record of liabilities
41 incurred in accordance with section two thousand nine hundred eighty-
42 five of the public authorities law or sections sixteen-a, sixteen-b and
43 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
44 hundred fifty of the person charged, or the record of liabilities
45 incurred in accordance with section eleven hundred eleven-c of this
46 chapter, OR THE RECORD OF LIABILITIES INCURRED IN ACCORDANCE WITH
47 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as applicable prior to
48 rendering a final determination. Final determinations sustaining or
49 dismissing charges shall be entered on a final determination roll main-
50 tained by the bureau together with records showing payment and nonpay-
51 ment of penalties.

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

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

1 charges, sustaining them, he or she shall impose no greater penalty or
2 fine than those upon which the person was originally charged.

3 S 8-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
4 law, as amended by section 7-a of part II of chapter 59 of the laws of
5 2010, are amended to read as follows:

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

20 2. Where an operator or owner fails to enter a plea to a charge of a
21 parking violation or contest an allegation of liability in accordance
22 with sections eleven hundred eleven-b of this chapter as added by
23 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
24 laws of two thousand nine or fails to contest an allegation of liability
25 in accordance with section eleven hundred eleven-c of this chapter, OR
26 FAILS TO CONTEST AN ALLEGATION OF LIABILITY INCURRED IN ACCORDANCE WITH
27 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, or fails to appear on a
28 designated hearing date or subsequent adjourned date or fails after a
29 hearing to comply with the determination of a hearing examiner, as
30 prescribed by this article or by rule or regulation of the bureau, such
31 failure to plead, contest, appear or comply shall be deemed, for all
32 purposes, an admission of liability and shall be grounds for rendering
33 and entering a default judgment in an amount provided by the rules and
34 regulations of the bureau. However, after the expiration of the original
35 date prescribed for entering a plea and before a default judgment may be
36 rendered, in such case the bureau shall pursuant to the applicable
37 provisions of law notify such operator or owner, by such form of first
38 class mail as the commission may direct; (1) of the violation charged,
39 or liability in accordance with sections eleven hundred eleven-b of this
40 chapter, as added by sections sixteen of chapters twenty, twenty-one,
41 and twenty-two of the laws of two thousand nine, or liability in accord-
42 ance with section eleven hundred eleven-c of this chapter OR LIABILITY
43 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER
44 alleged, (2) of the impending default judgment, (3) that such judgment
45 will be entered in the Civil Court of the city in which the bureau has
46 been established, or other court of civil jurisdiction or any other
47 place provided for the entry of civil judgments within the state of New
48 York, and (4) that a default may be avoided by entering a plea or
49 contesting an allegation of liability in accordance with sections eleven
50 hundred eleven-b of this chapter as added by sections sixteen of chap-
51 ters twenty, twenty-one, and twenty-two of the laws of two thousand
52 nine, or contesting an allegation of liability in accordance with
53 section eleven hundred eleven-c of this chapter OR CONTESTING AN ALLEGA-
54 TION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF
55 THIS CHAPTER as appropriate, or making an appearance within thirty days
56 of the sending of such notice. Pleas entered and allegations contested

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

14 S 8-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
15 law, as amended by section 7-b of part II of chapter 59 of the laws of
16 2010, are amended to read as follows:

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

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

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

11 S 8-c. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
12 law, subdivision 1 as added by chapter 715 of the laws of 1972 and
13 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended
14 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 may examine EITHER the
18 prior parking violations record of the person charged, OR THE RECORD OF
19 LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B
20 OF THIS CHAPTER, AS APPLICABLE, prior to rendering a final determi-
21 nation. Final determinations sustaining or dismissing charges shall be
22 entered on a final determination roll maintained by the bureau together
23 with records showing payment and nonpayment of penalties.

24 2. Where an operator or owner fails to enter a plea to a charge of a
25 parking violation OR FAILS TO CONTEST AN ALLEGATION OF LIABILITY
26 INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS
27 CHAPTER or fails to appear on a designated hearing date or subsequent
28 adjourned date or fails after a hearing to comply with the determination
29 of a hearing examiner, as prescribed by this article or by rule or regu-
30 lation of the bureau, such failure to plead, appear or comply shall be
31 deemed, for all purposes, an admission of liability and shall be grounds
32 for rendering and entering a default judgment in an amount provided by
33 the rules and regulations of the bureau. However, after the expiration
34 of the original date prescribed for entering a plea and before a default
35 judgment may be rendered, in such case the bureau shall pursuant to the
36 applicable provisions of law notify such operator or owner, by such form
37 of first class mail as the commission may direct; (1) of the violation
38 charged OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B
39 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that
40 such judgment will be entered in the Civil Court of the city in which
41 the bureau has been established, or other court of civil jurisdiction or
42 any other place provided for the entry of civil judgments within the
43 state of New York, and (4) that a default may be avoided by entering a
44 plea OR CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION
45 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER or making an appearance within
46 thirty days of the sending of such notice. Pleas entered within that
47 period shall be in the manner prescribed in the notice and not subject
48 to additional penalty or fee. Such notice of impending default judgment
49 shall not be required prior to the rendering and entry thereof in the
50 case of operators or owners who are non-residents of the state of New
51 York. In no case shall a default judgment be rendered or, where
52 required, a notice of impending default judgment be sent, more than two
53 years after the expiration of the time prescribed for entering a plea.
54 When a person has demanded a hearing, no fine or penalty shall be
55 imposed for any reason, prior to the holding of the hearing. If the
56 hearing examiner shall make a determination on the charges, sustaining

1 them, he shall impose no greater penalty or fine than those upon which
2 the person was originally charged.

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

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

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

51 a. If at the time of application for a registration or renewal thereof
52 there is a certification from a court or administrative tribunal of
53 appropriate jurisdiction that the registrant or his or her represen-
54 tative failed to appear on the return date or any subsequent adjourned
55 date or failed to comply with the rules and regulations of an adminis-
56 trative tribunal following entry of a final decision in response to a

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

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

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

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

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

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

51 S 10. The vehicle and traffic law is amended by adding a new section
52 1180-b to read as follows:

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

1 MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR
2 THEREOF TO COMPLY WITH THE APPLICABLE MAXIMUM SPEED LIMIT IN SUCH CITY
3 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH CITY, FOR
4 PURPOSES OF THE IMPLEMENTATION OF SUCH PROGRAM, SHALL OPERATE SPEED
5 LIMIT PHOTO DEVICES WITHIN SUCH CITY AT NO MORE THAN FORTY AND NO FEWER
6 THAN TWENTY LOCATIONS AT ANY ONE TIME DURING ANY YEAR OF SUCH PROGRAM.
7 SUCH SPEED LIMIT PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE
8 ACTIVATED AT LOCATIONS SELECTED BY SUCH CITY.

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

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

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

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

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

53 7. AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
54 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE SHALL BE LIABLE FOR MONE-
55 TARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES
56 PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF SUCH CITY; PROVIDED,

1 HOWEVER, THAT THE MONETARY PENALTY FOR DRIVING AT A SPEED IN EXCESS OF
2 THE MAXIMUM SPEED LIMIT BY FIVE OR MORE MILES PER HOUR AND LESS THAN TEN
3 MILES PER HOUR SHALL NOT EXCEED FIFTY DOLLARS, THE MONETARY PENALTY FOR
4 DRIVING AT A SPEED IN EXCESS OF THE MAXIMUM SPEED LIMIT BY TEN OR MORE
5 MILES PER HOUR AND LESS THAN THIRTY MILES PER HOUR SHALL NOT EXCEED
6 SEVENTY-FIVE DOLLARS, AND THE MONETARY PENALTY FOR DRIVING IN EXCESS OF
7 THE MAXIMUM SPEED LIMIT BY THIRTY OR MORE MILES PER HOUR SHALL NOT
8 EXCEED ONE HUNDRED FIFTY DOLLARS; PROVIDED, FURTHER, THAT AN OWNER SHALL
9 BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO EXCEED TWENTY-FIVE DOLLARS
10 FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY
11 WITHIN THE PRESCRIBED TIME PERIOD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (A) A DESCRIPTION OF THE LOCATIONS WHERE SPEED LIMIT PHOTO DEVICES
31 WERE USED;

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

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

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

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

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

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

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

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

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

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

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

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

1 shall be levied a mandatory surcharge, in addition to any sentence
2 required or permitted by law, in the amount of twenty-five dollars.

3 S 11-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
4 as amended by section 10-b of part II of chapter 59 of the laws of 2010,
5 is amended to read as follows:

6 1. Whenever proceedings in an administrative tribunal or a court of
7 this state result in a conviction for a crime under this chapter or a
8 traffic infraction under this chapter other than a traffic infraction
9 involving standing, stopping, parking or motor vehicle equipment or
10 violations by pedestrians or bicyclists, or other than an adjudication
11 in accordance with section eleven hundred eleven-c of this chapter for a
12 violation of a bus lane restriction as defined in such section, OR OTHER
13 THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI-
14 VISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
15 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there
16 shall be levied a mandatory surcharge, in addition to any sentence
17 required or permitted by law, in the amount of seventeen dollars.

18 S 11-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
19 as separately amended by chapter 16 of the laws of 1983 and chapter 62
20 of the laws of 1989, is amended to read as follows:

21 1. Whenever proceedings in an administrative tribunal or a court of
22 this state result in a conviction for a crime under this chapter or a
23 traffic infraction under this chapter other than a traffic infraction
24 involving standing, stopping, parking or motor vehicle equipment or
25 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION
26 OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
27 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
28 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be levied a manda-
29 tory surcharge, in addition to any sentence required or permitted by
30 law, in the amount of seventeen dollars.

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

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

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

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

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

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

55 (d) the amendments to section 235 of the vehicle and traffic law made
56 by section one-c of this act shall not affect the expiration of such

1 section and shall be deemed to expire therewith, when upon such date the
2 provisions of section one-d of this act shall take effect;

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

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

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

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

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

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

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

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

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

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

53 (o) the amendments to subdivisions 1 and 1-a of section 240 of the
54 vehicle and traffic law made by section six-b of this act shall not
55 affect the expiration of such subdivisions and shall be deemed to expire

1 therewith, when upon such date the provisions of section six-c of this
2 act shall take effect;

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

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

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

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

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

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

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

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

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

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

53 (z) the amendments to subdivision 1 of section 1809 of the vehicle and
54 traffic law made by section eleven-a of this act shall not affect the
55 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.