

7737--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. GLICK, BENEDETTO, MILLMAN, COOK, GOTTFRIED, WEPRIN, P. RIVERA, TITONE, CASTRO, ROSENTHAL, QUART, ORTIZ, KELLNER, BROOK-KRASNY, HEVESI -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CYMBROWITZ, GABRYSZAK, LUPARDO, McDONOUGH, ROBINSON, SCHIMEL, THIELE, TOBACCO -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD10928-04-2

1 liability of owners for violations of toll collection regulations as
2 defined in and in accordance with the provisions of section two thousand
3 nine hundred eighty-five of the public authorities law and sections
4 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
5 of the laws of nineteen hundred fifty, or to adjudicate liability of
6 owners in accordance with section eleven hundred eleven-c of this chap-
7 ter for violations of bus lane restrictions as defined in such section,
8 OR TO ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C)
9 AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE
10 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and
11 the rules and regulations pertaining thereto shall be constituted in
12 substantial conformance with the following sections.

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

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

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

44 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any
45 general, special or local law or administrative code to the contrary, in
46 any city which heretofore or hereafter is authorized to establish an
47 administrative tribunal to hear and determine complaints of traffic
48 infractions constituting parking, standing or stopping violations, or to
49 adjudicate the liability of owners for violations of subdivision (d) of
50 section eleven hundred eleven of this chapter in accordance with
51 sections eleven hundred eleven-b of this chapter as added by sections
52 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
53 two thousand nine, or to adjudicate the liability of owners for
54 violations of toll collection regulations as defined in and in accord-
55 ance with the provisions of section two thousand nine hundred eighty-
56 five of the public authorities law and sections sixteen-a, sixteen-b and

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

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

13 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any
14 general, special or local law or administrative code to the contrary, in
15 any city which heretofore or hereafter is authorized to establish an
16 administrative tribunal to hear and determine complaints of traffic
17 infractions constituting parking, standing or stopping violations, 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-d. Section 235 of the vehicle and traffic law, as separately
32 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
33 of 1992, is amended to 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 toll collection
40 regulations as defined in and in accordance with the provisions of
41 section two thousand nine hundred eighty-five of the public authorities
42 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
43 hundred seventy-four of the laws of nineteen hundred fifty, OR TO ADJU-
44 DICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
45 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
46 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and
47 regulations pertaining thereto shall be constituted in substantial
48 conformance with the following sections.

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

52 1. Creation. In any city as hereinbefore or hereafter authorized such
53 tribunal when created shall be known as the parking violations bureau
54 and shall have jurisdiction of traffic infractions which constitute a
55 parking violation and, where authorized by local law adopted pursuant to
56 subdivision (a) of section eleven hundred eleven-a of this chapter or

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

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

29 1. Creation. In any city as hereinbefore or hereafter authorized such
30 tribunal when created shall be known as the parking violations bureau
31 and shall have jurisdiction of traffic infractions which constitute a
32 parking violation and, where authorized by local law adopted pursuant to
33 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
34 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
35 of the laws of two thousand nine, shall adjudicate the liability of
36 owners for violations of subdivision (d) of section eleven hundred eleven
37 of this chapter in accordance with such sections eleven hundred
38 eleven-b as added by sections sixteen of chapters twenty, twenty-one,
39 and twenty-two of the laws of two thousand nine; and shall adjudicate
40 liability of owners in accordance with section eleven hundred eleven-c
41 of this chapter for violations of bus lane restrictions as defined in
42 such section AND SHALL ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF
43 SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER
44 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.
45 For the purposes of this article, a parking violation is the violation
46 of any law, rule or regulation providing for or regulating the parking,
47 stopping or standing of a vehicle. In addition for purposes of this
48 article, "commissioner" shall mean and include the commissioner of traffic
49 of the city or an official possessing authority as such a commissioner.
50

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

54 1. Creation. In any city as hereinbefore or hereafter authorized such
55 tribunal when created shall be known as the parking violations bureau
56 and shall have jurisdiction of traffic infractions which constitute a

1 parking violation and shall adjudicate liability of owners in accordance
2 with section eleven hundred eleven-c of this chapter for violations of
3 bus lane restrictions as defined in such section AND SHALL ADJUDICATE
4 LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
5 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
6 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. For the purposes of this arti-
7 cle, a parking violation is the violation of any law, rule or regulation
8 providing for or regulating the parking, stopping or standing of a vehi-
9 cle. In addition for purposes of this article, "commissioner" shall mean
10 and include the commissioner of traffic of the city or an official
11 possessing authority as such a commissioner.

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

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

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

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

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

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

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

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

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

50 f. "Notice of violation" means a notice of violation as defined in
51 subdivision nine of section two hundred thirty-seven of this article,
52 but shall not be deemed to include a notice of liability issued pursuant
53 to authorization set forth in section eleven hundred eleven-a of this
54 chapter or sections eleven hundred eleven-b of this chapter as added by
55 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
56 laws of two thousand nine, and shall not be deemed to include a notice

1 of liability issued pursuant to section two thousand nine hundred eight-
2 y-five of the public authorities law and sections sixteen-a, sixteen-b
3 and sixteen-c of chapter seven hundred seventy-four of the laws of nine-
4 teen hundred fifty and shall not be deemed to include a notice of
5 liability issued pursuant to section eleven hundred eleven-c of this
6 chapter AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED
7 PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

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

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

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

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

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

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

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

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

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

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

1 S 6. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
2 law, as amended by section 5 of part II of chapter 59 of the laws of
3 2010, are amended to read as follows:

4 1. Notice of hearing. Whenever a person charged with a parking
5 violation enters a plea of not guilty or a person alleged to be liable
6 in accordance with section eleven hundred eleven-a of this chapter or
7 sections eleven hundred eleven-b of this chapter as added by sections
8 sixteen of chapters twenty, twenty-one, and twenty two of the laws of
9 two thousand nine, for a violation of subdivision (d) of section eleven
10 hundred eleven of this chapter contests such allegation, or a person
11 alleged to be liable in accordance with the provisions of section two
12 thousand nine hundred eighty-five of the public authorities law or
13 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
14 seventy-four of the laws of nineteen hundred fifty, or a person alleged
15 to be liable in accordance with the provisions of section eleven hundred
16 eleven-c of this chapter for a violation of a bus lane restriction as
17 defined in such section contests such allegation, OR A PERSON ALLEGED TO
18 BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED
19 EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
20 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,
21 the bureau shall advise such person personally by such form of first
22 class mail as the director may direct of the date on which he or she
23 must appear to answer the charge at a hearing. The form and content of
24 such notice of hearing shall be prescribed by the director, and shall
25 contain a warning to advise the person so pleading or contesting that
26 failure to appear on the date designated, or on any subsequent adjourned
27 date, shall be deemed an admission of liability, and that a default
28 judgment may be entered thereon.

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

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

47 1. Notice of hearing. Whenever a person charged with a parking
48 violation enters a plea of not guilty or a person alleged to be liable
49 in accordance with sections eleven hundred eleven-b of this chapter as
50 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
51 of the laws of two thousand nine for a violation of subdivision (d) of
52 section eleven hundred eleven of this chapter, or a person alleged to be
53 liable in accordance with the provisions of section eleven hundred
54 eleven-c of this chapter for a violation of a bus lane restriction as
55 defined in such section contests such allegation, OR A PERSON ALLEGED TO
56 BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED

1 EIGHTY-B OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
2 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,
3 the bureau shall advise such person personally by such form of first
4 class mail as the director may direct of the date on which he or she
5 must appear to answer the charge at a hearing. The form and content of
6 such notice of hearing shall be prescribed by the director, and shall
7 contain a warning to advise the person so pleading or contesting that
8 failure to appear on the date designated, or on any subsequent adjourned
9 date, shall be deemed an admission of liability, and that a default
10 judgment may be entered thereon.

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

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

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

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

49 S 6-c. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
50 fic law, subdivision 1 as added by chapter 715 of the laws of 1972 and
51 subdivision 1-a as added by chapter 365 of the laws of 1978, are amended
52 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 THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF
56 THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEV-

1 EN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau
2 shall advise such person personally by such form of first class mail as
3 the director may direct of the date on which he OR SHE must appear to
4 answer the charge at a hearing. The form and content of such notice of
5 hearing shall be prescribed by the director, and shall contain a warning
6 to advise the person so pleading that failure to appear on the date
7 designated, or on any subsequent adjourned date, shall be deemed an
8 admission of liability, and that a default judgment may be entered there-
9 on.

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

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

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

33 g. A record shall be made of a hearing on a plea of not guilty or of a
34 hearing at which liability in accordance with section eleven hundred
35 eleven-a of this chapter or in accordance with sections eleven hundred
36 eleven-b of this chapter as added by sections sixteen of chapters twenty-
37 ty, twenty-one, and twenty-two of the laws of two thousand nine is
38 contested or of a hearing at which 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 is contested or of a
42 hearing at which liability in accordance with section eleven hundred
43 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE
44 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.
45 Recording devices may be used for the making of the record.

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

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

1 before a hearing examiner in accordance with rules and regulations
2 promulgated by the bureau.

3 g. A record shall be made of a hearing on a plea of not guilty or of a
4 hearing at which liability in accordance with sections eleven hundred
5 eleven-b of this chapter, as added by sections sixteen of chapters twen-
6 ty, twenty-one, and twenty-two of the laws of two thousand nine or of a
7 hearing at which liability in accordance with section eleven hundred
8 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE
9 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.
10 Recording devices may be used for the making of the record.

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

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

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

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

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

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

36 S 8. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
37 law, as amended by section 7 of part II of chapter 59 of the laws of
38 2010, are amended to read as follows:

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

1 tained by the bureau together with records showing payment and nonpay-
2 ment of penalties.

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

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

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

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

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

1 hundred eleven-b of this chapter as added by sections sixteen of chap-
2 ters twenty, twenty-one, and twenty-two of the laws of two thousand
3 nine, or contesting an allegation of liability in accordance with
4 section eleven hundred eleven-c of this chapter OR CONTESTING AN ALLEGA-
5 TION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF
6 THIS CHAPTER as appropriate, or making an appearance within thirty days
7 of the sending of such notice. Pleas entered and allegations contested
8 within that period shall be in the manner prescribed in the notice and
9 not subject to additional penalty or fee. Such notice of impending
10 default judgment shall not be required prior to the rendering and entry
11 thereof in the case of operators or owners who are non-residents of the
12 state of New York. In no case shall a default judgment be rendered or,
13 where required, a notice of impending default judgment be sent, more
14 than two years after the expiration of the time prescribed for entering
15 a plea or contesting an allegation. When a person has demanded a hear-
16 ing, no fine or penalty shall be imposed for any reason, prior to the
17 holding of the hearing. If the hearing examiner shall make a determi-
18 nation on the charges, sustaining them, he or she shall impose no great-
19 er penalty or fine than those upon which the person was originally
20 charged.

21 S 8-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
22 law, as amended by section 7-b of part II of chapter 59 of the laws of
23 2010, are amended to read as follows:

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

35 2. Where an operator or owner fails to enter a plea to a charge of a
36 parking violation, or fails to contest an allegation of liability in
37 accordance with section eleven hundred eleven-c of this chapter, OR
38 FAILS TO CONTEST AN ALLEGATION OF LIABILITY INCURRED IN ACCORDANCE WITH
39 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, or fails to appear on a
40 designated hearing date or subsequent adjourned date or fails after a
41 hearing to comply with the determination of a hearing examiner, as
42 prescribed by this article or by rule or regulation of the bureau, such
43 failure to plead, appear or comply shall be deemed, for all purposes, an
44 admission of liability and shall be grounds for rendering and entering a
45 default judgment in an amount provided by the rules and regulations of
46 the bureau. However, after the expiration of the original date
47 prescribed for entering a plea and before a default judgment may be
48 rendered, in such case the bureau shall pursuant to the applicable
49 provisions of law notify such operator or owner, by such form of first
50 class mail as the commission may direct; (1) of the violation charged or
51 alleged liability in accordance with section eleven hundred eleven-c of
52 this chapter OR ALLEGED LIABILITY IN ACCORDANCE WITH SECTION ELEVEN
53 HUNDRED EIGHTY-B OF THIS CHAPTER, (2) of the impending default judgment,
54 (3) that such judgment will be entered in the Civil Court of the city in
55 which the bureau has been established, or other court of civil jurisdic-
56 tion or any other place provided for the entry of civil judgments within

1 the state of New York, and (4) that a default may be avoided by entering
2 a plea or contesting an allegation of liability in accordance with
3 section eleven hundred eleven-c of this chapter OR CONTESTING AN ALLEGA-
4 TION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF
5 THIS CHAPTER or making an appearance within thirty days of the sending
6 of such notice. Pleas entered within that period shall be in the manner
7 prescribed in the notice and not subject to additional penalty or fee.
8 Such notice of impending default judgment shall not be required prior to
9 the rendering and entry thereof in the case of operators or owners who
10 are non-residents of the state of New York. In no case shall a default
11 judgment be rendered or, where required, a notice of impending default
12 judgment be sent, more than two years after the expiration of the time
13 prescribed for entering a plea. When a person has demanded a hearing, no
14 fine or penalty shall be imposed for any reason, prior to the holding of
15 the hearing. If the hearing examiner shall make a determination on the
16 charges, sustaining them, he or she shall impose no greater penalty or
17 fine than those upon which the person was originally charged.

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

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

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

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

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

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

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

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

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

46 a. If at the time of application for a registration or renewal thereof
47 there is a certification from a court or administrative tribunal of
48 appropriate jurisdiction that the registrant or his or her represen-
49 tative failed to appear on the return date or any subsequent adjourned
50 date or failed to comply with the rules and regulations of an adminis-
51 trative tribunal following entry of a final decision in response to
52 three or more summonses or other process, issued within an eighteen
53 month period, charging that such motor vehicle was parked, stopped or
54 standing, or that such motor vehicle was operated for hire by the regis-
55 trant or his or her agent without being licensed as a motor vehicle for
56 hire by the appropriate local authority, in violation of any of the

1 provisions of this chapter or of any law, ordinance, rule or regulation
2 made by a local authority or the registrant was liable in accordance
3 with section eleven hundred eleven-c of this chapter for a violation of
4 a bus lane restriction as defined in such section, OR THE REGISTRANT WAS
5 LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAP-
6 TER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED
7 EIGHTY OF THIS CHAPTER, the commissioner or his or her agent shall deny
8 the registration or renewal application until the applicant provides
9 proof from the court or administrative tribunal wherein the charges are
10 pending that an appearance or answer has been made or in the case of an
11 administrative tribunal that he or she has complied with the rules and
12 regulations of said tribunal following entry of a final decision. Where
13 an application is denied pursuant to this section, the commissioner may,
14 in his or her discretion, deny a registration or renewal application to
15 any other person for the same vehicle and may deny a registration or
16 renewal application for any other motor vehicle registered in the name
17 of the applicant where the commissioner has determined that such regis-
18 trant's intent has been to evade the purposes of this subdivision and
19 where the commissioner has reasonable grounds to believe that such
20 registration or renewal will have the effect of defeating the purposes
21 of this subdivision. Such denial shall only remain in effect as long as
22 the summonses remain unanswered, or in the case of an administrative
23 tribunal, the registrant fails to comply with the rules and regulations
24 following entry of a final decision.

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

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

1 remain in effect as long as the summonses remain unanswered, or in the
2 case of an administrative tribunal, the registrant fails to comply with
3 the rules and regulations following entry of a final decision.

4 S 10. The vehicle and traffic law is amended by adding a new section
5 1180-b to read as follows:

6 S 1180-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
7 APPLICABLE MAXIMUM SPEED LIMIT. 1. NOTWITHSTANDING ANY OTHER PROVISION
8 OF LAW, EACH CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY
9 AUTHORIZED AND EMPOWERED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING
10 MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR
11 THEREOF TO COMPLY WITH THE APPLICABLE MAXIMUM SPEED LIMIT IN SUCH CITY
12 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH CITY, FOR
13 PURPOSES OF THE IMPLEMENTATION OF SUCH PROGRAM, SHALL OPERATE SPEED
14 LIMIT PHOTO DEVICES WITHIN SUCH CITY AT NO MORE THAN FORTY AND NO FEWER
15 THAN TWENTY LOCATIONS AT ANY ONE TIME DURING ANY YEAR OF SUCH PROGRAM.
16 SUCH SPEED LIMIT PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE
17 ACTIVATED AT LOCATIONS SELECTED BY SUCH CITY, EXCEPT THAT NO MORE THAN
18 TWENTY LOCATIONS SHALL BE ACTIVATED WITH MOBILE SPEED LIMIT PHOTO
19 DEVICES AT ANY ONE TIME DURING ANY YEAR OF SUCH DEMONSTRATION PROGRAM.
20 SUCH SPEED LIMIT PHOTO DEVICES SHALL BE INSTALLED BASED ON A DEMON-
21 STRATED NEED, WHICH SHALL BE DETERMINED BY A NUMBER OF CRITERIA, INCLUD-
22 ING BUT NOT LIMITED TO SPEEDING DATA, ACCIDENT HISTORY AND ROADWAY GEOM-
23 ETRY.

24 2. IN ANY CITY THAT HAS ESTABLISHED A DEMONSTRATION PROGRAM PURSUANT
25 TO SUBDIVISION ONE OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE
26 LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE
27 WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR
28 IMPLIED, IN VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN
29 HUNDRED EIGHTY OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY
30 INFORMATION OBTAINED FROM A SPEED LIMIT PHOTO DEVICE; PROVIDED HOWEVER
31 THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSU-
32 ANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN
33 CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (C) OR (D) OF
34 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

35 3. SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES TO
36 ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH
37 SPEED LIMIT PHOTO DEVICES SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE
38 DRIVER, THE PASSENGERS OR THE CONTENTS OF THE VEHICLE, PROVIDED, HOWEV-
39 ER, THAT NO NOTICE OF LIABILITY ISSUED PURSUANT TO THIS SECTION SHALL BE
40 DISMISSED SOLELY BECAUSE A PHOTOGRAPH OR PHOTOGRAPHS ALLOW FOR THE IDEN-
41 TIFICATION OF THE DRIVER, THE PASSENGERS OR OTHER CONTENTS OF A VEHICLE,
42 PROVIDED THAT SUCH CITY HAS MADE A REASONABLE EFFORT TO COMPLY WITH THE
43 PROVISIONS OF THIS SUBDIVISION.

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

51 5. FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING
52 PROVIDED IN SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER. FOR
53 PURPOSES OF THIS SECTION, "SPEED LIMIT PHOTO DEVICE" SHALL MEAN EQUIP-
54 MENT THAT TAKES A FILM OR DIGITAL CAMERA-BASED PHOTOGRAPH, MICROPHOTO-
55 GRAPH, VIDEO, OR OTHER RECORDED IMAGE WHICH IS LINKED WITH A VIOLATION
56 DETECTION SYSTEM THAT SYNCHRONIZES THE TAKING OF SUCH IMAGE OF A VEHICLE

1 AT THE TIME THE VEHICLE IS USED OR OPERATED IN VIOLATION OF SUBDIVISION
2 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

3 6. A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY THE
4 CITY IN WHICH THE CHARGED VIOLATION OCCURRED OR ITS VENDOR OR CONTRAC-
5 TOR, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS,
6 MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A SPEED
7 LIMIT PHOTO DEVICE, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED
8 THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
9 IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN
10 ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH VIOLATION PURSUANT
11 TO THIS SECTION.

12 7. AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
13 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE SHALL BE LIABLE FOR MONE-
14 TARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES
15 PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF SUCH CITY; PROVIDED,
16 HOWEVER, THAT THE MONETARY PENALTY FOR DRIVING AT A SPEED IN EXCESS OF
17 THE MAXIMUM SPEED LIMIT BY TEN OR MORE MILES PER HOUR AND LESS THAN
18 THIRTY MILES PER HOUR SHALL NOT EXCEED FIFTY DOLLARS, AND THE MONETARY
19 PENALTY FOR DRIVING IN EXCESS OF THE MAXIMUM SPEED LIMIT BY THIRTY OR
20 MORE MILES PER HOUR SHALL NOT EXCEED ONE HUNDRED DOLLARS; PROVIDED,
21 FURTHER, THAT AN OWNER SHALL BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO
22 EXCEED TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND
23 TO A NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

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

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

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

43 (C) THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
44 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
45 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO
46 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST
47 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-
48 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

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

51 10. IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT
52 TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS
53 REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A
54 VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVI-
55 SION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE THAT
56 THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME

THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFICIENT THAT AN ORIGINAL INCIDENT FORM ISSUED BY THE POLICE ON THE STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE PARKING VIOLATIONS BUREAU OF SUCH CITY.

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

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

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

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

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

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

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

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

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

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

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

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

(E) THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE;

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

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

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

1 Whenever proceedings in an administrative tribunal or a court of this
2 state result in a conviction for an offense under this chapter or a
3 traffic infraction under this chapter, or a local law, ordinance, rule
4 or regulation adopted pursuant to this chapter, other than a traffic
5 infraction involving standing, stopping, or parking or violations by
6 pedestrians or bicyclists, or other than an adjudication of liability of
7 an owner for a violation of subdivision (d) of section eleven hundred
8 eleven of this chapter in accordance with section eleven hundred
9 eleven-a of this chapter, or other than an adjudication of liability of
10 an owner for a violation of subdivision (d) of section eleven hundred
11 eleven of this chapter in accordance with section eleven hundred
12 eleven-b of this chapter, or other than an adjudication in accordance
13 with section eleven hundred eleven-c of this chapter for a violation of
14 a bus lane restriction as defined in such section, OR OTHER THAN AN
15 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (C)
16 OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE
17 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be
18 levied a crime victim assistance fee and a mandatory surcharge, in addi-
19 tion to any sentence required or permitted by law, in accordance with
20 the following schedule:

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

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

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

1 dication of liability of an owner for a violation of subdivision (d) of
2 section eleven hundred eleven of this chapter in accordance with section
3 eleven hundred eleven-a of this chapter, or other than an adjudication
4 of liability of an owner for a violation of subdivision (d) of section
5 eleven hundred eleven of this chapter in accordance with section eleven
6 hundred eleven-b of this chapter, or other than an adjudication in
7 accordance with section eleven hundred eleven-c of this chapter for a
8 violation of a bus lane restriction as defined in such section, OR OTHER
9 THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI-
10 VISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
11 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there
12 shall be levied a mandatory surcharge, in addition to any sentence
13 required or permitted by law, in the amount of twenty-five dollars.

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

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

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

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

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

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

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

53 (a) the amendments to subdivision 1 of section 235 of the vehicle and
54 traffic law made by section one of this act shall not affect the expira-
55 tion of such subdivision and shall be deemed to expire therewith, when

1 upon such date the provisions of section one-a of this act shall take
2 effect;

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

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

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

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

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

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

30 (h) the amendments to subdivision 12 of section 237 of the vehicle and
31 traffic law made by section three of this act shall not affect the
32 repeal of such subdivision and shall be deemed to be repealed therewith,
33 when upon such date the provisions of section three-a of this act shall
34 take effect;

35 (i) the amendments to paragraph f of subdivision 1 of section 239 of
36 the vehicle and traffic law made by section four 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-a of this
39 act shall take effect;

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

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

50 (l) the amendments to subdivision 4 of section 239 of the vehicle and
51 traffic law made by section five of this act shall not affect the repeal
52 of such subdivision and shall be deemed to be repealed therewith, when
53 upon such date the provisions of section five-a of this act shall take
54 effect;

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

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

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

9 (o) the amendments to subdivisions 1 and 1-a of section 240 of the
10 vehicle and traffic law made by section six-b of this act shall not
11 affect the expiration of such subdivisions and shall be deemed to expire
12 therewith, when upon such date the provisions of section six-c of this
13 act shall take effect;

14 (p) the amendments to paragraphs a and g of subdivision 2 of section
15 240 of the vehicle and traffic law made by section seven 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-a of this act shall take effect;

19 (q) the amendments to paragraphs a and g of subdivision 2 of section
20 240 of the vehicle and traffic law made by section seven-a of this act
21 shall not affect the expiration of such paragraphs and shall be deemed
22 to expire therewith, when upon such date the provisions of section
23 seven-b of this act shall take effect;

24 (r) the amendments to paragraphs a and g of subdivision 2 of section
25 240 of the vehicle and traffic law made by section seven-b of this act
26 shall not affect the expiration of such paragraphs and shall be deemed
27 to expire therewith, when upon such date the provisions of section
28 seven-c of this act shall take effect;

29 (s) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
30 cle and traffic law made by section eight 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-a of this act
33 shall take effect;

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

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

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

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

54 (x) the amendments to paragraph a of subdivision 5-a of section 401 of
55 the vehicle and traffic law made by section nine-b of this act shall not
56 affect the expiration of such paragraph and shall be deemed to expire

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

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

8 (z) the amendments to subdivision 1 of section 1809 of the vehicle and
9 traffic law made by section eleven-a of this act shall not affect the
10 expiration of such subdivision and shall be deemed to expire therewith,
11 when upon such date the provisions of section eleven-b of this act shall
12 take effect; and

13 (aa) the amendments to subdivision 1 of section 1809 of the vehicle
14 and traffic law made by section eleven-b of this act shall not affect
15 the expiration of such subdivision and shall be deemed to expire there-
16 with, when upon such date the provisions of section eleven-c of this act
17 shall take effect.