

8250

2013-2014 Regular Sessions

I N A S S E M B L Y

November 6, 2013

Introduced by M. of A. PAULIN, OTIS -- read once and referred to the
Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law,
in relation to owner liability for failure of operator to comply with
traffic-control indications and providing for the repeal of such
provisions upon expiration thereof

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

1 Section 1. Subparagraph (i) of paragraph a of subdivision 5-a of
2 section 401 of the vehicle and traffic law, as amended by chapter 189 of
3 the laws of 2013, is amended to read as follows:
4 (i) If at the time of application for a registration or renewal there-
5 of there is a certification from a court, parking violations bureau,
6 traffic and parking violations agency or administrative tribunal of
7 appropriate jurisdiction [or administrative tribunal of appropriate
8 jurisdiction] that the registrant or his or her representative failed to
9 appear on the return date or any subsequent adjourned date or failed to
10 comply with the rules and regulations of an administrative tribunal
11 following entry of a final decision in response to a total of three or
12 more summonses or other process in the aggregate, issued within an eigh-
13 teen month period, charging either that: (i) such motor vehicle was
14 parked, stopped or standing, or that such motor vehicle was operated for
15 hire by the registrant or his or her agent without being licensed as a
16 motor vehicle for hire by the appropriate local authority, in violation
17 of any of the provisions of this chapter or of any law, ordinance, rule
18 or regulation made by a local authority; or (ii) the registrant was
19 liable in accordance with section eleven hundred eleven-a [of this chap-
20 ter or], section eleven hundred eleven-b OR SECTION ELEVEN HUNDRED
21 ELEVEN-D of this chapter for a violation of subdivision (d) of section
22 eleven hundred eleven of this chapter; or (iii) the registrant was
23 liable in accordance with section eleven hundred eleven-c of this chap-

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

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1 ter for a violation of a bus lane restriction as defined in such
2 section, or (iv) the registrant was liable in accordance with section
3 eleven hundred eighty-b of this chapter for a violation of subdivision
4 (c) or (d) of section eleven hundred eighty of this chapter, the commis-
5 sioner or his or her agent shall deny the registration or renewal appli-
6 cation until the applicant provides proof from the court, traffic and
7 parking violations agency or administrative tribunal wherein the charges
8 are pending that an appearance or answer has been made or in the case of
9 an administrative tribunal that he or she has complied with the rules
10 and regulations of said tribunal following entry of a final decision.
11 Where an application is denied pursuant to this section, the commis-
12 sioner may, in his or her discretion, deny a registration or renewal appli-
13 cation to any other person for the same vehicle and may deny a registra-
14 tion or renewal application for any other motor vehicle registered in
15 the name of the applicant where the commissioner has determined that
16 such registrant's intent has been to evade the purposes of this subdivi-
17 sion and where the commissioner has reasonable grounds to believe that
18 such registration or renewal will have the effect of defeating the
19 purposes of this subdivision. Such denial shall only remain in effect as
20 long as the summonses remain unanswered, or in the case of an adminis-
21 trative tribunal, the registrant fails to comply with the rules and
22 regulations following entry of a final decision.

23 S 2. Paragraph a of subdivision 5-a of section 401 of the vehicle and
24 traffic law, as amended by section 9-a of chapter 189 of the laws of
25 2013, is amended to read as follows:

26 a. If at the time of application for a registration or renewal thereof
27 there is a certification from a court or administrative tribunal of
28 appropriate jurisdiction that the registrant or his or her represen-
29 tative failed to appear on the return date or any subsequent adjourned
30 date or failed to comply with the rules and regulations of an adminis-
31 trative tribunal following entry of a final decision in response to a
32 total of three or more summonses or other process in the aggregate,
33 issued within an eighteen month period, charging either that: (i) such
34 motor vehicle was parked, stopped or standing, or that such motor vehi-
35 cle was operated for hire by the registrant or his or her agent without
36 being licensed as a motor vehicle for hire by the appropriate local
37 authority, in violation of any of the provisions of this chapter or of
38 any law, ordinance, rule or regulation made by a local authority; or
39 (ii) the registrant was liable in accordance with section eleven hundred
40 eleven-b of this chapter for a violation of subdivision (d) of section
41 eleven hundred eleven of this chapter; or (iii) the registrant was
42 liable in accordance with section eleven hundred eleven-c of this chap-
43 ter for a violation of a bus lane restriction as defined in such
44 section; or (iv) the registrant was liable in accordance with section
45 eleven hundred eighty-b of this chapter for a violation of subdivision
46 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
47 ter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN
48 HUNDRED ELEVEN-D OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (D) OF
49 SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER, the commissioner or his
50 or her agent shall deny the registration or renewal application until
51 the applicant provides proof from the court or administrative tribunal
52 wherein the charges are pending that an appearance or answer has been
53 made or in the case of an administrative tribunal that he or she has
54 complied with the rules and regulations of said tribunal following entry
55 of a final decision. Where an application is denied pursuant to this
56 section, the commissioner may, in his or her discretion, deny a regis-

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

11 S 3. Paragraph a of subdivision 5-a of section 401 of the vehicle and
12 traffic law, as amended by section 9-b of chapter 189 of the laws of
13 2013, is amended to read as follows:

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

52 S 4. Paragraph a of subdivision 5-a of section 401 of the vehicle and
53 traffic law, as amended by section 9-c of chapter 189 of the laws of
54 2013, is amended to read as follows:

55 a. If at the time of application for a registration or renewal thereof
56 there is a certification from a court or administrative tribunal of

1 appropriate jurisdiction that the registrant or his representative
2 failed to appear on the return date or any subsequent adjourned date or
3 failed to comply with the rules and regulations of an administrative
4 tribunal following entry of a final decision in response to three or
5 more summonses or other process, issued within an eighteen month period,
6 charging that such motor vehicle was parked, stopped or standing, or
7 that such motor vehicle was operated for hire by the registrant or his
8 agent without being licensed as a motor vehicle for hire by the appro-
9 priate local authority, in violation of any of the provisions of this
10 chapter or of any law, ordinance, rule or regulation made by a local
11 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEV-
12 EN HUNDRED ELEVEN-D OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (D)
13 OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER, or the registrant was
14 liable in accordance with section eleven hundred eighty-b of this chap-
15 ter for violations of subdivision (b), (c), (d), (f) or (g) of section
16 eleven hundred eighty of this chapter, the commissioner or his agent
17 shall deny the registration or renewal application until the applicant
18 provides proof from the court or administrative tribunal wherein the
19 charges are pending that an appearance or answer has been made or in the
20 case of an administrative tribunal that he has complied with the rules
21 and regulations of said tribunal following entry of a final decision.
22 Where an application is denied pursuant to this section, the commission-
23 er may, in his discretion, deny a registration or renewal application to
24 any other person for the same vehicle and may deny a registration or
25 renewal application for any other motor vehicle registered in the name
26 of the applicant where the commissioner has determined that such regis-
27 trant's intent has been to evade the purposes of this subdivision and
28 where the commissioner has reasonable grounds to believe that such
29 registration or renewal will have the effect of defeating the purposes
30 of this subdivision. Such denial shall only remain in effect as long as
31 the summonses remain unanswered, or in the case of an administrative
32 tribunal, the registrant fails to comply with the rules and regulations
33 following entry of a final decision.

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

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

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

13 S 6. The vehicle and traffic law is amended by adding a new section
14 1111-d to read as follows:

15 S 1111-D. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
16 TRAFFIC-CONTROL INDICATIONS. (A) 1. NOTWITHSTANDING ANY OTHER PROVISION
17 OF LAW, THE CITY OF NEW ROCHELLE IS HEREBY AUTHORIZED AND EMPOWERED TO
18 ADOPT AND AMEND A LOCAL LAW OR ORDINANCE ESTABLISHING A DEMONSTRATION
19 PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAIL-
20 URE OF AN OPERATOR THEREOF TO COMPLY WITH TRAFFIC-CONTROL INDICATIONS IN
21 SUCH CITY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH DEMON-
22 STRATION PROGRAM SHALL EMPOWER SUCH CITY TO INSTALL AND OPERATE TRAFF-
23 IC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING DEVICES AT NO MORE THAN
24 TWENTY-FIVE INTERSECTIONS WITHIN SUCH CITY AT ANY ONE TIME.

25 2. SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES TO
26 ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS PRODUCED BY SUCH
27 TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEMS SHALL NOT
28 INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSENGERS, OR THE CONTENTS
29 OF THE VEHICLE. PROVIDED, HOWEVER, THAT NO NOTICE OF LIABILITY ISSUED
30 PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE A PHOTOGRAPH
31 OR PHOTOGRAPHS ALLOW FOR THE IDENTIFICATION OF THE CONTENTS OF A VEHI-
32 CLE, PROVIDED THAT SUCH CITY HAS MADE A REASONABLE EFFORT TO COMPLY WITH
33 THE PROVISIONS OF THIS PARAGRAPH.

34 (B) IN ANY SUCH CITY WHICH HAS ADOPTED A LOCAL LAW OR ORDINANCE PURSU-
35 ANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE
36 LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE
37 WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR
38 IMPLIED, IN VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEV-
39 EN OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION
40 OBTAINED FROM A TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING
41 SYSTEM; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR
42 A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH
43 VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION
44 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

45 (C) FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING
46 PROVIDED IN ARTICLE TWO-B OF THIS CHAPTER. FOR PURPOSES OF THIS SECTION,
47 "TRAFFIC-CONTROL SIGNAL PHOTO VIOLATION-MONITORING SYSTEM" SHALL MEAN A
48 VEHICLE SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A TRAFFIC-CONTROL
49 SIGNAL WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE
50 MICROPHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE
51 AT THE TIME IT IS USED OR OPERATED IN VIOLATION OF SUBDIVISION (D) OF
52 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE.

53 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY
54 THE CITY OF NEW ROCHELLE IN WHICH THE CHARGED VIOLATION OCCURRED, OR A
55 FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTO-
56 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A TRAFFIC-CONTROL

1 SIGNAL PHOTO VIOLATION-MONITORING SYSTEM, SHALL BE PRIMA FACIE EVIDENCE
2 OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDE-
3 OTAPE OR OTHER RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE
4 AVAILABLE FOR INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE LIABILITY
5 FOR SUCH VIOLATION PURSUANT TO A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT
6 TO THIS SECTION.

7 (E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
8 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO A LOCAL LAW OR ORDI-
9 NANCE ADOPTED PURSUANT TO THIS SECTION SHALL BE LIABLE FOR MONETARY
10 PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES TO BE SET
11 FORTH IN SUCH LOCAL LAW OR ORDINANCE, EXCEPT THAT IF SUCH CITY BY LOCAL
12 LAW HAS AUTHORIZED THE ADJUDICATION OF SUCH OWNER LIABILITY BY A PARKING
13 VIOLATIONS BUREAU, SUCH SCHEDULE SHALL BE PROMULGATED BY SUCH BUREAU.
14 THE LIABILITY OF THE OWNER PURSUANT TO THIS SECTION SHALL NOT EXCEED
15 FIFTY DOLLARS FOR EACH VIOLATION; PROVIDED, HOWEVER, THAT SUCH LOCAL LAW
16 OR ORDINANCE MAY PROVIDE FOR AN ADDITIONAL PENALTY NOT IN EXCESS OF
17 TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A
18 NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

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

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

30 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
31 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
32 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS
33 SECTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH
34 VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND
35 TIME OF SUCH VIOLATION AND THE IDENTIFICATION NUMBER OF THE CAMERA WHICH
36 RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER.

37 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
38 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
39 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO
40 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST
41 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-
42 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

43 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE CITY OF
44 NEW ROCHELLE, OR BY ANY OTHER ENTITY AUTHORIZED BY SUCH CITY TO PREPARE
45 AND MAIL SUCH NOTIFICATION OF VIOLATION.

46 (H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION
47 SHALL BE BY A TRAFFIC VIOLATIONS BUREAU ESTABLISHED PURSUANT TO SECTION
48 THREE HUNDRED SEVENTY OF THE GENERAL MUNICIPAL LAW OR, IF THERE BE NONE,
49 BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS, EXCEPT THAT
50 IF SUCH CITY HAS ESTABLISHED AN ADMINISTRATIVE TRIBUNAL TO HEAR AND
51 DETERMINE COMPLAINTS OF TRAFFIC INFRACTIONS CONSTITUTING PARKING, STAND-
52 ING OR STOPPING VIOLATIONS SUCH CITY MAY, BY LOCAL LAW, AUTHORIZE SUCH
53 ADJUDICATION BY SUCH TRIBUNAL.

54 (I) IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS
55 SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE WAS REPORTED TO THE
56 POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO

1 AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
2 ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS SECTION THAT THE
3 VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE
4 VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES
5 OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFI-
6 CIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE
7 BE SENT BY FIRST CLASS MAIL TO THE TRAFFIC VIOLATIONS BUREAU, COURT
8 HAVING JURISDICTION OR PARKING VIOLATIONS BUREAU.

9 (J) 1. IN SUCH CITY WHERE THE ADJUDICATION OF LIABILITY IMPOSED UPON
10 OWNERS PURSUANT TO THIS SECTION IS BY A TRAFFIC VIOLATIONS BUREAU OR A
11 COURT HAVING JURISDICTION, AN OWNER WHO IS A LESSOR OF A VEHICLE TO
12 WHICH A NOTICE OF LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF
13 THIS SECTION SHALL NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (D) OF
14 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE, PROVIDED THAT HE OR SHE
15 SENDS TO THE TRAFFIC VIOLATIONS BUREAU OR COURT HAVING JURISDICTION A
16 COPY OF THE RENTAL, LEASE OR OTHER SUCH CONTRACT DOCUMENT COVERING SUCH
17 VEHICLE ON THE DATE OF THE VIOLATION, WITH THE NAME AND ADDRESS OF THE
18 LESSEE CLEARLY LEGIBLE, WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE
19 FROM THE BUREAU OR COURT OF THE DATE AND TIME OF SUCH VIOLATION, TOGETH-
20 ER WITH THE OTHER INFORMATION CONTAINED IN THE ORIGINAL NOTICE OF
21 LIABILITY. FAILURE TO SEND SUCH INFORMATION WITHIN SUCH THIRTY-SEVEN DAY
22 TIME PERIOD SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED BY
23 THIS SECTION. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS
24 PARAGRAPH, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION
25 SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS
26 SECTION, SHALL BE SUBJECT TO LIABILITY FOR THE VIOLATION OF SUBDIVISION
27 (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO THIS
28 SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION
29 (G) OF THIS SECTION.

30 2. (I) IN SUCH CITY WHICH, BY LOCAL LAW, HAS AUTHORIZED THE ADJUDI-
31 CATION OF LIABILITY IMPOSED UPON OWNERS BY THIS SECTION BY A PARKING
32 VIOLATIONS BUREAU, AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A
33 NOTICE OF LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS
34 SECTION SHALL NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (D) OF
35 SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE, PROVIDED THAT:

36 (A) PRIOR TO THE VIOLATION, THE LESSOR HAS FILED WITH THE BUREAU IN
37 ACCORDANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED THIRTY-NINE OF
38 THIS CHAPTER; AND

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

47 (II) FAILURE TO COMPLY WITH CLAUSE (B) OF SUBPARAGRAPH (I) OF THIS
48 PARAGRAPH SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN
49 THIS SECTION.

50 (III) WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF THIS PARAGRAPH,
51 THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED
52 TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION, SHALL BE
53 SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION AND
54 SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION (G) OF THIS
55 SECTION.

(K) 1. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN 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.

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO THIS SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITHOUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR FAILED TO OBEY A TRAFFIC-CONTROL INDICATION. FOR PURPOSES OF THIS SUBDIVISION THERE SHALL BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR FAILED TO OBEY A TRAFFIC-CONTROL INDICATION.

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

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

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

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

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

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

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

6. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST NOTICE OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;

7. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;

8. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY FROM SUCH ADJUDICATIONS;

9. EXPENSES INCURRED BY SUCH CITY IN CONNECTION WITH THE PROGRAM; AND

10. QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

(N) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS ARTICLE PURSUANT TO A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT TO THIS SECTION THAT SUCH TRAFFIC-CONTROL INDICATIONS WERE MALFUNCTIONING AT THE TIME OF THE ALLEGED VIOLATION.

S 7. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 11 of chapter 189 of the laws of 2013, 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 (D)
16 OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH
17 SECTION ELEVEN HUNDRED ELEVEN-D OF THIS CHAPTER, or other than an adju-
18 dication of liability of an owner for a violation of subdivision (b),
19 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in
20 accordance with section eleven hundred eighty-b of this chapter, there
21 shall be levied a crime victim assistance fee and a mandatory surcharge,
22 in addition to any sentence required or permitted by law, in accordance
23 with the following schedule:

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

54 S 8. Subdivision 1 of section 1809 of the vehicle and traffic law, as
55 amended by section 11-a of chapter 189 of the laws of 2013, is amended
56 to read as follows:

1 1. Whenever proceedings in an administrative tribunal or a court of
2 this state result in a conviction for a crime 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, parking or motor vehicle equip-
6 ment or violations by pedestrians or bicyclists, or other than an adju-
7 dication of liability of an owner for a violation of subdivision (d) of
8 section eleven hundred eleven of this chapter in accordance with section
9 eleven hundred eleven-a of this chapter, or other than an adjudication
10 of liability of an owner for a violation of subdivision (d) of section
11 eleven hundred eleven of this chapter in accordance with section eleven
12 hundred eleven-b of this chapter, or other than an adjudication in
13 accordance with section eleven hundred eleven-c of this chapter for a
14 violation of a bus lane restriction as defined in such section, OR
15 OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF
16 SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN
17 ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THIS CHAPTER, or
18 other than an adjudication of liability of an owner for a violation of
19 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
20 of this chapter in accordance with section eleven hundred eighty-b of
21 this chapter, there shall be levied a mandatory surcharge, in addition
22 to any sentence required or permitted by law, in the amount of twenty-
23 five dollars.

24 S 9. Subdivision 1 of section 1809 of the vehicle and traffic law, as
25 amended by section 11-b of chapter 189 of the laws of 2013, is amended
26 to read as follows:

27 1. Whenever proceedings in an administrative tribunal or a court of
28 this state result in a conviction for a crime under this chapter or a
29 traffic infraction under this chapter other than a traffic infraction
30 involving standing, stopping, parking or motor vehicle equipment or
31 violations by pedestrians or bicyclists, or other than an adjudication
32 in accordance with section eleven hundred eleven-c of this chapter for a
33 violation of a bus lane restriction as defined in such section, OR OTHER
34 THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI-
35 VISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORD-
36 ANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THIS CHAPTER, or other than
37 an adjudication of liability of an owner for a violation of subdivision
38 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
39 ter in accordance with section eleven hundred eighty-b of this chapter,
40 there shall be levied a mandatory surcharge, in addition to any sentence
41 required or permitted by law, in the amount of seventeen dollars.

42 S 10. Subdivision 1 of section 1809 of the vehicle and traffic law, as
43 amended by section 11-c of chapter 189 of the laws of 2013, is amended
44 to read as follows:

45 1. Whenever proceedings in an administrative tribunal or a court of
46 this state result in a conviction for a crime under this chapter or a
47 traffic infraction under this chapter other than a traffic infraction
48 involving standing, stopping, parking or motor vehicle equipment or
49 violations by pedestrians or bicyclists, or other than an adjudication
50 of liability of an owner for a violation of subdivision (b), (c), (d),
51 (f) or (g) of section eleven hundred eighty of this chapter in accord-
52 ance with section eleven hundred eighty-b of this chapter, AND EXCEPT AN
53 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D)
54 OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH
55 SECTION ELEVEN HUNDRED ELEVEN-D OF THIS CHAPTER, there shall be levied a

1 mandatory surcharge, in addition to any sentence required or permitted
2 by law, in the amount of seventeen dollars.

3 S 11. Subdivision 1 of section 1809 of the vehicle and traffic law, as
4 separately amended by chapter 16 of the laws of 1983 and chapter 62 of
5 the laws of 1989, is amended to read as follows:

6 1. Whenever proceedings in an administrative tribunal or a court of
7 this state result in a conviction for a crime under this chapter or a
8 traffic infraction under this chapter other than a traffic infraction
9 involving standing, stopping, parking or motor vehicle equipment or
10 violations by pedestrians or bicyclists, AND EXCEPT AN ADJUDICATION OF
11 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
12 ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
13 HUNDRED ELEVEN-D OF THIS CHAPTER, there shall be levied a mandatory
14 surcharge, in addition to any sentence required or permitted by law, in
15 the amount of seventeen dollars.

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

18 (N) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
19 IMAGES PREPARED UNDER AUTHORITY OF SECTION ELEVEN HUNDRED ELEVEN-D OF
20 THE VEHICLE AND TRAFFIC LAW.

21 S 13. The purchase or lease of equipment for a demonstration program
22 established pursuant to section 1111-d of the vehicle and traffic law
23 shall be subject to the provisions of section 103 of the general municip-
24 al law.

25 S 14. This act shall take effect on the thirtieth day after it shall
26 have become a law and shall expire December 1, 2020 when upon such date
27 the provisions of such sections shall be deemed repealed; provided that:

28 (a) the amendments to subparagraph (i) of paragraph a of subdivision
29 5-a of section 401 of the vehicle and traffic law made by section one of
30 this act shall not affect the expiration of such paragraph and shall be
31 deemed to expire therewith, when upon such date the provisions of
32 section two of this act shall take effect;

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

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

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

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

53 (f) the amendments to subdivision 1 of section 1809 of the vehicle and
54 traffic law made by section eight of this act shall not affect the expi-
55 ration of such subdivision and shall be deemed to expire therewith, when

1 upon such date the provisions of section nine of this act shall take
2 effect;
3 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
4 traffic law made by section nine of this act shall not affect the expi-
5 ration of such subdivision and shall be deemed to expire therewith, when
6 upon such date the provisions of section ten of this act shall take
7 effect; and
8 (h) the amendments to subdivision 1 of section 1809 of the vehicle and
9 traffic law made by section ten of this act shall not affect the expira-
10 tion of such subdivision and shall be deemed to expire therewith, when
11 upon such date the provisions of section eleven of this act shall take
12 effect.