

9206

I N A S S E M B L Y

March 30, 2014

Introduced by M. of A. SILVER, GLICK, HOOPER, WEISENBERG, LAVINE, SCHI-MEL, SOLAGES, SWEENEY, ENGLEBRIGHT, RAMOS, THIELE, HENNESSEY, COOK, GOTTFRIED, WEPRIN, TITONE, ROSENTHAL, ORTIZ, MOYA, CLARK, QUART, MILL-ER, CRESPO, DINOWITZ, TITUS -- Multi-Sponsored by -- M. of A. ARROYO, CAMARA, CYMBROWITZ, DenDEKKER, WEINSTEIN -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, the public officers law and the general municipal law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, and in relation to photo speed violation monitoring systems in school speed zones in the city of New York; 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. Subparagraph (i) of paragraph a of subdivision 5-a of
2 section 401 of the vehicle and traffic law, as amended by section 9 of
3 chapter 189 of 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-

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

LBD14587-01-4

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

29 S 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
30 and traffic law, as amended by section 9-a of chapter 189 of the laws of
31 2013, is amended to read as follows:

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

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

18 S 1-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
19 and traffic law, as amended by section 9-b of chapter 189 of the laws of
20 2013, is amended to read as follows:

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

1 case of an administrative tribunal, the registrant fails to comply with
2 the rules and regulations following entry of a final decision.

3 S 1-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
4 and traffic law, as amended by section 9-c of chapter 189 of the laws of
5 2013, is amended to read as follows:

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

41 S 1-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
42 and traffic law, as separately amended by chapters 339 and 592 of the
43 laws of 1987, is amended to read as follows:

44 a. If at the time of application for a registration or renewal thereof
45 there is a certification from a court or administrative tribunal of
46 appropriate jurisdiction that the registrant or his representative
47 failed to appear on the return date or any subsequent adjourned date or
48 failed to comply with the rules and regulations of an administrative
49 tribunal following entry of a final decision in response to three or
50 more summonses or other process, issued within an eighteen month period,
51 charging that such motor vehicle was parked, stopped or standing, or
52 that such motor vehicle was operated for hire by the registrant or his
53 agent without being licensed as a motor vehicle for hire by the appro-
54 priate local authority, in violation of any of the provisions of this
55 chapter or of any law, ordinance, rule or regulation made by a local
56 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEV-

1 EN HUNDRED EIGHTY-C OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B),
2 (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER,
3 the commissioner or his agent shall deny the registration or renewal
4 application until the applicant provides proof from the court or admin-
5 istrative tribunal wherein the charges are pending that an appearance or
6 answer has been made or in the case of an administrative tribunal that
7 he has complied with the rules and regulations of said tribunal follow-
8 ing entry of a final decision. Where an application is denied pursuant
9 to this section, the commissioner may, in his discretion, deny a regis-
10 tration or renewal application to any other person for the same vehicle
11 and may deny a registration or renewal application for any other motor
12 vehicle registered in the name of the applicant where the commissioner
13 has determined that such registrant's intent has been to evade the
14 purposes of this subdivision and where the commissioner has reasonable
15 grounds to believe that such registration or renewal will have the
16 effect of defeating the purposes of this subdivision. Such denial shall
17 only remain in effect as long as the summonses remain unanswered, or in
18 the case of an administrative tribunal, the registrant fails to comply
19 with the rules and regulations following entry of a final decision.

20 S 2. The vehicle and traffic law is amended by adding a new section
21 1180-c to read as follows:

22 S 1180-C. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
23 CERTAIN POSTED MAXIMUM SPEED LIMITS. (A) 1. NOTWITHSTANDING ANY OTHER
24 PROVISION OF LAW, THE COUNTIES OF NASSAU AND SUFFOLK ARE HEREBY AUTHOR-
25 IZED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABILITY ON
26 THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH
27 POSTED MAXIMUM SPEED LIMITS IN A SCHOOL SPEED ZONE WITHIN THE COUNTIES
28 (I) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE
29 AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS
30 ARTICLE OR (II) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN
31 SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF
32 THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING
33 SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND
34 (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY
35 MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER
36 SUCH STUDENT ACTIVITIES. SUCH DEMONSTRATION PROGRAM SHALL EMPOWER THE
37 COUNTIES TO INSTALL PHOTO SPEED VIOLATION MONITORING SYSTEMS WITHIN NO
38 MORE THAN ONE SCHOOL SPEED ZONE PER SCHOOL DISTRICT WITHIN EACH COUNTY
39 AT ANY ONE TIME AND TO OPERATE SUCH SYSTEMS WITHIN SUCH ZONES (III) WHEN
40 A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO
41 OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR
42 (IV) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN SUBDIVISION
43 (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE
44 DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING SCHOOL HOURS AND
45 ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND (B) A PERIOD
46 DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY MINUTES IMME-
47 DIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER SUCH STUDENT
48 ACTIVITIES. IN SELECTING A SCHOOL SPEED ZONE IN WHICH TO INSTALL AND
49 OPERATE A PHOTO SPEED VIOLATION MONITORING SYSTEM, THE COUNTIES SHALL
50 CONSIDER CRITERIA INCLUDING, BUT NOT LIMITED TO THE SPEED DATA, CRASH
51 HISTORY, AND THE ROADWAY GEOMETRY APPLICABLE TO SUCH SCHOOL SPEED ZONE.

52 2. NO PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE USED IN A
53 SCHOOL SPEED ZONE UNLESS (I) ON THE DAY IT IS TO BE USED IT HAS SUCCESS-
54 FULLY PASSED A SELF-TEST OF ITS FUNCTIONS; AND (II) IT HAS UNDERGONE AN
55 ANNUAL CALIBRATION CHECK PERFORMED PURSUANT TO PARAGRAPH FOUR OF THIS
56 SUBDIVISION. THE COUNTIES MAY INSTALL SIGNS GIVING NOTICE THAT A PHOTO

1 SPEED VIOLATION MONITORING SYSTEM IS IN USE TO BE MOUNTED ON ADVANCE
2 WARNING SIGNS NOTIFYING MOTOR VEHICLE OPERATORS OF SUCH UPCOMING SCHOOL
3 SPEED ZONE AND/OR ON SPEED LIMIT SIGNS APPLICABLE WITHIN SUCH SCHOOL
4 SPEED ZONE, IN CONFORMANCE WITH STANDARDS ESTABLISHED IN THE MUTCD.

5 3. OPERATORS OF PHOTO SPEED VIOLATION MONITORING SYSTEMS SHALL HAVE
6 COMPLETED TRAINING IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPER-
7 ATING SUCH SYSTEMS. EACH SUCH OPERATOR SHALL COMPLETE AND SIGN A DAILY
8 SET-UP LOG FOR EACH SUCH SYSTEM THAT HE OR SHE OPERATES THAT (I) STATES
9 THE DATE AND TIME WHEN, AND THE LOCATION WHERE, THE SYSTEM WAS SET UP
10 THAT DAY, AND (II) STATES THAT SUCH OPERATOR SUCCESSFULLY PERFORMED, AND
11 THE SYSTEM PASSED, THE SELF-TESTS OF SUCH SYSTEM BEFORE PRODUCING A
12 RECORDED IMAGE THAT DAY. THE COUNTIES SHALL RETAIN EACH SUCH DAILY LOG
13 UNTIL THE LATER OF THE DATE ON WHICH THE PHOTO SPEED VIOLATION MONITOR-
14 ING SYSTEM TO WHICH IT APPLIES HAS BEEN PERMANENTLY REMOVED FROM USE OR
15 THE FINAL RESOLUTION OF ALL CASES INVOLVING NOTICES OF LIABILITY ISSUED
16 BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEO OR OTHER RECORDED IMAGES
17 PRODUCED BY SUCH SYSTEM.

18 4. EACH PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL UNDERGO AN ANNU-
19 AL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY
20 WHICH SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION. THE COUNTIES
21 SHALL KEEP EACH SUCH ANNUAL CERTIFICATE OF CALIBRATION ON FILE UNTIL THE
22 FINAL RESOLUTION OF ALL CASES INVOLVING A NOTICE OF LIABILITY ISSUED
23 DURING SUCH YEAR WHICH WERE BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS,
24 VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED
25 VIOLATION MONITORING SYSTEM.

26 5. (I) SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES
27 TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS, MICROPHOTO-
28 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED
29 VIOLATION MONITORING SYSTEMS SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE
30 DRIVER, THE PASSENGERS, OR THE CONTENTS OF THE VEHICLE. PROVIDED, HOWEV-
31 ER, THAT NO NOTICE OF LIABILITY ISSUED PURSUANT TO THIS SECTION SHALL BE
32 DISMISSED SOLELY BECAUSE SUCH A PHOTOGRAPH, MICROPHOTOGRAPH, VIDEOTAPE
33 OR OTHER RECORDED IMAGE ALLOWS FOR THE IDENTIFICATION OF THE DRIVER, THE
34 PASSENGERS, OR THE CONTENTS OF VEHICLES WHERE EITHER COUNTY, AS APPLICA-
35 BLE, SHOWS THAT IT MADE REASONABLE EFFORTS TO COMPLY WITH THE PROVISIONS
36 OF THIS PARAGRAPH IN SUCH CASE.

37 (II) PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER RECORDED
38 IMAGE FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE FOR THE
39 EXCLUSIVE USE OF EACH SUCH COUNTY FOR THE PURPOSE OF THE ADJUDICATION OF
40 LIABILITY IMPOSED PURSUANT TO THIS SECTION AND OF THE OWNER RECEIVING A
41 NOTICE OF LIABILITY PURSUANT TO THIS SECTION, AND SHALL BE DESTROYED BY
42 EACH SUCH COUNTY UPON THE FINAL RESOLUTION OF THE NOTICE OF LIABILITY TO
43 WHICH SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
44 IMAGES RELATE, OR ONE YEAR FOLLOWING THE DATE OF ISSUANCE OF SUCH NOTICE
45 OF LIABILITY, WHICHEVER IS LATER. NOTWITHSTANDING THE PROVISIONS OF ANY
46 OTHER LAW, RULE OR REGULATION TO THE CONTRARY, PHOTOGRAPHS, MICROPHOTO-
47 GRAPHS, VIDEOTAPE OR ANY OTHER RECORDED IMAGE FROM A PHOTO SPEED
48 VIOLATION MONITORING SYSTEM SHALL NOT BE OPEN TO THE PUBLIC, NOR SUBJECT
49 TO CIVIL OR CRIMINAL PROCESS OR DISCOVERY, NOR USED BY ANY COURT OR
50 ADMINISTRATIVE OR ADJUDICATORY BODY IN ANY ACTION OR PROCEEDING THEREIN
51 EXCEPT THAT WHICH IS NECESSARY FOR THE ADJUDICATION OF A NOTICE OF
52 LIABILITY ISSUED PURSUANT TO THIS SECTION, AND NO PUBLIC ENTITY OR
53 EMPLOYEE, OFFICER OR AGENT THEREOF SHALL DISCLOSE SUCH INFORMATION,
54 EXCEPT THAT SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER
55 RECORDED IMAGES FROM SUCH SYSTEMS:

(A) SHALL BE AVAILABLE FOR INSPECTION AND COPYING AND USE BY THE MOTOR VEHICLE OWNER AND OPERATOR FOR SO LONG AS SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES ARE REQUIRED TO BE MAINTAINED OR ARE MAINTAINED BY SUCH PUBLIC ENTITY, EMPLOYEE, OFFICER OR AGENT; AND

(B) (1) SHALL BE FURNISHED WHEN DESCRIBED IN A SEARCH WARRANT ISSUED BY A COURT AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT PURSUANT TO ARTICLE SIX HUNDRED NINETY OF THE CRIMINAL PROCEDURE LAW OR A FEDERAL COURT AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT UNDER FEDERAL LAW, WHERE SUCH SEARCH WARRANT STATES THAT THERE IS REASONABLE CAUSE TO BELIEVE SUCH INFORMATION CONSTITUTES EVIDENCE OF, OR TENDS TO DEMONSTRATE THAT, A MISDEMEANOR OR FELONY OFFENSE WAS COMMITTED IN THIS STATE OR ANOTHER STATE, OR THAT A PARTICULAR PERSON PARTICIPATED IN THE COMMISSION OF A MISDEMEANOR OR FELONY OFFENSE IN THIS STATE OR ANOTHER STATE, PROVIDED, HOWEVER, THAT IF SUCH OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, THE COURT SHALL ONLY ISSUE A WARRANT IF THE CONDUCT COMPRISING SUCH OFFENSE WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY AGAINST THE LAWS OF THIS STATE; AND

(2) SHALL BE FURNISHED IN RESPONSE TO A SUBPOENA DUCES TECUM SIGNED BY A JUDGE OF COMPETENT JURISDICTION AND ISSUED PURSUANT TO ARTICLE SIX HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW OR A JUDGE OR MAGISTRATE OF A FEDERAL COURT AUTHORIZED TO ISSUE SUCH A SUBPOENA DUCES TECUM UNDER FEDERAL LAW, WHERE THE JUDGE FINDS AND THE SUBPOENA STATES THAT THERE IS REASONABLE CAUSE TO BELIEVE SUCH INFORMATION IS RELEVANT AND MATERIAL TO THE PROSECUTION, OR THE DEFENSE, OR THE INVESTIGATION BY AN AUTHORIZED LAW ENFORCEMENT OFFICIAL, OF THE ALLEGED COMMISSION OF A MISDEMEANOR OR FELONY IN THIS STATE OR ANOTHER STATE, PROVIDED, HOWEVER, THAT IF SUCH OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, SUCH JUDGE OR MAGISTRATE SHALL ONLY ISSUE SUCH SUBPOENA IF THE CONDUCT COMPRISING SUCH OFFENSE WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY IN THIS STATE; AND

(3) MAY, IF LAWFULLY OBTAINED PURSUANT TO THIS CLAUSE AND CLAUSE (A) OF THIS SUBPARAGRAPH AND OTHERWISE ADMISSIBLE, BE USED IN SUCH CRIMINAL ACTION OR PROCEEDING.

(B) IF THE COUNTIES OF NASSAU AND SUFFOLK ESTABLISH A DEMONSTRATION PROGRAM PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR IMPLIED, WITHIN A SCHOOL SPEED ZONE IN VIOLATION OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR DURING THE TIMES AUTHORIZED PURSUANT TO SUBDIVISION (A) OF THIS SECTION IN VIOLATION OF SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, SUCH VEHICLE WAS TRAVELING AT A SPEED OF MORE THAN TEN MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT WITHIN SUCH SCHOOL SPEED ZONE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

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

1. "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" OR "MUTCD" SHALL MEAN THE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL DEVICES MAINTAINED BY THE COMMISSIONER OF TRANSPORTATION PURSUANT TO SECTION SIXTEEN HUNDRED EIGHTY OF THIS CHAPTER;

1 2. "OWNER" SHALL HAVE THE MEANING PROVIDED IN ARTICLE TWO-B OF THIS
2 CHAPTER.

3 3. "PHOTO SPEED VIOLATION MONITORING SYSTEM" SHALL MEAN A VEHICLE
4 SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A SPEED MEASURING DEVICE
5 WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE MICRO-
6 PHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE AT THE
7 TIME IT IS USED OR OPERATED IN A SCHOOL SPEED ZONE IN VIOLATION OF
8 SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY
9 OF THIS ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION; AND

10 4. "SCHOOL SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOU-
11 SAND THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
12 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY.

13 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY
14 THE COUNTIES OF NASSAU OR SUFFOLK AS APPLICABLE, OR A FACSIMILE THEREOF,
15 BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR
16 OTHER RECORDED IMAGES PRODUCED BY A PHOTO SPEED VIOLATION MONITORING
17 SYSTEM, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.
18 ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES
19 EVIDENCING SUCH A VIOLATION SHALL INCLUDE AT LEAST TWO DATE AND TIME
20 STAMPED IMAGES OF THE REAR OF THE MOTOR VEHICLE THAT INCLUDE THE SAME
21 STATIONARY OBJECT NEAR THE MOTOR VEHICLE AND SHALL BE AVAILABLE FOR
22 INSPECTION REASONABLY IN ADVANCE OF AND AT ANY PROCEEDING TO ADJUDICATE
23 THE LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION.

24 (E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F)
25 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO A
26 DEMONSTRATION PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL BE
27 LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND
28 PENALTIES TO BE PROMULGATED BY THE TRAFFIC AND PARKING VIOLATIONS AGEN-
29 CIES OF THE COUNTIES OF NASSAU AND SUFFOLK. THE LIABILITY OF THE OWNER
30 PURSUANT TO THIS SECTION SHALL NOT EXCEED FIFTY DOLLARS FOR EACH
31 VIOLATION; PROVIDED, HOWEVER, THAT EACH SUCH TRAFFIC AND PARKING
32 VIOLATIONS AGENCY MAY PROVIDE FOR AN ADDITIONAL PENALTY NOT IN EXCESS OF
33 TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A
34 NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

35 (F) AN IMPOSITION OF LIABILITY UNDER THE DEMONSTRATION PROGRAM ESTAB-
36 LISHED PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION AS AN
37 OPERATOR AND SHALL NOT BE MADE PART OF THE OPERATING RECORD OF THE
38 PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR SHALL IT BE USED FOR
39 INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

40 (G) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH
41 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
42 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTI-
43 CLE PURSUANT TO THIS SECTION, WITHIN FOURTEEN BUSINESS DAYS IF SUCH
44 OWNER IS A RESIDENT OF THIS STATE AND WITHIN FORTY-FIVE BUSINESS DAYS IF
45 SUCH OWNER IS A NON-RESIDENT. PERSONAL DELIVERY ON THE OWNER SHALL NOT
46 BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE
47 ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
48 CONTAINED THEREIN.

49 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
50 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
51 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTI-
52 CLE PURSUANT TO THIS SECTION, THE REGISTRATION NUMBER OF THE VEHICLE
53 INVOLVED IN SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK
54 PLACE, THE DATE AND TIME OF SUCH VIOLATION, THE IDENTIFICATION NUMBER OF
55 THE CAMERA WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR
56 NUMBER, AT LEAST TWO DATE AND TIME STAMPED IMAGES OF THE REAR OF THE

1 MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR
2 VEHICLE, AND THE CERTIFICATE CHARGING THE LIABILITY.

3 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
4 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
5 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL
6 ALSO CONTAIN A PROMINENT WARNING TO ADVISE THE PERSON CHARGED THAT FAIL-
7 URE TO CONTEST IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMIS-
8 SION OF LIABILITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

9 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE COUNTY
10 OF NASSAU OR SUFFOLK, AS APPLICABLE, OR BY ANY OTHER ENTITY AUTHORIZED
11 BY SUCH COUNTIES TO PREPARE AND MAIL SUCH NOTICE OF LIABILITY.

12 (H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS OF THIS SECTION
13 SHALL BE BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTIONS.

14 (I) IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS
15 SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE OR THE NUMBER PLATE
16 OR PLATES OF SUCH VEHICLE WAS REPORTED TO THE POLICE DEPARTMENT AS
17 HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO AN ALLEGATION OF
18 LIABILITY FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF
19 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION
20 THAT THE VEHICLE OR THE NUMBER PLATE OR PLATES OF SUCH VEHICLE HAD BEEN
21 REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE VIOLATION
22 OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES OF
23 ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION, IT SHALL BE SUFFI-
24 CIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE
25 OR NUMBER PLATE OR PLATES OF SUCH VEHICLE BE SENT BY FIRST CLASS MAIL TO
26 THE COURT HAVING JURISDICTION IN SUCH COUNTIES.

27 (J) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF LIABIL-
28 ITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL NOT BE
29 LIABLE FOR THE VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF
30 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, PROVIDED THAT HE OR SHE
31 SENDS TO THE COURT HAVING JURISDICTION A COPY OF THE RENTAL, LEASE OR
32 OTHER SUCH CONTRACT DOCUMENT COVERING SUCH VEHICLE ON THE DATE OF THE
33 VIOLATION, WITH THE NAME AND ADDRESS OF THE LESSEE CLEARLY LEGIBLE,
34 WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM THE COURT OF THE
35 DATE AND TIME OF SUCH VIOLATION, TOGETHER WITH THE OTHER INFORMATION
36 CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY. FAILURE TO SEND SUCH
37 INFORMATION WITHIN SUCH THIRTY-SEVEN DAY TIME PERIOD SHALL RENDER THE
38 OWNER LIABLE FOR THE PENALTY PRESCRIBED BY THIS SECTION. WHERE THE
39 LESSOR COMPLIES WITH THE PROVISIONS OF THIS PARAGRAPH, THE LESSEE OF
40 SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED TO BE THE
41 OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO
42 LIABILITY FOR THE VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF
43 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION
44 AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION (G) OF
45 THIS SECTION.

46 (K) 1. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D)
47 OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS
48 SECTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE
49 VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST
50 THE OPERATOR.

51 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A
52 VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO THIS
53 SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITH-
54 OUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR OPERATED SUCH
55 VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
56 ELEVEN HUNDRED EIGHTY OF THIS ARTICLE. FOR PURPOSES OF THIS SUBDIVISION

1 THERE SHALL BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS OPER-
2 ATING SUCH VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME SUCH OPERA-
3 TOR OPERATED SUCH VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F)
4 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

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

8 (M) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE NET PROCEEDS OF ANY
9 PENALTY AFTER EXPENSES OF ADMINISTRATION, RESULTING FROM A PHOTO SPEED
10 VIOLATION MONITORING SYSTEM USED IN THE COURSE OF THIS PROGRAM LOCATED
11 ON A VILLAGE MAINTAINED STREET OR HIGHWAY WITHIN THE COUNTY OF NASSAU
12 SHALL INURE TO SAID VILLAGE.

13 (N) IF EITHER COUNTY ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO THIS
14 SECTION IT SHALL CONDUCT A STUDY AND SUBMIT A REPORT ON THE RESULTS OF
15 THE USE OF PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE
16 SENATE AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE:

17 1. THE LOCATIONS WHERE AND DATES WHEN PHOTO SPEED VIOLATION MONITORING
18 SYSTEMS WERE USED;

19 2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES,
20 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN ALL SCHOOL SPEED ZONES
21 WITHIN SUCH COUNTY, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE
22 DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;

23 3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES,
24 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN SCHOOL SPEED ZONES WHERE
25 PHOTO SPEED VIOLATION MONITORING SYSTEMS WERE USED, TO THE EXTENT THE
26 INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS
27 STATE;

28 4. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES
29 WITHIN SUCH COUNTY, IN THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY
30 BASIS;

31 5. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE
32 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED, IN THE AGGRE-
33 GATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

34 6. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES
35 WITHIN SUCH COUNTY THAT WERE:

36 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE
37 POSTED SPEED LIMIT;

38 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE
39 POSTED SPEED LIMIT;

40 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE
41 POSTED SPEED LIMIT; AND

42 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

43 7. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE
44 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED THAT WERE:

45 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE
46 POSTED SPEED LIMIT;

47 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE
48 POSTED SPEED LIMIT;

49 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE
50 POSTED SPEED LIMIT; AND

51 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

52 8. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED FOR VIOLATIONS
53 RECORDED BY SUCH SYSTEMS;

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

1 10. THE NUMBER OF VIOLATIONS ADJUDICATED AND THE RESULTS OF SUCH ADJU-
2 DICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS
3 RECORDED BY SUCH SYSTEMS;

4 11. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH COUNTY IN CONNECTION
5 WITH THE PROGRAM;

6 12. THE EXPENSES INCURRED BY SUCH COUNTY IN CONNECTION WITH THE
7 PROGRAM; AND

8 13. THE QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

9 (O) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDI-
10 VISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF
11 THIS ARTICLE PURSUANT TO THIS SECTION THAT SUCH PHOTO SPEED VIOLATION
12 MONITORING SYSTEM WAS MALFUNCTIONING AT THE TIME OF THE ALLEGED
13 VIOLATION.

14 S 3. The opening paragraph and paragraph (c) of subdivision 1 of
15 section 1809 of the vehicle and traffic law, as amended by section 11 of
16 chapter 189 of the laws of 2013, are amended to read as follows:

17 Whenever proceedings in an administrative tribunal or a court of this
18 state result in a conviction for an offense under this chapter or a
19 traffic infraction under this chapter, or a local law, ordinance, rule
20 or regulation adopted pursuant to this chapter, other than a traffic
21 infraction involving standing, stopping, or parking or violations by
22 pedestrians or bicyclists, or other than an adjudication of liability of
23 an owner for a violation of subdivision (d) of section eleven hundred
24 eleven of this chapter in accordance with section eleven hundred
25 eleven-a of this chapter, or other than an adjudication of liability of
26 an owner for a violation of subdivision (d) of section eleven hundred
27 eleven of this chapter in accordance with section eleven hundred
28 eleven-b of this chapter, or other than an adjudication in accordance
29 with section eleven hundred eleven-c of this chapter for a violation of
30 a bus lane restriction as defined in such section, or other than an
31 adjudication of liability of an owner for a violation of subdivision
32 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
33 ter in accordance with section eleven hundred eighty-b of this chapter,
34 OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION
35 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
36 EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
37 Y-C OF THIS CHAPTER, there shall be levied a crime victim assistance fee
38 and a mandatory surcharge, in addition to any sentence required or
39 permitted by law, in accordance with the following schedule:

40 (c) Whenever proceedings in an administrative tribunal or a court of
41 this state result in a conviction for an offense under this chapter
42 other than a crime pursuant to section eleven hundred ninety-two of this
43 chapter, or a traffic infraction under this chapter, or a local law,
44 ordinance, rule or regulation adopted pursuant to this chapter, other
45 than a traffic infraction involving standing, stopping, or parking or
46 violations by pedestrians or bicyclists, or other than an adjudication
47 of liability of an owner for a violation of subdivision (d) of section
48 eleven hundred eleven of this chapter in accordance with section eleven
49 hundred eleven-a of this chapter, or other than an adjudication of
50 liability of an owner for a violation of subdivision (d) of section
51 eleven hundred eleven of this chapter in accordance with section eleven
52 hundred eleven-b of this chapter, or other than an infraction pursuant
53 to article nine of this chapter or other than an adjudication of liabil-
54 ity of an owner for a violation of toll collection regulations pursuant
55 to section two thousand nine hundred eighty-five of the public authori-
56 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven

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

14 S 3-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
15 as amended by section 11-a of chapter 189 of the laws of 2013, is
16 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, or a local law, ordinance, rule
20 or regulation adopted pursuant to this chapter, other than a traffic
21 infraction involving standing, stopping, parking or motor vehicle equip-
22 ment or violations by pedestrians or bicyclists, or other than an adju-
23 dication of liability of an owner for a violation of subdivision (d) of
24 section eleven hundred eleven of this chapter in accordance with section
25 eleven hundred eleven-a of this chapter, or other than an adjudication
26 of liability of an owner for a violation of subdivision (d) of section
27 eleven hundred eleven of this chapter in accordance with section eleven
28 hundred eleven-b of this chapter, or other than an adjudication in
29 accordance with section eleven hundred eleven-c of this chapter for a
30 violation of a bus lane restriction as defined in such section, or other
31 than an adjudication of liability of an owner for a violation of subdi-
32 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
33 this chapter in accordance with section eleven hundred eighty-b of this
34 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A
35 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
36 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
37 EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge,
38 in addition to any sentence required or permitted by law, in the amount
39 of twenty-five dollars.

40 S 3-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
41 as amended by section 11-b of chapter 189 of the laws of 2013, is
42 amended to read as follows:

43 1. Whenever proceedings in an administrative tribunal or a court of
44 this state result in a conviction for a crime under this chapter or a
45 traffic infraction under this chapter other than a traffic infraction
46 involving standing, stopping, parking or motor vehicle equipment or
47 violations by pedestrians or bicyclists, or other than an adjudication
48 in accordance with section eleven hundred eleven-c of this chapter for a
49 violation of a bus lane restriction as defined in such section, or other
50 than an adjudication of liability of an owner for a violation of subdi-
51 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
52 this chapter in accordance with section eleven hundred eighty-b of this
53 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A
54 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
55 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
56 EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge,

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

3 S 3-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
4 as amended by section 11-c of chapter 189 of the laws of 2013, is
5 amended to read as follows:

6 1. Whenever proceedings in an administrative tribunal or a court of
7 this state result in a conviction for a crime under this chapter or a
8 traffic infraction under this chapter other than a traffic infraction
9 involving standing, stopping, parking or motor vehicle equipment or
10 violations by pedestrians or bicyclists, or other than an adjudication
11 of liability of an owner for a violation of subdivision (b), (c), (d),
12 (f) or (g) of section eleven hundred eighty of this chapter in accord-
13 ance with section eleven hundred eighty-b of this chapter, OR OTHER THAN
14 AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION
15 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-
16 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER,
17 there shall be levied a mandatory surcharge, in addition to any sentence
18 required or permitted by law, in the amount of seventeen dollars.

19 S 3-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
20 as separately amended by chapter 16 of the laws of 1983 and chapter 62
21 of the laws of 1989, is amended to read as follows:

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

32 S 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
33 traffic law, as amended by section 12-a of chapter 189 of the laws of
34 2013, is amended to read as follows:

35 a. Notwithstanding any other provision of law, whenever proceedings in
36 a court or an administrative tribunal of this state result in a
37 conviction for an offense under this chapter, except a conviction pursu-
38 ant to section eleven hundred ninety-two of this chapter, or for a traf-
39 fic infraction under this chapter, or a local law, ordinance, rule or
40 regulation adopted pursuant to this chapter, except a traffic infraction
41 involving standing, stopping, or parking or violations by pedestrians or
42 bicyclists, and except an adjudication of liability of an owner for a
43 violation of subdivision (d) of section eleven hundred eleven of this
44 chapter in accordance with section eleven hundred eleven-a of this chap-
45 ter, and except an adjudication of liability of an owner for a violation
46 of subdivision (d) of section eleven hundred eleven of this chapter in
47 accordance with section eleven hundred eleven-b of this chapter, and
48 except an adjudication in accordance with section eleven hundred
49 eleven-c of this chapter of a violation of a bus lane restriction as
50 defined in such section, and [expect] EXCEPT an adjudication of liabil-
51 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)
52 of section eleven hundred eighty of this chapter in accordance with
53 section eleven hundred eighty-b of this chapter, AND EXCEPT AN ADJUDI-
54 CATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C),
55 (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
56 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, and

except an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

S 4-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 12-b of chapter 189 of the laws of 2013, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, and except an adjudication in accordance with section eleven hundred eleven-c of this chapter of a violation of a bus lane restriction as defined in such section, and except an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-b of this chapter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, and except an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

S 4-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 12-c of chapter 189 of the laws of 2013, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, and except an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-b of this chapter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, and except an adjudication of liability

ity of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

S 4-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as added by section 5 of part C of chapter 55 of the laws of 2013, is amended to read as follows:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, and except an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, and except an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

S 5. Subdivision 2 of section 87 of the public officers law is amended by adding a new paragraph (n) to read as follows:

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

S 6. Subdivision 2 of section 371 of the general municipal law, as amended by section 21 of part G of chapter 58 of the laws of 2012, is amended to read as follows:

2. The Nassau county traffic and parking violations agency, as established, may be authorized to assist the Nassau county district court in the disposition and administration of infractions of traffic and parking laws, ordinances, rules and regulations and the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with section eleven hundred eleven-b of such law[,] AND THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF SUCH LAW, except that such agency shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction

1 defined under section three hundred ninety-seven-a of the vehicle and
2 traffic law and the traffic infraction defined under subdivision (g) of
3 section eleven hundred eighty of the vehicle and traffic law; (e) any
4 misdemeanor or felony; or (f) any offense that is part of the same crim-
5 inal transaction, as that term is defined in subdivision two of section
6 40.10 of the criminal procedure law, as a violation of subdivision one
7 of section eleven hundred ninety-two of the vehicle and traffic law, a
8 violation of subdivision five of section eleven hundred ninety-two of
9 the vehicle and traffic law, a violation of paragraph (b) of subdivision
10 four of section fourteen-f of the transportation law, a violation of
11 clause (b) of subparagraph (iii) of paragraph d of subdivision two of
12 section one hundred forty of the transportation law, a violation of
13 section three hundred ninety-seven-a of the vehicle and traffic law, a
14 violation of subdivision (g) of section eleven hundred eighty of the
15 vehicle and traffic law or any misdemeanor or felony.

16 S 7. Subdivision 2 of section 371 of the general municipal law, as
17 amended by chapter 388 of the laws of 2012, is amended to read as
18 follows:

19 2. The Nassau county traffic and parking violations agency, as estab-
20 lished, may be authorized to assist the Nassau county district court,
21 and the Suffolk county traffic and parking violations agency, as estab-
22 lished, may be authorized to assist the Suffolk county district court,
23 in the disposition and administration of infractions of traffic and
24 parking laws, ordinances, rules and regulations and the liability of
25 owners for violations of subdivision (d) of section eleven hundred elev-
26 en of the vehicle and traffic law in accordance with section eleven
27 hundred eleven-b of such law[,] AND THE LIABILITY OF OWNERS FOR
28 VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
29 HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW IN ACCORDANCE WITH SECTION
30 ELEVEN HUNDRED EIGHTY-C OF SUCH LAW, except that such agencies shall not
31 have jurisdiction over (a) the traffic infraction defined under subdivi-
32 sion one of section eleven hundred ninety-two of the vehicle and traffic
33 law; (b) the traffic infraction defined under subdivision five of
34 section eleven hundred ninety-two of the vehicle and traffic law; (c)
35 the violation defined under paragraph (b) of subdivision four of section
36 fourteen-f of the transportation law and the violation defined under
37 clause (b) of subparagraph (iii) of paragraph c of subdivision two of
38 section one hundred forty of the transportation law; (d) the traffic
39 infraction defined under section three hundred ninety-seven-a of the
40 vehicle and traffic law and the traffic infraction defined under subdivi-
41 sion (g) of section eleven hundred eighty of the vehicle and traffic
42 law; (e) any misdemeanor or felony; or (f) any offense that is part of
43 the same criminal transaction, as that term is defined in subdivision
44 two of section 40.10 of the criminal procedure law, as a violation of
45 subdivision one of section eleven hundred ninety-two of the vehicle and
46 traffic law, a violation of subdivision five of section eleven hundred
47 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
48 of subdivision four of section fourteen-f of the transportation law, a
49 violation of clause (b) of subparagraph (iii) of paragraph c of subdivi-
50 sion two of section one hundred forty of the transportation law, a
51 violation of section three hundred ninety-seven-a of the vehicle and
52 traffic law, a violation of subdivision (g) of section eleven hundred
53 eighty of the vehicle and traffic law or any misdemeanor or felony.

54 S 8. Subdivision 3 of section 371 of the general municipal law, as
55 amended by chapter 496 of the laws of 1990, is amended to read as
56 follows:

1 3. A person charged with an infraction which shall be disposed of by
2 either a traffic violations bureau or the Nassau county traffic and
3 parking violations agency, may be permitted to answer, within a speci-
4 fied time, at the traffic violations bureau, and in Nassau county at the
5 traffic and parking violations agency, either in person or by written
6 power of attorney in such form as may be prescribed in the ordinance or
7 local law creating the bureau or agency, by paying a prescribed fine
8 and, in writing, waiving a hearing in court, pleading guilty to the
9 charge or admitting liability as an owner for the violation of subdivi-
10 sion (d) of section eleven hundred eleven of the vehicle and traffic
11 law, OR ADMITTING LIABILITY AS AN OWNER FOR THE VIOLATION OF SUBDIVISION
12 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THE VEHI-
13 CLE AND TRAFFIC LAW, as the case may be, and authorizing the person in
14 charge of the bureau or agency to enter such a plea or admission and
15 accept payment of said fine. Acceptance of the prescribed fine and power
16 of attorney by the bureau or agency shall be deemed complete satisfac-
17 tion for the violation or of the liability, and the violator or owner
18 liable for a violation of subdivision (d) of section eleven hundred
19 eleven of the vehicle and traffic law OR OWNER LIABLE FOR A VIOLATION OF
20 SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY
21 OF THE VEHICLE AND TRAFFIC LAW shall be given a receipt which so states.
22 If a person charged with a traffic violation does not answer as
23 hereinbefore prescribed, within a designated time, the bureau or agency
24 may cause a complaint to be entered against him forthwith and a warrant
25 to be issued for his arrest and appearance before the court, such
26 summons to be predicated upon the personal service of said summons upon
27 the person charged with the infraction. Any person who shall have been,
28 within the preceding twelve months, guilty of a number of parking
29 violations in excess of such maximum number as may be designated by the
30 court, or of three or more violations other than parking violations,
31 shall not be permitted to appear and answer to a subsequent violation at
32 the traffic violations bureau or agency, but must appear in court at a
33 time specified by the bureau or agency. Such bureau or agency shall not
34 be authorized to deprive a person of his right to counsel or to prevent
35 him from exercising his right to appear in court to answer to, explain,
36 or defend any charge of a violation of any traffic law, ordinance, rule
37 or regulation.

38 S 9. Subdivision 3 of section 371 of the general municipal law, as
39 amended by chapter 388 of the laws of 2012, is amended to read as
40 follows:

41 3. A person charged with an infraction which shall be disposed of by
42 either a traffic violations bureau, the Nassau county traffic and park-
43 ing violations agency, or the Suffolk county traffic and parking
44 violations agency may be permitted to answer, within a specified time,
45 at the traffic violations bureau, in Nassau county at the traffic and
46 parking violations agency and in Suffolk county at the traffic and park-
47 ing violations agency, either in person or by written power of attorney
48 in such form as may be prescribed in the ordinance or local law creating
49 the bureau or agency, by paying a prescribed fine and, in writing, waiv-
50 ing a hearing in court, pleading guilty to the charge or admitting
51 liability as an owner for the violation of subdivision (d) of section
52 eleven hundred eleven of the vehicle and traffic law, OR ADMITTING
53 LIABILITY AS AN OWNER FOR THE VIOLATION OF SUBDIVISION (B), (C), (D),
54 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC
55 LAW, as the case may be, and authorizing the person in charge of the
56 bureau or agency to enter such a plea or admission and accept payment of

1 said fine. Acceptance of the prescribed fine and power of attorney by
2 the bureau or agency shall be deemed complete satisfaction for the
3 violation or of the liability, and the violator or owner liable for a
4 violation of subdivision (d) of section eleven hundred eleven of the
5 vehicle and traffic law OR OWNER LIABLE FOR A VIOLATION OF SUBDIVISION
6 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THE VEHI-
7 CLE AND TRAFFIC LAW shall be given a receipt which so states. If a
8 person charged with a traffic violation does not answer as hereinbefore
9 prescribed, within a designated time, the bureau or agency may cause a
10 complaint to be entered against him forthwith and a warrant to be issued
11 for his arrest and appearance before the court, such summons to be pred-
12 icated upon the personal service of said summons upon the person charged
13 with the infraction. Any person who shall have been, within the preced-
14 ing twelve months, guilty of a number of parking violations in excess of
15 such maximum number as may be designated by the court, or of three or
16 more violations other than parking violations, shall not be permitted to
17 appear and answer to a subsequent violation at the traffic violations
18 bureau or agency, but must appear in court at a time specified by the
19 bureau or agency. Such bureau or agency shall not be authorized to
20 deprive a person of his right to counsel or to prevent him from exercis-
21 ing his right to appear in court to answer to, explain, or defend any
22 charge of a violation of any traffic law, ordinance, rule or regulation.

23 S 10. The purchase or lease of equipment for a demonstration program
24 pursuant to section 1180-c of the vehicle and traffic law shall be
25 subject to the provisions of section 103 of the general municipal law.

26 S 11. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle
27 and traffic law, as added by chapter 189 of the laws of 2013, is amended
28 to read as follows:

29 1. Notwithstanding any other provision of law, the city of New York is
30 hereby authorized to establish a demonstration program imposing monetary
31 liability on the owner of a vehicle for failure of an operator thereof
32 to comply with posted maximum speed limits in a school speed zone within
33 the city (i) when a school speed limit is in effect as provided in para-
34 graphs one and two of subdivision (c) of section eleven hundred eighty
35 of this article or (ii) when other speed limits are in effect as
36 provided in subdivision (b), (d), (f) or (g) of section eleven hundred
37 eighty of this article during the following times: (A) on school days
38 during school hours and one hour before and one hour after the school
39 day, and (B) a period during student activities at the school and up to
40 thirty minutes immediately before and up to thirty minutes immediately
41 after such student activities. Such demonstration program shall empower
42 the city to install photo speed violation monitoring systems within no
43 more than [twenty] ONE HUNDRED FORTY school speed zones within the city
44 at any one time and to operate such systems within such zones (iii) when
45 a school speed limit is in effect as provided in paragraphs one and two
46 of subdivision (c) of section eleven hundred eighty of this article or
47 (iv) when other speed limits are in effect as provided in subdivision
48 (b), (d), (f) or (g) of section eleven hundred eighty of this article
49 during the following times: (A) on school days during school hours and
50 one hour before and one hour after the school day, and (B) a period
51 during student activities at the school and up to thirty minutes imme-
52 diately before and up to thirty minutes immediately after such student
53 activities. In selecting a school speed zone in which to install and
54 operate a photo speed violation monitoring system, the city shall
55 consider criteria including, but not limited to the speed data, crash
56 history, and the roadway geometry applicable to such school speed zone.

1 S 12. This act shall take effect on the thirtieth day after it shall
2 have become a law and shall expire 4 years after such effective date
3 when upon such date the provisions of this act shall be deemed repealed;
4 and provided further that any rules necessary for the implementation of
5 this act on its effective date shall be promulgated on or before such
6 effective date, provided that:

7 (a) the amendments to subparagraph (i) of paragraph a of subdivision
8 5-a of section 401 of the vehicle and traffic law made by section one of
9 this act shall not affect the expiration of such paragraph and shall be
10 deemed to expire therewith, when upon such date the provisions of
11 section one-a of this act shall take effect;

12 (b) the amendments to paragraph a of subdivision 5-a of section 401 of
13 the vehicle and traffic law made by section one-a of this act shall not
14 affect the expiration of such paragraph and shall be deemed to expire
15 therewith, when upon such date the provisions of section one-b of this
16 act shall take effect;

17 (c) the amendments to paragraph a of subdivision 5-a of section 401 of
18 the vehicle and traffic law made by section one-b of this act shall not
19 affect the expiration of such paragraph and shall be deemed to expire
20 therewith, when upon such date the provisions of section one-c of this
21 act shall take effect;

22 (d) the amendments to paragraph a of subdivision 5-a of section 401 of
23 the vehicle and traffic law made by section one-c of this act shall not
24 affect the expiration of such paragraph and shall be deemed to expire
25 therewith, when upon such date the provisions of section one-d of this
26 act shall take effect;

27 (e) the amendments to subdivision 1 of section 1809 of the vehicle and
28 traffic law made by section three of this act shall not affect the expi-
29 ration of such subdivision and shall be deemed to expire therewith, when
30 upon such date the provisions of section three-a of this act shall take
31 effect;

32 (f) the amendments to subdivision 1 of section 1809 of the vehicle and
33 traffic law made by section three-a of this act shall not affect the
34 expiration of such subdivision and shall be deemed to expire therewith,
35 when upon such date the provisions of section three-b of this act shall
36 take effect;

37 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
38 traffic law made by section three-b of this act shall not affect the
39 expiration of such subdivision and shall be deemed to expire therewith,
40 when upon such date the provisions of section three-c of this act shall
41 take effect;

42 (h) the amendments to subdivision 1 of section 1809 of the vehicle and
43 traffic law made by section three-c of this act shall not affect the
44 expiration of such subdivision and shall be deemed to expire therewith,
45 when upon such date the provisions of section three-d of this act shall
46 take effect;

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

52 (j) the amendments to paragraph a of subdivision 1 of section 1809-e
53 of the vehicle and traffic law made by section four-a of this act shall
54 not affect the expiration of such paragraph and shall be deemed to
55 expire therewith, when upon such date the provisions of section four-b
56 of this act shall take effect;

1 (k) the amendments to paragraph a of subdivision 1 of section 1809-e
2 of the vehicle and traffic law made by section four-b of this act shall
3 not affect the expiration of such paragraph and shall be deemed to
4 expire therewith, when upon such date the provisions of section four-c
5 of this act shall take effect;

6 (l) the amendments to subdivision 2 of section 371 of the general
7 municipal law made by section seven of this act shall take effect only
8 in the event that the county of Suffolk shall have by local law estab-
9 lished a traffic and parking violations agency;

10 (m) the amendments to subdivision 3 of section 371 of the general
11 municipal law made by section nine of this act shall take effect only in
12 the event that the county of Suffolk shall have by local law established
13 a traffic and parking violations agency;

14 (n) the amendments to section 371 of the general municipal law made by
15 sections six, seven, eight and nine of this act shall not affect the
16 expiration of such section and shall be deemed to expire therewith; and

17 (o) the amendments to subdivision (a) of section 1180-b of the vehicle
18 and traffic law made by section eleven of this act shall not affect the
19 repeal of such section and shall be deemed repealed therewith.