

6389

I N S E N A T E

January 21, 2014

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,
and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law,
in relation to 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-
24 ter for a violation of a bus lane restriction as defined in such
25 section, or (iv) the registrant was liable in accordance with section
26 eleven hundred eighty-b of this chapter for a violation of subdivision

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

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

20 S 2. Paragraph a of subdivision 5-a of section 401 of the vehicle and
21 traffic law, as amended by section 9-a of chapter 189 of the laws of
22 2013, is amended to read as follows:

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

1 has determined that such registrant's intent has been to evade the
2 purposes of this subdivision and where the commissioner has reasonable
3 grounds to believe that such registration or renewal will have the
4 effect of defeating the purposes of this subdivision. Such denial shall
5 only remain in effect as long as the summonses remain unanswered, or in
6 the case of an administrative tribunal, the registrant fails to comply
7 with the rules and regulations following entry of a final decision.

8 S 3. Paragraph a of subdivision 5-a of section 401 of the vehicle and
9 traffic law, as amended by section 9-b of chapter 189 of the laws of
10 2013, is amended to read as follows:

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

49 S 4. Paragraph a of subdivision 5-a of section 401 of the vehicle and
50 traffic law, as amended by section 9-c of chapter 189 of the laws of
51 2013, is amended to read as follows:

52 a. If at the time of application for a registration or renewal thereof
53 there is a certification from a court or administrative tribunal of
54 appropriate jurisdiction that the registrant or his representative
55 failed to appear on the return date or any subsequent adjourned date or
56 failed to comply with the rules and regulations of an administrative

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

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

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

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

10 S 6. The vehicle and traffic law is amended by adding a new section
11 1111-d to read as follows:

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

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

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

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

50 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY
51 THE CITY OF NEW ROCHELLE IN WHICH THE CHARGED VIOLATION OCCURRED, OR A
52 FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTO-
53 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A TRAFFIC-CONTROL
54 SIGNAL PHOTO VIOLATION-MONITORING SYSTEM, SHALL BE PRIMA FACIE EVIDENCE
55 OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDE-
56 OTAPE OR OTHER RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE

1 AVAILABLE FOR INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE LIABILITY
2 FOR SUCH VIOLATION PURSUANT TO A LOCAL LAW OR ORDINANCE ADOPTED PURSUANT
3 TO THIS SECTION.

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

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

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

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

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

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

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

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

VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE TRAFFIC VIOLATIONS BUREAU, COURT HAVING JURISDICTION OR PARKING VIOLATIONS BUREAU.

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

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

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

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

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

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

Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic

1 infraction involving standing, stopping, or parking or violations by
2 pedestrians or bicyclists, or other than an adjudication of liability of
3 an owner for a violation of subdivision (d) of section eleven hundred
4 eleven of this chapter in accordance with section eleven hundred
5 eleven-a of this chapter, or other than an adjudication of liability of
6 an owner for a violation of subdivision (d) of section eleven hundred
7 eleven of this chapter in accordance with section eleven hundred
8 eleven-b of this chapter, or other than an adjudication in accordance
9 with section eleven hundred eleven-c of this chapter for a violation of
10 a bus lane restriction as defined in such section, OR OTHER THAN AN
11 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D)
12 OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH
13 SECTION ELEVEN HUNDRED ELEVEN-D OF THIS CHAPTER, or other than an adju-
14 dication of liability of an owner for a violation of subdivision (b),
15 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in
16 accordance with section eleven hundred eighty-b of this chapter, there
17 shall be levied a crime victim assistance fee and a mandatory surcharge,
18 in addition to any sentence required or permitted by law, in accordance
19 with the following schedule:

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

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

53 1. Whenever proceedings in an administrative tribunal or a court of
54 this state result in a conviction for a crime under this chapter or a
55 traffic infraction under this chapter, or a local law, ordinance, rule
56 or regulation adopted pursuant to this chapter, other than a traffic

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

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

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

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

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

54 S 11. Subdivision 1 of section 1809 of the vehicle and traffic law, as
55 separately amended by chapter 16 of the laws of 1983 and chapter 62 of
56 the laws of 1989, is amended 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 other than a traffic infraction
4 involving standing, stopping, parking or motor vehicle equipment or
5 violations by pedestrians or bicyclists, AND EXCEPT AN ADJUDICATION OF
6 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION
7 ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
8 HUNDRED ELEVEN-D OF THIS CHAPTER, there shall be levied a mandatory
9 surcharge, in addition to any sentence required or permitted by law, in
10 the amount of seventeen dollars.

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

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

16 S 13. The purchase or lease of equipment for a demonstration program
17 established pursuant to section 1111-d of the vehicle and traffic law
18 shall be subject to the provisions of section 103 of the general municipal
19 law.

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

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

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

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

38 (d) the amendments to paragraph a of subdivision 5-a of section 401 of
39 the vehicle and traffic law made by section four 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 five of this
42 act shall take effect;

43 (e) the amendments to subdivision 1 of section 1809 of the vehicle and
44 traffic law made by section seven of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section eight of this act shall take effect;

48 (f) the amendments to subdivision 1 of section 1809 of the vehicle and
49 traffic law made by section eight of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section nine of this act shall take effect;

53 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
54 traffic law made by section nine of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when
55

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