

3190

2013-2014 Regular Sessions

I N A S S E M B L Y

January 24, 2013

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

AN ACT to amend the public authorities law, the vehicle and traffic law and the public officers law, in relation to bus lane restrictions enforcement by photo devices

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

1 Section 1. Subdivision 3 of section 1209-a of the public authorities
2 law, as amended by chapter 379 of the laws of 1992, is amended to read
3 as follows:
4 3. Jurisdiction. The bureau shall have, with respect to acts or inci-
5 dents in or on the transit facilities of the authority committed by or
6 involving persons who are sixteen years of age or over, VIOLATION OF BUS
7 LANE RESTRICTIONS ENFORCED BY PHOTO DEVICES IN ACCORDANCE WITH SECTION
8 ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW, NOTICES OF
9 VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY
10 EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE
11 VEHICLE AND TRAFFIC LAW, and with respect to violation of toll
12 collection regulations of the triborough bridge and tunnel authority as
13 described in section two thousand nine hundred eighty-five of this chap-
14 ter, non-exclusive jurisdiction over violations of: (a) the rules which
15 may from time to time be established by the authority under subdivision
16 five-a of section twelve hundred four of this [chapter] TITLE; (b) arti-
17 cle one hundred thirty-nine of the health code of the city of New York,
18 as it may be amended from time to time, relating to public transporta-
19 tion facilities; [and] (c) article four of the noise control code of the
20 city of New York, as it may be amended from time to time, insofar as it
21 pertains to sound reproduction devices; [and] (d) the rules and regu-
22 lations which may from time to time be established by the triborough
23 bridge and tunnel authority in accordance with the provisions of section
24 two thousand nine hundred eighty-five of this chapter; (E) BUS LANE

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

LBD05519-02-3

1 RESTRICTIONS ENFORCED BY PHOTO DEVICES IN ACCORDANCE WITH SECTION ELEVEN
2 HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW; AND (F) BUS LANE
3 RESTRICTIONS FOR NOTICES OF VIOLATION ISSUED BY AUTHORIZED AUTHORITY
4 EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE
5 VEHICLE AND TRAFFIC LAW. Matters within the jurisdiction of the bureau
6 except violations of the rules and regulations of the triborough bridge
7 and tunnel authority shall be known for purposes of this section as
8 transit infractions, WHICH INCLUDE VIOLATIONS OF BUS LANE RESTRICTIONS
9 ENFORCED BY PHOTO DEVICES IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
10 ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW AND NOTICES OF VIOLATION OF BUS
11 LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE
12 WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW.
13 Nothing [herein] IN THIS SUBDIVISION shall be construed to divest juris-
14 diction from any court now having jurisdiction over any criminal charge
15 or traffic infraction relating to any act committed in a transit or toll
16 facility OR A DESIGNATED BUS LANE, or to impair the ability of a police
17 officer to conduct a lawful search of a person in a transit facility.
18 The criminal court of the city of New York shall continue to have juris-
19 diction over any criminal charge or traffic infraction brought for
20 violation of the rules of the authority or the triborough bridge and
21 tunnel authority, as well as jurisdiction relating to any act which may
22 constitute a crime or an offense under any law of the state of New York
23 or any municipality or political subdivision thereof and which may also
24 constitute a violation of such rules. The bureau shall have concurrent
25 jurisdiction with the environmental control board and the administrative
26 tribunal of the department of health over the aforesaid provisions of
27 the health code and noise control code of the city of New York.

28 S 2. Paragraphs b and j of subdivision 4 of section 1209-a of the
29 public authorities law, as amended by chapter 379 of the laws of 1992,
30 are amended to read as follows:

31 b. To impose civil penalties not to exceed a total of one hundred
32 fifty dollars for any transit infraction within its jurisdiction, in
33 accordance with a penalty schedule established by the authority except
34 that penalties for violations of the health code of the city of New York
35 shall be in accordance with the penalties established for such
36 violations by the board of health of the city of New York, and penalties
37 for violations of the noise code of the city of New York shall be in
38 accordance with the penalties established for such violations by law,
39 and civil penalties for violations of the rules and regulations of the
40 triborough bridge and tunnel authority shall be in accordance with the
41 penalties established for such violations by section two thousand nine
42 hundred eighty-five of this chapter, AND THAT PENALTIES FOR VIOLATIONS
43 OF BUS LANE RESTRICTIONS ENFORCED BY PHOTO DEVICES AND FOR NOTICES OF
44 VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY
45 EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE
46 VEHICLE AND TRAFFIC LAW SHALL BE IN ACCORDANCE WITH THE PENALTIES SET
47 FORTH IN SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW;

48 j. To adjudicate the liability of motor vehicle owners for violations
49 of rules and regulations established in accordance with the provisions
50 of section two thousand nine hundred eighty-five of this chapter AND
51 SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW, AND FOR
52 NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED
53 AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT
54 OF THE VEHICLE AND TRAFFIC LAW.

55 S 3. Section 1209-a of the public authorities law is amended by adding
56 two new subdivisions 5-a and 5-b to read as follows:

1 5-A. NOTICES OF LIABILITY FOR VIOLATION OF BUS LANE RESTRICTIONS;
2 PHOTO DEVICES. NOTICES OF LIABILITY FOR VIOLATION OF BUS LANE
3 RESTRICTIONS ENFORCED BY PHOTO DEVICES SHALL BE PREPARED AND MAILED IN
4 ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAF-
5 FIC LAW.

6 5-B. NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS; AUTHORIZED AUTHOR-
7 ITY EMPLOYEES. NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY
8 AUTHORIZED AUTHORITY EMPLOYEES SHALL BE IN ACCORDANCE WITH SECTION TWO
9 HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW.

10 S 4. Subdivision 6 of section 1209-a of the public authorities law, as
11 amended by chapter 379 of the laws of 1992, is amended to read as
12 follows:

13 6. Defaults. Where a respondent has failed to plead to a notice of
14 violation or to a notice of liability issued pursuant to section two
15 thousand nine hundred eighty-five of this chapter OR SECTION ELEVEN
16 HUNDRED ELEVEN-D OF THE VEHICLE AND TRAFFIC LAW OR TO A NOTICE OF
17 VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY AUTHORIZED AUTHORITY
18 EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED THIRTY-EIGHT OF THE
19 VEHICLE AND TRAFFIC LAW within the time allowed by the rules of said
20 bureau or has failed to appear on a designated hearing date or a subse-
21 quent date following an adjournment, such failure to plead or appear
22 shall be deemed, for all purposes, to be an admission of liability and
23 shall be grounds for rendering a default decision and order imposing a
24 penalty in such amount as may be prescribed by the authority, OR IN
25 ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAF-
26 FIC LAW FOR A DEFAULT ON A VIOLATION OF BUS LANE RESTRICTIONS ENFORCED
27 BY PHOTO DEVICES OR ON A NOTICE OF VIOLATION OF BUS LANE RESTRICTIONS
28 ISSUED BY AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO
29 HUNDRED THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW.

30 S 5. Paragraph g of subdivision 7 of section 1209-a of the public
31 authorities law, as amended by chapter 379 of the laws of 1992, is
32 amended to read as follows:

33 g. After due consideration of the evidence and arguments, the hearing
34 officer shall determine whether the charges or allegations have been
35 established. No charge may be established except upon proof by clear and
36 convincing evidence except allegations of civil liability for violations
37 of triborough bridge and tunnel authority rules and regulations will be
38 established in accordance with the provisions of section two thousand
39 nine hundred eighty-five of this chapter. Where the charges have not
40 been established, an order dismissing the charges or allegations shall
41 be entered. Where a determination is made that a charge or allegation
42 has been established or if an answer admitting the charge or allegation
43 has been received, the hearing officer shall set a penalty in accordance
44 with the penalty schedule established by the authority, or for allega-
45 tions of civil liability in accordance with the provisions of section
46 two thousand nine hundred eighty-five of this chapter; OR FOR NOTICES OF
47 LIABILITY FOR VIOLATION OF BUS LANE RESTRICTIONS ENFORCED BY PHOTO
48 DEVICES OR NOTICES OF VIOLATION OF BUS LANE RESTRICTIONS ISSUED BY
49 AUTHORIZED AUTHORITY EMPLOYEES IN ACCORDANCE WITH SECTION TWO HUNDRED
50 THIRTY-EIGHT OF THE VEHICLE AND TRAFFIC LAW, THE PENALTY SHALL BE SET IN
51 ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-D OF THE VEHICLE AND TRAF-
52 FIC LAW, and an appropriate order shall be entered in the records of the
53 bureau. The respondent shall be given notice of such entry in person or
54 by certified mail. This order shall constitute the final determination
55 of the hearing officer, and for purposes of review it shall be deemed to
56 incorporate any intermediate determinations made by said officer in the

1 course of the proceeding. When no appeal is filed this order shall be
2 the final order of the bureau.

3 S 6. Subdivision 10 of section 1209-a of the public authorities law,
4 as amended by chapter 379 of the laws of 1992, is amended to read as
5 follows:

6 10. Funds. All penalties collected pursuant to the provisions of this
7 section shall be paid to the authority to the credit of a transit crime
8 fund which the authority shall establish. Any sums in this fund shall be
9 used to pay for programs selected by the board of the authority, in its
10 discretion, to reduce the incidence of crimes and infractions on transit
11 facilities OR VIOLATION OF BUS LANE RESTRICTIONS, or to improve the
12 enforcement of laws against such crimes and infractions. Such funds
13 shall be in addition to and not in substitution for any funds provided
14 by the state or the city of New York for such purposes.

15 S 7. Subparagraph (i) of paragraph a of subdivision 5-a of section 401
16 of the vehicle and traffic law, as amended by section 1 of part SS of
17 chapter 57 of the laws of 2010, is amended to read as follows:

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

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

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

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

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

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

20 S 10. Paragraph a of subdivision 5-a of section 401 of the vehicle and
21 traffic law, as separately amended by chapters 339 and 592 of the laws
22 of 1987, 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
29 three or more summonses or other process, issued within an eighteen
30 month period, charging that such motor vehicle was parked, stopped or
31 standing, or that such motor vehicle was operated for hire by the regis-
32 trant or his OR HER agent without being licensed as a motor vehicle for
33 hire by the appropriate local authority, in violation of any of the
34 provisions of this chapter or of any law, ordinance, rule or regulation
35 made by a local authority OR THE REGISTRANT WAS LIABLE IN ACCORDANCE
36 WITH SECTION ELEVEN HUNDRED ELEVEN-C OR ELEVEN HUNDRED ELEVEN-D OF THIS
37 CHAPTER FOR A VIOLATION OF A BUS LANE RESTRICTION AS DEFINED IN SUCH
38 SECTIONS, the commissioner or his OR HER agent shall deny the registra-
39 tion or renewal application until the applicant provides proof from the
40 court or administrative tribunal wherein the charges are pending that an
41 appearance or answer has been made or in the case of an administrative
42 tribunal that he OR SHE has complied with the rules and regulations of
43 said tribunal following entry of a final decision. Where an application
44 is denied pursuant to this section, the commissioner may, in his OR HER
45 discretion, deny a registration or renewal application to any other
46 person for the same vehicle and may deny a registration or renewal
47 application for any other motor vehicle registered in the name of the
48 applicant where the commissioner has determined that such registrant's
49 intent has been to evade the purposes of this subdivision and where the
50 commissioner has reasonable grounds to believe that such registration or
51 renewal will have the effect of defeating the purposes of this subdivi-
52 sion. Such denial shall only remain in effect as long as the summonses
53 remain unanswered, or in the case of an administrative tribunal, the
54 registrant fails to comply with the rules and regulations following
55 entry of a final decision.

1 S 11. Subdivision (d) of section 1111-c of the vehicle and traffic
2 law, as added by section 9 of part II of chapter 59 of the laws of 2010,
3 is amended to read as follows:

4 (d) A certificate, sworn to or affirmed by a technician employed by
5 the city in which the charged violation occurred OR BY THE APPLICABLE
6 MASS TRANSIT AGENCY, or a facsimile thereof, based upon inspection of
7 photographs, microphotographs, videotape or other recorded images
8 produced by a bus lane photo device, shall be prima facie evidence of
9 the facts contained therein. Any photographs, microphotographs, vide-
10 otape or other recorded images evidencing such a violation shall be
11 available for inspection in any proceeding to adjudicate the liability
12 for such violation pursuant to this section.

13 S 12. The vehicle and traffic law is amended by adding a new section
14 1111-d to read as follows:

15 S 1111-D. MASS TRANSIT PHOTO DEVICE ENFORCEMENT OF OWNER LIABILITY FOR
16 FAILURE OF OPERATOR TO COMPLY WITH BUS LANE RESTRICTIONS. (A) 1.
17 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN A CITY WITH A POPULATION
18 OF ONE MILLION OR MORE, THE METROPOLITAN TRANSPORTATION AUTHORITY, THE
19 NEW YORK CITY TRANSIT AUTHORITY AND THEIR SUBSIDIARIES AND AFFILIATES,
20 OR THE APPLICABLE MASS TRANSIT AUTHORITY OR AGENCY FOR SUCH CITY
21 (REFERRED TO AS THE "AUTHORITY" FOR PURPOSES OF THIS SECTION) IS HEREBY
22 AUTHORIZED AND EMPOWERED TO ESTABLISH A BUS LANE PHOTO DEVICE ENFORCE-
23 MENT PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR
24 FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH BUS LANE RESTRICTIONS IN
25 SUCH CITY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. THE AUTHOR-
26 ITY, FOR PURPOSES OF THE IMPLEMENTATION OF SUCH PROGRAM, SHALL OPERATE
27 BUS LANE PHOTO DEVICES ONLY ON DESIGNATED BUS LANES IN SUCH CITY, EXCEPT
28 THE BUS ROUTES SPECIFIED IN PARAGRAPH FOUR OF SUBDIVISION (C) OF SECTION
29 ELEVEN HUNDRED ELEVEN-C OF THIS ARTICLE. SUCH BUS LANE PHOTO DEVICES MAY
30 BE STATIONARY OR MOBILE AND SHALL BE ACTIVATED AT LOCATIONS DETERMINED
31 BY THE AUTHORITY IN CONSULTATION WITH SUCH CITY AND/OR ON BUSES OR VEHI-
32 CLES SELECTED BY THE AUTHORITY.

33 2. ANY IMAGE OR IMAGES CAPTURED BY BUS LANE PHOTO DEVICES SHALL BE
34 INADMISSIBLE IN ANY DISCIPLINARY PROCEEDING CONVENED BY THE AUTHORITY OR
35 ANY SUBSIDIARY THEREOF AND ANY PROCEEDING INITIATED BY THE DEPARTMENT OF
36 MOTOR VEHICLES INVOLVING LICENSURE PRIVILEGES OF BUS OPERATORS. ANY
37 MOBILE BUS LANE PHOTO DEVICE MOUNTED ON A BUS SHALL BE DIRECTED OUTWARD-
38 LY FROM SUCH BUS TO CAPTURE IMAGES OF VEHICLES OPERATED IN VIOLATION OF
39 BUS LANE RESTRICTIONS, AND IMAGES PRODUCED BY SUCH DEVICE SHALL NOT BE
40 USED FOR ANY OTHER PURPOSE IN THE ABSENCE OF A COURT ORDER REQUIRING
41 SUCH IMAGES TO BE PRODUCED.

42 3. THE AUTHORITY SHALL ADOPT AND ENFORCE MEASURES TO PROTECT THE
43 PRIVACY OF DRIVERS, PASSENGERS, PEDESTRIANS AND CYCLISTS WHOSE IDENTITY
44 AND IDENTIFYING INFORMATION MAY BE CAPTURED BY A BUS LANE PHOTO DEVICE.
45 SUCH MEASURES SHALL INCLUDE:

46 (I) UTILIZATION OF NECESSARY TECHNOLOGIES TO ENSURE, TO THE EXTENT
47 PRACTICABLE, THAT IMAGES PRODUCED BY SUCH BUS LANE PHOTO DEVICES SHALL
48 NOT INCLUDE IMAGES THAT IDENTIFY THE DRIVER, THE PASSENGERS, OR THE
49 CONTENTS OF THE VEHICLE, PROVIDED, HOWEVER, THAT NO NOTICE OF LIABILITY
50 ISSUED PURSUANT TO THIS SECTION SHALL BE DISMISSED SOLELY BECAUSE AN
51 IMAGE ALLOWS FOR THE IDENTIFICATION OF THE DRIVER, THE PASSENGERS OR
52 OTHER CONTENTS OF A VEHICLE;

53 (II) A PROHIBITION ON THE USE OR DISSEMINATION OF VEHICLES' LICENSE
54 PLATE INFORMATION AND OTHER INFORMATION AND IMAGES CAPTURED BY BUS LANE
55 PHOTO DEVICES EXCEPT: (A) AS REQUIRED TO ESTABLISH LIABILITY UNDER THIS

SECTION OR COLLECT PAYMENT OF PENALTIES; (B) AS REQUIRED BY COURT ORDER; OR (C) AS OTHERWISE REQUIRED BY LAW;

(III) IN CONSULTATION WITH SUCH CITY, THE INSTALLATION OF SIGNAGE AT REGULAR INTERVALS OR ENHANCED ROAD MARKINGS WITHIN DESIGNATED BUS LANES STATING THAT BUS LANE PHOTO DEVICES ARE USED TO ENFORCE RESTRICTIONS ON VEHICULAR TRAFFIC IN BUS LANES; AND

(IV) OVERSIGHT PROCEDURES TO ENSURE COMPLIANCE WITH THE AFOREMENTIONED PRIVACY PROTECTION MEASURES.

(B) 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, IN VIOLATION OF ANY BUS LANE RESTRICTIONS THAT APPLY TO DESIGNATED BUS LANES, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM A BUS LANE PHOTO DEVICE; 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 ANY BUS LANE RESTRICTIONS.

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

1. "OWNER" SHALL HAVE THE MEANING PROVIDED IN SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER.

2. "BUS LANE PHOTO DEVICE" SHALL MEAN A DEVICE THAT IS CAPABLE OF OPERATING INDEPENDENTLY OF AN ENFORCEMENT OFFICER AND PRODUCES ONE OR MORE IMAGES OF EACH VEHICLE AT THE TIME IT IS IN VIOLATION OF BUS LANE RESTRICTIONS.

3. "BUS LANE RESTRICTIONS" SHALL MEAN RESTRICTIONS ON THE USE OF DESIGNATED BUS LANES BY VEHICLES OTHER THAN BUSES IMPOSED BY LOCAL LAW AND SIGNS ERECTED BY THE AUTHORITY IN CONSULTATION WITH SUCH CITY PURSUANT TO THIS SECTION, WITH THE EXCEPTIONS ALLOWED UNDER SUBDIVISION (M) OF SECTION 4-12 AND PARAGRAPH THREE OF SUBDIVISION (A) OF SECTION 4-08(A)(3) OF TITLE THIRTY-FOUR OF THE RULES OF THE CITY OF NEW YORK OR ANY SUCH RULES OF A CITY WITH A POPULATION OF ONE MILLION OR MORE.

4. "DESIGNATED BUS LANE" SHALL MEAN A VEHICLE LANE DEDICATED FOR THE EXCLUSIVE USE OF BUSES, WHICH INCLUDES BUS STOPS WITHIN THE DESIGNATED BUS LANE.

(D) A CERTIFICATE, OR A FACSIMILE THEREOF, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY THE AUTHORITY OR ANY OTHER ENTITY AUTHORIZED BY THE AUTHORITY, BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A BUS LANE PHOTO DEVICE, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION.

(E) AN OWNER LIABLE FOR A VIOLATION OF A BUS LANE RESTRICTION UNDER THIS SECTION SHALL BE LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF A CITY WITH A POPULATION OF ONE MILLION OR MORE; PROVIDED, HOWEVER, THAT THE MONETARY PENALTY FOR VIOLATING A BUS LANE RESTRICTION SHALL NOT EXCEED ONE HUNDRED FIFTEEN DOLLARS; PROVIDED, FURTHER, THAT AN OWNER SHALL BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO EXCEED TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

(F) AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION OF AN OPERATOR AND SHALL NOT BE MADE PART OF THE OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED, NOR

1 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-
2 CLE INSURANCE COVERAGE.

3 (G) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH
4 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF A BUS LANE
5 RESTRICTION. PERSONAL DELIVERY TO THE OWNER SHALL NOT BE REQUIRED. A
6 MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE ORDINARY COURSE OF
7 BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN.

8 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
9 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF A BUS LANE
10 RESTRICTION, THE REGISTRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH
11 VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK PLACE INCLUDING THE
12 STREET ADDRESS OR CROSS STREETS, ONE OR MORE IMAGES IDENTIFYING THE
13 VIOLATION, THE DATE AND TIME OF SUCH VIOLATION AND THE IDENTIFICATION
14 NUMBER OF THE BUS LANE PHOTO DEVICE WHICH RECORDED THE VIOLATION OR
15 OTHER DOCUMENT LOCATOR NUMBER.

16 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
17 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
18 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO
19 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST
20 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-
21 ITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

22 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE AUTHOR-
23 ITY, OR ANY OTHER ENTITY AUTHORIZED BY SUCH AUTHORITY TO PREPARE AND
24 MAIL SUCH NOTIFICATION OF VIOLATION.

25 5. ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS BY THIS SECTION
26 SHALL BE BY THE AUTHORITY'S TRANSIT ADJUDICATION BUREAU PURSUANT TO
27 SECTION TWELVE HUNDRED NINE-A OF THE PUBLIC AUTHORITIES LAW OR ANY SUCH
28 TRANSIT ADJUDICATION BUREAU IN A CITY WITH A POPULATION OF ONE MILLION
29 OR MORE.

30 (H) IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT
31 TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS
32 REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A
33 VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF A BUS
34 LANE RESTRICTION THAT THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS
35 STOLEN PRIOR TO THE TIME THE VIOLATION OCCURRED AND HAD NOT BEEN RECOV-
36 ERED BY SUCH TIME. FOR PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY
37 THIS SUBDIVISION IT SHALL BE SUFFICIENT THAT A CERTIFIED COPY OF THE
38 POLICE REPORT ON THE STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE
39 TRANSIT ADJUDICATION BUREAU IN SUCH CITY WITH A POPULATION OF ONE
40 MILLION OR MORE.

41 (I) 1. AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF
42 LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL
43 NOT BE LIABLE FOR THE VIOLATION OF A BUS LANE RESTRICTION, PROVIDED THAT
44 WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM THE TRANSIT ADJUDI-
45 CATION BUREAU OF THE DATE AND TIME OF A LIABILITY, TOGETHER WITH THE
46 OTHER INFORMATION CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY, THE
47 LESSOR SUBMITS TO SUCH BUREAU THE CORRECT NAME AND ADDRESS OF THE LESSEE
48 OF THE VEHICLE IDENTIFIED IN THE NOTICE OF LIABILITY AT THE TIME OF SUCH
49 VIOLATION, TOGETHER WITH SUCH OTHER ADDITIONAL INFORMATION CONTAINED IN
50 THE RENTAL, LEASE OR OTHER CONTRACT DOCUMENT, AS MAY BE REASONABLY
51 REQUIRED BY SUCH BUREAU PURSUANT TO REGULATIONS THAT MAY BE PROMULGATED
52 FOR SUCH PURPOSE.

53 2. FAILURE TO COMPLY WITH PARAGRAPH ONE OF THIS SUBDIVISION SHALL
54 RENDER THE LESSOR LIABLE FOR THE PENALTY PRESCRIBED IN THIS SECTION.

55 3. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH ONE OF
56 THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH

VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION (G) OF THIS SECTION.

(J) IF THE OWNER LIABLE FOR A VIOLATION OF A BUS LANE RESTRICTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.

(K) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF BUS LANE RESTRICTIONS.

(L) THE AUTHORITY SHALL SUBMIT A REPORT ON THE RESULTS OF THE USE OF BUS LANE PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY BY APRIL FIRST, TWO THOUSAND FIFTEEN AND EVERY TWO YEARS THEREAFTER. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:

1. A DESCRIPTION OF THE LOCATIONS AND/OR BUSES WHERE BUS LANE PHOTO DEVICES WERE USED;

2. THE TOTAL NUMBER OF VIOLATIONS RECORDED ON A MONTHLY AND ANNUAL BASIS;

3. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED;

4. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER THE FIRST NOTICE OF LIABILITY;

5. THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE;

6. THE TOTAL AMOUNT OF REVENUE REALIZED BY ANY PARTICIPATING MASS TRANSIT AUTHORITY OR AGENCY;

7. THE QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS;

8. THE TOTAL NUMBER OF PHOTO DEVICES BY TYPE OF PHOTO DEVICE;

9. THE TOTAL COST TO ANY PARTICIPATING MASS TRANSIT AUTHORITY OR AGENCY; AND

10. A DETAILED REPORT ON THE BUS SPEEDS, RELIABILITY, AND RIDERSHIP BEFORE AND AFTER IMPLEMENTATION OF THE BUS LANE PHOTO DEVICE ENFORCEMENT PROGRAM FOR EACH BUS ROUTE, INCLUDING CURRENT STATISTICS.

S 13. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10 of part II of chapter 59 of the laws of 2010, are amended to read as follows:

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 infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than 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, or other than 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-b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, there shall be levied a crime victim assistance fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:

(c) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter other than a crime pursuant to section eleven hundred ninety-two of 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 infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than 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, or other than 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-b of this chapter, or other than an infraction pursuant to article nine of this chapter or other than 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 or other than an adjudication in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime 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 infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, or other than 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, or other than 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-b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, or other than an adjudication in accordance with section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter for a violation of a bus lane restriction as defined in such [section] SECTIONS, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

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

4 1. Whenever proceedings in an administrative tribunal or a court of
5 this state result in a conviction for a crime under this chapter or a
6 traffic infraction under this chapter other than a traffic infraction
7 involving standing, stopping, parking or motor vehicle equipment or
8 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION
9 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-C OR ELEVEN HUNDRED
10 ELEVEN-D OF THIS CHAPTER FOR A VIOLATION OF A BUS LANE RESTRICTION AS
11 DEFINED IN SUCH SECTIONS, there shall be levied a mandatory surcharge,
12 in addition to any sentence required or permitted by law, in the amount
13 of seventeen dollars.

14 S 17. Paragraph a of subdivision 1 of section 1809-e of the vehicle
15 and traffic law, as amended by section 11 of part II of chapter 59 of
16 the laws of 2010, is amended to read as follows:

17 a. Notwithstanding any other provision of law, whenever proceedings in
18 a court or an administrative tribunal of this state result in a
19 conviction for an offense under this chapter, except a conviction pursu-
20 ant to section eleven hundred ninety-two of this chapter, or for a traf-
21 fic infraction under this chapter, or a local law, ordinance, rule or
22 regulation adopted pursuant to this chapter, except a traffic infraction
23 involving standing, stopping, or parking or violations by pedestrians or
24 bicyclists, and except an adjudication of liability of an owner for a
25 violation of subdivision (d) of section eleven hundred eleven of this
26 chapter in accordance with section eleven hundred eleven-a of this chap-
27 ter, and except an adjudication of liability of an owner for a violation
28 of subdivision (d) of section eleven hundred eleven of this chapter in
29 accordance with section eleven hundred eleven-b of this chapter, and
30 except an adjudication in accordance with section eleven hundred
31 eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter of a violation of a
32 bus lane restriction as defined in such [section] SECTIONS, and except
33 an adjudication of liability of an owner for a violation of toll
34 collection regulations pursuant to section two thousand nine hundred
35 eighty-five of the public authorities law or sections sixteen-a,
36 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
37 laws of nineteen hundred fifty, there shall be levied in addition to any
38 sentence, penalty or other surcharge required or permitted by law, an
39 additional surcharge of twenty dollars.

40 S 18. Paragraph a of subdivision 1 of section 1809-e of the vehicle
41 and traffic law, as amended by section 11-a of part II of chapter 59 of
42 the laws of 2010, is amended to read as follows:

43 a. Notwithstanding any other provision of law, whenever proceedings in
44 a court or an administrative tribunal of this state result in a
45 conviction for an offense under this chapter, except a conviction pursu-
46 ant to section eleven hundred ninety-two of this chapter, or for a traf-
47 fic infraction under this chapter, or a local law, ordinance, rule or
48 regulation adopted pursuant to this chapter, except a traffic infraction
49 involving standing, stopping, or parking or violations by pedestrians or
50 bicyclists, and except an adjudication of liability of an owner for a
51 violation of subdivision (d) of section eleven hundred eleven of this
52 chapter in accordance with section eleven hundred eleven-a of this chap-
53 ter, and except an adjudication in accordance with section eleven
54 hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of this chapter of a
55 violation of a bus lane restriction as defined in such [section]
56 SECTIONS, 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 dollars.

S 19. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as added by section 1 of part EE of chapter 56 of the laws of 2008, 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-D 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 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 dollars.

S 20. Paragraph (1) of subdivision 2 of section 87 of the public officers law, as added by section 12 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

(1) are photographs, microphotographs, videotape or other recorded images produced by a bus lane photo device prepared under authority of section eleven hundred eleven-c OR ELEVEN HUNDRED ELEVEN-D of the vehicle and traffic law.

S 21. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that:

(a) the amendments to paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law made by section seven of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 17 of chapter 746 of the laws of 1988, as amended, when upon such date the provisions of section eight of this act shall take effect;

(b) the amendments to paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law made by section eight of this act shall be subject to the expiration and reversion of such paragraph pursuant to chapters 19, 20, 21, 22, 23 and 383 of the laws of 2009, as amended, when upon such date the provisions of section nine of this act shall take effect;

(c) the amendments to paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law made by section nine of this act shall be subject to the expiration and reversion of such paragraph pursuant to section 14 of part II of chapter 59 of the laws of 2010, as amended, when upon such date the provisions of section ten of this act shall take effect;

1 (d) the amendments to subdivision (d) of section 1111-c of the vehicle
2 and traffic law made by section eleven of this act shall not affect the
3 repeal of such section and shall be deemed repealed therewith;

4 (e) the amendments to subdivision 1 of section 1809 of the vehicle and
5 traffic law made by section thirteen of this act shall be subject to the
6 expiration and reversion of such subdivision pursuant to subdivision (p)
7 of section 406 of chapter 166 of the laws of 1991, as amended, when upon
8 such date the provisions of section fourteen of this act shall take
9 effect;

10 (f) the amendments to subdivision 1 of section 1809 of the vehicle and
11 traffic law made by section fourteen of this act shall be subject to the
12 expiration and reversion of such subdivision pursuant to section 17 of
13 chapter 746 of the laws of 1988, and chapters 19, 20, 21, 22, 23 and 383
14 of the laws of 2009, as amended, when upon such date the provisions of
15 section fifteen of this act shall take effect;

16 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
17 traffic law made by section fifteen of this act shall be subject to the
18 expiration and reversion of such subdivision pursuant to chapter 746 of
19 the laws of 1988, as amended, when upon such date the provisions of
20 section sixteen of this act shall take effect;

21 (h) the amendments to paragraph a of subdivision 1 of section 1809-e
22 of the vehicle and traffic law made by section seventeen of this act
23 shall be subject to the expiration and reversion of such paragraph
24 pursuant to chapters 19, 20, 21, 22, 23 and 383 of the laws of 2009, as
25 amended, when upon such date the provisions of section eighteen of this
26 act shall take effect;

27 (i) the amendments to paragraph a of subdivision 1 of section 1809-e
28 of the vehicle and traffic law made by section eighteen of this act
29 shall be subject to the expiration and reversion of such subdivision
30 pursuant to chapters 19, 20, 21, 22, 23 and 383 of the laws of 2009, as
31 amended, when upon such date the provisions of section nineteen of this
32 act shall take effect; and

33 (j) the amendments to paragraph (1) of subdivision 2 of section 87 of
34 the public officers law made by section twenty of this act shall not
35 affect the repeal of such paragraph and shall be deemed repealed there-
36 with.