

4327

2013-2014 Regular Sessions

I N A S S E M B L Y

February 4, 2013

Introduced by M. of A. GLICK, MILLMAN, COOK, GOTTFRIED, WEPRIN, TITONE, ROSENTHAL, ORTIZ, BROOK-KRASNY, HEVESI -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CRESPO, CYMBROWITZ, DINOWITZ, LUPARDO, O'DONNELL, ROBINSON, SCHIMEL, THIELE, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in each city with a population of one million or more a demonstration program to enforce maximum speed limits by means of speed limit photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
2 law, as amended by section 1 of part II of chapter 59 of the laws of
3 2010, is amended to read as follows:
4 1. Notwithstanding any inconsistent provision of any general, special
5 or local law or administrative code to the contrary, in any city which
6 heretofore or hereafter is authorized to establish an administrative
7 tribunal to hear and determine complaints of traffic infractions consti-
8 tuting parking, standing or stopping violations, or to adjudicate the
9 liability of owners for violations of subdivision (d) of section eleven
10 hundred eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, or to adjudicate the liability of owners for
12 violations of subdivision (d) of section eleven hundred eleven of this
13 chapter in accordance with sections eleven hundred eleven-b of this
14 chapter as added by sections sixteen of chapters twenty, twenty-one, and
15 twenty-two of the laws of two thousand nine, or to adjudicate the
16 liability of owners for violations of toll collection regulations as
17 defined in and in accordance with the provisions of section two thousand
18 nine hundred eighty-five of the public authorities law and sections
19 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four

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

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

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

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

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

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

1 OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN
2 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
3 EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and regulations
4 pertaining thereto shall be constituted in substantial conformance with
5 the following sections.

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

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

27 S 1-d. Section 235 of the vehicle and traffic law, as separately
28 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
29 of 1992, is amended to read as follows:

30 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any
31 general, special or local law or administrative code to the contrary, in
32 any city which heretofore or hereafter is authorized to establish an
33 administrative tribunal to hear and determine complaints of traffic
34 infractions constituting parking, standing or stopping violations, or to
35 adjudicate the liability of owners for violations of toll collection
36 regulations as defined in and in accordance with the provisions of
37 section two thousand nine hundred eighty-five of the public authorities
38 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
39 hundred seventy-four of the laws of nineteen hundred fifty, OR TO ADJU-
40 DICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
41 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
42 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and
43 regulations pertaining thereto shall be constituted in substantial
44 conformance with the following sections.

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

48 1. Creation. In any city as hereinbefore or hereafter authorized such
49 tribunal when created shall be known as the parking violations bureau
50 and shall have jurisdiction of traffic infractions which constitute a
51 parking violation and, where authorized by local law adopted pursuant to
52 subdivision (a) of section eleven hundred eleven-a of this chapter or
53 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
54 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
55 of the laws of two thousand nine, shall adjudicate the liability of
56 owners for violations of subdivision (d) of section eleven hundred elev-

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

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

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

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

50 1. Creation. In any city as hereinbefore or hereafter authorized such
51 tribunal when created shall be known as the parking violations bureau
52 and shall have jurisdiction of traffic infractions which constitute a
53 parking violation and shall adjudicate liability of owners in accordance
54 with section eleven hundred eleven-c of this chapter for violations of
55 bus lane restrictions as defined in such section AND SHALL ADJUDICATE
56 LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF

1 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
2 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. For the purposes of this arti-
3 cle, a parking violation is the violation of any law, rule or regulation
4 providing for or regulating the parking, stopping or standing of a vehi-
5 cle. In addition for purposes of this article, "commissioner" shall mean
6 and include the commissioner of traffic of the city or an official
7 possessing authority as such a commissioner.

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

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

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

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

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

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

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

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

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

46 f. "Notice of violation" means a notice of violation as defined in
47 subdivision nine of section two hundred thirty-seven of this article,
48 but shall not be deemed to include a notice of liability issued pursuant
49 to authorization set forth in section eleven hundred eleven-a of this
50 chapter or sections eleven hundred eleven-b of this chapter as added by
51 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
52 laws of two thousand nine, and shall not be deemed to include a notice
53 of liability issued pursuant to section two thousand nine hundred eight-
54 y-five of the public authorities law and sections sixteen-a, sixteen-b
55 and sixteen-c of chapter seven hundred seventy-four of the laws of nine-
56 teen hundred fifty and shall not be deemed to include a notice of

1 liability issued pursuant to section eleven hundred eleven-c of this
2 chapter AND SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY ISSUED
3 PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

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

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

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

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

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

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

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

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

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

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

53 S 6. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
54 law, as amended by section 5 of part II of chapter 59 of the laws of
55 2010, are amended to read as follows:

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

26 1-a. Fines and penalties. Whenever a plea of not guilty has been
27 entered, or the bureau has been notified that an allegation of liability
28 in accordance with section eleven hundred eleven-a of this chapter or
29 sections eleven hundred eleven-b of this chapter as added by sections
30 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
31 two thousand nine or an allegation of liability in accordance with
32 section two thousand nine hundred eighty-five of the public authorities
33 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
34 hundred seventy-four of the laws of nineteen hundred fifty or an allega-
35 tion of liability in accordance with section eleven hundred eleven-c of
36 this chapter OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION
37 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, is being contested, by a person
38 in a timely fashion and a hearing upon the merits has been demanded, but
39 has not yet been held, the bureau shall not issue any notice of fine or
40 penalty to that person prior to the date of the hearing.

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

44 1. Notice of hearing. Whenever a person charged with a parking
45 violation enters a plea of not guilty or a person alleged to be liable
46 in accordance with sections eleven hundred eleven-b of this chapter as
47 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
48 of the laws of two thousand nine for a violation of subdivision (d) of
49 section eleven hundred eleven of this chapter, or a person alleged to be
50 liable in accordance with the provisions of section eleven hundred
51 eleven-c of this chapter for a violation of a bus lane restriction as
52 defined in such section contests such allegation, OR A PERSON ALLEGED TO
53 BE LIABLE IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED
54 EIGHTY-B OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
55 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION,
56 the bureau shall advise such person personally by such form of first

1 class mail as the director may direct of the date on which he or she
2 must appear to answer the charge at a hearing. The form and content of
3 such notice of hearing shall be prescribed by the director, and shall
4 contain a warning to advise the person so pleading or contesting that
5 failure to appear on the date designated, or on any subsequent adjourned
6 date, shall be deemed an admission of liability, and that a default
7 judgment may be entered thereon.

8 1-a. Fines and penalties. Whenever a plea of not guilty has been
9 entered, or the bureau has been notified that an allegation of liability
10 in accordance with sections eleven hundred eleven-b of this chapter, as
11 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
12 of the laws of two thousand nine, or an allegation of liability in
13 accordance with section eleven hundred eleven-c of this chapter OR AN
14 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
15 Y-B OF THIS CHAPTER is being contested, by a person in a timely fashion
16 and a hearing upon the merits has been demanded, but has not yet been
17 held, the bureau shall not issue any notice of fine or penalty to that
18 person prior to the date of the hearing.

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

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

38 1-a. Fines and penalties. Whenever a plea of not guilty has been
39 entered, or the bureau has been notified that an allegation of liability
40 in accordance with section eleven hundred eleven-c of this chapter OR AN
41 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
42 Y-B OF THIS CHAPTER is being contested, by a person in a timely fashion
43 and a hearing upon the merits has been demanded, but has not yet been
44 held, the bureau shall not issue any notice of fine or penalty to that
45 person prior to the date of the hearing.

46 S 6-c. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
47 fic law, subdivision 1 as added by chapter 715 of the laws of 1972 and
48 subdivision 1-a as added by chapter 365 of the laws of 1978, are amended
49 to read as follows:

50 1. Notice of hearing. Whenever a person charged with a parking
51 violation enters a plea of not guilty, OR A PERSON ALLEGED TO BE LIABLE
52 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF
53 THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEV-
54 EN HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau
55 shall advise such person personally by such form of first class mail as
56 the director may direct of the date on which he OR SHE must appear to

1 answer the charge at a hearing. The form and content of such notice of
2 hearing shall be prescribed by the director, and shall contain a warning
3 to advise the person so pleading that failure to appear on the date
4 designated, or on any subsequent adjourned date, shall be deemed an
5 admission of liability, and that a default judgment may be entered ther-
6 eon.

7 1-a. Fines and penalties. Whenever a plea of not guilty has been
8 entered, OR THE BUREAU HAS BEEN NOTIFIED THAT AN ALLEGATION OF LIABILITY
9 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, IS
10 BEING CONTESTED, by a person in a timely fashion and a hearing upon the
11 merits has been demanded, but has not yet been held, the bureau shall
12 not issue any notice of fine or penalty to that person prior to the date
13 of the hearing.

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

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

30 g. A record shall be made of a hearing on a plea of not guilty or of a
31 hearing at which liability in accordance with section eleven hundred
32 eleven-a of this chapter or in accordance with sections eleven hundred
33 eleven-b of this chapter as added by sections sixteen of chapters twen-
34 ty, twenty-one, and twenty-two of the laws of two thousand nine is
35 contested or of a hearing at which liability in accordance with section
36 two thousand nine hundred eighty-five of the public authorities law or
37 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
38 seventy-four of the laws of nineteen hundred fifty is contested or of a
39 hearing at which liability in accordance with section eleven hundred
40 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE
41 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.
42 Recording devices may be used for the making of the record.

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

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

55 g. A record shall be made of a hearing on a plea of not guilty or of a
56 hearing at which liability in accordance with sections eleven hundred

1 eleven-b of this chapter, as added by sections sixteen of chapters twen-
2 ty, twenty-one, and twenty-two of the laws of two thousand nine or of a
3 hearing at which liability in accordance with section eleven hundred
4 eleven-c of this chapter OR A HEARING AT WHICH LIABILITY IN ACCORDANCE
5 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER is contested.
6 Recording devices may be used for the making of the record.

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

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

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

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

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

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

32 S 8. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
33 law, as amended by section 7 of part II of chapter 59 of the laws of
34 2010, are amended to read as follows:

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

54 2. Where an operator or owner fails to enter a plea to a charge of a
55 parking violation or contest an allegation of liability in accordance
56 with section eleven hundred eleven-a of this chapter or in accordance

1 with sections eleven hundred eleven-b of this chapter as added by
2 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
3 laws of two thousand nine or fails to contest an allegation of liability
4 in accordance with section two thousand nine hundred eighty-five of the
5 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
6 chapter seven hundred seventy-four of the laws of nineteen hundred
7 fifty, or fails to contest an allegation of liability in accordance with
8 section eleven hundred eleven-c of this chapter OR FAILS TO CONTEST AN
9 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
10 Y-B OF THIS CHAPTER or fails to appear on a designated hearing date or
11 subsequent adjourned date or fails after a hearing to comply with the
12 determination of a hearing examiner, as prescribed by this article or by
13 rule or regulation of the bureau, such failure to plead or contest,
14 appear or comply shall be deemed, for all purposes, an admission of
15 liability and shall be grounds for rendering and entering a default
16 judgment in an amount provided by the rules and regulations of the
17 bureau. However, after the expiration of the original date prescribed
18 for entering a plea and before a default judgment may be rendered, in
19 such case the bureau shall pursuant to the applicable provisions of law
20 notify such operator or owner, by such form of first class mail as the
21 commission may direct; (1) of the violation charged, or liability in
22 accordance with section eleven hundred eleven-a of this chapter or in
23 accordance with sections eleven hundred eleven-b of this chapter as
24 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
25 of the laws of two thousand nine alleged or liability in accordance with
26 section two thousand nine hundred eighty-five of the public authorities
27 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
28 hundred seventy-four of the laws of nineteen hundred fifty alleged or
29 liability in accordance with section eleven hundred eleven-c of this
30 chapter OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B
31 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that
32 such judgment will be entered in the Civil Court of the city in which
33 the bureau has been established, or other court of civil jurisdiction or
34 any other place provided for the entry of civil judgments within the
35 state of New York, and (4) that a default may be avoided by entering a
36 plea or contesting an allegation of liability in accordance with section
37 eleven hundred eleven-a of this chapter or in accordance with sections
38 eleven hundred eleven-b of this chapter as added by sections sixteen of
39 chapters twenty, twenty-one, and twenty-two of the laws of two thousand
40 nine or contesting an allegation of liability in accordance with section
41 two thousand nine hundred eighty-five of the public authorities law or
42 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
43 seventy-four of the laws of nineteen hundred fifty or contesting an
44 allegation of liability in accordance with section eleven hundred
45 eleven-c of this chapter OR CONTESTING AN ALLEGATION OF LIABILITY IN
46 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as
47 appropriate, or making an appearance within thirty days of the sending
48 of such notice. Pleas entered and allegations contested within that
49 period shall be in the manner prescribed in the notice and not subject
50 to additional penalty or fee. Such notice of impending default judgment
51 shall not be required prior to the rendering and entry thereof in the
52 case of operators or owners who are non-residents of the state of New
53 York. In no case shall a default judgment be rendered or, where
54 required, a notice of impending default judgment be sent, more than two
55 years after the expiration of the time prescribed for entering a plea or
56 contesting an allegation. When a person has demanded a hearing, no fine

1 or penalty shall be imposed for any reason, prior to the holding of the
2 hearing. If the hearing examiner shall make a determination on the
3 charges, sustaining them, he or she shall impose no greater penalty or
4 fine than those upon which the person was originally charged.

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

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

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

1 THIS CHAPTER as appropriate, or making an appearance within thirty days
2 of the sending of such notice. Pleas entered and allegations contested
3 within that period shall be in the manner prescribed in the notice and
4 not subject to additional penalty or fee. Such notice of impending
5 default judgment shall not be required prior to the rendering and entry
6 thereof in the case of operators or owners who are non-residents of the
7 state of New York. In no case shall a default judgment be rendered or,
8 where required, a notice of impending default judgment be sent, more
9 than two years after the expiration of the time prescribed for entering
10 a plea or contesting an allegation. When a person has demanded a hear-
11 ing, no fine or penalty shall be imposed for any reason, prior to the
12 holding of the hearing. If the hearing examiner shall make a determi-
13 nation on the charges, sustaining them, he or she shall impose no great-
14 er penalty or fine than those upon which the person was originally
15 charged.

16 S 8-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
17 law, as amended by section 7-b of part II of chapter 59 of the laws of
18 2010, are amended to read as follows:

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

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

1 of such notice. Pleas entered within that period shall be in the manner
2 prescribed in the notice and not subject to additional penalty or fee.
3 Such notice of impending default judgment shall not be required prior to
4 the rendering and entry thereof in the case of operators or owners who
5 are non-residents of the state of New York. In no case shall a default
6 judgment be rendered or, where required, a notice of impending default
7 judgment be sent, more than two years after the expiration of the time
8 prescribed for entering a plea. When a person has demanded a hearing, no
9 fine or penalty shall be imposed for any reason, prior to the holding of
10 the hearing. If the hearing examiner shall make a determination on the
11 charges, sustaining them, he or she shall impose no greater penalty or
12 fine than those upon which the person was originally charged.

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

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

26 2. Where an operator or owner fails to enter a plea to a charge of a
27 parking violation OR FAILS TO CONTEST AN ALLEGATION OF LIABILITY
28 INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS
29 CHAPTER or fails to appear on a designated hearing date or subsequent
30 adjourned date or fails after a hearing to comply with the determination
31 of a hearing examiner, as prescribed by this article or by rule or regu-
32 lation of the bureau, such failure to plead, appear or comply shall be
33 deemed, for all purposes, an admission of liability and shall be grounds
34 for rendering and entering a default judgment in an amount provided by
35 the rules and regulations of the bureau. However, after the expiration
36 of the original date prescribed for entering a plea and before a default
37 judgment may be rendered, in such case the bureau shall pursuant to the
38 applicable provisions of law notify such operator or owner, by such form
39 of first class mail as the commission may direct; (1) of the violation
40 charged OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B
41 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that
42 such judgment will be entered in the Civil Court of the city in which
43 the bureau has been established, or other court of civil jurisdiction or
44 any other place provided for the entry of civil judgments within the
45 state of New York, and (4) that a default may be avoided by entering a
46 plea OR CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION
47 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER or making an appearance within
48 thirty days of the sending of such notice. Pleas entered within that
49 period shall be in the manner prescribed in the notice and not subject
50 to additional penalty or fee. Such notice of impending default judgment
51 shall not be required prior to the rendering and entry thereof in the
52 case of operators or owners who are non-residents of the state of New
53 York. In no case shall a default judgment be rendered or, where
54 required, a notice of impending default judgment be sent, more than two
55 years after the expiration of the time prescribed for entering a plea.
56 When a person has demanded a hearing, no fine or penalty shall be

1 imposed for any reason, prior to the holding of the hearing. If the
2 hearing examiner shall make a determination on the charges, sustaining
3 them, he shall impose no greater penalty or fine than those upon which
4 the person was originally charged.

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

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

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

53 a. If at the time of application for a registration or renewal thereof
54 there is a certification from a court or administrative tribunal of
55 appropriate jurisdiction that the registrant or his or her represen-
56 tative failed to appear on the return date or any subsequent adjourned

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

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

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

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

18 S 9-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
19 and traffic law, as separately amended by chapters 339 and 592 of the
20 laws of 1987, 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 representative
24 failed to appear on the return date or any subsequent adjourned date or
25 failed to comply with the rules and regulations of an administrative
26 tribunal following entry of a final decision in response to three or
27 more summonses or other process, issued within an eighteen month period,
28 charging that such motor vehicle was parked, stopped or standing, or
29 that such motor vehicle was operated for hire by the registrant or his
30 agent without being licensed as a motor vehicle for hire by the appro-
31 priate local authority, in violation of any of the provisions of this
32 chapter or of any law, ordinance, rule or regulation made by a local
33 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEV-
34 EN HUNDRED EIGHTY-B OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIONS (C)
35 AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the commis-
36 sioner or his agent shall deny the registration or renewal application
37 until the applicant provides proof from the court or administrative
38 tribunal wherein the charges are pending that an appearance or answer
39 has been made or in the case of an administrative tribunal that he has
40 complied with the rules and regulations of said tribunal following entry
41 of a final decision. Where an application is denied pursuant to this
42 section, the commissioner may, in his discretion, deny a registration or
43 renewal application to any other person for the same vehicle and may
44 deny a registration or renewal application for any other motor vehicle
45 registered in the name of the applicant where the commissioner has
46 determined that such registrant's intent has been to evade the purposes
47 of this subdivision and where the commissioner has reasonable grounds to
48 believe that such registration or renewal will have the effect of
49 defeating the purposes of this subdivision. Such denial shall only
50 remain in effect as long as the summonses remain unanswered, or in the
51 case of an administrative tribunal, the registrant fails to comply with
52 the rules and regulations following entry of a final decision.

53 S 10. The vehicle and traffic law is amended by adding a new section
54 1180-b to read as follows:

55 S 1180-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
56 APPLICABLE MAXIMUM SPEED LIMIT. 1. NOTWITHSTANDING ANY OTHER PROVISION

1 OF LAW, EACH CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY
2 AUTHORIZED AND EMPOWERED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING
3 MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR
4 THEREOF TO COMPLY WITH THE APPLICABLE MAXIMUM SPEED LIMIT IN SUCH CITY
5 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH CITY, FOR
6 PURPOSES OF THE IMPLEMENTATION OF SUCH PROGRAM, SHALL OPERATE SPEED
7 LIMIT PHOTO DEVICES WITHIN SUCH CITY AT NO MORE THAN FORTY AND NO FEWER
8 THAN TWENTY LOCATIONS AT ANY ONE TIME DURING ANY YEAR OF SUCH PROGRAM.
9 SUCH SPEED LIMIT PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE
10 ACTIVATED AT LOCATIONS SELECTED BY SUCH CITY, EXCEPT THAT NO MORE THAN
11 TWENTY LOCATIONS SHALL BE ACTIVATED WITH MOBILE SPEED LIMIT PHOTO
12 DEVICES AT ANY ONE TIME DURING ANY YEAR OF SUCH DEMONSTRATION PROGRAM.
13 SUCH SPEED LIMIT PHOTO DEVICES SHALL BE PLACED AT LOCATIONS BASED ON
14 CRITERIA, INCLUDING BUT NOT LIMITED TO WHETHER THE LOCATION IS WITHIN A
15 QUARTER MILE OF A SCHOOL, SPEEDING DATA, ACCIDENT HISTORY, PROXIMITY TO
16 NATURALLY OCCURRING RETIREMENT COMMUNITIES OR FACILITIES FOR SENIOR
17 CITIZENS OR DISABLED PERSONS AND ROADWAY GEOMETRY.

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

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

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

45 5. FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING
46 PROVIDED IN SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER. FOR
47 PURPOSES OF THIS SECTION, "SPEED LIMIT PHOTO DEVICE" SHALL MEAN EQUIP-
48 MENT THAT TAKES A FILM OR DIGITAL CAMERA-BASED PHOTOGRAPH, MICROPHOTO-
49 GRAPH, VIDEO, OR OTHER RECORDED IMAGE WHICH IS LINKED WITH A VIOLATION
50 DETECTION SYSTEM THAT SYNCHRONIZES THE TAKING OF SUCH IMAGE OF A VEHICLE
51 AT THE TIME THE VEHICLE IS USED OR OPERATED IN VIOLATION OF SUBDIVISION
52 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

53 6. A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY THE
54 CITY IN WHICH THE CHARGED VIOLATION OCCURRED OR ITS VENDOR OR CONTRAC-
55 TOR, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS,
56 MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A SPEED

1 LIMIT PHOTO DEVICE, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED
2 THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
3 IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN
4 ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH VIOLATION PURSUANT
5 TO THIS SECTION.

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

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

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

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

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

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

45 10. IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT
46 TO THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS
47 REPORTED TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A
48 VALID DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVI-
49 SION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE THAT
50 THE VEHICLE HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME
51 THE VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR
52 PURPOSES OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL
53 BE SUFFICIENT THAT AN ORIGINAL INCIDENT FORM ISSUED BY THE POLICE ON THE
54 STOLEN VEHICLE BE SENT BY FIRST CLASS MAIL TO THE PARKING VIOLATIONS
55 BUREAU OF SUCH CITY.

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

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

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

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

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

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

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

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

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

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

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

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

44 (E) THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-
45 CATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE;

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

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

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

52 Whenever proceedings in an administrative tribunal or a court of this
53 state result in a conviction for an offense under this chapter or a
54 traffic infraction under this chapter, or a local law, ordinance, rule
55 or regulation adopted pursuant to this chapter, other than a traffic
56 infraction involving standing, stopping, or parking or violations by

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

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

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

46 1. Whenever proceedings in an administrative tribunal or a court of
47 this state result in a conviction for a crime under this chapter or a
48 traffic infraction under this chapter, or a local law, ordinance, rule
49 or regulation adopted pursuant to this chapter, other than a traffic
50 infraction involving standing, stopping, parking or motor vehicle equip-
51 ment or violations by pedestrians or bicyclists, or other than an adju-
52 dication of liability of an owner for a violation of subdivision (d) of
53 section eleven hundred eleven of this chapter in accordance with section
54 eleven hundred eleven-a of this chapter, or other than an adjudication
55 of liability of an owner for a violation of subdivision (d) of section
56 eleven hundred eleven of this chapter in accordance with section eleven

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

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

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

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

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

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

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

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

48 (a) the amendments to subdivision 1 of section 235 of the vehicle and
49 traffic law made by section one of this act shall not affect the expira-
50 tion of such subdivision and shall be deemed to expire therewith, when
51 upon such date the provisions of section one-a of this act shall take
52 effect;

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

- 1 (c) the amendments to section 235 of the vehicle and traffic law made
2 by section one-b of this act shall not affect the expiration of such
3 section and shall be deemed to expire therewith, when upon such date the
4 provisions of section one-c of this act shall take effect;
- 5 (d) the amendments to section 235 of the vehicle and traffic law made
6 by section one-c of this act shall not affect the expiration of such
7 section and shall be deemed to expire therewith, when upon such date the
8 provisions of section one-d of this act shall take effect;
- 9 (e) the amendments to subdivision 1 of section 236 of the vehicle and
10 traffic law made by section two of this act shall not affect the expira-
11 tion of such subdivision and shall be deemed to expire therewith, when
12 upon such date the provisions of section two-a of this act shall take
13 effect;
- 14 (f) the amendments to subdivision 1 of section 236 of the vehicle and
15 traffic law made by section two-a of this act shall not affect the expi-
16 ration of such subdivision and shall be deemed to expire therewith, when
17 upon such date the provisions of section two-b of this act shall take
18 effect;
- 19 (g) the amendments to subdivision 1 of section 236 of the vehicle and
20 traffic law made by section two-b of this act shall not affect the expi-
21 ration of such subdivision and shall be deemed to expire therewith, when
22 upon such date the provisions of section two-c of this act shall take
23 effect;
- 24 (h) the amendments to subdivision 12 of section 237 of the vehicle and
25 traffic law made by section three of this act shall not affect the
26 repeal of such subdivision and shall be deemed to be repealed therewith,
27 when upon such date the provisions of section three-a of this act shall
28 take effect;
- 29 (i) the amendments to paragraph f of subdivision 1 of section 239 of
30 the vehicle and traffic law made by section four of this act shall not
31 affect the expiration of such paragraph and shall be deemed to expire
32 therewith, when upon such date the provisions of section four-a of this
33 act shall take effect;
- 34 (j) the amendments to paragraph f of subdivision 1 of section 239 of
35 the vehicle and traffic law made by section four-a of this act shall not
36 affect the expiration of such paragraph and shall be deemed to expire
37 therewith, when upon such date the provisions of section four-b of this
38 act shall take effect;
- 39 (k) the amendments to paragraph f of subdivision 1 of section 239 of
40 the vehicle and traffic law made by section four-b of this act shall not
41 affect the expiration of such paragraph and shall be deemed to expire
42 therewith, when upon such date the provisions of section four-c of this
43 act shall take effect;
- 44 (l) the amendments to subdivision 4 of section 239 of the vehicle and
45 traffic law made by section five of this act shall not affect the repeal
46 of such subdivision and shall be deemed to be repealed therewith, when
47 upon such date the provisions of section five-a of this act shall take
48 effect;
- 49 (m) the amendments to subdivisions 1 and 1-a of section 240 of the
50 vehicle and traffic law made by section six of this act shall not affect
51 the expiration of such subdivisions and shall be deemed to expire there-
52 with, when upon such date the provisions of section six-a of this act
53 shall take effect;
- 54 (n) the amendments to subdivisions 1 and 1-a of section 240 of the
55 vehicle and traffic law made by section six-a of this act shall not
56 affect the expiration of such subdivisions and shall be deemed to expire

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

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

8 (p) the amendments to paragraphs a and g of subdivision 2 of section
9 240 of the vehicle and traffic law made by section seven of this act
10 shall not affect the expiration of such paragraphs and shall be deemed
11 to expire therewith, when upon such date the provisions of section
12 seven-a of this act shall take effect;

13 (q) the amendments to paragraphs a and g of subdivision 2 of section
14 240 of the vehicle and traffic law made by section seven-a of this act
15 shall not affect the expiration of such paragraphs and shall be deemed
16 to expire therewith, when upon such date the provisions of section
17 seven-b of this act shall take effect;

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

23 (s) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
24 cle and traffic law made by section eight of this act shall not affect
25 the expiration of such subdivisions and shall be deemed to expire there-
26 with, when upon such date the provisions of section eight-a of this act
27 shall take effect;

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

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

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

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

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

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

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

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

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