

9569

I N A S S E M B L Y

May 7, 2014

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

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

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

23 S 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
24 and traffic law, as amended by section 9-a of chapter 189 of the laws of
25 2013, is amended to read as follows:

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

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

12 S 1-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
13 and traffic law, as amended by section 9-b of chapter 189 of the laws of
14 2013, is amended to read as follows:

15 a. If at the time of application for a registration or renewal thereof
16 there is a certification from a court or administrative tribunal of
17 appropriate jurisdiction that the registrant or his or her represen-
18 tative failed to appear on the return date or any subsequent adjourned
19 date or failed to comply with the rules and regulations of an adminis-
20 trative tribunal following entry of a final decision in response to
21 three or more summonses or other process, issued within an eighteen
22 month period, charging that such motor vehicle was parked, stopped or
23 standing, or that such motor vehicle was operated for hire by the regis-
24 trant or his or her agent without being licensed as a motor vehicle for
25 hire by the appropriate local authority, in violation of any of the
26 provisions of this chapter or of any law, ordinance, rule or regulation
27 made by a local authority or the registrant was liable in accordance
28 with section eleven hundred eleven-c of this chapter for a violation of
29 a bus lane restriction as defined in such section, or the registrant was
30 liable in accordance with section eleven hundred eighty-b of this chap-
31 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
32 eleven hundred eighty of this chapter, OR THE REGISTRANT WAS LIABLE IN
33 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER FOR A
34 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
35 HUNDRED EIGHTY OF THIS CHAPTER, the commissioner or his or her agent
36 shall deny the registration or renewal application until the applicant
37 provides proof from the court or administrative tribunal wherein the
38 charges are pending that an appearance or answer has been made or in the
39 case of an administrative tribunal that he or she has complied with the
40 rules and regulations of said tribunal following entry of a final deci-
41 sion. Where an application is denied pursuant to this section, the
42 commissioner may, in his or her 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 1-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
54 and traffic law, as amended by section 9-c of chapter 189 of the laws of
55 2013, is amended to read as follows:

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

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

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

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

17 S 2. The vehicle and traffic law is amended by adding a new section
18 1180-c to read as follows:

19 S 1180-C. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
20 CERTAIN POSTED MAXIMUM SPEED LIMITS. (A) 1. NOTWITHSTANDING ANY OTHER
21 PROVISION OF LAW, THE VILLAGE OF HEMPSTEAD, COUNTY OF NASSAU IS HEREBY
22 AUTHORIZED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING MONETARY
23 LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF
24 TO COMPLY WITH POSTED MAXIMUM SPEED LIMITS IN A SCHOOL SPEED ZONE WITHIN
25 SUCH VILLAGE (I) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN
26 PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
27 EIGHTY OF THIS ARTICLE OR (II) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS
28 PROVIDED IN SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
29 EIGHTY OF THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS
30 DURING SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL
31 DAY, AND (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO
32 THIRTY MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY
33 AFTER SUCH STUDENT ACTIVITIES. SUCH DEMONSTRATION PROGRAM SHALL EMPOWER
34 THE VILLAGE TO INSTALL PHOTO SPEED VIOLATION MONITORING SYSTEMS WITHIN
35 SUCH VILLAGE AND TO OPERATE SUCH SYSTEMS WITHIN SUCH SCHOOL ZONE OR
36 ZONES OR (III) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN
37 PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
38 EIGHTY OF THIS ARTICLE OR (IV) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS
39 PROVIDED IN SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
40 EIGHTY OF THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS
41 DURING SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL
42 DAY, AND (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO
43 THIRTY MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY
44 AFTER SUCH STUDENT ACTIVITIES. IN SELECTING A SCHOOL SPEED ZONE IN WHICH
45 TO INSTALL AND OPERATE A PHOTO SPEED VIOLATION MONITORING SYSTEM, THE
46 VILLAGE SHALL CONSIDER CRITERIA INCLUDING, BUT NOT LIMITED TO THE SPEED
47 DATA, CRASH HISTORY, AND THE ROADWAY GEOMETRY APPLICABLE TO SUCH SCHOOL
48 SPEED ZONE.

49 2. NO PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE USED IN A
50 SCHOOL SPEED ZONE UNLESS (I) ON THE DAY IT IS TO BE USED IT HAS SUCCESS-
51 FULLY PASSED A SELF-TEST OF ITS FUNCTIONS; AND (II) IT HAS UNDERGONE AN
52 ANNUAL CALIBRATION CHECK PERFORMED PURSUANT TO PARAGRAPH FOUR OF THIS
53 SUBDIVISION. THE VILLAGE MAY INSTALL SIGNS GIVING NOTICE THAT A PHOTO
54 SPEED VIOLATION MONITORING SYSTEM IS IN USE TO BE MOUNTED ON ADVANCE
55 WARNING SIGNS NOTIFYING MOTOR VEHICLE OPERATORS OF SUCH UPCOMING SCHOOL

1 SPEED ZONE AND/OR ON SPEED LIMIT SIGNS APPLICABLE WITHIN SUCH SCHOOL
2 SPEED ZONE, IN CONFORMANCE WITH STANDARDS ESTABLISHED IN THE MUTCD.

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

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

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

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

54 (A) SHALL BE AVAILABLE FOR INSPECTION AND COPYING AND USE BY THE MOTOR
55 VEHICLE OWNER AND OPERATOR FOR SO LONG AS SUCH PHOTOGRAPHS, MICROPHOTO-

1 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES ARE REQUIRED TO BE MAINTAINED
2 OR ARE MAINTAINED BY SUCH PUBLIC ENTITY, EMPLOYEE, OFFICER OR AGENT; AND
3 (B) (1) SHALL BE FURNISHED WHEN DESCRIBED IN A SEARCH WARRANT ISSUED
4 BY A COURT AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT PURSUANT TO ARTICLE
5 SIX HUNDRED NINETY OF THE CRIMINAL PROCEDURE LAW OR A FEDERAL COURT
6 AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT UNDER FEDERAL LAW, WHERE SUCH
7 SEARCH WARRANT STATES THAT THERE IS REASONABLE CAUSE TO BELIEVE SUCH
8 INFORMATION CONSTITUTES EVIDENCE OF, OR TENDS TO DEMONSTRATE THAT, A
9 MISDEMEANOR OR FELONY OFFENSE WAS COMMITTED IN THIS STATE OR ANOTHER
10 STATE, OR THAT A PARTICULAR PERSON PARTICIPATED IN THE COMMISSION OF A
11 MISDEMEANOR OR FELONY OFFENSE IN THIS STATE OR ANOTHER STATE, PROVIDED,
12 HOWEVER, THAT IF SUCH OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, THE
13 COURT SHALL ONLY ISSUE A WARRANT IF THE CONDUCT COMPRISING SUCH OFFENSE
14 WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY
15 AGAINST THE LAWS OF THIS STATE; AND

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

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

32 (B) IF THE VILLAGE ESTABLISHES A DEMONSTRATION PROGRAM PURSUANT TO
33 SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE LIABLE
34 FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE WAS USED
35 OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR IMPLIED, WITHIN
36 A SCHOOL SPEED ZONE IN VIOLATION OF SUBDIVISION (C) OF SECTION ELEVEN
37 HUNDRED EIGHTY OF THIS ARTICLE OR DURING THE TIMES AUTHORIZED PURSUANT
38 TO SUBDIVISION (A) OF THIS SECTION IN VIOLATION OF SUBDIVISION (B), (D),
39 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, SUCH VEHI-
40 CLE WAS TRAVELING AT A SPEED OF MORE THAN TEN MILES PER HOUR ABOVE THE
41 POSTED SPEED LIMIT IN EFFECT WITHIN SUCH SCHOOL SPEED ZONE, AND SUCH
42 VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM A PHOTO SPEED
43 VIOLATION MONITORING SYSTEM; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE
44 SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE
45 OPERATOR OF SUCH VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION
46 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
47 EIGHTY OF THIS ARTICLE.

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

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

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

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

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

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

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

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

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

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

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

7 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE
8 VILLAGE, AS APPLICABLE, OR BY ANY OTHER ENTITY AUTHORIZED BY SUCH COUN-
9 TIES TO PREPARE AND MAIL SUCH NOTICE OF LIABILITY.

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

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

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

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

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

1 TOR OPERATED SUCH VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F)
2 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

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

6 (M) IF THE VILLAGE ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO THIS
7 SECTION IT SHALL CONDUCT A STUDY AND SUBMIT A REPORT ON THE RESULTS OF
8 THE USE OF PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE
9 SENATE AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE:

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

12 2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES,
13 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN ALL SCHOOL SPEED ZONES
14 WITHIN SUCH VILLAGE, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE
15 DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;

16 3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES,
17 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN SCHOOL SPEED ZONES WHERE
18 PHOTO SPEED VIOLATION MONITORING SYSTEMS WERE USED, TO THE EXTENT THE
19 INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS
20 STATE;

21 4. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES
22 WITHIN SUCH VILLAGE, IN THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY
23 BASIS;

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

27 6. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES
28 WITHIN SUCH VILLAGE THAT WERE:

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

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

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

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

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

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

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

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

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

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

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

49 10. THE NUMBER OF VIOLATIONS ADJUDICATED AND THE RESULTS OF SUCH ADJU-
50 DICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS
51 RECORDED BY SUCH SYSTEMS;

52 11. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH VILLAGE IN CONNECTION
53 WITH THE PROGRAM;

54 12. THE EXPENSES INCURRED BY SUCH VILLAGE IN CONNECTION WITH THE
55 PROGRAM; AND

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

1 (N) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDI-
2 VISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF
3 THIS ARTICLE PURSUANT TO THIS SECTION THAT SUCH PHOTO SPEED VIOLATION
4 MONITORING SYSTEM WAS MALFUNCTIONING AT THE TIME OF THE ALLEGED
5 VIOLATION.

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

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

32 (c) Whenever proceedings in an administrative tribunal or a court of
33 this state result in a conviction for an offense under this chapter
34 other than a crime pursuant to section eleven hundred ninety-two of this
35 chapter, or a traffic infraction under this chapter, or a local law,
36 ordinance, rule or regulation adopted pursuant to this chapter, other
37 than a traffic infraction involving standing, stopping, or parking or
38 violations by pedestrians or bicyclists, or other than an adjudication
39 of liability of an owner for a violation of subdivision (d) of section
40 eleven hundred eleven of this chapter in accordance with section eleven
41 hundred eleven-a of this chapter, or other than an adjudication of
42 liability of an owner for a violation of subdivision (d) of section
43 eleven hundred eleven of this chapter in accordance with section eleven
44 hundred eleven-b of this chapter, or other than an infraction pursuant
45 to article nine of this chapter or other than an adjudication of liabil-
46 ity of an owner for a violation of toll collection regulations pursuant
47 to section two thousand nine hundred eighty-five of the public authori-
48 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
49 hundred seventy-four of the laws of nineteen hundred fifty or other than
50 an adjudication in accordance with section eleven hundred eleven-c of
51 this chapter for a violation of a bus lane restriction as defined in
52 such section, or other than an adjudication of liability of an owner for
53 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
54 hundred eighty of this chapter in accordance with section eleven hundred
55 eighty-b of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF
56 AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF

1 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
2 ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, there shall be levied a crime
3 victim assistance fee in the amount of five dollars and a mandatory
4 surcharge, in addition to any sentence required or permitted by law, in
5 the amount of fifty-five dollars.

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

9 1. Whenever proceedings in an administrative tribunal or a court of
10 this state result in a conviction for a crime under this chapter or a
11 traffic infraction under this chapter, or a local law, ordinance, rule
12 or regulation adopted pursuant to this chapter, other than a traffic
13 infraction involving standing, stopping, parking or motor vehicle equip-
14 ment or violations by pedestrians or bicyclists, or other than an adju-
15 dication of liability of an owner for a violation of subdivision (d) of
16 section eleven hundred eleven of this chapter in accordance with section
17 eleven hundred eleven-a of this chapter, or other than an adjudication
18 of liability of an owner for a violation of subdivision (d) of section
19 eleven hundred eleven of this chapter in accordance with section eleven
20 hundred eleven-b of this chapter, or other than an adjudication in
21 accordance with section eleven hundred eleven-c of this chapter for a
22 violation of a bus lane restriction as defined in such section, or other
23 than an adjudication of liability of an owner for a violation of subdi-
24 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
25 this chapter in accordance with section eleven hundred eighty-b of this
26 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A
27 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
28 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
29 EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge,
30 in addition to any sentence required or permitted by law, in the amount
31 of twenty-five dollars.

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

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

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

54 1. Whenever proceedings in an administrative tribunal or a court of
55 this state result in a conviction for a crime under this chapter or a
56 traffic infraction under this chapter other than a traffic infraction

1 involving standing, stopping, parking or motor vehicle equipment or
2 violations by pedestrians or bicyclists, or other than an adjudication
3 of liability of an owner for a violation of subdivision (b), (c), (d),
4 (f) or (g) of section eleven hundred eighty of this chapter in accord-
5 ance with section eleven hundred eighty-b of this chapter, OR OTHER THAN
6 AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION
7 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-
8 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER,
9 there shall be levied a mandatory surcharge, in addition to any sentence
10 required or permitted by law, in the amount of seventeen dollars.

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

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

24 S 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
25 traffic law, as amended by section 12-a of chapter 189 of the laws of
26 2013, is amended to read as follows:

27 a. Notwithstanding any other provision of law, whenever proceedings in
28 a court or an administrative tribunal of this state result in a
29 conviction for an offense under this chapter, except a conviction pursu-
30 ant to section eleven hundred ninety-two of this chapter, or for a traf-
31 fic infraction under this chapter, or a local law, ordinance, rule or
32 regulation adopted pursuant to this chapter, except a traffic infraction
33 involving standing, stopping, or parking or violations by pedestrians or
34 bicyclists, and except an adjudication of liability of an owner for a
35 violation of subdivision (d) of section eleven hundred eleven of this
36 chapter in accordance with section eleven hundred eleven-a of this chap-
37 ter, and except an adjudication of liability of an owner for a violation
38 of subdivision (d) of section eleven hundred eleven of this chapter in
39 accordance with section eleven hundred eleven-b of this chapter, and
40 except an adjudication in accordance with section eleven hundred
41 eleven-c of this chapter of a violation of a bus lane restriction as
42 defined in such section, and [expect] EXCEPT an adjudication of liabil-
43 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)
44 of section eleven hundred eighty of this chapter in accordance with
45 section eleven hundred eighty-b of this chapter, AND EXCEPT AN ADJUDI-
46 CATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C),
47 (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
48 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, and
49 except an adjudication of liability of an owner for a violation of toll
50 collection regulations pursuant to section two thousand nine hundred
51 eighty-five of the public authorities law or sections sixteen-a,
52 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
53 laws of nineteen hundred fifty, there shall be levied in addition to any
54 sentence, penalty or other surcharge required or permitted by law, an
55 additional surcharge of twenty-eight dollars.

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

4 a. Notwithstanding any other provision of law, whenever proceedings in
5 a court or an administrative tribunal of this state result in a
6 conviction for an offense under this chapter, except a conviction pursu-
7 ant to section eleven hundred ninety-two of this chapter, or for a traf-
8 fic infraction under this chapter, or a local law, ordinance, rule or
9 regulation adopted pursuant to this chapter, except a traffic infraction
10 involving standing, stopping, or parking or violations by pedestrians or
11 bicyclists, and except an adjudication of liability of an owner for a
12 violation of subdivision (d) of section eleven hundred eleven of this
13 chapter in accordance with section eleven hundred eleven-a of this chap-
14 ter, and except an adjudication in accordance with section eleven
15 hundred eleven-c of this chapter of a violation of a bus lane
16 restriction as defined in such section, and except an adjudication of
17 liability of an owner for a violation of subdivision (b), (c), (d), (f)
18 or (g) of section eleven hundred eighty of this chapter in accordance
19 with section eleven hundred eighty-b of this chapter, AND EXCEPT AN
20 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION
21 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-
22 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER,
23 and except an adjudication of liability of an owner for a violation of
24 toll collection regulations pursuant to section two thousand nine
25 hundred eighty-five of the public authorities law or sections sixteen-a,
26 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
27 laws of nineteen hundred fifty, there shall be levied in addition to any
28 sentence, penalty or other surcharge required or permitted by law, an
29 additional surcharge of twenty-eight dollars.

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

33 a. Notwithstanding any other provision of law, whenever proceedings in
34 a court or an administrative tribunal of this state result in a
35 conviction for an offense under this chapter, except a conviction pursu-
36 ant to section eleven hundred ninety-two of this chapter, or for a traf-
37 fic infraction under this chapter, or a local law, ordinance, rule or
38 regulation adopted pursuant to this chapter, except a traffic infraction
39 involving standing, stopping, or parking or violations by pedestrians or
40 bicyclists, and except an adjudication of liability of an owner for a
41 violation of subdivision (d) of section eleven hundred eleven of this
42 chapter in accordance with section eleven hundred eleven-a of this chap-
43 ter, and except an adjudication of liability of an owner for a violation
44 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
45 eighty of this chapter in accordance with section eleven hundred eight-
46 y-b of this chapter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER
47 FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
48 ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
49 HUNDRED EIGHTY-C OF THIS CHAPTER, and except an adjudication of liabil-
50 ity of an owner for a violation of toll collection regulations pursuant
51 to section two thousand nine hundred eighty-five of the public authori-
52 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
53 hundred seventy-four of the laws of nineteen hundred fifty, there shall
54 be levied in addition to any sentence, penalty or other surcharge
55 required or permitted by law, an additional surcharge of twenty-eight
56 dollars.

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

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

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

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

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

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

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

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

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

55 (e) the amendments to subdivision 1 of section 1809 of the vehicle and
56 traffic law made by section three of this act shall not affect the expi-

1 ration of such subdivision and shall be deemed to expire therewith, when
2 upon such date the provisions of section three-a of this act shall take
3 effect;

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

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

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

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

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

29 (k) the amendments to paragraph a of subdivision 1 of section 1809-e
30 of the vehicle and traffic law made by section four-b of this act shall
31 not affect the expiration of such paragraph and shall be deemed to
32 expire therewith, when upon such date the provisions of section four-c
33 of this act shall take effect.