

6918

I N S E N A T E

March 31, 2014

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, the public officers law and the general municipal law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, and in relation to photo speed violation monitoring systems in school speed zones in the city of New York; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subparagraph (i) of paragraph a of subdivision 5-a of
2 section 401 of the vehicle and traffic law, as amended by section 9 of
3 chapter 189 of the laws of 2013, is amended to read as follows:
4 (i) If at the time of application for a registration or renewal there-
5 of there is a certification from a court, parking violations bureau,
6 traffic and parking violations agency or administrative tribunal of
7 appropriate jurisdiction [or administrative tribunal of appropriate
8 jurisdiction] that the registrant or his or her representative failed to
9 appear on the return date or any subsequent adjourned date or failed to
10 comply with the rules and regulations of an administrative tribunal
11 following entry of a final decision in response to a total of three or
12 more summonses or other process in the aggregate, issued within an eigh-
13 teen month period, charging either that: (i) such motor vehicle was
14 parked, stopped or standing, or that such motor vehicle was operated for
15 hire by the registrant or his or her agent without being licensed as a
16 motor vehicle for hire by the appropriate local authority, in violation
17 of any of the provisions of this chapter or of any law, ordinance, rule
18 or regulation made by a local authority; or (ii) the registrant was
19 liable in accordance with section eleven hundred eleven-a of this chap-
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

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

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

25 S 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
26 and traffic law, as amended by section 9-a of chapter 189 of the laws of
27 2013, is amended to read as follows:

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

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

14 S 1-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
15 and traffic law, as amended by section 9-b of chapter 189 of the laws of
16 2013, is amended to read as follows:

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

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

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

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

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

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

18 S 2. The vehicle and traffic law is amended by adding a new section
19 1180-c to read as follows:

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

50 2. NO PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE USED IN A
51 SCHOOL SPEED ZONE UNLESS (I) ON THE DAY IT IS TO BE USED IT HAS SUCCESS-
52 FULLY PASSED A SELF-TEST OF ITS FUNCTIONS; AND (II) IT HAS UNDERGONE AN
53 ANNUAL CALIBRATION CHECK PERFORMED PURSUANT TO PARAGRAPH FOUR OF THIS
54 SUBDIVISION. THE COUNTIES MAY INSTALL SIGNS GIVING NOTICE THAT A PHOTO
55 SPEED VIOLATION MONITORING SYSTEM IS IN USE TO BE MOUNTED ON ADVANCE
56 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 COUNTIES 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 COUNTIES
19 SHALL KEEP EACH SUCH ANNUAL CERTIFICATE OF CALIBRATION ON FILE UNTIL THE
20 FINAL RESOLUTION OF ALL CASES INVOLVING A NOTICE OF LIABILITY ISSUED
21 DURING SUCH YEAR WHICH WERE BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS,
22 VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED
23 VIOLATION MONITORING 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 EITHER COUNTY, 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 EACH SUCH COUNTY 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 EACH SUCH COUNTY 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 COUNTIES OF NASSAU AND SUFFOLK ESTABLISH A DEMONSTRATION
33 PROGRAM PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A
34 VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION
35 IF SUCH VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER,
36 EXPRESS OR IMPLIED, WITHIN A SCHOOL SPEED ZONE IN VIOLATION OF SUBDIVI-
37 SION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR DURING THE
38 TIMES AUTHORIZED PURSUANT TO SUBDIVISION (A) OF THIS SECTION IN
39 VIOLATION OF SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
40 EIGHTY OF THIS ARTICLE, SUCH VEHICLE WAS TRAVELING AT A SPEED OF MORE
41 THAN TEN MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT WITHIN
42 SUCH SCHOOL SPEED ZONE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION
43 OBTAINED FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM; PROVIDED HOWEV-
44 ER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED
45 PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN
46 CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (B), (C), (D), (F)
47 OR (G) OF SECTION ELEVEN HUNDRED 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 COUNTIES OF NASSAU OR SUFFOLK AS APPLICABLE, OR A FACSIMILE THEREOF,
13 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 COUNTIES OF NASSAU AND SUFFOLK. THE LIABILITY OF THE OWNER
28 PURSUANT TO THIS SECTION SHALL NOT EXCEED FIFTY DOLLARS FOR EACH
29 VIOLATION; PROVIDED, HOWEVER, THAT EACH SUCH TRAFFIC AND PARKING
30 VIOLATIONS AGENCY MAY PROVIDE FOR AN ADDITIONAL PENALTY NOT IN EXCESS OF
31 TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A
32 NOTICE OF 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 COUNTY
8 OF NASSAU OR SUFFOLK, AS APPLICABLE, OR BY ANY OTHER ENTITY AUTHORIZED
9 BY SUCH COUNTIES 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 SUCH COUNTIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54 10. THE NUMBER OF VIOLATIONS ADJUDICATED AND THE RESULTS OF SUCH ADJU-
55 DICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS
56 RECORDED BY SUCH SYSTEMS;

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

3 12. THE EXPENSES INCURRED BY SUCH COUNTY IN CONNECTION WITH THE
4 PROGRAM; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

30 S 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
31 traffic law, as amended by section 12-a of chapter 189 of the laws of
32 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 (d) of section eleven hundred eleven of this chapter in
45 accordance with section eleven hundred eleven-b of this chapter, and
46 except an adjudication in accordance with section eleven hundred
47 eleven-c of this chapter of a violation of a bus lane restriction as
48 defined in such section, and [expect] EXCEPT an adjudication of liabil-
49 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)
50 of section eleven hundred eighty of this chapter in accordance with
51 section eleven hundred eighty-b of this chapter, AND EXCEPT AN ADJUDI-
52 CATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C),
53 (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
54 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, and
55 except an adjudication of liability of an owner for a violation of toll
56 collection regulations pursuant to section two thousand nine hundred

1 eighty-five of the public authorities law or sections sixteen-a,
2 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
3 laws of nineteen hundred fifty, there shall be levied in addition to any
4 sentence, penalty or other surcharge required or permitted by law, an
5 additional surcharge of twenty-eight dollars.

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

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

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

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

1 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
2 hundred seventy-four of the laws of nineteen hundred fifty, there shall
3 be levied in addition to any sentence, penalty or other surcharge
4 required or permitted by law, an additional surcharge of twenty-eight
5 dollars.

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

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

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

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

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

37 2. The Nassau county traffic and parking violations agency, as estab-
38 lished, may be authorized to assist the Nassau county district court in
39 the disposition and administration of infractions of traffic and parking
40 laws, ordinances, rules and regulations and the liability of owners for
41 violations of subdivision (d) of section eleven hundred eleven of the
42 vehicle and traffic law in accordance with section eleven hundred
43 eleven-b of such law[,] AND THE LIABILITY OF OWNERS FOR VIOLATIONS OF
44 SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY
45 OF THE VEHICLE AND TRAFFIC LAW IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
46 EIGHTY-C OF SUCH LAW, except that such agency shall not have jurisdic-
47 tion over (a) the traffic infraction defined under subdivision one of
48 section eleven hundred ninety-two of the vehicle and traffic law; (b)
49 the traffic infraction defined under subdivision five of section eleven
50 hundred ninety-two of the vehicle and traffic law; (c) the violation
51 defined under paragraph (b) of subdivision four of section fourteen-f of
52 the transportation law and the violation defined under clause (b) of
53 subparagraph (iii) of paragraph c of subdivision two of section one
54 hundred forty of the transportation law; (d) the traffic infraction
55 defined under section three hundred ninety-seven-a of the vehicle and
56 traffic law and the traffic infraction defined under subdivision (g) of

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

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

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

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

55 3. A person charged with an infraction which shall be disposed of by
56 either a traffic violations bureau or the Nassau county traffic and

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

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

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

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

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

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

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

55 S 12. This act shall take effect on the thirtieth day after it shall
56 have become a law and shall expire 4 years after such effective date

1 when upon such date the provisions of this act shall be deemed repealed;
2 and provided further that any rules necessary for the implementation of
3 this act on its effective date shall be promulgated on or before such
4 effective date, provided that:

5 (a) the amendments to subparagraph (i) of paragraph a of subdivision
6 5-a of section 401 of the vehicle and traffic law made by section one of
7 this act shall not affect the expiration of such paragraph and shall be
8 deemed to expire therewith, when upon such date the provisions of
9 section one-a of this act shall take effect;

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

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

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

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

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

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

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

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

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

55 (k) the amendments to paragraph a of subdivision 1 of section 1809-e
56 of the vehicle and traffic law made by section four-b of this act shall

1 not affect the expiration of such paragraph and shall be deemed to
2 expire therewith, when upon such date the provisions of section four-c
3 of this act shall take effect;

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

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

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

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