

10343

I N A S S E M B L Y

May 23, 2016

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

AN ACT to amend the general municipal law, the state finance law, the vehicle and traffic law and the criminal procedure law, in relation to the adjudication of traffic infractions

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

1 Section 1. Section 370 of the general municipal law is amended by
2 adding a new subdivision 5 to read as follows:

3 5. THERE SHALL BE AN EXECUTIVE DEPARTMENT OF THE ROCHESTER CITY
4 GOVERNMENT KNOWN AS THE ROCHESTER TRAFFIC VIOLATIONS AGENCY, WHICH SHALL
5 OPERATE UNDER THE DIRECTION AND CONTROL OF THE MAYOR.

6 S 2. Section 370-a of the general municipal law is amended by adding a
7 new subdivision 1-b to read as follows:

8 1-B. "TRAFFIC VIOLATIONS AGENCY" SHALL MEAN AN EXECUTIVE DEPARTMENT OF
9 THE CITY OF ROCHESTER ESTABLISHED PURSUANT TO SUBDIVISION FIVE OF
10 SECTION THREE HUNDRED SEVENTY OF THIS ARTICLE TO ADMINISTER AND DISPOSE
11 OF TRAFFIC INFRACTIONS AS AUTHORIZED PURSUANT TO THIS ARTICLE.

12 S 2-a. Subdivision 2 of section 370-a of the general municipal law, as
13 amended by section 5 of part CC of chapter 58 of the laws of 2015, is
14 amended to read as follows:

15 2. "Traffic prosecutor" shall mean an attorney duly admitted to prac-
16 tice law in the state of New York who, having been appointed and either
17 hired or retained pursuant to section three hundred seventy-four of this
18 article, has the responsibility of prosecuting any traffic and parking
19 infractions returnable before the Nassau county district court or the
20 Suffolk county district court or any traffic infractions returnable
21 before the Buffalo city court OR ANY TRAFFIC INFRACTIONS RETURNABLE
22 BEFORE THE ROCHESTER CITY COURT pursuant to the jurisdictional limita-
23 tions of section three hundred seventy-one of this article.

24 S 3. Section 371 of the general municipal law is amended by adding a
25 new subdivision 2-b to read as follows:

26 2-B. THE ROCHESTER TRAFFIC VIOLATIONS AGENCY, AS ESTABLISHED IN SUBDI-
27 VISION FIVE OF SECTION THREE HUNDRED SEVENTY OF THIS ARTICLE, MAY BE

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

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1 AUTHORIZED TO ASSIST THE ROCHESTER CITY COURT IN THE DISPOSITION AND
2 ADMINISTRATION OF INFRACTIONS OF TRAFFIC LAWS, ORDINANCES, RULES AND
3 REGULATIONS EXCEPT THAT SUCH AGENCY SHALL NOT HAVE JURISDICTION OVER (A)
4 THE TRAFFIC INFRACTION DEFINED UNDER SUBDIVISION ONE OF SECTION ELEVEN
5 HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW; (B) THE TRAFFIC
6 INFRACTION DEFINED UNDER SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED
7 NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW; (C) THE VIOLATION DEFINED
8 UNDER PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OF THE
9 TRANSPORTATION LAW AND THE VIOLATION DEFINED UNDER CLAUSE (B) OF SUBPAR-
10 AGRAPH (III) OF PARAGRAPH C OF SUBDIVISION TWO OF SECTION ONE HUNDRED
11 FORTY OF THE TRANSPORTATION LAW; (D) THE TRAFFIC INFRACTION DEFINED
12 UNDER SECTION THREE HUNDRED NINETY-SEVEN-A OF THE VEHICLE AND TRAFFIC
13 LAW AND THE TRAFFIC INFRACTION DEFINED UNDER SUBDIVISION (G) OF SECTION
14 ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW; TRAFFIC INFRAC-
15 TIONS CONSTITUTING PARKING, STANDING, STOPPING OR PEDESTRIAN OFFENSES;
16 (F) ANY MISDEMEANOR OR FELONY; OR (G) ANY OFFENSE THAT IS PART OF THE
17 SAME CRIMINAL TRANSACTION, AS THAT TERM IS DEFINED IN SUBDIVISION TWO OF
18 SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW, AS A VIOLATION OF SUBDIVI-
19 SION ONE OF SECTION ELEVEN HUNDRED NINETY-TWO OF THE VEHICLE AND TRAFFIC
20 LAW, A VIOLATION OF SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED
21 NINETY-TWO OF THE VEHICLE AND TRAFFIC LAW, A VIOLATION OF PARAGRAPH (B)
22 OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OF THE TRANSPORTATION LAW, A
23 VIOLATION OF CLAUSE (B) OF SUBPARAGRAPH (III) OF PARAGRAPH C OF SUBDIVI-
24 SION TWO OF SECTION ONE HUNDRED FORTY OF THE TRANSPORTATION LAW, A
25 VIOLATION OF SECTION THREE HUNDRED NINETY-SEVEN-A OF THE VEHICLE AND
26 TRAFFIC LAW, A VIOLATION CONSTITUTING A PARKING, STOPPING, STANDING OR
27 PEDESTRIAN OFFENSE, A VIOLATION OF SUBDIVISION (G) OF SECTION ELEVEN
28 HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW OR ANY MISDEMEANOR OR
29 FELONY.

30 S 4. Section 371 of the general municipal law is amended by adding two
31 new subdivisions 3-b and 4-b to read as follows:

32 3-B. A PERSON CHARGED WITH AN INFRACTION WHICH SHALL BE DISPOSED OF BY
33 THE ROCHESTER TRAFFIC VIOLATIONS AGENCY MAY BE PERMITTED TO ANSWER,
34 WITHIN A SPECIFIED TIME, AT THE TRAFFIC VIOLATIONS AGENCY EITHER IN
35 PERSON OR BY WRITTEN POWER OF ATTORNEY IN SUCH FORM AS MAY BE PRESCRIBED
36 IN THE ORDINANCE OR LOCAL LAW CREATING THE AGENCY, BY PAYING A
37 PRESCRIBED FINE AND, IN WRITING, WAIVING A HEARING IN COURT, PLEADING
38 GUILTY TO THE CHARGE OR A LESSER CHARGE AGREEABLE TO THE TRAFFIC PROSE-
39 CUTOR AND THE PERSON CHARGED WITH AN INFRACTION, AND AUTHORIZING THE
40 PERSON IN CHARGE OF THE AGENCY TO ENTER SUCH A PLEA AND ACCEPT PAYMENT
41 OF SAID FINE. ACCEPTANCE OF THE PRESCRIBED FINE AND POWER OF ATTORNEY BY
42 THE AGENCY SHALL BE DEEMED COMPLETE SATISFACTION FOR THE VIOLATION, AND
43 THE VIOLATOR SHALL BE GIVEN A RECEIPT WHICH SO STATES. IF A PERSON
44 CHARGED WITH A TRAFFIC VIOLATION DOES NOT ANSWER AS HEREINBEFORE
45 PRESCRIBED, WITHIN A DESIGNATED TIME, THE AGENCY MAY CAUSE A COMPLAINT
46 TO BE ENTERED AGAINST HIM FORTHWITH AND A WARRANT TO BE ISSUED FOR HIS
47 ARREST AND APPEARANCE BEFORE THE COURT, SUCH SUMMONS TO BE PREDICATED
48 UPON THE PERSONAL SERVICE OF SAID SUMMONS UPON THE PERSON CHARGED WITH
49 THE INFRACTION. ANY PERSON WHO SHALL HAVE BEEN, WITHIN THE PRECEDING
50 TWELVE MONTHS, GUILTY OF THREE OR MORE VIOLATIONS, SHALL NOT BE PERMIT-
51 TED TO APPEAR AND ANSWER TO A SUBSEQUENT VIOLATION AT THE AGENCY, BUT
52 MUST APPEAR IN COURT AT A TIME SPECIFIED BY THE AGENCY. SUCH AGENCY
53 SHALL NOT BE AUTHORIZED TO DEPRIVE A PERSON OF HIS RIGHT TO COUNSEL OR
54 TO PREVENT HIM FROM EXERCISING HIS RIGHT TO APPEAR IN COURT TO ANSWER
55 TO, EXPLAIN, OR DEFEND ANY CHARGE OF A VIOLATION OF ANY TRAFFIC LAW,
56 ORDINANCE, RULE OR REGULATION.

1 4-B. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, FINES, PENAL-
2 TIES AND FORFEITURES COLLECTED BY THE ROCHESTER TRAFFIC VIOLATIONS AGEN-
3 CY SHALL BE DISTRIBUTED AS PROVIDED IN SECTION EIGHTEEN HUNDRED THREE OF
4 THE VEHICLE AND TRAFFIC LAW. ALL FINES, PENALTIES AND FORFEITURES FOR
5 VIOLATIONS ADJUDICATED BY THE ROCHESTER TRAFFIC VIOLATIONS AGENCY PURSU-
6 ANT TO SUBDIVISION TWO-A OF THIS SECTION EXCEPT AS PROVIDED IN SUBDIVI-
7 SION THREE OF SECTION NINETY-NINE-A OF THE STATE FINANCE LAW, SHALL BE
8 PAID BY SUCH AGENCY TO THE STATE COMPTROLLER WITHIN THE FIRST TEN DAYS
9 OF THE MONTH FOLLOWING COLLECTION. EACH SUCH PAYMENT SHALL BE ACCOMPA-
10 NIED BY A TRUE AND COMPLETE REPORT IN SUCH FORM AND DETAIL AS THE COMP-
11 TROLLER SHALL PRESCRIBE.

12 S 5. The general municipal law is amended by adding a new section
13 374-b to read as follows:

14 S 374-B. TRAFFIC PROSECUTOR SELECTION AND OVERSIGHT. (A) THE EXECUTIVE
15 DIRECTOR OF THE ROCHESTER TRAFFIC VIOLATIONS AGENCY, APPOINTED PURSUANT
16 TO SUBDIVISION (B) OF THIS SECTION, SHALL SELECT AND MAY CONTRACT WITH
17 OR HIRE ONE OR MORE PERSONS WHO ARE ATTORNEYS, DULY ADMITTED TO THE
18 PRACTICE OF LAW IN NEW YORK STATE FOR THE PROSECUTION OF ANY TRAFFIC
19 INFRACTION, EXCEPT THOSE DESCRIBED IN PARAGRAPHS (A), (B), (C), (D),
20 (E), (F) AND (G) OF SUBDIVISION TWO-B OF SECTION THREE HUNDRED SEVENTY-
21 ONE OF THIS ARTICLE, TO BE HEARD, TRIED OR OTHERWISE DISPOSED OF BY THE
22 BUFFALO CITY COURT. SUCH PERSONS SHALL BE KNOWN AS "TRAFFIC PROSECU-
23 TORS", AS THAT TERM IS DEFINED IN SECTION THREE HUNDRED SEVENTY-A OF
24 THIS ARTICLE. TRAFFIC PROSECUTORS SHALL HAVE THE SAME POWER AS A
25 DISTRICT ATTORNEY WOULD OTHERWISE HAVE IN THE PROSECUTION OF ANY TRAFFIC
26 INFRACTION WHICH MAY, PURSUANT TO THE JURISDICTIONAL PROVISIONS OF
27 SECTION THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE, BE PROSECUTED BEFORE
28 THE ROCHESTER CITY COURT IF THE TRAFFIC VIOLATION OCCURRED IN THE CITY
29 OF ROCHESTER. THE EXECUTIVE DIRECTOR SHALL GIVE ACTIVE CONSIDERATION TO
30 REQUIRING THAT SUCH TRAFFIC PROSECUTORS SERVE ON A FULL-TIME BASIS.
31 TRAFFIC PROSECUTORS ARE PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER
32 THAN AS A TRAFFIC PROSECUTOR IN ANY PART OF THE ROCHESTER CITY COURT ON
33 ANY MATTER RELATING TO TRAFFIC VIOLATIONS AND ARE FURTHER PROHIBITED
34 FROM APPEARING IN ANY CAPACITY OTHER THAN AS A TRAFFIC PROSECUTOR IN ANY
35 OTHER COURT OR ADMINISTRATIVE TRIBUNAL ON ANY MATTER RELATING TO TRAFFIC
36 VIOLATIONS.

37 (B) THE MAYOR OF THE CITY OF ROCHESTER SHALL APPOINT A PERSON TO SERVE
38 AS THE EXECUTIVE DIRECTOR OF THE ROCHESTER TRAFFIC VIOLATIONS AGENCY
39 SUBJECT TO THE CONFIRMATION OF THE COMMON COUNCIL OF THE CITY OF ROCHE-
40 TER. THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE FOR THE OVERSIGHT AND
41 ADMINISTRATION OF THE AGENCY. THE EXECUTIVE DIRECTOR IS PROHIBITED FROM
42 APPEARING IN ANY CAPACITY IN ANY PART OF THE ROCHESTER CITY COURT ON ANY
43 MATTER RELATING TO TRAFFIC VIOLATIONS AND IS FURTHER PROHIBITED FROM
44 APPEARING IN ANY CAPACITY IN ANY OTHER COURT OR ADMINISTRATIVE TRIBUNAL
45 ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS.

46 (C) IT SHALL BE A MISDEMEANOR FOR THE EXECUTIVE DIRECTOR, ANY TRAFFIC
47 PROSECUTOR OR ANY JUDICIAL HEARING OFFICER ASSIGNED TO HEAR TRAFFIC
48 VIOLATIONS CASES PURSUANT TO SECTION SIXTEEN HUNDRED NINETY OF THE VEHI-
49 CLE AND TRAFFIC LAW TO ESTABLISH ANY QUOTA OF TRAFFIC VIOLATION
50 CONVICTIONS WHICH MUST BE OBTAINED BY ANY TRAFFIC PROSECUTOR OR JUDICIAL
51 HEARING OFFICER. NOTHING CONTAINED HEREIN SHALL PROHIBIT THE TAKING OF
52 ANY JOB ACTION AGAINST A TRAFFIC PROSECUTOR OR JUDICIAL HEARING OFFICER
53 FOR FAILURE TO SATISFACTORILY PERFORM SUCH PROSECUTOR'S OR OFFICER'S JOB
54 ASSIGNMENT EXCEPT THAT THE EMPLOYMENT PRODUCTIVITY OF SUCH PROSECUTOR OR
55 OFFICER SHALL NOT BE MEASURED BY THE ATTAINMENT OR NONATTAINMENT OF ANY
56 CONVICTION QUOTA. FOR THE PURPOSES OF THIS SECTION A CONVICTION QUOTA

1 SHALL MEAN A SPECIFIC NUMBER OF CONVICTIONS WHICH MUST BE OBTAINED WITH-
2 IN A SPECIFIC TIME PERIOD.

3 (D) PURSUANT TO THE ROCHESTER CITY CHARTER, THE CITY OF ROCHESTER MAY
4 APPROPRIATE THOSE MONIES WHICH, IN ITS SOLE DISCRETION, ARE NECESSARY
5 FOR THE COMPENSATION OF THOSE PERSONS SELECTED TO SERVE AS EXECUTIVE
6 DIRECTOR AND TRAFFIC PROSECUTORS AND TO COVER ALL OTHER EXPENSES ASSOCI-
7 ATED WITH THE ADMINISTRATION OF THE ROCHESTER TRAFFIC VIOLATIONS AGENCY.

8 S 6. Subdivision 3 of section 99-a of the state finance law, as
9 amended by section 10 of part CC of chapter 58 of the laws of 2015, is
10 amended to read as follows:

11 3. The comptroller is hereby authorized to implement alternative
12 procedures, including guidelines in conjunction therewith, relating to
13 the remittance of fines, penalties, forfeitures and other moneys by town
14 and village justice courts, and by the Nassau and Suffolk counties traf-
15 fic and parking violations agencies, and by the city of Buffalo traffic
16 violations agency, AND BY THE CITY OF ROCHESTER TRAFFIC VIOLATIONS AGEN-
17 CY to the justice court fund and for the distribution of such moneys by
18 the justice court fund. Notwithstanding any law to the contrary, the
19 alternative procedures utilized may include:

20 a. electronic funds transfer;

21 b. remittance of funds by the justice court to the chief fiscal office
22 of the town or village, or, in the case of the Nassau and Suffolk coun-
23 ties traffic and parking violations agencies, to the county treasurer,
24 or, in the case of the Buffalo traffic violations agency, to the city of
25 Buffalo comptroller, OR IN THE CASE OF THE ROCHESTER TRAFFIC VIOLATIONS
26 AGENCY, TO THE CITY OF ROCHESTER COMPTROLLER, for distribution in
27 accordance with instructions by the comptroller; and/or

28 c. monthly, rather than quarterly, distribution of funds.

29 The comptroller may require such reporting and record keeping as he or
30 she deems necessary to ensure the proper distribution of moneys in
31 accordance with applicable laws. A justice court or the Nassau and
32 Suffolk counties traffic and parking violations agencies or the city of
33 Buffalo traffic violations agency OR IN THE CITY OF ROCHESTER TRAFFIC
34 VIOLATIONS AGENCY may utilize these procedures only when permitted by
35 the comptroller, and such permission, once given, may subsequently be
36 withdrawn by the comptroller on due notice.

37 S 7. The article heading of article 44-A of the vehicle and traffic
38 law, as amended by section 13 of part CC of chapter 58 of the laws of
39 2015, is amended to read as follows:

40 AUTHORITY OF THE NASSAU AND SUFFOLK
41 COUNTY DISTRICT COURT AND BUFFALO CITY COURT AND
42 ROCHESTER CITY COURT
43 JUDICIAL HEARING OFFICERS

44 S 8. The section heading of section 1690 of the vehicle and traffic
45 law, as amended by section 14 of part CC of chapter 58 of the laws of
46 2015, is amended to read as follows:

47 Authority of the Nassau county and Suffolk county district court judi-
48 cial hearing officers and the city of Buffalo judicial hearing officers
49 AND THE CITY OF ROCHESTER JUDICIAL HEARING OFFICERS.

50 S 9. Section 1690 of the vehicle and traffic law is amended by adding
51 two new subdivisions 1-b and 4-b to read as follows:

52 1-B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WHERE THE TRIAL OF A
53 TRAFFIC INFRACTION IS AUTHORIZED OR REQUIRED TO BE TRIED BEFORE THE
54 ROCHESTER CITY COURT, AND SUCH TRAFFIC INFRACTION DOES NOT CONSTITUTE A
55 MISDEMEANOR, FELONY, VIOLATION OF SUBDIVISION ONE OF SECTION ELEVEN
56 HUNDRED NINETY-TWO, SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED

1 NINETY-TWO, SECTION THREE HUNDRED NINETY-SEVEN-A, OR SUBDIVISION (G) OF
2 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, OR A VIOLATION OF PARA-
3 GRAPH (B) OF SUBDIVISION FOUR OF SECTION FOURTEEN-F OR CLAUSE (B) OF
4 SUBPARAGRAPH (III) OF PARAGRAPH C OF SUBDIVISION TWO OF SECTION ONE
5 HUNDRED FORTY OF THE TRANSPORTATION LAW, OR ANY PARKING, STOPPING,
6 STANDING OR PEDESTRIAN OFFENSE, OR ANY OFFENSE THAT IS PART OF THE SAME
7 CRIMINAL TRANSACTION, AS THAT TERM IS DEFINED IN SUBDIVISION TWO OF
8 SECTION 40.10 OF THE CRIMINAL PROCEDURE LAW, AS SUCH A MISDEMEANOR,
9 FELONY, VIOLATION OF SUBDIVISION ONE OF SECTION ELEVEN HUNDRED
10 NINETY-TWO, SUBDIVISION TWO OF SECTION ELEVEN HUNDRED NINETY-TWO,
11 SECTION THREE HUNDRED NINETY-SEVEN-A OR SUBDIVISION (G) OF SECTION ELEV-
12 EN HUNDRED EIGHTY OF THIS CHAPTER, OR A VIOLATION OF PARAGRAPH (B) OF
13 SUBDIVISION FOUR OF SECTION FOURTEEN-F OR CLAUSE (B) OF SUBPARAGRAPH
14 (III) OF PARAGRAPH D OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY OF
15 THE TRANSPORTATION LAW, OR ANY PARKING, STOPPING, STANDING OR PEDESTRIAN
16 OFFENSE, THE ADMINISTRATIVE JUDGE OF THE EIGHTH JUDICIAL DISTRICT MAY
17 ASSIGN JUDICIAL HEARING OFFICERS TO CONDUCT SUCH A TRIAL. SUCH JUDICIAL
18 HEARING OFFICERS SHALL: (I) BE RESIDENTS OF THE CITY OF ROCHESTER; AND
19 (II) BE VILLAGE OR TOWN COURT JUSTICES, CITY COURT JUDGES OR RETIRED
20 JUDGES OR JUSTICES ALL OF WHICH SHALL HAVE AT LEAST TWO YEARS OF EXPERI-
21 ENCE CONDUCTING TRIALS OF TRAFFIC VIOLATIONS CASES; AND (III) BE ADMIT-
22 TED TO PRACTICE LAW IN THIS STATE; AND (IV) BE SELECTED FROM A LIST OF
23 RECOMMENDATIONS OF THE MAYOR OF THE CITY OF ROCHESTER PROVIDED THAT THE
24 MAYOR SHALL GIVE AT LEAST THREE RECOMMENDATIONS FOR EACH JUDICIAL HEAR-
25 ING OFFICER ASSIGNMENT. WHERE SUCH ASSIGNMENT IS MADE, THE JUDICIAL
26 HEARING OFFICER SHALL ENTERTAIN THE CASE IN THE SAME MANNER AS A COURT
27 AND SHALL:

- 28 (A) DETERMINE ALL QUESTIONS OF LAW;
- 29 (B) ACT AS THE EXCLUSIVE TRIER OF ALL ISSUES OF FACT;
- 30 (C) RENDER A VERDICT;
- 31 (D) IMPOSE SENTENCE; OR
- 32 (E) DISPOSE OF THE CASE IN ANY MANNER PROVIDED BY LAW.

33 4-B. JUDICIAL HEARING OFFICERS ARE PROHIBITED FROM APPEARING IN ANY
34 CAPACITY OTHER THAN AS A JUDICIAL HEARING OFFICER IN ANY PART OF ROCHESTER
35 CITY COURT ON ANY MATTER RELATING TO TRAFFIC VIOLATIONS AND ARE
36 FURTHER PROHIBITED FROM APPEARING IN ANY CAPACITY OTHER THAN AS A JUDI-
37 CIAL HEARING OFFICER IN ANY OTHER COURT OR ADMINISTRATIVE TRIBUNAL ON
38 ANY MATTER RELATING TO TRAFFIC VIOLATIONS.

39 S 10. Subdivision 5 of section 350.20 of the criminal procedure law,
40 as amended by section 16 of part CC of chapter 58 of the laws of 2015,
41 is amended to read as follows:

42 5. Notwithstanding the provisions of subdivision one of this section,
43 for all proceedings before the district court of Nassau county the
44 administrative judge of Nassau county may, and for all proceedings
45 before the district court of Suffolk county, the administrative judge of
46 Suffolk county may, without the consent of the parties, assign matters
47 involving traffic and parking infractions except those described in
48 paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section
49 three hundred seventy-one of the general municipal law to a judicial
50 hearing officer in accordance with the provisions of section sixteen
51 hundred ninety of the vehicle and traffic law and for all proceedings
52 before the Buffalo city court the administrative judge of the eighth
53 judicial district may, without the consent of the parties, assign
54 matters involving traffic infractions except those described in para-
55 graphs (a), (b), (c), (d), (e), (f) and (g) of subdivision two-a of
56 section three hundred seventy-one of the general municipal law to a

judicial hearing officer in accordance with the provisions of section sixteen hundred ninety of the vehicle and traffic law AND FOR ALL PROCEEDINGS BEFORE THE ROCHESTER CITY COURT THE ADMINISTRATIVE JUDGE OF THE SEVENTH JUDICIAL DISTRICT MAY, WITHOUT THE CONSENT OF THE PARTIES, ASSIGN MATTERS INVOLVING TRAFFIC INFRACTIONS EXCEPT THOSE DESCRIBED IN PARAGRAPHS (A), (B), (C), (D), (E), (F) AND (G) OF SUBDIVISION TWO-A OF SECTION THREE HUNDRED SEVENTY-ONE OF THE GENERAL MUNICIPAL LAW TO A JUDICIAL HEARING OFFICER IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIXTEEN HUNDRED NINETY OF THE VEHICLE AND TRAFFIC LAW.

S 11. Pending actions and proceedings. (a) No proceeding involving a charge of a traffic infraction pending at such time when an existing administrative tribunal shall cease to exist shall be affected or abated by the passage of this act or by anything herein contained or by the cessation of the existence of any administrative tribunal. All such proceedings are hereby transferred to the court of appropriate jurisdiction in the city where such traffic infractions allegedly occurred.

(b)(i) The agency, department, office, or person charged with the custody of the records of an existing administrative tribunal which is about to cease existing under, or in connection with, this act shall arrange for the transfer of the records of pending proceedings to the court of appropriate jurisdiction to which the proceedings shall be transferred. The presiding judge of such court shall enter an order providing for adequate notice consistent with due process of law to respondents in such pending proceedings regarding the transfer of such proceedings.

(ii) In no event shall any difficulty or delay resulting from the transfer process, not caused by the respondent, increase the penalty required of the respondent appearing before the court due to a transfer of the traffic infraction proceeding or otherwise prejudice such respondent. Respondents before the court due to a transfer of the traffic infraction proceeding from an administrative tribunal to the court that fail to appear shall be permitted at least one adjournment before the penalties and procedures pursuant to subdivision 3 of section 226 of the vehicle and traffic law shall be available. The presiding judge of such court shall enter an order providing for adequate notice consistent with due process of law to respondents, including notice of the penalties and procedures available pursuant to subdivision 3 of section 226 of the vehicle and traffic law.

S 12. The executive director of the Rochester traffic violations agency shall issue on an annual basis, beginning eighteen months following the creation of the Rochester traffic violations agency pursuant to city of Rochester local law, a report detailing the progress, development and operations of the traffic violations agency. The report shall be provided to the governor, the temporary president of the senate, the speaker of the assembly, the mayor of Rochester, the common council of Rochester, the presiding judge of the Rochester city court and the Erie county district attorney.

S 13. This act shall take effect July 1, 2017; provided, however, that effective immediately the city of Rochester is authorized to enact a local law establishing a traffic violations agency in the city of Rochester; provided, however, that the provisions of sections one and two of this act shall take effect on the same date as the enactment of such local law, herein authorized, establishing a traffic violations agency; provided, further, that the amendments made to subdivision 2 of section 370-a of the general municipal law, made by section two-a of this act shall take effect on the same date as section 5 of part CC of

1 chapter 58 of the laws of 2015 and on the same date as the enactment of
2 such local law; provided, further, that if established, such agency and
3 the city of Rochester shall comply with all the provisions of law set
4 forth in this act; provided, however, that the amendments made to
5 section 371 of the general municipal law, made by sections three and
6 four of this act, shall not affect the expiration of such section and
7 shall be deemed to expire therewith; and provided, further, that the
8 city of Rochester shall notify the legislative bill drafting commission
9 upon the occurrence of the enactment of the local law provided for in
10 this section in order that the commission may maintain an accurate and
11 timely effective data base of the official text of the laws of the state
12 of New York in furtherance of effectuating the provisions of section 44
13 of the legislative law and section 70-b of the public officers law.