

STATE OF NEW YORK

10258

IN ASSEMBLY

March 27, 2018

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

AN ACT to amend the vehicle and traffic law, in relation to implementing escalating penalties for vehicles which have been documented multiple times by a photo violation monitoring device for failure to comply with traffic-control indications

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision (e) of section 1111-a of the vehicle and traf-
2 fic law, as amended by chapter 479 of the laws of 1994, is amended to
3 read as follows:

4 (e) 1. An owner liable for a violation of subdivision (d) of section
5 eleven hundred eleven of this article pursuant to a local law or ordi-
6 nance adopted pursuant to this section shall be liable for monetary
7 penalties in accordance with a schedule of fines and penalties to be set
8 forth in such local law or ordinance, except that in a city which, by
9 local law, has authorized the adjudication of such owner liability by a
10 parking violations bureau, such schedule shall be promulgated by such
11 bureau. The liability of the owner pursuant to this section shall not
12 exceed fifty dollars for [~~each violation~~] the first two violations with-
13 in a two year period, one hundred fifty dollars for the third violation
14 within a two year period, two hundred fifty dollars for the fourth
15 violation within a two year period, three hundred dollars for the fifth
16 violation within a two year period, and three hundred fifty dollars for
17 the sixth violation within a two year period; provided, however, that
18 such local law or ordinance may provide for an additional penalty not in
19 excess of twenty-five dollars for each violation for the failure to
20 respond to a notice of liability within the prescribed time period.

21 2. (i) The company by which a vehicle has been documented five times
22 within a two year period by a photo violation monitoring device for
23 failure of an operator thereof to comply with traffic-control indi-
24 cations is insured shall be informed of all such documented violations
25 over the past two years.

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

LBD15155-01-8

1 (ii) The registration of a vehicle which has been documented six times
2 within a twenty-four month period by a photo violation monitoring device
3 for failure of an operator thereof to comply with traffic-control indi-
4 cations shall be suspended for a period of ninety days commencing ten
5 days after the notice of liability for the sixth violation has been
6 mailed.

7 (iii) This paragraph shall not apply to a rental vehicle, as defined
8 in section one hundred thirty-seven-a of this chapter.

9 3. The department shall, by certified mail, alert the owner of a
10 registered vehicle after the vehicle's fourth documentation in two years
11 by a photo violation monitoring device for failure of an operator there-
12 of to comply with traffic-control indications that the company by which
13 such vehicle is insured will be informed of all such violations over the
14 past two years and such vehicle shall be suspended for ninety days after
15 two more documentations.

16 § 2. This act shall take effect immediately; provided, however, the
17 amendments made to subdivision (e) of section 1111-a of the vehicle and
18 traffic law made by section one of this act shall not affect the repeal
19 of such subdivision and shall be deemed repealed therewith.