

STATE OF NEW YORK

3989

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

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

AN ACT to amend the vehicle and traffic law, in relation to providing a defense for those in funeral processions regarding red light cameras

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

1 Section 1. Paragraph 3 of subdivision (g) of section 1111-a of the
2 vehicle and traffic law, as added by chapter 746 of the laws of 1988, is
3 amended and a new subdivision (o) is added to read as follows:

4 3. The notice of liability shall contain information advising the
5 person charged of the manner and the time in which he may contest the
6 liability alleged in the notice. Such notice of liability shall also
7 contain a warning to advise the persons charged that failure to contest
8 in the manner and time provided shall be deemed an admission of liability
9 and that a default judgment may be entered thereon as well as
10 instructions on how to contest the fine by mail providing proof or
11 proofs specified in subdivision (o) of this section.

12 (o) It shall be a defense to any prosecution for a violation of subdivi-
13 vision (d) of section eleven hundred eleven of this article pursuant to
14 a local law or ordinance adopted pursuant to this section that the vehi-
15 cle was obeying the direction of a police or peace officer or was part
16 of a funeral procession. The owner of the vehicle shall be able to
17 contest the violation by mail sending one of the following proofs to the
18 traffic violations bureau: a letter from the city's police department or
19 local precinct, or in the case of a funeral procession, a letter from a
20 funeral home, noting the time, date and location of the funeral proc-
21 ession.

22 § 2. Paragraph 3 of subdivision (g) and subdivision (o) of section
23 1111-b of the vehicle and traffic law, as added by chapter 19 of the
24 laws of 2009, are amended to read as follows:

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

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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 also
4 contain a warning to advise the persons charged that failure to contest
5 in the manner and time provided shall be deemed an admission of liability
6 and that a default judgment may be entered thereon as well as
7 instructions on how to contest the fine by mail providing proof or
8 proofs specified in subdivision (o) of this section.

9 (o) It shall be a defense to any prosecution for a violation of subdivi-
10 sion (d) of section eleven hundred eleven of this article pursuant to
11 a local law or ordinance adopted pursuant to this section that such
12 traffic-control indications were malfunctioning at the time of the
13 alleged violation or that the vehicle was obeying the direction of a
14 police or peace officer or was part of a funeral procession. The owner
15 of the vehicle shall be able to contest the violation by mail sending
16 one of the following proofs to the traffic violations bureau: a letter
17 from the city's police department or local precinct, or in the case of a
18 funeral procession, a letter from a funeral home, noting the time, date
19 and location of the funeral procession.

20 § 3. Paragraph 3 of subdivision (g) and subdivision (n) of section
21 1111-b of the vehicle and traffic law, as added by chapter 20 of the
22 laws of 2009, are amended to read as follows:

23 3. The notice of liability shall contain information advising the
24 person charged of the manner and the time in which he or she may contest
25 the liability alleged in the notice. Such notice of liability shall also
26 contain a warning to advise the persons charged that failure to contest
27 in the manner and time provided shall be deemed an admission of liability
28 and that a default judgment may be entered thereon as well as
29 instructions on how to contest the fine by mail providing proof or
30 proofs specified in subdivision (n) of this section.

31 (n) It shall be a defense to any prosecution for a violation of subdivi-
32 sion (d) of section eleven hundred eleven of this article pursuant to
33 a local law or ordinance adopted pursuant to this section that such
34 traffic-control indications were malfunctioning at the time of the
35 alleged violation or that the vehicle was obeying the direction of a
36 police or peace officer or was part of a funeral procession. The owner
37 of the vehicle shall be able to contest the violation by mail sending
38 one of the following proofs to the traffic violations bureau: a letter
39 from the city's police department or local precinct, or in the case of a
40 funeral procession, a letter from a funeral home, noting the time, date
41 and location of the funeral procession.

42 § 4. Paragraph 3 of subdivision (g) and subdivision (n) of section
43 1111-b of the vehicle and traffic law, as added by chapter 22 of the
44 laws of 2009, are amended to read as follows:

45 3. The notice of liability shall contain information advising the
46 person charged of the manner and the time in which he or she may contest
47 the liability alleged in the notice. Such notice of liability shall also
48 contain a warning to advise the persons charged that failure to contest
49 in the manner and time provided shall be deemed an admission of liability
50 and that a default judgment may be entered thereon as well as
51 instructions on how to contest the fine by mail providing proof or
52 proofs specified in subdivision (n) of this section.

53 (n) It shall be a defense to any prosecution for a violation of subdivi-
54 sion (d) of section eleven hundred eleven of this article pursuant to
55 a local law or ordinance adopted pursuant to this section that such
56 traffic-control indications were malfunctioning at the time of the

1 alleged violation or that the vehicle was obeying the direction of a
2 police or peace officer or was part of a funeral procession. The owner
3 of the vehicle shall be able to contest the violation by mail sending
4 one of the following proofs to the traffic violations bureau: a letter
5 from the city's police department or local precinct, or in the case of a
6 funeral procession, a letter from a funeral home, noting the time, date
7 and location of the funeral procession.

8 § 5. Paragraph 3 of subdivision (g) and subdivision (o) of section
9 1111-b of the vehicle and traffic law, as added by chapter 23 of the
10 laws of 2009, are amended to read as follows:

11 3. The notice of liability shall contain information advising the
12 person charged of the manner and the time in which he or she may contest
13 the liability alleged in the notice. Such notice of liability shall also
14 contain a warning to advise the persons charged that failure to contest
15 in the manner and time provided shall be deemed an admission of liabil-
16 ity and that a default judgment may be entered thereon as well as
17 instructions on how to contest the fine by mail providing proof or
18 proofs specified in subdivision (o) of this section.

19 (o) It shall be a defense to any prosecution for a violation of subdi-
20 vision (d) of section eleven hundred eleven of this article pursuant to
21 a local law or ordinance adopted pursuant to this section that such
22 traffic-control indications were malfunctioning at the time of the
23 alleged violation or that the vehicle was obeying the direction of a
24 police or peace officer or was part of a funeral procession. The owner
25 of the vehicle shall be able to contest the violation by mail sending
26 one of the following proofs to the traffic violations bureau: a letter
27 from the city's police department or local precinct, or in the case of a
28 funeral procession, a letter from a funeral home, noting the time, date
29 and location of the funeral procession.

30 § 6. Paragraph 3 of subdivision (g) and subdivision (n) of section
31 1111-d of the vehicle and traffic law, as added by chapter 99 of the
32 laws of 2014, are amended to read as follows:

33 3. The notice of liability shall contain information advising the
34 person charged of the manner and the time in which he or she may contest
35 the liability alleged in the notice. Such notice of liability shall also
36 contain a warning to advise the persons charged that failure to contest
37 in the manner and time provided shall be deemed an admission of liabil-
38 ity and that a default judgment may be entered thereon as well as
39 instructions on how to contest the fine by mail providing proof or
40 proofs specified in subdivision (n) of this section.

41 (n) It shall be a defense to any prosecution for a violation of subdi-
42 vision (d) of section eleven hundred eleven of this article pursuant to
43 a local law or ordinance adopted pursuant to this section that such
44 traffic-control indications were malfunctioning at the time of the
45 alleged violation or that the vehicle was obeying the direction of a
46 police or peace officer or was part of a funeral procession. The owner
47 of the vehicle shall be able to contest the violation by mail sending
48 one of the following proofs to the traffic violations bureau: a letter
49 from the city's police department or local precinct, or in the case of a
50 funeral procession, a letter from a funeral home, noting the time, date
51 and location of the funeral procession.

52 § 7. Paragraph 3 of subdivision (g) and subdivision (n) of section
53 1111-d of the vehicle and traffic law, as added by chapter 101 of the
54 laws of 2014, are amended to read as follows:

55 3. The notice of liability shall contain information advising the
56 person charged of the manner and the time in which he or she may contest

1 the liability alleged in the notice. Such notice of liability shall also
2 contain a warning to advise the persons charged that failure to contest
3 in the manner and time provided shall be deemed an admission of liability
4 and that a default judgment may be entered thereon as well as
5 instructions on how to contest the fine by mail providing proof or
6 proofs specified in subdivision (n) of this section.

7 (n) It shall be a defense to any prosecution for a violation of subdivision
8 (d) of section eleven hundred eleven of this article pursuant to
9 a local law or ordinance adopted pursuant to this section that such
10 traffic-control indications were malfunctioning at the time of the
11 alleged violation or that the vehicle was obeying the direction of a
12 police or peace officer or was part of a funeral procession. The owner
13 of the vehicle shall be able to contest the violation by mail sending
14 one of the following proofs to the traffic violations bureau: a letter
15 from the city's police department or local precinct, or in the case of a
16 funeral procession, a letter from a funeral home, noting the time, date
17 and location of the funeral procession.

18 § 8. Paragraph 3 of subdivision (g) and subdivision (n) of section
19 1111-d of the vehicle and traffic law, as added by chapter 123 of the
20 laws of 2014, are amended to read as follows:

21 3. The notice of liability shall contain information advising the
22 person charged of the manner and the time in which he or she may contest
23 the liability alleged in the notice. Such notice of liability shall also
24 contain a warning to advise the persons charged that failure to contest
25 in the manner and time provided shall be deemed an admission of liability
26 and that a default judgment may be entered thereon as well as
27 instructions on how to contest the fine by mail providing proof or
28 proofs specified in subdivision (n) of this section.

29 (n) It shall be a defense to any prosecution for a violation of subdivision
30 (d) of section eleven hundred eleven of this article pursuant to
31 a local law or ordinance adopted pursuant to this section that such
32 traffic-control indications were malfunctioning at the time of the
33 alleged violation or that the vehicle was obeying the direction of a
34 police or peace officer or was part of a funeral procession. The owner
35 of the vehicle shall be able to contest the violation by mail sending
36 one of the following proofs to the traffic violations bureau: a letter
37 from the city's police department or local precinct, or in the case of a
38 funeral procession, a letter from a funeral home, noting the time, date
39 and location of the funeral procession.

40 § 9. Paragraph 3 of subdivision (g) and subdivision (n) of section
41 1111-e of the vehicle and traffic law, as added by chapter 222 of the
42 laws of 2015, are amended to read as follows:

43 3. The notice of liability shall contain information advising the
44 person charged of the manner and the time in which he or she may contest
45 the liability alleged in the notice. Such notice of liability shall also
46 contain a warning to advise the persons charged that failure to contest
47 in the manner and time provided shall be deemed an admission of liability
48 and that a default judgment may be entered thereon as well as
49 instructions on how to contest the fine by mail providing proof or
50 proofs specified in subdivision (n) of this section.

51 (n) It shall be a defense to any prosecution for a violation of subdivision
52 (d) of section eleven hundred eleven of this article pursuant to
53 a local law or ordinance adopted pursuant to this section that such
54 traffic-control indications were malfunctioning at the time of the
55 alleged violation or that the vehicle was obeying the direction of a
56 police or peace officer or was part of a funeral procession. The owner

1 of the vehicle shall be able to contest the violation by mail sending
2 one of the following proofs to the traffic violations bureau: a letter
3 from the city's police department or local precinct, or in the case of a
4 funeral procession, a letter from a funeral home, noting the time, date
5 and location of the funeral procession.

6 § 10. This act shall take effect immediately;

7 1. provided, however, the amendments to section 1111-a of the vehicle
8 and traffic law made by section one of this act shall not affect the
9 repeal of such section and shall be deemed repealed therewith;

10 2. provided, further, the amendments to section 1111-b of the vehicle
11 and traffic law made by section two of this act shall not affect the
12 repeal of such section and shall be deemed repealed therewith;

13 3. provided, further, the amendments to section 1111-b of the vehicle
14 and traffic law made by section three of this act shall not affect the
15 repeal of such section and shall be deemed repealed therewith;

16 4. provided, further, the amendments to section 1111-b of the vehicle
17 and traffic law made by section four of this act shall not affect the
18 repeal of such section and shall be deemed repealed therewith;

19 5. provided, further, the amendments to section 1111-b of the vehicle
20 and traffic law made by section five of this act shall not affect the
21 repeal of such section and shall be deemed repealed therewith;

22 6. provided, further, the amendments to section 1111-d of the vehicle
23 and traffic law made by section six of this act shall not affect the
24 repeal of such section and shall be deemed repealed therewith;

25 7. provided, further, the amendments to section 1111-d of the vehicle
26 and traffic law made by section seven of this act shall not affect the
27 repeal of such section and shall be deemed repealed therewith;

28 8. provided, further, the amendments to section 1111-d of the vehicle
29 and traffic law made by section eight of this act shall not affect the
30 repeal of such section and shall be deemed repealed therewith; and

31 9. provided, further, the amendments to section 1111-e of the vehicle
32 and traffic law made by section nine of this act shall not affect the
33 repeal of such section and shall be deemed repealed therewith.