

STATE OF NEW YORK

6456

2017-2018 Regular Sessions

IN SENATE

May 22, 2017

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

AN ACT to amend the vehicle and traffic law, the general municipal law, the state finance 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 155 of the vehicle and traffic law, as amended by
2 section 1 of part CC of chapter 58 of the laws of 2015, is amended to
3 read as follows:
4 § 155. Traffic infraction. The violation of any provision of this
5 chapter, except articles forty-seven and forty-eight, or of any law,
6 ordinance, order, rule or regulation regulating traffic which is not
7 declared by this chapter or other law of this state to be a misdemeanor
8 or a felony. A traffic infraction is not a crime and the punishment
9 imposed therefor shall not be deemed for any purpose a penal or criminal
10 punishment and shall not affect or impair the credibility as a witness
11 or otherwise of any person convicted thereof. This definition shall be
12 retroactive and shall apply to all acts and violations heretofore
13 committed where such acts and violations would, if committed subsequent
14 to the taking effect of this section, be included within the meaning of
15 the term "traffic infraction" as herein defined. Except in those
16 portions of Suffolk county for which a district court has been estab-
17 lished, [~~outside of cities having a population in excess of two hundred
18 thousand but less than two hundred twenty thousand in which administra-
19 tive tribunals have heretofore been established and~~] outside of cities
20 having a population in excess of one million in which administrative
21 tribunals have heretofore been established, courts and judicial officers
22 heretofore having jurisdiction over such violations shall continue to do
23 so and for such purpose such violations shall be deemed misdemeanors and
24 all provisions of law relating to misdemeanors except as provided in

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

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1 section eighteen hundred five of this chapter and except as herein
2 otherwise expressly provided shall apply except that no jury trial shall
3 be allowed for traffic infractions. In those portions of Suffolk county
4 for which a district court has been established~~[, and in cities having a~~
5 ~~population in excess of two hundred thousand but less than two hundred~~
6 ~~twenty thousand in which administrative tribunals have heretofore been~~
7 ~~established]~~ and in cities having a population in excess of one million
8 in which administrative tribunals have heretofore been established, the
9 criminal courts of such cities or portions of Suffolk county in which a
10 district court has been established shall have jurisdiction to hear and
11 determine any complaint alleging a violation constituting a traffic
12 infraction, except that administrative tribunals heretofore established
13 in such cities or portions of Suffolk county in which a district court
14 has been established shall have jurisdiction to hear and determine any
15 charge of an offense which is a traffic infraction, except parking,
16 standing or stopping. In cities having a population in excess of two
17 hundred thousand in which administrative tribunals have heretofore been
18 established, and any such administrative tribunal established by the
19 city of Yonkers, the city of Peekskill, or the city of Syracuse, such
20 tribunals shall have jurisdiction to hear and determine any charge of an
21 offense which is a parking, standing or stopping violation. Any fine
22 imposed by an administrative tribunal shall be a civil penalty. For
23 purposes of arrest without a warrant, pursuant to article one hundred
24 forty of the criminal procedure law, a traffic infraction shall be
25 deemed an offense.

26 § 2. Subdivision 1 of section 225 of the vehicle and traffic law, as
27 amended by section 2 of part CC of chapter 58 of the laws of 2015, is
28 amended to read as follows:

29 1. Notwithstanding any inconsistent provision of law, all violations
30 of this chapter or of a law, ordinance, order, rule or regulation relat-
31 ing to traffic, except parking, standing, stopping or pedestrian
32 offenses, which occur [~~within a city having a population of two hundred~~
33 ~~thousand or more but less than two hundred twenty thousand in which~~
34 ~~administrative tribunals have heretofore been established, or]~~ within a
35 city having a population of one million or more in which administrative
36 tribunals have heretofore, been established, and which are classified as
37 traffic infractions, may be heard and determined pursuant to the regu-
38 lations of the commissioner as provided in this article. Whenever a
39 crime and a traffic infraction arise out of the same transaction or
40 occurrence, a charge alleging both offenses may be made returnable
41 before the court having jurisdiction over the crime. Nothing herein
42 provided shall be construed to prevent a court, having jurisdiction over
43 a criminal charge relating to traffic or a traffic infraction, from
44 lawfully entering a judgment of conviction, whether or not based on a
45 plea of guilty, for any offense classified as a traffic infraction.

46 § 3. Subdivision 5 of section 227 of the vehicle and traffic law, as
47 amended by section 1 of part GG of chapter 55 of the laws of 2017, is
48 amended to read as follows:

49 5. All penalties and forfeited security collected pursuant to the
50 provisions of this article shall be paid to the department of audit and
51 control to the credit of the justice court fund and shall be subject to
52 the applicable provisions of section eighteen hundred three of this
53 chapter. After such audit as shall reasonably be required by the comp-
54 troller, such penalties and forfeited security shall be paid quarterly
55 or, in the discretion of the comptroller, monthly, to the appropriate
56 jurisdiction in which the violation occurred in accordance with the

1 provisions of section ninety-nine-a of the state finance law, except
2 that the sum of four dollars for each violation occurring in such juris-
3 diction for which a complaint has been filed with the administrative
4 tribunal established pursuant to this article shall be retained by the
5 state. Notwithstanding any law to the contrary an additional annual sum
6 of three million dollars collected from fines and assessed to the city
7 of New York, shall be deposited into the general fund in accordance with
8 the provisions of section ninety-nine-a of the state finance law. [~~The
9 amount distributed during the first three quarters to the city of
10 Rochester in any given fiscal year shall not exceed seventy percent of
11 the amount which will be otherwise payable.~~] Provided, however, that if
12 the full costs of administering this article shall exceed the amounts
13 received and retained by the state for any period specified by the
14 commissioner, then such additional sums as shall be required to offset
15 such costs shall be retained by the state out of the penalties and
16 forfeited security collected pursuant to this article.

17 § 4. Subdivision 5 of section 227 of the vehicle and traffic law, as
18 amended by section 3 of part CC of chapter 58 of the laws of 2015, is
19 amended to read as follows:

20 5. All penalties and forfeited security collected pursuant to the
21 provisions of this article shall be paid to the department of audit and
22 control to the credit of the justice court fund and shall be subject to
23 the applicable provisions of section eighteen hundred three of this
24 chapter. After such audit as shall reasonably be required by the comp-
25 troller, such penalties and forfeited security shall be paid quarterly
26 or, in the discretion of the comptroller, monthly, to the appropriate
27 jurisdiction in which the violation occurred in accordance with the
28 provisions of section ninety-nine-a of the state finance law, except
29 that the sum of four dollars for each violation occurring in such juris-
30 diction for which a complaint has been filed with the administrative
31 tribunal established pursuant to this article shall be retained by the
32 state. [~~The amount distributed during the first three quarters to the
33 city of Rochester in any given fiscal year shall not exceed seventy
34 percent of the amount which will be otherwise payable.~~] Provided, howev-
35 er, that if the full costs of administering this article shall exceed
36 the amounts received and retained by the state for any period specified
37 by the commissioner, then such additional sums as shall be required to
38 offset such costs shall be retained by the state out of the penalties
39 and forfeited security collected pursuant to this article.

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

42 5. There shall be an executive department or bureau of the city of
43 Rochester known as the Rochester traffic violations agency, which shall
44 operate under the direction and control of the mayor or the mayor's
45 designee.

46 § 6. Section 370-a of the general municipal law is amended by adding
47 two new subdivisions 1-b and 2-a to read as follows:

48 1-b. "Traffic violations agency" shall mean an executive department of
49 the city of Rochester established pursuant to subdivision five of
50 section three hundred seventy of this article to administer and dispose
51 of traffic infractions as authorized pursuant to this article.

52 2-a. "Traffic prosecutor" shall also mean an attorney duly admitted to
53 practice law in the state of New York who, having been appointed and
54 either hired or retained pursuant to section three hundred
55 seventy-four-b of this article, has the responsibility of prosecuting
56 any traffic infractions returnable before the Rochester city court

1 pursuant to the jurisdictional limitations of section three hundred
2 seventy-one of this article.

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

5 2-b. The Rochester traffic violations agency, as established in subdi-
6 vision five of section three hundred seventy of this article, may be
7 authorized to assist the Rochester city court in the disposition and
8 administration of infractions of traffic laws, ordinances, rules and
9 regulations except that such agency shall not have jurisdiction over (a)
10 the traffic infraction defined under subdivision one of section eleven
11 hundred ninety-two of the vehicle and traffic law; (b) the traffic
12 infraction defined under subdivision five of section eleven hundred
13 ninety-two of the vehicle and traffic law; (c) the violation defined
14 under paragraph (b) of subdivision four of section fourteen-f of the
15 transportation law and the violation defined under clause (b) of subpar-
16 agraph (iii) of paragraph c of subdivision two of section one hundred
17 forty of the transportation law; (d) the traffic infraction defined
18 under section three hundred ninety-seven-a of the vehicle and traffic
19 law and the traffic infraction defined under subdivision (g) of section
20 eleven hundred eighty of the vehicle and traffic law; (e) traffic
21 infractions constituting parking, standing, stopping or pedestrian
22 offenses; (f) any misdemeanor or felony; or (g) any offense that is part
23 of the same criminal transaction, as that term is defined in subdivision
24 two of section 40.10 of the criminal procedure law, as a violation of
25 subdivision one of section eleven hundred ninety-two of the vehicle and
26 traffic law, a violation of subdivision five of section eleven hundred
27 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
28 of subdivision four of section fourteen-f of the transportation law, a
29 violation of clause (b) of subparagraph (iii) of paragraph c of subdivi-
30 sion two of section one hundred forty of the transportation law, a
31 violation of section three hundred ninety-seven-a of the vehicle and
32 traffic law, a violation constituting a parking, stopping, standing or
33 pedestrian offense, a violation of subdivision (g) of section eleven
34 hundred eighty of the vehicle and traffic law or any misdemeanor or
35 felony.

36 § 8. Section 371 of the general municipal law is amended by adding two
37 new subdivisions 3-b and 4-b to read as follows:

38 3-b. A person charged with an infraction which shall be disposed of by
39 the Rochester traffic violations agency may be permitted to answer,
40 within a specified time, at the traffic violations agency either in
41 person or by written power of attorney in such form as may be prescribed
42 in the ordinance or local law creating the agency, by paying a
43 prescribed fine and, in writing, waiving a hearing in court, pleading
44 guilty to the charge or a lesser charge agreeable to the traffic prose-
45 cutor and the person charged with an infraction, and authorizing the
46 person in charge of the agency to enter such a plea and accept payment
47 of said fine. Acceptance of the prescribed fine and power of attorney by
48 the agency shall be deemed complete satisfaction for the violation, and
49 the violator shall be given a receipt which so states. If a person
50 charged with a traffic violation does not answer as hereinbefore
51 prescribed, within a designated time, the agency may cause a complaint
52 to be entered against him forthwith and a warrant to be issued for his
53 arrest and appearance before the court, such summons to be predicated
54 upon the personal service of said summons upon the person charged with
55 the infraction. Any person who shall have been, within the preceding
56 twelve months, guilty of three or more violations, shall not be permit-

1 ted to appear and answer to a subsequent violation at the agency, but
2 must appear in court at a time specified by the agency. Such agency
3 shall not be authorized to deprive a person of his right to counsel or
4 to prevent him from exercising his right to appear in court to answer
5 to, explain, or defend any charge of a violation of any traffic law,
6 ordinance, rule or regulation.

7 4-b. Notwithstanding any inconsistent provision of law, fines, penal-
8 ties and forfeitures collected by the Rochester traffic violations agen-
9 cy shall be distributed as provided in section eighteen hundred three of
10 the vehicle and traffic law. All fines, penalties and forfeitures for
11 violations adjudicated by the Rochester traffic violations agency pursu-
12 ant to subdivision two-a of this section except as provided in subdivi-
13 sion three of section ninety-nine-a of the state finance law, shall be
14 paid by such agency to the state comptroller within the first ten days
15 of the month following collection. Each such payment shall be accompa-
16 nyed by a true and complete report in such form and detail as the comp-
17 troller shall prescribe.

18 § 9. The general municipal law is amended by adding a new section
19 374-b to read as follows:

20 § 374-b. Traffic prosecutor selection and oversight. (a) The executive
21 director of the Rochester traffic violations agency, appointed pursuant
22 to subdivision (b) of this section, shall select and may contract with
23 or hire one or more persons who are attorneys, duly admitted to the
24 practice of law in New York state for the prosecution of any traffic
25 infraction, except those described in paragraphs (a), (b), (c), (d),
26 (e), (f) and (g) of subdivision two-b of section three hundred seventy-
27 one of this article, to be heard, tried or otherwise disposed of by the
28 Rochester city court. Such persons shall be known as "traffic prosecu-
29 tors", as that term is defined in section three hundred seventy-a of
30 this article. Traffic prosecutors shall have the same power as a
31 district attorney would otherwise have in the prosecution of any traffic
32 infraction which may, pursuant to the jurisdictional provisions of
33 section three hundred seventy-one of this article, be prosecuted before
34 the Rochester city court if the traffic violation occurred in the city
35 of Rochester. The executive director shall give active consideration to
36 requiring that such traffic prosecutors serve on a full-time basis.
37 Traffic prosecutors are prohibited from appearing in any capacity other
38 than as a traffic prosecutor in any part of the Rochester city court on
39 any matter relating to traffic violations.

40 (b) The mayor of the city of Rochester shall appoint a person to serve
41 as the executive director of the Rochester traffic violations agency.
42 The executive director shall be responsible for the oversight and admin-
43 istration of the agency. The executive director is prohibited from
44 appearing in any capacity in any part of the Rochester city court on any
45 matter relating to traffic violations and is further prohibited from
46 appearing in any capacity in any other court or administrative tribunal
47 on any matter relating to traffic violations.

48 (c) It shall be a misdemeanor for the executive director, any traffic
49 prosecutor or any judicial hearing officer assigned to hear traffic
50 violations cases pursuant to section sixteen hundred ninety of the vehi-
51 cle and traffic law to establish any quota of traffic violation
52 convictions which must be obtained by any traffic prosecutor or judicial
53 hearing officer. Nothing contained herein shall prohibit the taking of
54 any job action against a traffic prosecutor or judicial hearing officer
55 for failure to satisfactorily perform such prosecutor's or officer's job
56 assignment except that the employment productivity of such prosecutor or

1 officer shall not be measured by the attainment or nonattainment of any
2 conviction quota. For the purposes of this section a conviction quota
3 shall mean a specific number of convictions which must be obtained with-
4 in a specific time period.

5 (d) Pursuant to section 3-9 of the charter of the city of Rochester,
6 the city of Rochester may appropriate those monies which, in its sole
7 discretion, are necessary for the compensation of those persons selected
8 to serve as executive director and traffic prosecutors and to cover all
9 other expenses associated with the administration of the Rochester traf-
10 fic violations agency.

11 § 10. Subdivision 3 of section 99-a of the state finance law, as
12 amended by section 3 of part GG of section 55 of the laws of 2017, is
13 amended to read as follows:

14 3. The comptroller is hereby authorized to implement alternative
15 procedures, including guidelines in conjunction therewith, relating to
16 the remittance of fines, penalties, forfeitures and other moneys by town
17 and village justice courts, and by the Nassau and Suffolk counties traf-
18 fic and parking violations agencies, and by the city of Buffalo traffic
19 violations agency, and by the city of Rochester traffic violations agen-
20 cy, and by the city of New York pursuant to article two-A of the vehicle
21 and traffic law, to the justice court fund and for the distribution of
22 such moneys by the justice court fund. Notwithstanding any law to the
23 contrary, the alternative procedures utilized may include:

24 a. electronic funds transfer;

25 b. remittance of funds by the justice court to the chief fiscal office
26 of the town or village, or, in the case of the Nassau and Suffolk coun-
27 ties traffic and parking violations agencies, to the county treasurer,
28 or, in the case of the Buffalo traffic violations agency, to the city of
29 Buffalo comptroller, or in the case of the Rochester traffic violations
30 agency, to the city of Rochester treasurer for distribution in accord-
31 ance with instructions by the comptroller or, in the case of the city of
32 New York, pursuant to article two-A of the vehicle and traffic law to
33 the city comptroller; and/or

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

35 The comptroller may require such reporting and record keeping as he or
36 she deems necessary to ensure the proper distribution of moneys in
37 accordance with applicable laws. A justice court or the Nassau and
38 Suffolk counties traffic and parking violations agencies or the city of
39 Buffalo traffic violations agency or the city of Rochester traffic
40 violations agency or the city of New York pursuant to article two-A of
41 the vehicle and traffic law may utilize these procedures only when
42 permitted by the comptroller, and such permission, once given, may
43 subsequently be withdrawn by the comptroller on due notice.

44 § 11. Subdivision 3 of section 99-a of the state finance law, as
45 amended by section 10 of part CC of chapter 58 of the laws of 2015, is
46 amended to read as follows:

47 3. The comptroller is hereby authorized to implement alternative
48 procedures, including guidelines in conjunction therewith, relating to
49 the remittance of fines, penalties, forfeitures and other moneys by town
50 and village justice courts, and by the Nassau and Suffolk counties traf-
51 fic and parking violations agencies, and by the city of Buffalo traffic
52 violations agency, and by the city of Rochester traffic violations agen-
53 cy to the justice court fund and for the distribution of such moneys by
54 the justice court fund. Notwithstanding any law to the contrary, the
55 alternative procedures utilized may include:

56 a. electronic funds transfer;

1 b. remittance of funds by the justice court to the chief fiscal office
2 of the town or village, or, in the case of the Nassau and Suffolk coun-
3 ties traffic and parking violations agencies, to the county treasurer,
4 or, in the case of the Buffalo traffic violations agency, to the city of
5 Buffalo comptroller, or in the case of the Rochester traffic violations
6 agency, to the city of Rochester treasurer, for distribution in accord-
7 ance with instructions by the comptroller; and/or

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

9 The comptroller may require such reporting and record keeping as he or
10 she deems necessary to ensure the proper distribution of moneys in
11 accordance with applicable laws. A justice court or the Nassau and
12 Suffolk counties traffic and parking violations agencies or the city of
13 Buffalo traffic violations agency or the city of Rochester traffic
14 violations agency may utilize these procedures only when permitted by
15 the comptroller, and such permission, once given, may subsequently be
16 withdrawn by the comptroller on due notice.

17 § 12. Paragraph (c) of subdivision 4-a of section 510 of the vehicle
18 and traffic law, as amended by section 11 of part CC of chapter 58 of
19 the laws of 2015, is amended to read as follows:

20 (c) Upon receipt of notification from a traffic and parking violations
21 agency or a traffic violations agency of the failure of a person to
22 appear within sixty days of the return date or new subsequent adjourned
23 date, pursuant to an appearance ticket charging said person with a
24 violation of:

25 (i) any of the provisions of this chapter except one for parking,
26 stopping or standing and except those violations described in paragraphs
27 (a), (b), (d), (e) and (f) of subdivision two and in paragraphs (a),
28 (b), (d), (e), (f) and (g) of subdivision two-a and in paragraphs (a),
29 (b), (d), (e), (f) and (g) of subdivision two-b of section three hundred
30 seventy-one of the general municipal law;

31 (ii) section five hundred two or subdivision (a) of section eighteen
32 hundred fifteen of the tax law;

33 (iii) section fourteen-f (except paragraph (b) of subdivision four of
34 section fourteen-f), two hundred eleven or two hundred twelve of the
35 transportation law; or

36 (iv) any lawful ordinance or regulation made by a local or public
37 authority relating to traffic (except one for parking, stopping or
38 standing) or the failure to pay a fine imposed for such a violation by a
39 traffic and parking violations agency or a traffic violations agency,
40 the commissioner or his or her agent may suspend the driver's license or
41 privileges of such person pending receipt of notice from the agency that
42 such person has appeared in response to such appearance ticket or has
43 paid such fine. Such suspension shall take effect no less than thirty
44 days from the day upon which notice thereof is sent by the commissioner
45 to the person whose driver's license or privileges are to be suspended.
46 Any suspension issued pursuant to this paragraph shall be subject to the
47 provisions of paragraph (j-1) of subdivision two of section five hundred
48 three of this chapter.

49 § 13. Paragraph (b) of subdivision 3 of section 514 of the vehicle and
50 traffic law, as amended by section 12 of part CC of chapter 58 of the
51 laws of 2015, is amended to read as follows:

52 (b) Upon the failure of a person to appear or answer, within sixty
53 days of the return date or any subsequent adjourned date, or the failure
54 to pay a fine imposed by a traffic and parking violations agency or a
55 traffic violations agency pursuant to a summons charging him or her with
56 a violation of:

1 (1) any of the provisions of this chapter except one for parking,
 2 stopping or standing and except those violations described in paragraphs
 3 (a), (b), (d), (e) and (f) of subdivision two and in paragraphs (a),
 4 (b), (d), (e), (f) and (g) of subdivision two-a and in paragraphs (a),
 5 (b), (d), (e), (f) and (g) of subdivision two-b of section three hundred
 6 seventy-one of the general municipal law;

7 (2) section five hundred two or subdivision (a) of section eighteen
 8 hundred fifteen of the tax law;

9 (3) section fourteen-f (except paragraph (b) of subdivision four of
 10 section fourteen-f), two hundred eleven or two hundred twelve of the
 11 transportation law; or

12 (4) any lawful ordinance or regulation made by a local or public
 13 authority relating to traffic (except one for parking, stopping or
 14 standing);

15 the clerk thereof shall within ten days certify that fact to the commis-
 16 sioner, in the manner and form prescribed by the commissioner, who shall
 17 record the same in his or her office. Thereafter and upon the appearance
 18 of any such person in response to such summons or the receipt of the
 19 fine by the agency, the traffic and parking violations agency, the traf-
 20 fic violations agency or the clerk thereof shall forthwith certify that
 21 fact to the commissioner, in the manner and form prescribed by the
 22 commissioner; provided, however, no such certification shall be made
 23 unless the traffic and parking violations agency or the traffic
 24 violations agency has collected the termination of suspension fee
 25 required to be paid pursuant to paragraph (j-1) of subdivision two of
 26 section five hundred three of this chapter.

27 § 14. The article heading of article 44-A of the vehicle and traffic
 28 law, as amended by section 13 of part CC of chapter 58 of the laws of
 29 2015, is amended to read as follows:

30 AUTHORITY OF THE NASSAU AND SUFFOLK
 31 COUNTY DISTRICT COURT AND BUFFALO CITY COURT AND
 32 ROCHESTER CITY COURT

33 JUDICIAL HEARING OFFICERS

34 § 15. The section heading of section 1690 of the vehicle and traffic
 35 law, as amended by section 14 of part CC of chapter 58 of the laws of
 36 2015, is amended to read as follows:

37 Authority of the Nassau county and Suffolk county district court judi-
 38 cial hearing officers and the city of Buffalo judicial hearing officers
 39 and the city of Rochester judicial hearing officers.

40 § 16. Section 1690 of the vehicle and traffic law is amended by adding
 41 two new subdivisions 1-b and 4-b to read as follows:

42 1-b. Notwithstanding any other provision of law, where the trial of a
 43 traffic infraction is authorized or required to be tried before the
 44 Rochester city court, and such traffic infraction does not constitute a
 45 misdemeanor, felony, violation of subdivision one of section eleven
 46 hundred ninety-two, subdivision five of section eleven hundred ninety-
 47 two, section three hundred ninety-seven-a, or subdivision (g) of section
 48 eleven hundred eighty of this chapter, or a violation of paragraph (b)
 49 of subdivision four of section fourteen-f or clause (b) of subparagraph
 50 (iii) of paragraph c of subdivision two of section one hundred forty of
 51 the transportation law, or any parking, stopping, standing or pedestrian
 52 offense, or any offense that is part of the same criminal transaction,
 53 as that term is defined in subdivision two of section 40.10 of the crim-
 54 inal procedure law, as such a misdemeanor, felony, violation of subdivi-
 55 sion one of section eleven hundred ninety-two, subdivision two of
 56 section eleven hundred ninety-two, section three hundred ninety-seven-a

1 or subdivision (g) of section eleven hundred eighty of this chapter, or
2 a violation of paragraph (b) of subdivision four of section fourteen-f
3 or clause (b) of subparagraph (iii) of paragraph d of subdivision two of
4 section one hundred forty of the transportation law, or any parking,
5 stopping, standing or pedestrian offense, the administrative judge of
6 the seventh judicial district may assign judicial hearing officers to
7 conduct such a trial. Such judicial hearing officers shall: (i) be resi-
8 dents of the county of Monroe; and (ii) be village or town court
9 justices, city court judges or retired judges or justices or a current
10 or former administrative law judge, referee or administrative hearing
11 officer with at least one year experience conducting trials or hearings
12 for any governmental agency of the state of New York or a political
13 subdivision of the state, or a licensed attorney who has at least five
14 years of relevant experience appearing in trials or hearings before
15 courts or governmental agencies within the state; and (iii) be admitted
16 to practice law in this state; and (iv) be selected from a list of
17 recommendations of the mayor of the city of Rochester provided that the
18 mayor shall give at least three recommendations for each judicial hear-
19 ing officer assignment. Where such assignment is made, the judicial
20 hearing officer shall entertain the case in the same manner as a court
21 and shall:

22 (a) determine all questions of law;

23 (b) act as the exclusive trier of all issues of fact;

24 (c) render a verdict;

25 (d) impose sentence; or

26 (e) dispose of the case in any manner provided by law.

27 4-b. Judicial hearing officers are prohibited from appearing in any
28 capacity other than as a judicial hearing officer in any part of Roches-
29 ter city court on any matter relating to traffic violations and are
30 further prohibited from appearing in any capacity other than as a judi-
31 cial hearing officer in any other court or administrative tribunal on
32 any matter relating to traffic violations.

33 § 17. Subdivision 5 of section 350.20 of the criminal procedure law,
34 as amended by section 16 of part CC of chapter 58 of the laws of 2015,
35 is amended to read as follows:

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

1 section three hundred seventy-one of the general municipal law to a
2 judicial hearing officer in accordance with the provisions of section
3 sixteen hundred ninety of the vehicle and traffic law.

4 § 18. Pending actions and proceedings. (a) No proceeding involving a
5 charge of a traffic infraction pending at such time when an existing
6 administrative tribunal shall cease to exist shall be affected or abated
7 by the passage of this act or by anything herein contained or by the
8 cessation of the existence of any administrative tribunal. All such
9 proceedings are hereby transferred to the court of appropriate jurisdic-
10 tion in the city where such traffic infractions allegedly occurred.

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

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

33 § 19. The executive director of the Rochester traffic violations agen-
34 cy shall issue on an annual basis, beginning eighteen months following
35 the creation of the Rochester traffic violations agency pursuant to city
36 of Rochester local law, a report detailing the progress, development and
37 operations of the traffic violations agency. The report shall be
38 provided to the governor, the temporary president of the senate, the
39 speaker of the assembly, the mayor of Rochester, the common council of
40 Rochester, the presiding judge of the Rochester city court and the
41 Monroe county district attorney.

42 § 20. This act shall take effect on the two hundred seventieth day
43 after it shall have become a law; provided, however, that the amendment
44 to subdivision 5 of section 227 of the vehicle and traffic law made by
45 section three of this act shall not affect the expiration of such subdivi-
46 sion when upon such date the provisions of section four of this act
47 shall take effect; and provided however, that the amendments to subdivi-
48 sion 3 of section 99-a of the state finance law made by section ten of
49 this act shall not affect the expiration of such subdivision when upon
50 such date the provisions of section eleven of this act shall take
51 effect; and provided, however, that effective immediately the city of
52 Rochester is authorized to enact a local law establishing a traffic
53 violations agency in the city of Rochester; provided, however, that the
54 provisions of sections five and six of this act shall take effect on the
55 same date as the enactment of such local law, herein authorized, estab-
56 lishing a traffic violations agency; provided, further, that if estab-

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