

STATE OF NEW YORK

1501--B

2017-2018 Regular Sessions

IN ASSEMBLY

January 12, 2017

Introduced by M. of A. GANTT -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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

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

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heretofore having jurisdiction over such violations shall continue to do so and for such purpose such violations shall be deemed misdemeanors and all provisions of law relating to misdemeanors except as provided in section eighteen hundred five of this chapter and except as herein otherwise expressly provided shall apply except that no jury trial shall be allowed for traffic infractions. In those portions of Suffolk county for which a district court has been established~~[, and in cities having a population in excess of two hundred thousand but less than two hundred twenty thousand in which administrative tribunals have heretofore been established]~~ and in cities having a population in excess of one million in which administrative tribunals have heretofore been established, the criminal courts of such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any complaint alleging a violation constituting a traffic infraction, except that administrative tribunals heretofore established in such cities or portions of Suffolk county in which a district court has been established shall have jurisdiction to hear and determine any charge of an offense which is a traffic infraction, except parking, standing or stopping. In cities having a population in excess of two hundred thousand in which administrative tribunals have heretofore been established, and any such administrative tribunal established by the city of Yonkers, the city of Peekskill, or the city of Syracuse, such tribunals shall have jurisdiction to hear and determine any charge of an offense which is a parking, standing or stopping violation. Any fine imposed by an administrative tribunal shall be a civil penalty. For purposes of arrest without a warrant, pursuant to article one hundred forty of the criminal procedure law, a traffic infraction shall be deemed an offense.

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

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

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

5. All penalties and forfeited security collected pursuant to the provisions of this article shall be paid to the department of audit and control to the credit of the justice court fund and shall be subject to the applicable provisions of section eighteen hundred three of this chapter. After such audit as shall reasonably be required by the comp-

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

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

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

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

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

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

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

55 2-a. "Traffic prosecutor" shall also mean an attorney duly admitted to
56 practice law in the state of New York who, having been appointed and

1 either hired or retained pursuant to section three hundred
2 seventy-four-b of this article, has the responsibility of prosecuting
3 any traffic infractions returnable before the Rochester city court
4 pursuant to the jurisdictional limitations of section three hundred
5 seventy-one of this article.

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

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

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

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

1 upon the personal service of said summons upon the person charged with
2 the infraction. Any person who shall have been, within the preceding
3 twelve months, guilty of three or more violations, shall not be permit-
4 ted to appear and answer to a subsequent violation at the agency, but
5 must appear in court at a time specified by the agency. Such agency
6 shall not be authorized to deprive a person of his right to counsel or
7 to prevent him from exercising his right to appear in court to answer
8 to, explain, or defend any charge of a violation of any traffic law,
9 ordinance, rule or regulation.

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

21 § 9. The general municipal law is amended by adding a new section
22 374-b to read as follows:

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

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

51 (c) It shall be a misdemeanor for the executive director, any traffic
52 prosecutor or any judicial hearing officer assigned to hear traffic
53 violations cases pursuant to section sixteen hundred ninety of the vehi-
54 cle and traffic law to establish any quota of traffic violation
55 convictions which must be obtained by any traffic prosecutor or judicial
56 hearing officer. Nothing contained herein shall prohibit the taking of

1 any job action against a traffic prosecutor or judicial hearing officer
2 for failure to satisfactorily perform such prosecutor's or officer's job
3 assignment except that the employment productivity of such prosecutor or
4 officer shall not be measured by the attainment or nonattainment of any
5 conviction quota. For the purposes of this section a conviction quota
6 shall mean a specific number of convictions which must be obtained with-
7 in a specific time period.

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

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

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

27 a. electronic funds transfer;

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

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

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

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

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

1 the justice court fund. Notwithstanding any law to the contrary, the
2 alternative procedures utilized may include:

3 a. electronic funds transfer;

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

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

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

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

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

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

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

36 (iii) section fourteen-f (except paragraph (b) of subdivision four of
37 section fourteen-f), two hundred eleven or two hundred twelve of the
38 transportation law; or

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

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

55 (b) Upon the failure of a person to appear or answer, within sixty
56 days of the return date or any subsequent adjourned date, or the failure

1 to pay a fine imposed by a traffic and parking violations agency or a
2 traffic violations agency pursuant to a summons charging him or her with
3 a violation of:

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

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

12 (3) section fourteen-f (except paragraph (b) of subdivision four of
13 section fourteen-f), two hundred eleven or two hundred twelve of the
14 transportation law; or

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

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

30 § 14. The article heading of article 44-A of the vehicle and traffic
31 law, as amended by section 13 of part CC of chapter 58 of the laws of
32 2015, is amended to read as follows:

33 AUTHORITY OF THE NASSAU AND SUFFOLK
34 COUNTY DISTRICT COURT AND BUFFALO CITY COURT AND
35 ROCHESTER CITY COURT

36 JUDICIAL HEARING OFFICERS

37 § 15. The section heading of section 1690 of the vehicle and traffic
38 law, as amended by section 14 of part CC of chapter 58 of the laws of
39 2015, is amended to read as follows:

40 Authority of the Nassau county and Suffolk county district court judi-
41 cial hearing officers and the city of Buffalo judicial hearing officers
42 and the city of Rochester judicial hearing officers.

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

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

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

25 (a) determine all questions of law;

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

27 (c) render a verdict;

28 (d) impose sentence; or

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

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

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

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

1 the seventh judicial district may, without the consent of the parties,
2 assign matters involving traffic infractions except those described in
3 paragraphs (a), (b), (c), (d), (e), (f) and (g) of subdivision two-b of
4 section three hundred seventy-one of the general municipal law to a
5 judicial hearing officer in accordance with the provisions of section
6 sixteen hundred ninety of the vehicle and traffic law.

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

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

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

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

45 § 20. The adoption of this act shall be deemed a transfer of function
46 pursuant to section 70 of the civil service law. Any employee who is
47 transferred to employment by the city of Rochester pursuant to this act
48 shall, in addition to the rights granted pursuant to such law, continue
49 to be eligible for a civil service promotional examination or promotion
50 from an eligible list as if such employee was an employee of the state
51 subject to the pertinent provisions of the civil service law.

52 § 21. This act shall take effect on the two hundred seventieth day
53 after it shall have become a law; provided, however, that the amendment
54 to subdivision 5 of section 227 of the vehicle and traffic law made by
55 section three of this act shall not affect the expiration of such subdi-
56 vision when upon such date the provisions of section four of this act

1 shall take effect; and provided however, that the amendments to subdivi-
2 sion 3 of section 99-a of the state finance law made by section ten of
3 this act shall not affect the expiration of such subdivision when upon
4 such date the provisions of section eleven of this act shall take
5 effect; and provided, however, that effective immediately the city of
6 Rochester is authorized to enact a local law establishing a traffic
7 violations agency in the city of Rochester; provided, however, that the
8 provisions of sections five and six of this act shall take effect on the
9 same date as the enactment of such local law, herein authorized, estab-
10 lishing a traffic violations agency; provided, further, that if estab-
11 lished, such agency and the city of Rochester shall comply with all the
12 provisions of law set forth in this act; provided, however, that the
13 amendments to section 371 of the general municipal law, made by sections
14 seven and eight of this act, shall not affect the expiration of such
15 section and shall be deemed to expire therewith; and provided, further,
16 that the city of Rochester shall notify the legislative bill drafting
17 commission upon the occurrence of the enactment of the local law
18 provided for in this section in order that the commission may maintain
19 an accurate and timely effective data base of the official text of the
20 laws of the state of New York in furtherance of effectuating the
21 provisions of section 44 of the legislative law and section 70-b of the
22 public officers law.