

# STATE OF NEW YORK

4795--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 3, 2017

Introduced by M. of A. ABINANTI -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to authorizing political subdivisions and commuter railroads to establish demonstration programs, implementing railroad grade crossing monitoring systems by means of photo devices

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 1170-a to read as follows:

3 § 1170-a. Owner liability for failure of operator to obey signal indi-  
4 cating approach of train. (a) 1. Notwithstanding any other provision of  
5 law, any political subdivision is hereby authorized and empowered to  
6 adopt and amend a local law, ordinance or resolution establishing a  
7 demonstration program imposing monetary liability on the owner of a  
8 vehicle for failure of an operator thereof to comply with section eleven  
9 hundred seventy of this article. Such demonstration program shall  
10 empower a political subdivision to install and operate railroad grade  
11 crossing photo violation-monitoring devices at any railroad sign or  
12 signal within its jurisdiction. The cost of such photo violation-moni-  
13 toring devices may be borne by the political subdivision, a commuter  
14 railroad operating within the political subdivision, or a combination of  
15 both such political subdivision and commuter railroad pursuant to a  
16 memorandum of understanding.

17 2. Such demonstration program shall utilize necessary technologies to  
18 ensure, to the extent practicable, that photographs produced by such  
19 railroad grade crossing photo violation-monitoring systems shall not  
20 include images that identify the driver, the passengers or the contents  
21 of the vehicle. Provided, however, that no notice of liability issued  
22 pursuant to this section shall be dismissed solely because a photograph

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

LBD02329-05-7

1 or photographs allow for the identification of the contents of a vehi-  
2 cle, provided that such political subdivision has made a reasonable  
3 effort to comply with the provisions of this paragraph.

4 (b) Within the jurisdiction of any such political subdivision which  
5 has adopted a local law, ordinance or resolution pursuant to subdivision  
6 (a) of this section, the owner of a vehicle shall be liable for a penal-  
7 ty imposed pursuant to this section if such vehicle was used or operated  
8 with the permission of the owner, express or implied, in violation of  
9 section eleven hundred seventy of this article, and such violation is  
10 evidenced by information obtained from a railroad grade crossing photo  
11 violation-monitoring system; provided, however, that no owner of a vehi-  
12 cle shall be liable for a penalty imposed pursuant to this section where  
13 the operator of such vehicle has been convicted of the underlying  
14 violation of section eleven hundred seventy of this article.

15 (c) For purposes of this section, the following terms shall have the  
16 following meanings:

17 1. "Owner" shall have the meaning provided in article two-B of this  
18 chapter.

19 2. "Railroad grade crossing photo violation-monitoring system" shall  
20 mean a vehicle sensor installed to work in conjunction with a railroad  
21 sign or signal which automatically produces two or more photographs, two  
22 or more microphotographs, a videotape or other recorded images of each  
23 vehicle at the time it is used or operated in violation of section elev-  
24 en hundred seventy of this article.

25 3. "Political subdivision" shall mean a county, city, town or village  
26 located within the metropolitan commuter transportation district, as  
27 defined in section twelve hundred sixty-two of the public authorities  
28 law.

29 4. "Commuter railroad" shall mean a railroad owned and operated by the  
30 metropolitan transportation authority, located within the metropolitan  
31 commuter transportation district, as defined in section twelve hundred  
32 sixty-two of the public authorities law.

33 (d) A certificate, sworn to or affirmed by a technician employed by  
34 the commuter railroad or by the political subdivision in which the  
35 charged violation occurred, or a facsimile thereof, based upon  
36 inspection of photographs, microphotographs, videotape or other recorded  
37 images produced by a railroad grade crossing photo violation-monitoring  
38 system, shall be prima facie evidence of the facts contained therein.  
39 Any photographs, microphotographs, videotape or other recorded images  
40 evidencing such a violation shall be available for inspection in any  
41 proceeding to adjudicate the liability for such violation pursuant to a  
42 local law, ordinance or resolution adopted pursuant to this section.

43 (e) An owner liable for a violation of section eleven hundred seventy  
44 of this article pursuant to a local law, ordinance or resolution adopted  
45 pursuant to this section shall be liable for monetary penalties in  
46 accordance with a schedule of fines and penalties to be established in  
47 such local law, ordinance or resolution. The liability of the owner  
48 pursuant to this section shall not exceed two hundred fifty dollars for  
49 each violation; provided, however, that an adjudicating authority may  
50 provide for an additional penalty of not in excess of fifty dollars for  
51 each violation for the failure to respond to a notice of liability with-  
52 in the prescribed period of time.

53 (f) An imposition of liability under a local law, ordinance or resol-  
54 ution adopted pursuant to this section shall not be deemed a conviction  
55 as an operator and shall not be made part of the operating record of the

1 person upon whom such liability is imposed nor shall it be used for  
2 insurance purposes in the provision of motor vehicle insurance coverage.

3 (g) 1. A notice of liability shall be sent by first class mail to each  
4 person alleged to be liable as an owner for a violation of section elev-  
5 en hundred seventy of this article pursuant to this section. Personal  
6 delivery on the owner shall not be required. A manual or automatic  
7 record of mailing prepared in the ordinary course of business shall be  
8 prima facie evidence of the facts contained therein.

9 2. A notice of liability shall contain the name and address of the  
10 person alleged to be liable as an owner for a violation of section elev-  
11 en hundred seventy of this article pursuant to this section, the regis-  
12 tration number of the vehicle involved in such violation, the location  
13 where such violation took place, the date and time of such violation and  
14 the identification number of the camera which recorded the violation or  
15 other document locator number.

16 3. The notice of liability shall contain information advising the  
17 person charged of the manner and the time in which he or she may contest  
18 the liability alleged in the notice. Such notice of liability shall also  
19 contain a warning to advise the person charged that failure to contest  
20 in the manner and time provided shall be deemed an admission of liabil-  
21 ity and that a default judgment may be entered thereon.

22 4. The notice of liability shall be prepared and mailed by the poli-  
23 tical subdivision, or by any other entity authorized by such political  
24 subdivision to prepare and mail such notification of violation.

25 (h) Adjudication of the liability imposed upon owners by this section  
26 shall be by the court having jurisdiction over traffic infractions,  
27 except that if such political subdivision has established an administra-  
28 tive tribunal to hear and determine complaints of traffic infractions  
29 constituting parking, standing or stopping violations such political  
30 subdivision may, by local law, authorize such adjudication by such  
31 tribunal.

32 (i) If an owner receives a notice of liability pursuant to this  
33 section for any time period during which the vehicle was reported to a  
34 law enforcement agency as having been stolen, it shall be a valid  
35 defense to an allegation of liability for a violation of section eleven  
36 hundred seventy of this article pursuant to this section that the vehi-  
37 cle had been reported to the police as stolen prior to the time the  
38 violation occurred and had not been recovered by such time. For purposes  
39 of asserting the defense provided by this subdivision it shall be suffi-  
40 cient that a certified copy of a police report on the stolen vehicle be  
41 sent by first class mail to the court having jurisdiction or parking  
42 violations bureau.

43 (j) 1. In such political subdivision where the adjudication of liabil-  
44 ity imposed upon owners pursuant to this section is by a court having  
45 jurisdiction, an owner who is a lessor of a vehicle to which a notice of  
46 liability was issued pursuant to subdivision (g) of this section shall  
47 not be liable for the violation of section eleven hundred seventy of  
48 this article, provided that he or she sends to the court having juris-  
49 isdiction a copy of the rental, lease or other such contract document  
50 covering such vehicle on the date of the violation, with the name and  
51 address of the lessee clearly legible, within thirty-seven days after  
52 receiving notice from the court of the date and time of such violation,  
53 together with the other information contained in the original notice of  
54 liability. Failure to send such information within such thirty-seven  
55 day time period shall render the owner liable for the penalty prescribed  
56 by this section. Where the lessor complies with the provisions of this

1 paragraph, the lessee of such vehicle on the date of such violation  
2 shall be deemed to be the owner of such vehicle for purposes of this  
3 section, shall be subject to liability for the violation of section  
4 eleven hundred seventy of this article pursuant to this section and  
5 shall be sent a notice of liability pursuant to subdivision (g) of this  
6 section.

7 2. (I) In any political subdivision which has authorized the adjudi-  
8 cation of liability imposed upon owners by this section by a parking  
9 violations bureau, an owner who is a lessor of a vehicle to which a  
10 notice of liability was issued pursuant to subdivision (g) of this  
11 section shall not be liable for the violation of section eleven hundred  
12 seventy of this article, provided that:

13 (A) prior to the violation, the lessor has filed with the bureau in  
14 accordance with the provisions of section two hundred thirty-nine of  
15 this chapter; and

16 (B) within thirty-seven days after receiving notice from the bureau of  
17 the date and time of a liability, together with the other information  
18 contained in the original notice of liability, the lessor submits to the  
19 bureau the correct name and address of the lessee of the vehicle identi-  
20 fied in the notice of liability at the time of such violation, together  
21 with such other additional information contained in the rental, lease or  
22 other contract document, as may be reasonably required by the bureau  
23 pursuant to regulations that may be promulgated for such purpose.

24 (II) Failure to comply with clause (B) of subparagraph (I) of this  
25 paragraph shall render the owner liable for the penalty prescribed in  
26 this section.

27 (III) Where the lessor complies with the provisions of this paragraph,  
28 the lessee of such vehicle on the date of such violation shall be deemed  
29 to be the owner of such vehicle for purposes of this section, shall be  
30 subject to liability for such violation pursuant to this section and  
31 shall be sent a notice of liability pursuant to subdivision (g) of this  
32 section.

33 (k) 1. If the owner liable for a violation of section eleven hundred  
34 seventy of this article pursuant to this section was not the operator of  
35 the vehicle at the time of the violation, the owner may maintain an  
36 action for indemnification against the operator.

37 2. Notwithstanding any other provision of this section, no owner of a  
38 vehicle shall be subject to a monetary fine imposed pursuant to this  
39 section if the operator of such vehicle was operating such vehicle with-  
40 out the consent of the owner at the time such operator failed to comply  
41 with section eleven hundred seventy of this article. For purposes of  
42 this subdivision there shall be a presumption that the operator of such  
43 vehicle was operating such vehicle with the consent of the owner at the  
44 time such operator failed to comply with section eleven hundred seventy  
45 of this article.

46 (l) Nothing in this section shall be construed to limit the liability  
47 of an operator of a vehicle for any violation of section eleven hundred  
48 seventy of this article.

49 (m) In any such political subdivision which adopts a demonstration  
50 program pursuant to subdivision (a) of this section, such political  
51 subdivision shall submit an annual report on the results of the use of a  
52 railroad grade crossing photo violation-monitoring system to the gover-  
53 nor, the temporary president of the senate and the speaker of the assem-  
54 bly on or before June first, two thousand nineteen and on the same date  
55 in each succeeding year in which the demonstration program is operable.  
56 Such report shall include, but not be limited to:

1 1. a description of the locations where railroad grade crossing photo  
2 violation-monitoring systems were used;

3 2. the aggregate number, type and severity of accidents reported at  
4 intersections where a railroad grade crossing photo violation-monitoring  
5 system is used for the year preceding the installation of such system,  
6 to the extent the information is maintained by the department;

7 3. the aggregate number, type and severity of accidents reported at  
8 intersections where a railroad grade crossing photo violation-monitoring  
9 system is used, to the extent the information is maintained by the  
10 department;

11 4. the number of violations recorded at each intersection where a  
12 railroad grade crossing photo violation-monitoring system is used and in  
13 the aggregate on a daily, weekly and monthly basis;

14 5. the total number of notices of liability issued for violations  
15 recorded by such systems;

16 6. the number of fines and total amount of fines paid after first  
17 notice of liability issued for violations recorded by such systems;

18 7. the number of violations adjudicated and results of such adjudi-  
19 cations including breakdowns of dispositions made for violations  
20 recorded by such systems;

21 8. the total amount of revenue realized by such political subdivision  
22 from such adjudications;

23 9. expenses incurred by such political subdivision in connection with  
24 the program; and

25 10. quality of the adjudication process and its results.

26 (n) It shall be an affirmative defense to any prosecution for a  
27 violation of section eleven hundred seventy of this article pursuant to  
28 a local law or ordinance adopted pursuant to this section that there is  
29 verified evidence that the railroad signal indications were malfunction-  
30 ing at the time of the alleged violation.

31 § 2. The vehicle and traffic law is amended by adding a new section  
32 1633 to read as follows:

33 § 1633. Railroad grade crossing enforcement; demonstration program.

34 (a) 1. Notwithstanding any other provision of law to the contrary, the  
35 Long Island Rail Road and the Metro-North Commuter Railroad (hereinafter  
36 referred to in this section as "commuter railroads", are hereby author-  
37 ized and empowered to implement a demonstration program imposing mone-  
38 tary liability on the owner of a vehicle for failure of an operator  
39 thereof to comply with section eleven hundred seventy of this chapter.  
40 Such demonstration program shall empower the commuter railroads to  
41 install and operate railroad grade crossing photo violation-monitoring  
42 devices at any railroad sign or signal within their respective jurisdic-  
43 tions. A violation of section eleven hundred seventy of this chapter  
44 recorded pursuant to the provisions of this section shall be deemed a  
45 traffic infraction, and adjudication of such traffic infraction against  
46 the owner shall be in accordance with the provisions of this chapter.

47 2. Such demonstration program shall utilize necessary technologies to  
48 ensure, to the extent practicable, that photographs produced by such  
49 railroad grade crossing photo violation-monitoring systems shall not  
50 include images that identify the driver, the passengers or the contents  
51 of the vehicle. Provided, however, that no notice of liability issued  
52 pursuant to this section shall be dismissed solely because a photograph  
53 or photographs allow for the identification of the contents of a vehi-  
54 cle, provided that the commuter railroad has made a reasonable effort to  
55 comply with the provisions of this paragraph.

1 (b) Within the jurisdiction of any such commuter railroad pursuant to  
2 subdivision (a) of this section, and subject to the adjudicatory process  
3 of the appropriate political subdivision, the owner of a vehicle shall  
4 be liable for a penalty imposed pursuant to this section if such vehicle  
5 was used or operated with the permission of the owner, express or  
6 implied, in violation of section eleven hundred seventy of this chapter,  
7 and such violation is evidenced by information obtained from a railroad  
8 grade crossing photo violation-monitoring system; provided, however,  
9 that no owner of a vehicle shall be liable for a penalty imposed pursu-  
10 ant to this section where the operator of such vehicle has been  
11 convicted of the underlying violation of section eleven hundred seventy  
12 of this chapter.

13 (c) For purposes of this section, the following terms shall have the  
14 following meanings:

15 1. "Owner" shall have the meaning provided in article two-B of this  
16 chapter.

17 2. "Railroad grade crossing photo violation-monitoring system" shall  
18 mean a vehicle sensor installed to work in conjunction with a railroad  
19 sign or signal which automatically produces two or more photographs, two  
20 or more microphotographs, a videotape or other recorded images of each  
21 vehicle at the time it is used or operated in violation of section elev-  
22 en hundred seventy of this chapter.

23 3. "Political subdivision" shall mean a county, city, town or village  
24 located in the metropolitan commuter transportation district, as defined  
25 in section twelve hundred sixty-two of the public authorities law.

26 (d) A certificate, sworn to or affirmed by a technician employed by  
27 the commuter railroad where the charged violation occurred, or a facsim-  
28 ile thereof, based upon inspection of photographs, microphotographs,  
29 videotape or other recorded images produced by a railroad grade crossing  
30 photo violation-monitoring system, shall be prima facie evidence of the  
31 facts contained therein. Any photographs, microphotographs, videotape or  
32 other recorded images evidencing such a violation shall be available for  
33 inspection in any proceeding to adjudicate the liability for such  
34 violation pursuant to law.

35 (e) An owner liable for a violation of section eleven hundred seventy  
36 of this chapter pursuant to a railroad grade crossing demonstration  
37 project adopted pursuant to this section shall be liable for monetary  
38 penalties not to exceed two hundred fifty dollars for each violation;  
39 provided, however, that an adjudicating authority may provide for an  
40 additional penalty of not in excess of fifty dollars for each violation  
41 for the failure to respond to a notice of liability within the  
42 prescribed period of time.

43 (f) An imposition of liability pursuant to this section shall not be  
44 deemed a conviction as an operator and shall not be made part of the  
45 operating record of the person upon whom such liability is imposed nor  
46 shall it be used for insurance purposes in the provision of motor vehi-  
47 cle insurance coverage.

48 (g) 1. A notice of liability shall be sent by first class mail to each  
49 person alleged to be liable as an owner for a violation of section elev-  
50 en hundred seventy of this chapter pursuant to this section. Personal  
51 delivery on the owner shall not be required. A manual or automatic  
52 record of mailing prepared in the ordinary course of business shall be  
53 prima facie evidence of the facts contained therein.

54 2. A notice of liability shall contain the name and address of the  
55 person alleged to be liable as an owner for a violation of section elev-  
56 en hundred seventy of this chapter pursuant to this section, the regis-

1 tration number of the vehicle involved in such violation, the location  
2 where such violation took place, the date and time of such violation and  
3 the identification number of the camera which recorded the violation or  
4 other document locator number.

5 3. The notice of liability shall contain information advising the  
6 person charged of the manner and the time in which he or she may contest  
7 the liability alleged in the notice. Such notice of liability shall also  
8 contain a warning to advise the person charged that failure to contest  
9 in the manner and time provided shall be deemed an admission of liabil-  
10 ity and that a default judgment may be entered thereon.

11 4. The notice of liability shall be prepared and mailed by the commu-  
12 ter railroad, or by any other entity authorized by such commuter rail-  
13 road to prepare and mail such notification of violation.

14 (h) Adjudication of the liability imposed upon owners by this section  
15 shall be by the court having jurisdiction over traffic infractions,  
16 except that if a political subdivision has established an administrative  
17 tribunal to hear and determine complaints of traffic infractions consti-  
18 tuting parking, standing or stopping violations such political subdivi-  
19 sion may, by local law, authorize such adjudication by such tribunal.

20 (i) If an owner receives a notice of liability pursuant to this  
21 section for any time period during which the vehicle was reported to a  
22 law enforcement agency as having been stolen, it shall be a valid  
23 defense to an allegation of liability for a violation of section eleven  
24 hundred seventy of this chapter pursuant to this section that the vehi-  
25 cle had been reported to the police as stolen prior to the time the  
26 violation occurred and had not been recovered by such time. For purposes  
27 of asserting the defense provided by this subdivision it shall be suffi-  
28 cient that a certified copy of a police report on the stolen vehicle be  
29 sent by first class mail to the court having jurisdiction or parking  
30 violations bureau.

31 (j) 1. In any political subdivision where the adjudication of liabil-  
32 ity imposed upon owners pursuant to this section is by a court having  
33 jurisdiction, an owner who is a lessor of a vehicle to which a notice of  
34 liability was issued pursuant to subdivision (g) of this section shall  
35 not be liable for the violation of section eleven hundred seventy of  
36 this chapter, provided that he or she sends to the court having juris-  
37 isdiction a copy of the rental, lease or other such contract document  
38 covering such vehicle on the date of the violation, with the name and  
39 address of the lessee clearly legible, within thirty-seven days after  
40 receiving notice from the court of the date and time of such violation,  
41 together with the other information contained in the original notice of  
42 liability. Failure to send such information within such thirty-seven day  
43 time period shall render the owner liable for the penalty prescribed by  
44 this section. Where the lessor complies with the provisions of this  
45 paragraph, the lessee of such vehicle on the date of such violation  
46 shall be deemed to be the owner of such vehicle for purposes of this  
47 section, shall be subject to liability for the violation of section  
48 eleven hundred seventy of this chapter pursuant to this section and  
49 shall be sent a notice of liability pursuant to subdivision (g) of this  
50 section.

51 2. (I) In any political subdivision which has authorized the adjudi-  
52 cation of liability imposed upon owners by this section by a parking  
53 violations bureau, an owner who is a lessor of a vehicle to which a  
54 notice of liability was issued pursuant to subdivision (g) of this  
55 section shall not be liable for the violation of section eleven hundred  
56 seventy of this chapter, provided that:

1 (A) prior to the violation, the lessor has filed with the bureau in  
2 accordance with the provisions of section two hundred thirty-nine of  
3 this chapter; and

4 (B) within thirty-seven days after receiving notice from the bureau of  
5 the date and time of a liability, together with the other information  
6 contained in the original notice of liability, the lessor submits to the  
7 bureau the correct name and address of the lessee of the vehicle identi-  
8 fied in the notice of liability at the time of such violation, together  
9 with such other additional information contained in the rental, lease or  
10 other contract document, as may be reasonably required by the bureau  
11 pursuant to regulations that may be promulgated for such purpose.

12 (II) Failure to comply with clause (B) of subparagraph (I) of this  
13 paragraph shall render the owner liable for the penalty prescribed in  
14 this section.

15 (III) Where the lessor complies with the provisions of this paragraph,  
16 the lessee of such vehicle on the date of such violation shall be deemed  
17 to be the owner of such vehicle for purposes of this section, shall be  
18 subject to liability for such violation pursuant to this section and  
19 shall be sent a notice of liability pursuant to subdivision (g) of this  
20 section.

21 (k) 1. If the owner liable for a violation of section eleven hundred  
22 seventy of this chapter pursuant to this section was not the operator of  
23 the vehicle at the time of the violation, the owner may maintain an  
24 action for indemnification against the operator.

25 2. Notwithstanding any other provision of this section, no owner of a  
26 vehicle shall be subject to a monetary fine imposed pursuant to this  
27 section if the operator of such vehicle was operating such vehicle with-  
28 out the consent of the owner at the time such operator failed to obey a  
29 railroad sign or signal indicating the approach of a train. For purposes  
30 of this subdivision there shall be a presumption that the operator of  
31 such vehicle was operating such vehicle with the consent of the owner at  
32 the time such operator failed to obey a railroad sign or signal indicat-  
33 ing the approach of a train.

34 (l) Nothing in this section shall be construed to limit the liability  
35 of an operator of a vehicle for any violation of section eleven hundred  
36 seventy of this chapter.

37 (m) Where a commuter railroad adopts a demonstration program pursuant  
38 to subdivision (a) of this section, such railroad shall submit an annual  
39 report on the results of the use of a railroad grade crossing photo  
40 violation-monitoring system to the governor, the temporary president of  
41 the senate and the speaker of the assembly on or before June first, two  
42 thousand seventeen and on the same date in each succeeding year in which  
43 the demonstration program is operable. Such report shall include, but  
44 not be limited to:

45 1. a description of the locations where railroad grade crossing photo  
46 violation-monitoring systems were used;

47 2. the aggregate number, type and severity of accidents reported at  
48 intersections where a railroad grade crossing photo violation-monitoring  
49 system is used for the year preceding the installation of such system,  
50 to the extent the information is maintained by the department;

51 3. the aggregate number, type and severity of accidents reported at  
52 intersections where a railroad grade crossing photo violation-monitoring  
53 system is used, to the extent the information is maintained by the  
54 department;



1 4. the number of violations recorded at each intersection where a  
2 railroad grade crossing photo violation-monitoring system is used and in  
3 the aggregate on a daily, weekly and monthly basis;

4 5. the total number of notices of liability issued for violations  
5 recorded by such systems;

6 6. the number of fines and total amount of fines paid after first  
7 notice of liability issued for violations recorded by such systems;

8 7. the number of violations adjudicated and results of such adjudi-  
9 cations including breakdowns of dispositions made for violations  
10 recorded by such systems;

11 8. the total amount of revenue realized by all applicable political  
12 subdivisions from such adjudications;

13 9. expenses incurred by such the commuter railroad in connection with  
14 the program; and

15 10. quality of the adjudication process and its results.

16 (n) It shall be an affirmative defense to any prosecution for a  
17 violation of section eleven hundred seventy of this chapter pursuant to  
18 a local law or ordinance adopted pursuant to this section that there is  
19 verified evidence that the railroad signal indications were malfunction-  
20 ing at the time of the alleged violation.

21 § 3. The opening paragraph of subdivision 1 of section 1803 of the  
22 vehicle and traffic law, as amended by chapter 385 of the laws of 1999,  
23 is amended to read as follows:

24 Except as otherwise provided in subdivision five of section two  
25 hundred twenty-seven [~~of this chapter and as provided in section~~] and  
26 sections eleven hundred ninety-seven and sixteen hundred thirty-three of  
27 this chapter, section ninety of the state finance law, and sections  
28 fourteen-f and one hundred forty of the transportation law, all fines  
29 and penalties collected under a sentence or judgment of conviction of a  
30 violation of this chapter or of any act relating to the use of highways  
31 by motor vehicles or trailers, now in force or hereafter enacted, shall  
32 be distributed in the following manner:

33 § 4. Section 1803 of the vehicle and traffic law is amended by adding  
34 a new subdivision 10 to read as follows:

35 10. Where a commuter railroad establishes a railroad grade-crossing  
36 demonstration program pursuant to section sixteen hundred thirty-three  
37 of this chapter, all fines, penalties and forfeitures collected pursuant  
38 to such section shall be paid to the city, village, town or suburban  
39 town having jurisdiction of the railroad grade crossing.

40 § 5. Subdivision 2 of section 87 of the public officers law is amended  
41 by adding a new paragraph (p) to read as follows:

42 (p) are photographs, microphotographs, videotape or other recorded  
43 images prepared under the authority of section eleven hundred seventy-a  
44 or sixteen hundred thirty-three of the vehicle and traffic law.

45 § 6. This act shall take effect on the thirtieth day after it shall  
46 have become a law.