STATE OF NEW YORK

8826

IN SENATE

May 23, 2018

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

AN ACT to amend the vehicle and traffic law, in relation to liability for violations imposed through the use of traffic-control signal photo-monitoring systems and photo speed violation monitoring systems

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

Section 1. Section 510 of the vehicle and traffic law is amended by adding a new subdivision 2-b to read as follows:

2-b. Mandatory suspension of registration of a vehicle with six or more findings of liability under sections eleven hundred eleven-a and eleven hundred eighty-b of this chapter. Within seven days of the receipt of notification from a parking violations bureau of a vehicle, other than a rental vehicle as defined in section one hundred thirty-seven-a of this chapter, with six or more findings of liability within a twelve month period under local laws adopted pursuant to sections eleven hundred eleven-a and/or eleven hundred eighty-b of this chapter, the registration of such vehicle shall be suspended for six months.

§ 2. Subdivisions (e) and (f) of section 1111-a of the vehicle and traffic law, subdivision (e) as amended by chapter 479 of the laws of 1994 and subdivision (f) as added by chapter 746 of the laws of 1988, are amended to read as follows:

(e) An owner liable for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to a local law or ordinance adopted pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be set forth in such local law or ordinance, except that in a city which, by local law, has authorized the adjudication of such owner liability by a parking violations bureau, such schedule shall be promulgated by such bureau. The liability of the owner pursuant to this section shall not exceed fifty dollars for [~~each~~] **a first or second** violation **within a two year period, one hundred fifty dollars for a third violation within a two year period, two hundred fifty dollars for a fourth violation within a two year period, three hundred dollars for a fifth violation within a**

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

LBD15904-01-8

two year period and three hundred fifty dollars for a sixth or subsequent violation within a two year period; provided, however, that such local law or ordinance may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability under a local law or ordinance adopted pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed [~~nor shall it~~] but may be used for insurance purposes in the provision of motor vehicle insurance coverage in accordance with this subdivision. Upon a fifth or subsequent finding of liability within a two year period, the parking violations bureau shall notify the department of such findings of liability and such department shall notify the vehicle owner's insurance carrier.

§ 3. Subdivisions (e) and (f) of section 1180-b of the vehicle and traffic law, as added by chapter 189 of the laws of 2013, are amended to read as follows:

(e) An owner liable for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this article pursuant to a demonstration program established pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be promulgated by the parking violations bureau of the city of New York. The liability of the owner pursuant to this section shall not exceed fifty dollars for [~~each~~] a first or second violation within a two year period, one hundred fifty dollars for a third violation within a two year period, two hundred fifty dollars for a fourth violation within a two year period, three hundred dollars for a fifth violation within a two year period and three hundred fifty dollars for a sixth or subsequent violation within a two year period; provided, however, that such parking violations bureau may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability under the demonstration program established pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed [~~nor shall it~~] but may be used for insurance purposes in the provision of motor vehicle insurance coverage in accordance with this subdivision. Upon a fifth or subsequent finding of liability within a two year period, the parking violations bureau shall notify the department of such findings of liability and such department shall notify the vehicle owner's insurance carrier.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that:

(a) the amendments to subdivisions (e) and (f) of section 1111-a of the vehicle and traffic law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and

(b) the amendments to subdivisions (e) and (f) of section 1180-b of the vehicle and traffic law made by section three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.