STATE OF NEW YORK

3413

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

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

AN ACT to amend the vehicle and traffic law, in relation to implementing escalating penalties for vehicles which have been documented multiple times by a photo violation monitoring device for failure to comply with traffic-control indications

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

Section 1. Subdivision (e) of section 1111-a of the vehicle and traffic law, as amended by chapter 479 of the laws of 1994, is amended to read as follows:

(e) **1.** 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 violation~~] **the first two violations within a two year period, one hundred fifty dollars for the third violation within a two year period, two hundred fifty dollars for the fourth violation within a two year period, three hundred dollars for the fifth violation within a two year period, and three hundred fifty dollars for the sixth 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.

2. (i) The company by which a vehicle has been documented five times within a two year period by a photo violation monitoring device for failure of an operator thereof to comply with traffic-control indi-

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

LBD01714-01-9

cations is insured shall be informed of all such documented violations over the past two years.

(ii) The registration of a vehicle which has been documented six times within a twenty-four month period by a photo violation monitoring device for failure of an operator thereof to comply with traffic-control indications shall be suspended for a period of ninety days commencing ten days after the notice of liability for the sixth violation has been mailed.

(iii) This paragraph shall not apply to a rental vehicle, as defined in section one hundred thirty-seven-a of this chapter.

3. The department shall, by certified mail, alert the owner of a registered vehicle after the vehicle's fourth documentation in two years by a photo violation monitoring device for failure of an operator thereof to comply with traffic-control indications that the company by which such vehicle is insured will be informed of all such violations over the past two years and such vehicle shall be suspended for ninety days after two more documentations.

§ 2. This act shall take effect immediately; provided, however, the amendments made to subdivision (e) of section 1111-a of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.