

STATE OF NEW YORK

8287--A

2019-2020 Regular Sessions

IN ASSEMBLY

June 13, 2019

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the general municipal law, in relation to certain traffic infractions and repealing certain provisions of such laws relating thereto; to amend the vehicle and traffic law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the county of Westchester; to amend the public officers law, in relation to accessing records; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law is REPEALED and a new paragraph a is added to read as follows:

2
3
4 a. (i) If at the time of application for a registration or renewal
5 thereof there is a certification from a court, parking violations
6 bureau, traffic and parking violations agency or administrative tribunal
7 of appropriate jurisdiction that the registrant or his or her represen-
8 tative failed to appear on the return date or any subsequent adjourned
9 date or failed to comply with the rules and regulations of an adminis-
10 trative tribunal following entry of a final decision in response to a
11 total of three or more summonses or other process in the aggregate,
12 issued within an eighteen month period, charging either that: (i) such
13 motor vehicle was parked, stopped or standing, or that such motor vehi-
14 cle was operated for hire by the registrant or his or her agent without
15 being licensed as a motor vehicle for hire by the appropriate local
16 authority, in violation or any of the provisions of this chapter or of

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

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1 any law, ordinance, rule or regulation made by a local authority; or
2 (ii) the registrant was liable for a violation of subdivision (d) of
3 section eleven hundred eleven of this chapter in accordance with a local
4 law or ordinance imposing monetary liability on the owner of a vehicle
5 for failure of an operator thereof to comply with traffic-control indi-
6 cations through the installation of traffic-control signal photo viola-
7 tion-monitoring devices pursuant to article twenty-four of this chapter;
8 or (iii) the registrant was liable in accordance with a local law or
9 ordinance imposing monetary liability on the owner of a vehicle for the
10 failure of operator to comply with certain posted maximum speed limits
11 in violation of section eleven hundred eighty of this chapter through
12 the installation of photo speed violation monitoring systems pursuant to
13 article thirty of this chapter; or (iv) the registrant was liable in
14 accordance with a local law or ordinance imposing monetary liability on
15 the owner of a vehicle for violations of bus lane restrictions as
16 specifically set forth in local laws establishing such restrictions,
17 through the use of photo devices pursuant to article twenty-four of this
18 chapter; or (v) the registrant was liable in accordance with a local law
19 or ordinance imposing monetary liability on the owner of a vehicle for
20 failure of operator to stop for a school bus displaying a red visual
21 signal and stop-arm when meeting a school bus marked and equipped as
22 provided in subdivisions twenty and twenty-one-c of section three
23 hundred seventy-five of this chapter in accordance with provisions of
24 law specifically authorizing the imposition of monetary liability on the
25 owner of a vehicle through the installation of school bus photo monitor-
26 ing systems pursuant to article twenty-nine of this chapter, the commis-
27 sioner or his or her agent shall deny the registration or renewal appli-
28 cation until the applicant provides proof from the court, traffic and
29 parking violations agency or administrative tribunal wherein the charges
30 are pending that an appearance or answer has been made or in the case of
31 an administrative tribunal that he or she has complied with the rules
32 and regulations of said tribunal following entry of a final decision.
33 Where an application is denied pursuant to this section, the commis-
34 sioner may, in his or her discretion, deny a registration or renewal appli-
35 cation to any other person for the same vehicle and may deny a registra-
36 tion or renewal application for any other motor vehicle registered in
37 the name of the applicant where the commissioner has determined that
38 such registrant's intent has been to evade the purposes of this subdivi-
39 sion and where the commissioner has reasonable grounds to believe that
40 such registration or renewal will have the effect of defeating the
41 purposes of this subdivision. Such denial shall only remain in effect
42 as long as the summonses remain unanswered, or in the case of an admin-
43 istrative tribunal, the registrant fails to comply with the rules and
44 regulations following entry of a final decision.

45 (ii) For purposes of this paragraph, the term "motor vehicle operated
46 for hire" shall mean and include a taxicab, livery, coach, limousine or
47 tow truck.

48 § 2. Subdivision 1 of section 1809 of the vehicle and traffic law is
49 REPEALED and a new subdivision 1 is added to read as follows:

50 1. Whenever proceedings in an administrative tribunal or a court of
51 this state result in a conviction for an offense under this chapter or a
52 traffic infraction under this chapter, or a local law, ordinance, rule
53 or regulation adopted pursuant to this chapter; other than a traffic
54 infraction involving standing, stopping, or parking or violations by
55 pedestrians or bicyclists, or other than an adjudication of liability of
56 owners for violations of subdivision (d) of section eleven hundred elev-

1 en of this chapter in accordance with a local law or ordinance imposing
2 monetary liability on the owner of a vehicle for failure of an operator
3 thereof to comply with traffic-control indications through the installa-
4 tion of traffic-control signal photo violation-monitoring devices pursu-
5 ant to article twenty-four of this chapter, or an adjudication of
6 liability of owners for violations of section eleven hundred eighty of
7 this chapter in accordance with local laws imposing liability on owners
8 for failure of an operator to comply with certain posted maximum speed
9 limits through the installation of photo speed violation monitoring
10 systems pursuant to article thirty of this chapter, or an adjudication
11 of liability of owners for violations of bus lane restrictions in
12 accordance with local laws imposing liability on owners for failure of
13 operators to comply with such restrictions through the use of photo
14 devices pursuant to article twenty-four of this chapter, or an adjudi-
15 cation of liability of owners for violations of toll collection regu-
16 lations by an operator as defined in and in accordance with the
17 provisions of section two thousand nine hundred eighty-five of the
18 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
19 of chapter seven hundred seventy-four of the laws of nineteen hundred
20 fifty, or an adjudication of liability of owners for failure of operator
21 to stop for a school bus displaying a red visual signal and stop-arm
22 when meeting a school bus marked and equipped as provided in subdivi-
23 sions twenty and twenty-one-c of section three hundred seventy-five of
24 this chapter in accordance with provisions of law specifically authoriz-
25 ing the imposition of monetary liability on the owner of a vehicle
26 through the installation of school bus photo monitoring systems pursuant
27 to article twenty-nine of this chapter, there shall be levied a crime
28 victim assistance fee and a mandatory surcharge, in addition to any
29 sentence required or permitted by law, in accordance with the following
30 schedule:

31 (a) Whenever proceedings in an administrative tribunal or a court of
32 this state result in a conviction for a traffic infraction pursuant to
33 article nine of this chapter, there shall be levied a crime victim
34 assistance fee in the amount of five dollars and a mandatory surcharge,
35 in addition to any sentence required or permitted by law, in the amount
36 of twenty-five dollars.

37 (b) Whenever proceedings in an administrative tribunal or a court of
38 this state result in a conviction for a misdemeanor or felony pursuant
39 to section eleven hundred ninety-two of this chapter, there shall be
40 levied, in addition to any sentence required or permitted by law, a
41 crime victim assistance fee in the amount of twenty-five dollars and a
42 mandatory surcharge in accordance with the following schedule:

43 (i) a person convicted of a felony shall pay a mandatory surcharge of
44 three hundred dollars;

45 (ii) a person convicted of a misdemeanor shall pay a mandatory
46 surcharge of one hundred seventy-five dollars.

47 (c) Whenever proceedings in an administrative tribunal or a court of
48 this state result in a conviction for an offense under this chapter
49 other than a crime pursuant to section eleven hundred ninety-two of this
50 chapter, or a traffic infraction under this chapter, or a local law,
51 ordinance, rule or regulation adopted pursuant to this chapter, other
52 than a traffic infraction involving standing, stopping, or parking or
53 violations by pedestrians or bicyclists, or other than an adjudication
54 of liability of an owner for a violation of subdivision (d) of section
55 eleven hundred eleven of this chapter in accordance with a local law or
56 ordinance imposing liability on the owner of a vehicle for failure of an

1 operator thereof to comply with traffic-control indications through the
2 installation of traffic-control signal photo violation-monitoring
3 devices pursuant to article twenty-four of this chapter, or other than
4 an adjudication of liability of an owner in accordance with a local law
5 or ordinance imposing monetary liability on the owner of a vehicle for
6 the failure of an operator to comply with certain posted maximum speed
7 limits in violation of section eleven hundred eighty of this chapter
8 through the installation of photo speed violation monitoring systems
9 pursuant to article thirty of this chapter, or other than an adjudi-
10 cation of liability of an owner in accordance with a local law or ordi-
11 nance imposing monetary liability on the owner of a vehicle for
12 violations of bus lane restrictions as specifically set forth in local
13 laws establishing such restrictions, through the use of photo devices
14 pursuant to article twenty-four of this chapter, or other than an adju-
15 dications of the liability of owners for failure of operator to stop for
16 a school bus displaying a red visual signal and stop-arm when meeting a
17 school bus marked and equipped as provided in subdivisions twenty and
18 twenty-one-c of section three hundred seventy-five of this chapter in
19 accordance with provisions of law specifically authorizing the imposi-
20 tion of monetary liability on the owner of a vehicle through the instal-
21 lation of school bus photo monitoring systems pursuant to article twen-
22 ty-nine of this chapter; or other than an infraction pursuant to article
23 nine of this chapter; or other than an adjudication of liability of an
24 owner for a violation of toll collection regulations pursuant to section
25 two thousand nine hundred eighty-five of the public authorities law or
26 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
27 seventy-four of the laws of nineteen hundred fifty, there shall be
28 levied a crime victim assistance fee in the amount of five dollars and a
29 mandatory surcharge, in addition to any sentence required or permitted
30 by law, in the amount of fifty-five dollars.

31 § 3. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
32 traffic law is REPEALED and a new paragraph a is added to read as
33 follows:

34 a. Notwithstanding any other provision of law, whenever proceedings in
35 a court or an administrative tribunal of this state result in a
36 conviction for an offense under this chapter, except a conviction pursu-
37 ant to section eleven hundred ninety-two of this chapter, or for a traf-
38 fic infraction under this chapter, or a local law, ordinance, rule or
39 regulation adopted pursuant to this chapter, except: (i) a traffic
40 infraction involving standing, stopping, or parking or violations by
41 pedestrians or bicyclists; or (ii) an adjudication of liability of an
42 owner for a violation of subdivision (d) of section eleven hundred elev-
43 en of this chapter in accordance with a local law or ordinance imposing
44 liability on the owner of a vehicle for failure of an operator thereof
45 to comply with traffic-control indications through the installation of
46 traffic-control signal photo violation-monitoring devices pursuant to
47 article twenty-four of this chapter; or (iii) an adjudication of liabil-
48 ity of an owner in accordance with a local law or ordinance imposing
49 monetary liability on the owner of a vehicle for the failure of an oper-
50 ator to comply with certain posted maximum speed limits in violation of
51 section eleven hundred eighty of this chapter through the installation
52 of photo speed violation monitoring systems pursuant to article thirty
53 of this chapter; or (iv) an adjudication of liability of an owner in
54 accordance with a local law or ordinance imposing monetary liability on
55 the owner of a vehicle for violations of bus lane restrictions as
56 specifically set forth in local laws establishing such restrictions,

1 through the use of photo devices pursuant to article twenty-four of this
2 chapter; or (v) an adjudication of liability of an owner for a violation
3 of toll collection regulations pursuant to section two thousand nine
4 hundred eighty-five of the public authorities law or sections sixteen-a,
5 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
6 laws of nineteen hundred fifty; or (vi) an adjudication of the liability
7 of owners for failure of operator to stop for a school bus displaying a
8 red visual signal and stop-arm when meeting a school bus marked and
9 equipped as provided in subdivisions twenty and twenty-one-c of section
10 three hundred seventy-five of this chapter, in accordance with
11 provisions of law specifically authorizing the imposition of monetary
12 liability on the owner of a vehicle through the installation of school
13 bus photo monitoring systems pursuant to article twenty-nine of this
14 chapter, there shall be levied in addition to any sentence, penalty or
15 other surcharge required or permitted by law, an additional surcharge of
16 twenty-eight dollars.

17 § 4. Section 371 of the general municipal law is REPEALED and a new
18 section 371 is added to read as follows:

19 § 371. Jurisdiction and procedure. 1. A traffic violations bureau so
20 established may be authorized to dispose of violations of traffic laws,
21 ordinances, rules and regulations when such offenses shall not consti-
22 tute the traffic infraction known as speeding or a misdemeanor or felo-
23 ny, and, if authorized by local law or ordinance, or to adjudicate the
24 liability of owners for violations of subdivision (d) of section eleven
25 hundred eleven of the vehicle and traffic law in accordance with a local
26 law or ordinance imposing monetary liability on the owner of a vehicle
27 for failure of an operator thereof to comply with traffic-control indi-
28 cations through the installation of traffic-control signal photo viola-
29 tion-monitoring devices pursuant to article twenty-four of the vehicle
30 and traffic law, or authorized to adjudicate the liability of owners for
31 failure of operator to stop for a school bus displaying a red visual
32 signal and stop-arm when meeting a school bus marked and equipped as
33 provided in subdivisions twenty and twenty-one-c of section three
34 hundred seventy-five of the vehicle and traffic law in accordance with
35 provisions of law specifically authorizing the imposition of monetary
36 liability on the owner of a vehicle through the installation of school
37 bus photo monitoring systems pursuant to article twenty-nine of the
38 vehicle and traffic law.

39 2. The Nassau county traffic and parking violations agency, as estab-
40 lished, may be authorized to assist the Nassau county district court,
41 and the Suffolk county traffic and parking violations agency, as estab-
42 lished, may be authorized to assist the Suffolk county district court,
43 in the disposition and administration of infractions of traffic and
44 parking laws, ordinances, rules and regulations and to adjudicate the
45 liability of owners for violations of subdivision (d) of section eleven
46 hundred eleven of the vehicle and traffic law in accordance with a local
47 law or ordinance imposing monetary liability on the owner of a vehicle
48 for failure of an operator thereof to comply with traffic-control indi-
49 cations through the installation of traffic-control signal photo viola-
50 tion-monitoring devices pursuant to article twenty-four of the vehicle
51 and traffic law, or authorized to adjudicate the liability of owners for
52 failure of operator to stop for a school bus displaying a red visual
53 signal and stop-arm when meeting a school bus marked and equipped as
54 provided in subdivisions twenty and twenty-one-c of section three
55 hundred seventy-five of the vehicle and traffic law in accordance with
56 provisions of law specifically authorizing the imposition of monetary

1 liability on the owner of a vehicle through the installation of school
2 bus photo monitoring systems pursuant to article twenty-nine of the
3 vehicle and traffic law, except that such agencies shall not have juris-
4 isdiction over (a) the traffic infraction defined under subdivision one of
5 section eleven hundred ninety-two of the vehicle and traffic law; (b)
6 the traffic infraction defined under subdivision five of section eleven
7 hundred ninety-two of the vehicle and traffic law; (c) the violation
8 defined under paragraph (b) of subdivision four of section fourteen-f of
9 the transportation law and the violation defined under item (b) of
10 subparagraph (iii) of paragraph c of subdivision two of section one
11 hundred forty of the transportation law; (d) the traffic infraction
12 defined under section three hundred ninety-seven-a of the vehicle and
13 traffic law and the traffic infraction defined under subdivision (g) of
14 section eleven hundred eighty of the vehicle and traffic law; (e) any
15 misdemeanor or felony; or (f) any offense that is part of the same crim-
16 inal transaction, as that term is defined in subdivision two of section
17 40.10 of the criminal procedure law, as a violation of subdivision one
18 of section eleven hundred ninety-two of the vehicle and traffic law, a
19 violation of subdivision five of section eleven hundred ninety-two of
20 the vehicle and traffic law, a violation of paragraph (b) of subdivision
21 four of section fourteen-f of the transportation law, a violation of
22 item (b) of subparagraph (iii) of paragraph c of subdivision two of
23 section one hundred forty of the transportation law, a violation of
24 section three hundred ninety-seven-a of the vehicle and traffic law, a
25 violation of subdivision (g) of section eleven hundred eighty of the
26 vehicle and traffic law or any misdemeanor or felony.

27 2-a. The Buffalo traffic violations agency, as established in subdivi-
28 sion four of section three hundred seventy of this article, may be
29 authorized to assist the Buffalo city court in the disposition and
30 administration of infractions of traffic laws, ordinances, rules and
31 regulations except that such agency shall not have jurisdiction over (a)
32 the traffic infraction defined under subdivision one of section eleven
33 hundred ninety-two of the vehicle and traffic law; (b) the traffic
34 infraction defined under subdivision five of section eleven hundred
35 ninety-two of the vehicle and traffic law; (c) the violation defined
36 under paragraph (b) of subdivision four of section fourteen-f of the
37 transportation law and the violation defined under item (b) of subpara-
38 graph (iii) of paragraph c of subdivision two of section one hundred
39 forty of the transportation law; (d) the traffic infraction defined
40 under section three hundred ninety-seven-a of the vehicle and traffic
41 law and the traffic infraction defined under subdivision (g) of section
42 eleven hundred eighty of the vehicle and traffic law; (e) traffic
43 infractions constituting parking, standing, stopping or pedestrian
44 offenses; (f) any misdemeanor or felony; or (g) any offense that is part
45 of the same criminal transaction, as that term is defined in subdivision
46 two of section 40.10 of the criminal procedure law, as a violation of
47 subdivision one of section eleven hundred ninety-two of the vehicle and
48 traffic law, a violation of subdivision five of section eleven hundred
49 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
50 of subdivision four of section fourteen-f of the transportation law, a
51 violation of item (b) of subparagraph (iii) of paragraph c of subdivi-
52 sion two of section one hundred forty of the transportation law, a
53 violation of section three hundred ninety-seven-a of the vehicle and
54 traffic law, a violation constituting a parking, stopping, standing or
55 pedestrian offense, a violation of subdivision (g) of section eleven

1 hundred eighty of the vehicle and traffic law or any misdemeanor or
2 felony.

3 2-b. The Rochester traffic violations agency, as established in subdi-
4 vision five of section three hundred seventy of this article, may be
5 authorized to assist the Rochester city court in the disposition and
6 administration of infractions of traffic laws, ordinances, rules and
7 regulations except that such agency shall not have jurisdiction over (a)
8 the traffic infraction defined under subdivision one of section eleven
9 hundred ninety-two of the vehicle and traffic law; (b) the traffic
10 infraction defined under subdivision five of section eleven hundred
11 ninety-two of the vehicle and traffic law; (c) the violation defined
12 under paragraph (b) of subdivision four of section fourteen-f of the
13 transportation law and the violation defined under item (b) of subpara-
14 graph (iii) of paragraph c of subdivision two of section one hundred
15 forty of the transportation law; (d) the traffic infraction defined
16 under section three hundred ninety-seven-a of the vehicle and traffic
17 law and the traffic infraction defined under subdivision (g) of section
18 eleven hundred eighty of the vehicle and traffic law; (e) traffic
19 infractions constituting parking, standing, stopping or pedestrian
20 offenses; (f) any misdemeanor or felony; or (g) any offense that is part
21 of the same criminal transaction, as that term is defined in subdivision
22 two of section 40.10 of the criminal procedure law, as a violation of
23 subdivision one of section eleven hundred ninety-two of the vehicle and
24 traffic law, a violation of subdivision five of section eleven hundred
25 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
26 of subdivision four of section fourteen-f of the transportation law, a
27 violation of item (b) of subparagraph (iii) of paragraph c of subdivi-
28 sion two of section one hundred forty of the transportation law, a
29 violation of section three hundred ninety-seven-a of the vehicle and
30 traffic law, a violation constituting a parking, stopping, standing or
31 pedestrian offense, a violation of subdivision (g) of section eleven
32 hundred eighty of the vehicle and traffic law or any misdemeanor or
33 felony.

34 3. A person charged with an infraction which shall be disposed of by
35 either a traffic violations bureau, the Nassau county traffic and park-
36 ing violations agency, or the Suffolk county traffic and parking
37 violations agency may be permitted to answer, within a specified time,
38 at the traffic violations bureau, in Nassau county at the traffic and
39 parking violations agency and in Suffolk county at the traffic and park-
40 ing violations agency, either in person or by written power of attorney
41 in such form as may be prescribed in the ordinance or local law creating
42 the bureau or agency, by paying a prescribed fine and, in writing, waiv-
43 ing a hearing in court, pleading guilty to the charge or admitting
44 liability as an owner for the violation of subdivision (d) of section
45 eleven hundred eleven of the vehicle and traffic law, as the case may
46 be, and authorizing the person in charge of the bureau or agency to
47 enter such a plea or admission and accept payment of said fine. Accept-
48 ance of the prescribed fine and power of attorney by the bureau or agen-
49 cy shall be deemed complete satisfaction for the violation or of the
50 liability, and the violator or owner liable for a violation of subdivi-
51 sion (d) of section eleven hundred eleven of the vehicle and traffic law
52 shall be given a receipt which so states. If a person charged with a
53 traffic violation does not answer as hereinbefore prescribed, within a
54 designated time, the bureau or agency may cause a complaint to be
55 entered against him or her forthwith and a warrant to be issued for his
56 or her arrest and appearance before the court, such summons to be predi-

1 cated upon the personal service of said summons upon the person charged
2 with the infraction. Any person who shall have been, within the preced-
3 ing twelve months, guilty of a number of parking violations in excess of
4 such maximum number as may be designated by the court, or of three or
5 more violations other than parking violations, shall not be permitted to
6 appear and answer to a subsequent violation at the traffic violations
7 bureau or agency, but must appear in court at a time specified by the
8 bureau or agency. Such bureau or agency shall not be authorized to
9 deprive a person of his or her right to counsel or to prevent him or her
10 from exercising his or her right to appear in court to answer to,
11 explain, or defend any charge of a violation of any traffic law, ordi-
12 nance, rule or regulation.

13 3-a. A person charged with an infraction which shall be disposed of by
14 the Buffalo traffic violations agency may be permitted to answer, within
15 a specified time, at the traffic violations agency either in person or
16 by written power of attorney in such form as may be prescribed in the
17 ordinance or local law creating the agency, by paying a prescribed fine
18 and, in writing, waiving a hearing in court, pleading guilty to the
19 charge or a lesser charge agreeable to the traffic prosecutor and the
20 person charged with an infraction, and authorizing the person in charge
21 of the agency to enter such a plea and accept payment of said fine.
22 Acceptance of the prescribed fine and power of attorney by the agency
23 shall be deemed complete satisfaction for the violation, and the viola-
24 tor shall be given a receipt which so states. If a person charged with a
25 traffic violation does not answer as hereinbefore prescribed, within a
26 designated time, the agency may cause a complaint to be entered against
27 him or her forthwith and a warrant to be issued for his or her arrest
28 and appearance before the court, such summons to be predicated upon the
29 personal service of said summons upon the person charged with the
30 infraction. Any person who shall have been, within the preceding twelve
31 months, guilty of three or more violations, shall not be permitted to
32 appear and answer to a subsequent violation at the agency, but must
33 appear in court at a time specified by the agency. Such agency shall not
34 be authorized to deprive a person of his or her right to counsel or to
35 prevent him or her from exercising his or her right to appear in court
36 to answer to, explain, or defend any charge of a violation of any traf-
37 fic law, ordinance, rule or regulation.

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
48 by the agency shall be deemed complete satisfaction for the violation,
49 and 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 or her forthwith and a warrant to be issued
53 for his or her arrest and appearance before the court, such summons to
54 be predicated upon the personal service of said summons upon the person
55 charged with the infraction. Any person who shall have been, within the
56 preceding twelve months, guilty of three or more violations, shall not

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

7 4. Notwithstanding any inconsistent provision of law, fines, penalties
8 and forfeitures collected by the Nassau county or Suffolk county traffic
9 and parking violations agency shall be distributed as provided in
10 section eighteen hundred three of the vehicle and traffic law. All
11 fines, penalties and forfeitures for violations adjudicated by the
12 Nassau county or Suffolk county traffic and parking violations agency
13 pursuant to subdivision two of this section, with the exception of park-
14 ing violations, and except as provided in subdivision three of section
15 ninety-nine-a of the state finance law, shall be paid by such agencies
16 to the state comptroller within the first ten days of the month follow-
17 ing collection. Each such payment shall be accompanied by a true and
18 complete report in such form and detail as the comptroller shall
19 prescribe.

20 4-a. Notwithstanding any inconsistent provision of law, fines, penal-
21 ties and forfeitures collected by the Buffalo traffic violations agency
22 shall be distributed as provided in section eighteen hundred three of
23 the vehicle and traffic law. All fines, penalties and forfeitures for
24 violations adjudicated by the Buffalo traffic violations agency pursuant
25 to subdivision two-a of this section except as provided in subdivision
26 three of section ninety-nine-a of the state finance law, shall be paid
27 by such agency to the state comptroller within the first ten days of the
28 month following collection. Each such payment shall be accompanied by a
29 true and complete report in such form and detail as the comptroller
30 shall prescribe.

31 4-b. Notwithstanding any inconsistent provision of law, fines, penal-
32 ties and forfeitures collected by the Rochester traffic violations agen-
33 cy shall be distributed as provided in section eighteen hundred three of
34 the vehicle and traffic law. All fines, penalties and forfeitures for
35 violations adjudicated by the Rochester traffic violations agency pursu-
36 ant to subdivision two-b of this section except as provided in subdivi-
37 sion three of section ninety-nine-a of the state finance law, shall be
38 paid by such agency to the state comptroller within the first ten days
39 of the month following collection. Each such payment shall be accompa-
40 nyed by a true and complete report in such form and detail as the comp-
41 troller shall prescribe.

42 § 5. The vehicle and traffic law is amended by adding a new section
43 1111-f to read as follows:

44 § 1111-f. Owner liability for failure of operator to comply with
45 traffic-control indications. (a) 1. Notwithstanding any other provision
46 of law, the county of Westchester is hereby authorized and empowered to
47 adopt and amend a local law or ordinance establishing a demonstration
48 program imposing monetary liability on the owner of a vehicle for fail-
49 ure of an operator thereof to comply with traffic-control indications in
50 such county in accordance with the provisions of this section. Such
51 demonstration program shall empower such county to install and operate
52 traffic-control signal photo violation-monitoring devices at no more
53 than fifty intersections within and under the jurisdiction of such coun-
54 ty at any one time.

55 2. Such demonstration program shall utilize necessary technologies to
56 ensure, to the extent practicable, that photographs produced by such

1 traffic-control signal photo violation-monitoring systems shall not
2 include images that identify the driver, the passengers, or the contents
3 of the vehicle. Provided, however, that no notice of liability issued
4 pursuant to this section shall be dismissed solely because a photograph
5 or photographs allow for the identification of the contents of a vehi-
6 cle, provided that such county has made a reasonable effort to comply
7 with the provisions of this paragraph.

8 (b) In any such county which has adopted a local law or ordinance
9 pursuant to subdivision (a) of this section, the owner of a vehicle
10 shall be liable for a penalty imposed pursuant to this section if such
11 vehicle was used or operated with the permission of the owner, express
12 or implied, in violation of subdivision (d) of section eleven hundred
13 eleven of this article, and such violation is evidenced by information
14 obtained from a traffic-control signal photo violation-monitoring
15 system; provided however that no owner of a vehicle shall be liable for
16 a penalty imposed pursuant to this section where the operator of such
17 vehicle has been convicted of the underlying violation of subdivision
18 (d) of section eleven hundred eleven of this article.

19 (c) For purposes of this section, "owner" shall have the meaning
20 provided in article two-B of this chapter. For purposes of this section,
21 "traffic-control signal photo violation-monitoring system" shall mean a
22 vehicle sensor installed to work in conjunction with a traffic-control
23 signal which automatically produces two or more photographs, two or more
24 microphotographs, a videotape or other recorded images of each vehicle
25 at the time it is used or operated in violation of subdivision (d) of
26 section eleven hundred eleven of this article.

27 (d) A certificate, sworn to or affirmed by a technician employed by
28 Westchester county in which the charged violation occurred, or a facsim-
29 ile thereof, based upon inspection of photographs, microphotographs,
30 videotape or other recorded images produced by a traffic-control signal
31 photo violation-monitoring system, shall be prima facie evidence of the
32 facts contained therein. Any photographs, microphotographs, videotape
33 or other recorded images evidencing such a violation shall be available
34 for inspection in any proceeding to adjudicate the liability for such
35 violation pursuant to a local law or ordinance adopted pursuant to this
36 section.

37 (e) An owner liable for a violation of subdivision (d) of section
38 eleven hundred eleven of this article pursuant to a local law or ordi-
39 nance adopted pursuant to this section shall be liable for monetary
40 penalties in accordance with a schedule of fines and penalties to be set
41 forth in such local law or ordinance. The liability of the owner pursu-
42 ant to this section shall not exceed fifty dollars for each violation;
43 provided, however, that such local law or ordinance may provide for an
44 additional penalty not in excess of twenty-five dollars for each
45 violation for the failure to respond to a notice of liability within the
46 prescribed time period.

47 (f) An imposition of liability under a local law or ordinance adopted
48 pursuant to this section shall not be deemed a conviction as an operator
49 and shall not be made part of the operating record of the person upon
50 whom such liability is imposed nor shall it be used for insurance
51 purposes in the provision of motor vehicle insurance coverage.

52 (g) 1. A notice of liability shall be sent by first class mail to each
53 person alleged to be liable as an owner for a violation of subdivision
54 (d) of section eleven hundred eleven of this article pursuant to this
55 section. Personal delivery on the owner shall not be required. A manual

1 or automatic record of mailing prepared in the ordinary course of busi-
2 ness shall be prima facie evidence of the facts contained therein.

3 2. A notice of liability shall contain the name and address of the
4 person alleged to be liable as an owner for a violation of subdivision
5 (d) of section eleven hundred eleven of this article pursuant to this
6 section, the registration number of the vehicle involved in such
7 violation, the location where such violation took place, the date and
8 time of such violation and the identification number of the camera which
9 recorded the violation or other document locator number.

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

16 4. The notice of liability shall be prepared and mailed by Westchester
17 county or by any other entity authorized by such county to prepare and
18 mail such notification of violation.

19 (h) Adjudication of the liability imposed upon owners by this section
20 shall be by a traffic violations bureau established pursuant to section
21 three hundred seventy of the general municipal law where the violation
22 occurred or, if there be none, by the court having jurisdiction over
23 traffic infractions.

24 (i) If an owner receives a notice of liability pursuant to this
25 section for any time period during which the vehicle was reported to the
26 police department as having been stolen, it shall be a valid defense to
27 an allegation of liability for a violation of subdivision (d) of section
28 eleven hundred eleven of this article pursuant to this section that the
29 vehicle had been reported to the police as stolen prior to the time the
30 violation occurred and had not been recovered by such time. For purposes
31 of asserting the defense provided by this subdivision it shall be suffi-
32 cient that a certified copy of the police report on the stolen vehicle
33 be sent by first class mail to the court having jurisdiction.

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

52 (k) 1. If the owner liable for a violation of subdivision (d) of
53 section eleven hundred eleven of this article pursuant to this section
54 was not the operator of the vehicle at the time of the violation, the
55 owner may maintain an action for indemnification against the operator.

1 2. Notwithstanding any other provision of this section, no owner of a
 2 vehicle shall be subject to a monetary fine imposed pursuant to this
 3 section if the operator of such vehicle was operating such vehicle with-
 4 out the consent of the owner at the time such operator failed to obey a
 5 traffic-control indication. For purposes of this subdivision there shall
 6 be a presumption that the operator of such vehicle was operating such
 7 vehicle with the consent of the owner at the time such operator failed
 8 to obey a traffic-control indication.

9 (l) Nothing in this section shall be construed to limit the liability
 10 of an operator of a vehicle for any violation of subdivision (d) of
 11 section eleven hundred eleven of this article.

12 (m) When a county has established a demonstration program pursuant to
 13 this section, all fines and penalties collected under such program shall
 14 be distributed in accordance with subdivision ten of section eighteen
 15 hundred three of this chapter.

16 (n) Any county that adopts a demonstration program pursuant to subdi-
 17 vision (a) of this section shall submit an annual report detailing the
 18 results of the use of such traffic-control signal photo violation-moni-
 19 toring system to the governor, the temporary president of the senate and
 20 the speaker of the assembly on or before June first, two thousand twen-
 21 ty-one and on the same date in each succeeding year in which the demon-
 22 stration program is operable. Such report shall include, but not be
 23 limited to:

24 1. a description of the locations where traffic-control signal photo
 25 violation-monitoring systems were used;

26 2. the aggregate number, type and severity of accidents reported at
 27 intersections where a traffic-control signal photo violation-monitoring
 28 system is used for the three years preceding the installation of such
 29 system, to the extent the information is maintained by the department;

30 3. the aggregate number, type and severity of accidents reported at
 31 intersections where a traffic-control signal photo violation-monitoring
 32 system is used for the reporting year, as well as for each year that the
 33 traffic-control signal photo violation-monitoring system has been opera-
 34 tional, to the extent the information is maintained by the department;

35 4. the number of events and number of violations recorded at each
 36 intersection where a traffic-control signal photo violation-monitoring
 37 system is used and in the aggregate on a daily, weekly and monthly
 38 basis;

39 5. the number of notices of liability issued for violations recorded
 40 by such system at each intersection where a traffic-control signal photo
 41 violation-monitoring system is used;

42 6. the number of fines imposed and total amount of fines paid after
 43 first notice of liability;

44 7. the number and percentage of violations adjudicated and results of
 45 such adjudications including breakdowns of disposition made for
 46 violations recorded by such systems which shall be provided at least
 47 annually to such county by the respective courts and bureaus conducting
 48 such adjudications;

49 8. the total amount of revenue realized by such county from such adju-
 50 dications including a breakdown of revenue realized by such county for
 51 each year since deployment of its traffic-control signal photo viola-
 52 tion-monitoring system;

53 9. expenses incurred by such county in connection with the program;
 54 and

1 10. quality of the adjudication process and its results which shall be
2 provided at least annually to such county by the respective courts and
3 bureaus conducting such adjudications.

4 (o) It shall be a defense to any prosecution for a violation of subdi-
5 vision (d) of section eleven hundred eleven of this article pursuant to
6 a local law or ordinance adopted pursuant to this section that such
7 traffic-control indications were malfunctioning at the time of the
8 alleged violation.

9 § 6. Subdivision 3 of section 1803 of the vehicle and traffic law, as
10 amended by chapter 145 of the laws of 2019, is amended to read as
11 follows:

12 3. All fines, penalties and forfeitures paid to a city, town or
13 village pursuant to the provisions of paragraph a of subdivision one of
14 this section and subdivision ten or eleven of this section shall be
15 credited to the general fund of such city, town or village, unless a
16 different disposition is prescribed by charter, special law, local law
17 or ordinance.

18 § 6-a. Subdivision 3 of section 1803 of the vehicle and traffic law,
19 as amended by chapter 679 of the laws of 1970, is amended to read as
20 follows:

21 3. All fines, penalties and forfeitures paid to a city, town or
22 village pursuant to the provisions of paragraph a of subdivision one of
23 this section and subdivision eleven of this section shall be credited to
24 the general fund of such city, town or village, unless a different
25 disposition is prescribed by charter, special law, local law or ordi-
26 nance.

27 § 7. Section 1803 of the vehicle and traffic law is amended by adding
28 a new subdivision 11 to read as follows:

29 11. Notwithstanding the provisions of subdivision three of section
30 ninety-nine-a of the state finance law, where the county of Westchester
31 has established a demonstration program imposing monetary liability on
32 the owner of a vehicle for failure of an operator thereof to comply with
33 subdivision (d) of section eleven hundred eleven of this chapter in
34 accordance with section eleven hundred eleven-f of this chapter, any
35 fine or penalty collected by a court, judge, magistrate or other officer
36 for an imposition of liability which occurs within a town or village
37 within such county pursuant to such program shall be paid to the state
38 comptroller within the first ten days of the month following collection.
39 Every such payment shall be accompanied by a statement in such form and
40 detail as the comptroller shall provide. The comptroller shall pay
41 eighty percent of any such fine or penalty imposed for such liability to
42 the county of Westchester, and twenty percent of any such fine or penal-
43 ty to the town or village in which the violation giving rise to the
44 liability occurred.

45 § 8. Subdivision 2 of section 87 of the public officers law is amended
46 by adding a new paragraph (r) to read as follows:

47 (r) are photographs, microphotographs, videotape or other recorded
48 images prepared under authority of section eleven hundred eleven-f of
49 the vehicle and traffic law.

50 § 9. The purchase or lease of equipment for a demonstration program
51 established pursuant to section 1111-f of the vehicle and traffic law
52 shall be subject to the provisions of section 103 of the general municip-
53 al law.

54 § 10. This act shall take effect immediately; provided, however that
55 sections five, six, seven, eight and nine of this act shall take effect
56 on the thirtieth day after it shall have become a law, provided further,

1 that sections five, seven, eight and nine of this act and shall expire
2 and be deemed repealed on December 1, 2024, provided, further, that any
3 such local law as may be enacted pursuant to section five of this act
4 shall remain in full force and effect only until December 1, 2024; and
5 provided, further, that the amendments to subdivision 3 of section 1803
6 of the vehicle and traffic law made by section six of this act shall be
7 subject to the expiration and reversion of such subdivision pursuant to
8 chapter 145 of the laws of 2019, as amended, when upon such date the
9 provisions of section six-a of this act shall take effect.