

STATE OF NEW YORK

8137

IN SENATE

March 27, 2020

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

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; and to amend the vehicle and traffic law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the village of Pelham Manor; 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. Section 235 of the vehicle and traffic law is REPEALED and
2 a new section 235 is added to read as follows:

3 § 235. Jurisdiction. 1. Notwithstanding any inconsistent provision of
4 any general, special or local law or administrative code to the contra-
5 ry, in any city which heretofore or hereafter is authorized to establish
6 an administrative tribunal to hear and determine complaints of traffic
7 infractions constituting parking, standing or stopping violations, or
8 authorized to adjudicate the liability of owners for violations of
9 subdivision (d) of section eleven hundred eleven of this chapter in
10 accordance with a local law or ordinance imposing monetary liability on
11 the owner of a vehicle for failure of an operator thereof to comply with
12 traffic-control indications through the installation of traffic-control
13 signal photo violation-monitoring devices pursuant to article twenty-
14 four of this chapter, or authorized to adjudicate the liability of
15 owners for violations of section eleven hundred eighty of this chapter
16 in accordance with local laws imposing liability on owners for failure
17 of an operator to comply with certain posted maximum speed limits
18 through the installation of photo speed violation monitoring systems
19 pursuant to article thirty of this chapter, or authorized to adjudicate
20 liability of owners for violations of bus lane restrictions in accord-
21 ance with local laws imposing liability on owners for failure of opera-
22 tors to comply with such restrictions through the use of photo devices
23 pursuant to article twenty-four of this chapter, or authorized to adju-

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

LBD16039-01-0

1 dicating the liability of owners for violations of toll collection regu-
2 lations by an operator as defined in and in accordance with the
3 provisions of section two thousand nine hundred eighty-five of the
4 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
5 of chapter seven hundred seventy-four of the laws of nineteen hundred
6 fifty, or authorized to adjudicate the liability of owners for failure
7 of operator to stop for a school bus displaying a red visual signal and
8 stop-arm when meeting a school bus marked and equipped as provided in
9 subdivisions twenty and twenty-one-c of section three hundred seventy-
10 five of this chapter in accordance with provisions of law specifically
11 authorizing the imposition of monetary liability on the owner of a vehi-
12 cle through the installation of school bus photo monitoring systems
13 pursuant to article twenty-nine of this chapter, such tribunal and the
14 rules and regulations pertaining thereto shall be constituted in
15 substantial conformance with the following sections.

16 2. Notwithstanding any inconsistent provision of any general, special
17 or local law or administrative code to the contrary, any city with a
18 population in excess of one hundred thousand persons according to the
19 nineteen hundred eighty United States census hereinafter referred to as
20 a city shall provide notice of parking violations and of the imposition
21 of additional penalties whenever the person who is liable therefor fails
22 to respond to the parking ticket in the manner designated thereon. Such
23 notice shall be in substantial conformance with the following
24 provisions:

25 a. Notice. (1) Whenever a city issues a notice of violation for a
26 parking violation, it shall be served in the manner prescribed by subdi-
27 vision two of section two hundred thirty-eight of this article.

28 (2) Whenever a person has been issued a notice of violation for a
29 parking violation and has not responded in the manner described in the
30 notice, a city shall give the owner a second notice of the violation by
31 regular first class mail: (i) within forty days of issuance of the first
32 notice of violation for a parking violation where the vehicle is a vehi-
33 cle registered in this state; or (ii) within forty days of the receipt
34 by such city of the name and address of the owner of the vehicle where
35 the vehicle is a vehicle registered in any other state. Such second
36 notice shall include, but not be limited to, the following information:

37 (A) that the owner has a period of twenty days from issuance of the
38 second notice in which to respond to the notice of violation for a park-
39 ing violation;

40 (B) that failure to respond to the notice of violation for a parking
41 violation may result in the suspension and non-renewal of the owner's
42 registration;

43 (C) that failure to respond to the notice of violation for a parking
44 violation may subject the owner to additional penalties as provided in
45 paragraph b of this subdivision;

46 (D) that failure to respond to the notice of violation for a parking
47 violation shall subject the owner to a default judgment as provided in
48 paragraph c of this subdivision and the additional penalties imposed
49 upon parking violations pursuant to paragraph b of this subdivision; and

50 (E) that submission of a plea of guilty to the parking violation makes
51 the owner liable for payment of the stated fine and additional penalties
52 imposed pursuant to paragraph b of this subdivision and the mandatory
53 surcharge of fifteen dollars imposed upon parking violations pursuant to
54 section eighteen hundred nine-a of this chapter.

55 b. Additional penalties. (1) For the purposes of this paragraph, each
56 locality shall determine an initial response date of not less than eight

1 days nor more than thirty days, after which time a penalty may be
2 imposed. The liability for such initial penalty shall commence on the
3 date following the initial response date.

4 (2) Failure to respond to a notice of violation for a parking
5 violation by the initial response date may result in the liability for a
6 penalty in an amount of the fine indicated on the notice of violation
7 for a parking violation; where a city has given a second notice pursuant
8 to paragraph a of this subdivision, the following schedule of additional
9 penalties may apply:

10 (A) failure to respond to a notice of violation for a parking
11 violation by the initial response date may result in the liability for
12 an additional penalty not to exceed ten dollars or, if the first penalty
13 assessed by a city does not exceed five dollars, such city may assess an
14 additional penalty within thirty-one to seventy-five days not to exceed
15 ten dollars; and

16 (B) where a city has given a second notice pursuant to paragraph a of
17 this subdivision failure to respond to a notice of violation for a park-
18 ing violation within seventy-five days may result in the liability,
19 commencing on the seventy-sixth day, for an additional penalty not to
20 exceed twenty dollars.

21 (3) Where the additional penalty schedule set forth in subparagraph
22 two of this paragraph, as interpreted in 9 New York Code of Rules and
23 Regulations Part 6180, has not been implemented by a city and is not in
24 effect in such city on or before January first, nineteen hundred nine-
25 ty-three, the provisions of this paragraph shall not apply. For the
26 purposes of this subdivision, the provisions of this paragraph shall not
27 be considered to have been implemented and in effect unless the penalty
28 schedule contained herein shall have been applied to parking violations
29 issued in such city on or before January first, nineteen hundred nine-
30 ty-three.

31 b-1. Alternate additional penalty schedule. In any city in which the
32 schedule of penalties contained in subparagraph two of paragraph b of
33 this subdivision, as interpreted in 9 New York Code of Rules and Regu-
34 lations Part 6180, has not been implemented and was not in effect on or
35 before January first, nineteen hundred ninety-three, the provisions of
36 this paragraph shall only apply upon enactment of a local law containing
37 the penalty schedule provided in this paragraph prior to July 28, 1991.
38 Following the enactment of such a local law, such city may elect to
39 impose the additional penalties set forth in subparagraphs one and two
40 of this paragraph for failure to respond to a notice of violation for a
41 parking violation in accordance with this paragraph. In the event that
42 no such local law was enacted prior to July 28, 1991, the alternate
43 additional penalty schedule set forth in paragraph b-2 of this subdivi-
44 sion shall apply.

45 (1) Failure to respond to a notice of violation for a parking
46 violation within thirty days shall result in liability, commencing on
47 the thirty-first day, for an additional penalty in an amount not to
48 exceed ten dollars, indicated on the notice of violation for a parking
49 violation: where a city has given a second notice pursuant to paragraph
50 a of this subdivision failure to respond to a notice of violation for a
51 parking violation within forty-five days may result in liability,
52 commencing on the forty-sixth day, for the penalty prescribed above for
53 failure to respond within thirty days and an additional penalty not to
54 exceed twenty dollars; and where a city has given a second notice pursu-
55 ant to paragraph a of this subdivision failure to respond to a notice of
56 violation for a parking violation within seventy-five days may result in

1 liability, commencing on the seventy-sixth day, for the penalties
2 prescribed above for failure to respond within thirty days and for fail-
3 ure to respond within forty-five days and an additional penalty not to
4 exceed thirty dollars.

5 (2) Notwithstanding the foregoing schedule of alternative additional
6 penalties, if an owner makes a plea or appears within twenty days after
7 issuance of a second notice of violation in accordance with paragraph a
8 of this subdivision, or prior to such mailing, such additional penalty
9 shall not exceed ten dollars.

10 b-2. Alternate additional penalty schedule. In any city in which the
11 schedule of penalties contained in paragraph b of this subdivision, as
12 interpreted in 9 New York Code of Rules and Regulations Part 6180, has
13 not been implemented and was not in effect on or before January first,
14 nineteen hundred ninety-three and which has not enacted a local law
15 pursuant to paragraph b-1 of this subdivision prior to July 28, 1991,
16 the following alternate additional penalty schedule shall apply:

17 (1) Failure to respond to a notice of violation for a parking
18 violation within eight days may result in the liability, commencing on
19 the ninth day, for an additional penalty in an amount not to exceed five
20 dollars;

21 (2) Failure to respond to a notice of violation for a parking
22 violation within thirty days may result in the liability, commencing on
23 the thirty-first day, for the penalty prescribed above for failure to
24 respond within eight days and an additional penalty not to exceed ten
25 dollars or, if the first penalty assessed by the city does not exceed
26 five dollars, such city may assess an additional penalty within thirty-
27 one to seventy-five days not to exceed ten dollars;

28 (3) Where a city has given a second notice pursuant to paragraph a of
29 this subdivision failure to respond to a notice of violation for a park-
30 ing violation within seventy-five days may result in the liability,
31 commencing on the seventy-sixth day, for the penalties prescribed above
32 for failure to respond within eight days and for failure to respond
33 within thirty days and an additional penalty not to exceed twenty
34 dollars; and

35 (4) Notwithstanding the foregoing schedule of alternate penalties, if
36 an owner makes a plea or appears within twenty days after issuance of a
37 second notice of violation in accordance with paragraph a of this subdi-
38 vision, or prior to such mailing, such additional penalty shall not
39 exceed five dollars.

40 c. Default judgment. Where a city has given notice pursuant to para-
41 graph a of this subdivision, failure to respond to a notice of violation
42 for a parking violation within ninety days shall be deemed an admission
43 of liability and shall subject the owner to a default judgment being
44 entered thereon in an amount not greater than the amount of the original
45 fine and accrued penalties plus any applicable surcharges. Such default
46 shall be reported to the department which department shall cause a
47 suspension and non-renewal of the owner's registration pursuant to the
48 provisions of subdivision four-c of section five hundred ten of this
49 chapter.

50 3. Nothing set forth in this section shall be construed to grant any
51 municipality the authority to establish by local law, ordinance, resol-
52 ution or any other means, an administrative tribunal to hear and deter-
53 mine complaints of traffic infractions or jurisdiction to adjudicate any
54 liability set forth in subdivision one of this section.

55 § 2. Subdivision 1 of section 236 of the vehicle and traffic law is
56 REPEALED and a new subdivision 1 is added to read as follows:

1 1. Creation. In any city as hereinbefore or hereafter authorized such
2 tribunal when created shall be known as the parking violations bureau
3 and shall have jurisdiction of traffic infractions which constitute a
4 parking violation and, where authorized, to adjudicate the liability of
5 owners for violations of subdivision (d) of section eleven hundred elev-
6 en of this chapter in accordance with a local law or ordinance imposing
7 monetary liability on the owner of a vehicle for failure of an operator
8 thereof to comply with traffic-control indications through the installa-
9 tion of traffic-control signal photo violation-monitoring devices pursu-
10 ant to article twenty-four of this chapter, or authorized to adjudicate
11 the liability of owners for violations of section eleven hundred eighty
12 of this chapter in accordance with local laws imposing liability on
13 owners for failure of an operator to comply with certain posted maximum
14 speed limits through the installation of photo speed violation monitor-
15 ing systems pursuant to article thirty of this chapter, or authorized to
16 adjudicate liability of owners for violations of bus lane restrictions
17 in accordance with local laws imposing liability on owners for failure
18 of operators to comply with such restrictions through the use of photo
19 devices pursuant to article twenty-four of this chapter, or authorized
20 to adjudicate the liability of owners for violations of toll collection
21 regulations by an operator as defined in and in accordance with the
22 provisions of section two thousand nine hundred eighty-five of the
23 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
24 of chapter seven hundred seventy-four of the laws of nineteen hundred
25 fifty, or authorized to adjudicate the liability of owners for failure
26 of operator to stop for a school bus displaying a red visual signal and
27 stop-arm when meeting a school bus marked and equipped as provided in
28 subdivisions twenty and twenty-one-c of section three hundred seventy-
29 five of this chapter in accordance with provisions of law specifically
30 authorizing the imposition of monetary liability on the owner of a vehi-
31 cle through the installation of school bus photo monitoring systems
32 pursuant to article twenty-nine of this chapter. Such tribunal, except
33 in a city with a population of one million or more, shall also have
34 jurisdiction of abandoned vehicle violations. For the purposes of this
35 article, a parking violation is the violation of any law, rule or regu-
36 lation providing for or regulating the parking, stopping or standing of
37 a vehicle. In addition for purposes of this article, "commissioner"
38 shall mean and include the commissioner of traffic of the city or an
39 official possessing authority as such a commissioner.

40 § 3. Paragraph f of subdivision 1 of section 239 of the vehicle and
41 traffic law is REPEALED and a new paragraph f is added to read as
42 follows:

43 f. "Notice of violation" means a notice of violation as defined in
44 subdivision nine of section two hundred thirty-seven of this article,
45 but shall not be deemed to include a notice of liability issued pursuant
46 to authorization under this chapter to impose monetary liability on the
47 owner of a vehicle for failure of an operator thereof: to comply with
48 traffic-control indications through the use of traffic-control signal
49 photo violation-monitoring devices pursuant to article twenty-four of
50 this chapter; or to comply with certain posted maximum speed limits in
51 violation of section eleven hundred eighty of this chapter through the
52 use of photo speed violation monitoring systems pursuant to article
53 thirty of this chapter; or to comply with bus lane restrictions through
54 the use of photo devices pursuant to article twenty-four of this chap-
55 ter; or to comply with toll collection regulations as defined in and in
56 accordance with the provisions of section two thousand nine hundred

eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter.

§ 4. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic law are REPEALED and two new subdivisions 1 and 1-a are added to read as follows:

1. Notice of hearing. Whenever a person charged with a parking violation enters a plea of not guilty; or a person alleged to be liable in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; or to comply with bus lane restrictions through the use of photo devices pursuant to article twenty-four of this chapter; or to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, contests such allegation, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which he or she must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading or contesting that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

1-a. Fines and penalties. Whenever a plea of not guilty has been entered, or the bureau has been notified that an allegation of liability in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; or to comply with bus lane restrictions through the use of photo devices pursuant to article twenty-four of this chapter; or to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop

1 for a school bus displaying a red visual signal and stop-arm when meet-
2 ing a school bus marked and equipped as provided in subdivisions twenty
3 and twenty-one-c of section three hundred seventy-five of this chapter
4 through the installation of school bus photo monitoring systems pursuant
5 to article twenty-nine of this chapter, is being contested, by a person
6 in a timely fashion and a hearing upon the merits has been demanded, but
7 has not yet been held, the bureau shall not issue any notice of fine or
8 penalty to that person prior to the date of the hearing.

9 § 5. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
10 and traffic law are REPEALED and two new paragraphs a and g are added to
11 read as follows:

12 a. Every hearing for the adjudication of a charge of parking violation
13 or an allegation of liability for violations of subdivision (d) of
14 section eleven hundred eleven of this chapter in accordance with a local
15 law or ordinance imposing monetary liability on the owner of a vehicle
16 for failure of an operator thereof to comply with traffic-control indi-
17 cations through the installation of traffic-control signal photo viola-
18 tion-monitoring devices pursuant to article twenty-four of this chapter,
19 or an allegation of liability for violations of section eleven hundred
20 eighty of this chapter in accordance with local laws imposing liability
21 on owners for failure of an operator to comply with certain posted maxi-
22 mum speed limits through the installation of photo speed violation moni-
23 toring systems pursuant to article thirty of this chapter, or an allega-
24 tion of liability for violations of bus lane restrictions in accordance
25 with local laws imposing liability on owners for failure of operators to
26 comply with such restrictions through the use of photo devices pursuant
27 to article twenty-four of this chapter, or an allegation of liability
28 for violations of toll collection regulations by an operator as defined
29 in and in accordance with the provisions of section two thousand nine
30 hundred eighty-five of the public authorities law and sections
31 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
32 of the laws of nineteen hundred fifty, or an allegation of liability of
33 owners for failure of an operator to stop for a school bus displaying a
34 red visual signal and stop-arm when meeting a school bus marked and
35 equipped as provided in subdivisions twenty and twenty-one-c of section
36 three hundred seventy-five of this chapter in accordance with provisions
37 of law specifically authorizing the imposition of monetary liability on
38 the owner of a vehicle through the installation of school bus photo
39 monitoring systems pursuant to article twenty-nine of this chapter,
40 shall be held before a hearing examiner in accordance with rules and
41 regulations promulgated by the bureau.

42 g. A record shall be made of a hearing on a plea of not guilty or of a
43 hearing at which liability in accordance with any provisions of law
44 specifically authorizing the imposition of monetary liability on the
45 owner of a vehicle for failure of an operator thereof: to comply with
46 traffic-control indications through the use of traffic-control signal
47 photo violation-monitoring devices pursuant to article twenty-four of
48 this chapter; to comply with certain posted maximum speed limits in
49 violation of section eleven hundred eighty of this chapter through the
50 use of photo speed violation monitoring systems pursuant to article
51 thirty of this chapter; to comply with bus lane restrictions as specif-
52 ically set forth in local laws establishing such restrictions through
53 the use of photo devices pursuant to article twenty-four of this chap-
54 ter; to comply with toll collection regulations as defined in and in
55 accordance with the provisions of section two thousand nine hundred
56 eighty-five of the public authorities law and sections sixteen-a,

sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, is contested. Recording devices may be used for the making of the record.

§ 6. Subdivisions 1 and 2 of section 241 of the vehicle and traffic law are REPEALED and two new subdivisions 1 and 2 are added to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; to comply with bus lane restrictions as specifically set forth in local laws establishing such restrictions through the use of photo devices pursuant to article twenty-four of this chapter; to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, of the person charged, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties.

2. Where an operator or owner fails to enter a plea to a charge of a parking violation or contest an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; to comply with bus lane restrictions as specifically set forth in local laws establishing such restrictions through the use of photo devices pursuant to article twenty-four of this chapter; to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus

1 displaying a red visual signal and stop-arm when meeting a school bus
2 marked and equipped as provided in subdivisions twenty and twenty-one-c
3 of section three hundred seventy-five of this chapter through the
4 installation of school bus photo monitoring systems pursuant to article
5 twenty-nine of this chapter, or fails to appear on a designated hearing
6 date or subsequent adjourned date or fails after a hearing to comply
7 with the determination of a hearing examiner, as prescribed by this
8 article or by rule or regulation of the bureau, such failure to plead or
9 contest, appear or comply shall be deemed, for all purposes, an admis-
10 sion of liability and shall be grounds for rendering and entering a
11 default judgment in an amount provided by the rules and regulations of
12 the bureau. However, after the expiration of the original date
13 prescribed for entering a plea and before a default judgment may be
14 rendered, in such case the bureau shall pursuant to the applicable
15 provisions of law notify such operator or owner, by such form of first
16 class mail as the commission may direct; (1) of the violation charged,
17 or liability in accordance with any provisions of law specifically
18 authorizing the imposition of monetary liability on the owner of a vehi-
19 cle for failure of an operator thereof: to comply with traffic-control
20 indications through the use of traffic-control signal photo violation-
21 monitoring devices pursuant to article twenty-four of this chapter; to
22 comply with certain posted maximum speed limits in violation of section
23 eleven hundred eighty of this chapter through the use of photo speed
24 violation monitoring systems pursuant to article thirty of this chapter;
25 to comply with bus lane restrictions as specifically set forth in local
26 laws establishing such restrictions through the use of photo devices
27 pursuant to article twenty-four of this chapter; to comply with toll
28 collection regulations as defined in and in accordance with the
29 provisions of section two thousand nine hundred eighty-five of the
30 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
31 of chapter seven hundred seventy-four of the laws of nineteen hundred
32 fifty; or to stop for a school bus displaying a red visual signal and
33 stop-arm when meeting a school bus marked and equipped as provided in
34 subdivisions twenty and twenty-one-c of section three hundred seventy-
35 five of this chapter through the installation of school bus photo moni-
36 toring systems pursuant to article twenty-nine of this chapter, (2) of
37 the impending default judgment, (3) that such judgment will be entered
38 in the Civil Court of the city in which the bureau has been established,
39 or other court of civil jurisdiction or any other place provided for the
40 entry of civil judgments within the state of New York, and (4) that a
41 default may be avoided by entering a plea or contesting an allegation of
42 liability in accordance with any provisions of law specifically author-
43 izing the imposition of monetary liability on the owner of a vehicle for
44 failure of an operator thereof: to comply with traffic-control indi-
45 cations through the use of traffic-control signal photo violation-moni-
46 toring devices pursuant to article twenty-four of this chapter; to
47 comply with certain posted maximum speed limits in violation of section
48 eleven hundred eighty of this chapter through the use of photo speed
49 violation monitoring systems pursuant to article thirty of this chapter;
50 to comply with bus lane restrictions as specifically set forth in local
51 laws establishing such restrictions through the use of photo devices
52 pursuant to article twenty-four of this chapter; to comply with toll
53 collection regulations as defined in and in accordance with the
54 provisions of section two thousand nine hundred eighty-five of the
55 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
56 of chapter seven hundred seventy-four of the laws of nineteen hundred

1 fifty; or to stop for a school bus displaying a red visual signal and
2 stop-arm when meeting a school bus marked and equipped as provided in
3 subdivisions twenty and twenty-one-c of section three hundred seventy-
4 five of this chapter through the installation of school bus photo moni-
5 toring systems as appropriate pursuant to article twenty-nine of this
6 chapter, or making an appearance within thirty days of the sending of
7 such notice. Pleas entered and allegations contested within that period
8 shall be in the manner prescribed in the notice and not subject to addi-
9 tional penalty or fee. Such notice of impending default judgment shall
10 not be required prior to the rendering and entry thereof in the case of
11 operators or owners who are non-residents of the state of New York. In
12 no case shall a default judgment be rendered or, where required, a
13 notice of impending default judgment be sent, more than two years after
14 the expiration of the time prescribed for entering a plea or contesting
15 an allegation. When a person has demanded a hearing, no fine or penalty
16 shall be imposed for any reason, prior to the holding of the hearing. If
17 the hearing examiner shall make a determination on the charges, sustain-
18 ing them, he or she shall impose no greater penalty or fine than those
19 upon which the person was originally charged.

20 § 7. Paragraph a of subdivision 5-a of section 401 of the vehicle and
21 traffic law is REPEALED and a new paragraph a is added to read as
22 follows:

23 a. (i) If at the time of application for a registration or renewal
24 thereof there is a certification from a court, parking violations
25 bureau, traffic and parking violations agency or administrative tribunal
26 of appropriate jurisdiction that the registrant or his or her represen-
27 tative failed to appear on the return date or any subsequent adjourned
28 date or failed to comply with the rules and regulations of an adminis-
29 trative tribunal following entry of a final decision in response to a
30 total of three or more summonses or other process in the aggregate,
31 issued within an eighteen month period, charging either that: (i) such
32 motor vehicle was parked, stopped or standing, or that such motor vehi-
33 cle was operated for hire by the registrant or his or her agent without
34 being licensed as a motor vehicle for hire by the appropriate local
35 authority, in violation or any of the provisions of this chapter or of
36 any law, ordinance, rule or regulation made by a local authority; or
37 (ii) the registrant was liable for a violation of subdivision (d) of
38 section eleven hundred eleven of this chapter in accordance with a local
39 law or ordinance imposing monetary liability on the owner of a vehicle
40 for failure of an operator thereof to comply with traffic-control indi-
41 cations through the installation of traffic-control signal photo viola-
42 tion-monitoring devices pursuant to article twenty-four of this chapter;
43 or (iii) the registrant was liable in accordance with a local law or
44 ordinance imposing monetary liability on the owner of a vehicle for the
45 failure of operator to comply with certain posted maximum speed limits
46 in violation of section eleven hundred eighty of this chapter through
47 the installation of photo speed violation monitoring systems pursuant to
48 article thirty of this chapter; or (iv) the registrant was liable in
49 accordance with a local law or ordinance imposing monetary liability on
50 the owner of a vehicle for violations of bus lane restrictions as
51 specifically set forth in local laws establishing such restrictions,
52 through the use of photo devices pursuant to article twenty-four of this
53 chapter; or (v) the registrant was liable in accordance with a local law
54 or ordinance imposing monetary liability on the owner of a vehicle for
55 failure of operator to stop for a school bus displaying a red visual
56 signal and stop-arm when meeting a school bus marked and equipped as

provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court, traffic and parking violations agency or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter; other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than an adjudication of liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter, or an adjudication of liability of owners for violations of section eleven hundred eighty of this chapter in accordance with local laws imposing liability on owners for failure of an operator to comply with certain posted maximum speed limits through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter, or an adjudication of liability of owners for violations of bus lane restrictions in accordance with local laws imposing liability on owners for failure of operators to comply with such restrictions through the use of photo devices pursuant to article twenty-four of this chapter, or an adjudication of liability of owners for violations of toll collection regulations by an operator as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or an adjudication of liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm

1 when meeting a school bus marked and equipped as provided in subdivi-
2 sions twenty and twenty-one-c of section three hundred seventy-five of
3 this chapter in accordance with provisions of law specifically authoriz-
4 ing the imposition of monetary liability on the owner of a vehicle
5 through the installation of school bus photo monitoring systems pursuant
6 to article twenty-nine of this chapter, there shall be levied a crime
7 victim assistance fee and a mandatory surcharge, in addition to any
8 sentence required or permitted by law, in accordance with the following
9 schedule:

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

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

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

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

26 (c) Whenever proceedings in an administrative tribunal or a court of
27 this state result in a conviction for an offense under this chapter
28 other than a crime pursuant to section eleven hundred ninety-two of this
29 chapter, or a traffic infraction under this chapter, or a local law,
30 ordinance, rule or regulation adopted pursuant to this chapter, other
31 than a traffic infraction involving standing, stopping, or parking or
32 violations by pedestrians or bicyclists, or other than an adjudication
33 of liability of an owner for a violation of subdivision (d) of section
34 eleven hundred eleven of this chapter in accordance with a local law or
35 ordinance imposing liability on the owner of a vehicle for failure of an
36 operator thereof to comply with traffic-control indications through the
37 installation of traffic-control signal photo violation-monitoring
38 devices pursuant to article twenty-four of this chapter, or other than
39 an adjudication of liability of an owner in accordance with a local law
40 or ordinance imposing monetary liability on the owner of a vehicle for
41 the failure of an operator to comply with certain posted maximum speed
42 limits in violation of section eleven hundred eighty of this chapter
43 through the installation of photo speed violation monitoring systems
44 pursuant to article thirty of this chapter, or other than an adjudi-
45 cation of liability of an owner in accordance with a local law or ordi-
46 nance imposing monetary liability on the owner of a vehicle for
47 violations of bus lane restrictions as specifically set forth in local
48 laws establishing such restrictions, through the use of photo devices
49 pursuant to article twenty-four of this chapter, or other than an adju-
50 dication of the liability of owners for failure of operator to stop for
51 a school bus displaying a red visual signal and stop-arm when meeting a
52 school bus marked and equipped as provided in subdivisions twenty and
53 twenty-one-c of section three hundred seventy-five of this chapter in
54 accordance with provisions of law specifically authorizing the imposi-
55 tion of monetary liability on the owner of a vehicle through the instal-
56 lation of school bus photo monitoring systems pursuant to article twen-

1 ty-nine of this chapter; or other than an infraction pursuant to article
2 nine of this chapter; or other than an adjudication of liability of an
3 owner for a violation of toll collection regulations pursuant to section
4 two thousand nine hundred eighty-five of the public authorities law or
5 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
6 seventy-four of the laws of nineteen hundred fifty, there shall be
7 levied a crime victim assistance fee in the amount of five dollars and a
8 mandatory surcharge, in addition to any sentence required or permitted
9 by law, in the amount of fifty-five dollars.

10 § 9. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
11 traffic law is REPEALED and a new paragraph a is added to read as
12 follows:

13 a. Notwithstanding any other provision of law, whenever proceedings in
14 a court or an administrative tribunal of this state result in a
15 conviction for an offense under this chapter, except a conviction pursu-
16 ant to section eleven hundred ninety-two of this chapter, or for a traf-
17 fic infraction under this chapter, or a local law, ordinance, rule or
18 regulation adopted pursuant to this chapter, except: (i) a traffic
19 infraction involving standing, stopping, or parking or violations by
20 pedestrians or bicyclists; or (ii) an adjudication of liability of an
21 owner for a violation of subdivision (d) of section eleven hundred elev-
22 en of this chapter in accordance with a local law or ordinance imposing
23 liability on the owner of a vehicle for failure of an operator thereof
24 to comply with traffic-control indications through the installation of
25 traffic-control signal photo violation-monitoring devices pursuant to
26 article twenty-four of this chapter; or (iii) an adjudication of liabil-
27 ity of an owner in accordance with a local law or ordinance imposing
28 monetary liability on the owner of a vehicle for the failure of an oper-
29 ator to comply with certain posted maximum speed limits in violation of
30 section eleven hundred eighty of this chapter through the installation
31 of photo speed violation monitoring systems pursuant to article thirty
32 of this chapter; or (iv) an adjudication of liability of an owner in
33 accordance with a local law or ordinance imposing monetary liability on
34 the owner of a vehicle for violations of bus lane restrictions as
35 specifically set forth in local laws establishing such restrictions,
36 through the use of photo devices pursuant to article twenty-four of this
37 chapter; or (v) an adjudication of liability of an owner for a violation
38 of toll collection regulations pursuant to section two thousand nine
39 hundred eighty-five of the public authorities law or sections sixteen-a,
40 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
41 laws of nineteen hundred fifty; or (vi) an adjudication of the liability
42 of owners for failure of operator to stop for a school bus displaying a
43 red visual signal and stop-arm when meeting a school bus marked and
44 equipped as provided in subdivisions twenty and twenty-one-c of section
45 three hundred seventy-five of this chapter, in accordance with
46 provisions of law specifically authorizing the imposition of monetary
47 liability on the owner of a vehicle through the installation of school
48 bus photo monitoring systems pursuant to article twenty-nine of this
49 chapter, there shall be levied in addition to any sentence, penalty or
50 other surcharge required or permitted by law, an additional surcharge of
51 twenty-eight dollars.

52 § 10. Section 371 of the general municipal law is REPEALED and a new
53 section 371 is added to read as follows:

54 § 371. Jurisdiction and procedure. 1. A traffic violations bureau so
55 established may be authorized to dispose of violations of traffic laws,
56 ordinances, rules and regulations when such offenses shall not consti-

1 tute the traffic infraction known as speeding or a misdemeanor or felo-
2 ny, and, if authorized by local law or ordinance, or to adjudicate the
3 liability of owners for violations of subdivision (d) of section eleven
4 hundred eleven of the vehicle and traffic law in accordance with a local
5 law or ordinance imposing monetary liability on the owner of a vehicle
6 for failure of an operator thereof to comply with traffic-control indi-
7 cations through the installation of traffic-control signal photo viola-
8 tion-monitoring devices pursuant to article twenty-four of the vehicle
9 and traffic law, or authorized to adjudicate the liability of owners for
10 failure of operator to stop for a school bus displaying a red visual
11 signal and stop-arm when meeting a school bus marked and equipped as
12 provided in subdivisions twenty and twenty-one-c of section three
13 hundred seventy-five of the vehicle and traffic law in accordance with
14 provisions of law specifically authorizing the imposition of monetary
15 liability on the owner of a vehicle through the installation of school
16 bus photo monitoring systems pursuant to article twenty-nine of the
17 vehicle and traffic law.

18 2. The Nassau county traffic and parking violations agency, as estab-
19 lished, may be authorized to assist the Nassau county district court,
20 and the Suffolk county traffic and parking violations agency, as estab-
21 lished, may be authorized to assist the Suffolk county district court,
22 in the disposition and administration of infractions of traffic and
23 parking laws, ordinances, rules and regulations and 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, except that such agencies shall not have juris-
39 isdiction over (a) the traffic infraction defined under subdivision one of
40 section eleven hundred ninety-two of the vehicle and traffic law; (b)
41 the traffic infraction defined under subdivision five of section eleven
42 hundred ninety-two of the vehicle and traffic law; (c) the violation
43 defined under paragraph (b) of subdivision four of section fourteen-f of
44 the transportation law and the violation defined under item (b) of
45 subparagraph (iii) of paragraph c of subdivision two of section one
46 hundred forty of the transportation law; (d) the traffic infraction
47 defined under section three hundred ninety-seven-a of the vehicle and
48 traffic law and the traffic infraction defined under subdivision (g) of
49 section eleven hundred eighty of the vehicle and traffic law; (e) any
50 misdemeanor or felony; or (f) any offense that is part of the same crim-
51 inal transaction, as that term is defined in subdivision two of section
52 40.10 of the criminal procedure law, as a violation of subdivision one
53 of section eleven hundred ninety-two of the vehicle and traffic law, a
54 violation of subdivision five of section eleven hundred ninety-two of
55 the vehicle and traffic law, a violation of paragraph (b) of subdivision
56 four of section fourteen-f of the transportation law, a violation of

1 item (b) of subparagraph (iii) of paragraph c of subdivision two of
2 section one hundred forty of the transportation law, a violation of
3 section three hundred ninety-seven-a of the vehicle and traffic law, a
4 violation of subdivision (g) of section eleven hundred eighty of the
5 vehicle and traffic law or any misdemeanor or felony.

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

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

1 subdivision one of section eleven hundred ninety-two of the vehicle and
2 traffic law, a violation of subdivision five of section eleven hundred
3 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
4 of subdivision four of section fourteen-f of the transportation law, a
5 violation of item (b) of subparagraph (iii) of paragraph c of subdivi-
6 sion two of section one hundred forty of the transportation law, a
7 violation of section three hundred ninety-seven-a of the vehicle and
8 traffic law, a violation constituting a parking, stopping, standing or
9 pedestrian offense, a violation of subdivision (g) of section eleven
10 hundred eighty of the vehicle and traffic law or any misdemeanor or
11 felony.

12 3. A person charged with an infraction which shall be disposed of by
13 either a traffic violations bureau, the Nassau county traffic and park-
14 ing violations agency, or the Suffolk county traffic and parking
15 violations agency may be permitted to answer, within a specified time,
16 at the traffic violations bureau, in Nassau county at the traffic and
17 parking violations agency and in Suffolk county at the traffic and park-
18 ing violations agency, either in person or by written power of attorney
19 in such form as may be prescribed in the ordinance or local law creating
20 the bureau or agency, by paying a prescribed fine and, in writing, waiv-
21 ing a hearing in court, pleading guilty to the charge or admitting
22 liability as an owner for the violation of subdivision (d) of section
23 eleven hundred eleven of the vehicle and traffic law, as the case may
24 be, and authorizing the person in charge of the bureau or agency to
25 enter such a plea or admission and accept payment of said fine. Accept-
26 ance of the prescribed fine and power of attorney by the bureau or agen-
27 cy shall be deemed complete satisfaction for the violation or of the
28 liability, and the violator or owner liable for a violation of subdivi-
29 sion (d) of section eleven hundred eleven of the vehicle and traffic law
30 shall be given a receipt which so states. If a person charged with a
31 traffic violation does not answer as hereinbefore prescribed, within a
32 designated time, the bureau or agency may cause a complaint to be
33 entered against him or her forthwith and a warrant to be issued for his
34 or her arrest and appearance before the court, such summons to be predi-
35 cated upon the personal service of said summons upon the person charged
36 with the infraction. Any person who shall have been, within the preced-
37 ing twelve months, guilty of a number of parking violations in excess of
38 such maximum number as may be designated by the court, or of three or
39 more violations other than parking violations, shall not be permitted to
40 appear and answer to a subsequent violation at the traffic violations
41 bureau or agency, but must appear in court at a time specified by the
42 bureau or agency. Such bureau or agency shall not be authorized to
43 deprive a person of his or her right to counsel or to prevent him or her
44 from exercising his or her right to appear in court to answer to,
45 explain, or defend any charge of a violation of any traffic law, ordi-
46 nance, rule or regulation.

47 3-a. A person charged with an infraction which shall be disposed of by
48 the Buffalo traffic violations agency may be permitted to answer, within
49 a specified time, at the traffic violations agency either in person or
50 by written power of attorney in such form as may be prescribed in the
51 ordinance or local law creating the agency, by paying a prescribed fine
52 and, in writing, waiving a hearing in court, pleading guilty to the
53 charge or a lesser charge agreeable to the traffic prosecutor and the
54 person charged with an infraction, and authorizing the person in charge
55 of the agency to enter such a plea and accept payment of said fine.
56 Acceptance of the prescribed fine and power of attorney by the agency

1 shall be deemed complete satisfaction for the violation, and the viola-
2 tor shall be given a receipt which so states. If a person charged with a
3 traffic violation does not answer as hereinbefore prescribed, within a
4 designated time, the agency may cause a complaint to be entered against
5 him or her forthwith and a warrant to be issued for his or her arrest
6 and appearance before the court, such summons to be predicated upon the
7 personal service of said summons upon the person charged with the
8 infraction. Any person who shall have been, within the preceding twelve
9 months, guilty of three or more violations, shall not be permitted to
10 appear and answer to a subsequent violation at the agency, but must
11 appear in court at a time specified by the agency. Such agency shall not
12 be authorized to deprive a person of his or her right to counsel or to
13 prevent him or her from exercising his or her right to appear in court
14 to answer to, explain, or defend any charge of a violation of any traf-
15 fic law, ordinance, rule or regulation.

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

41 4. Notwithstanding any inconsistent provision of law, fines, penalties
42 and forfeitures collected by the Nassau county or Suffolk county traffic
43 and parking violations agency shall be distributed as provided in
44 section eighteen hundred three of the vehicle and traffic law. All
45 fines, penalties and forfeitures for violations adjudicated by the
46 Nassau county or Suffolk county traffic and parking violations agency
47 pursuant to subdivision two of this section, with the exception of park-
48 ing violations, and except as provided in subdivision three of section
49 ninety-nine-a of the state finance law, shall be paid by such agencies
50 to the state comptroller within the first ten days of the month follow-
51 ing collection. Each such payment shall be accompanied by a true and
52 complete report in such form and detail as the comptroller shall
53 prescribe.

54 4-a. Notwithstanding any inconsistent provision of law, fines, penal-
55 ties and forfeitures collected by the Buffalo traffic violations agency
56 shall be distributed as provided in section eighteen hundred three of

1 the vehicle and traffic law. All fines, penalties and forfeitures for
2 violations adjudicated by the Buffalo traffic violations agency pursuant
3 to subdivision two-a of this section except as provided in subdivision
4 three of section ninety-nine-a of the state finance law, shall be paid
5 by such agency to the state comptroller within the first ten days of the
6 month following collection. Each such payment shall be accompanied by a
7 true and complete report in such form and detail as the comptroller
8 shall prescribe.

9 4-b. Notwithstanding any inconsistent provision of law, fines, penal-
10 ties and forfeitures collected by the Rochester traffic violations agen-
11 cy shall be distributed as provided in section eighteen hundred three of
12 the vehicle and traffic law. All fines, penalties and forfeitures for
13 violations adjudicated by the Rochester traffic violations agency pursu-
14 ant to subdivision two-b of this section except as provided in subdivi-
15 sion three of section ninety-nine-a of the state finance law, shall be
16 paid by such agency to the state comptroller within the first ten days
17 of the month following collection. Each such payment shall be accompa-
18 nied by a true and complete report in such form and detail as the comp-
19 troller shall prescribe.

20 § 11. The vehicle and traffic law is amended by adding a new section
21 1111-f to read as follows:

22 § 1111-f. Owner liability for failure of operator to comply with
23 traffic-control indications. (a) 1. Notwithstanding any other provision
24 of law, the village of Pelham Manor is hereby authorized and empowered
25 to adopt and amend a local law or ordinance establishing a demonstration
26 program imposing monetary liability on the owner of a vehicle for fail-
27 ure of an operator thereof to comply with traffic-control indications in
28 such village in accordance with the provisions of this section. Such
29 demonstration program shall empower such village to install and operate
30 traffic-control signal photo violation-monitoring devices at no more
31 than one intersection within and under the jurisdiction of such village
32 at any one time.

33 2. Such demonstration program shall utilize necessary technologies to
34 ensure, to the extent practicable, that photographs produced by such
35 traffic-control signal photo violation-monitoring systems shall not
36 include images that identify the driver, the passengers, or the contents
37 of the vehicle. Provided, however, that no notice of liability issued
38 pursuant to this section shall be dismissed solely because a photograph
39 or photographs allow for the identification of the contents of a vehi-
40 cle, provided that such village has made a reasonable effort to comply
41 with the provisions of this paragraph.

42 (b) In any such village which has adopted a local law or ordinance
43 pursuant to subdivision (a) of this section, the owner of a vehicle
44 shall be liable for a penalty imposed pursuant to this section if such
45 vehicle was used or operated with the permission of the owner, express
46 or implied, in violation of subdivision (d) of section eleven hundred
47 eleven of this article, and such violation is evidenced by information
48 obtained from a traffic-control signal photo violation-monitoring
49 system; provided however that no owner of a vehicle shall be liable for
50 a penalty imposed pursuant to this section where the operator of such
51 vehicle has been convicted of the underlying violation of subdivision
52 (d) of section eleven hundred eleven of this article.

53 (c) For purposes of this section, "owner" shall have the meaning
54 provided in article two-B of this chapter. For purposes of this section,
55 "traffic-control signal photo violation-monitoring system" shall mean a
56 vehicle sensor installed to work in conjunction with a traffic-control

1 signal which automatically produces two or more photographs, two or more
2 microphotographs, a videotape or other recorded images of each vehicle
3 at the time it is used or operated in violation of subdivision (d) of
4 section eleven hundred eleven of this article.

5 (d) A certificate, sworn to or affirmed by a technician employed by
6 the village of Pelham Manor in which the charged violation occurred, or
7 a facsimile thereof, based upon inspection of photographs, microphoto-
8 graphs, videotape or other recorded images produced by a traffic-control
9 signal photo violation-monitoring system, shall be prima facie evidence
10 of the facts contained therein. Any photographs, microphotographs,
11 videotape or other recorded images evidencing such a violation shall be
12 available for inspection in any proceeding to adjudicate the liability
13 for such violation pursuant to a local law or ordinance adopted pursuant
14 to this section.

15 (e) An owner liable for a violation of subdivision (d) of section
16 eleven hundred eleven of this article pursuant to a local law or ordi-
17 nance adopted pursuant to this section shall be liable for monetary
18 penalties in accordance with a schedule of fines and penalties to be set
19 forth in such local law or ordinance. The liability of the owner pursu-
20 ant to this section shall not exceed fifty dollars for each violation;
21 provided, however, that such local law or ordinance may provide for an
22 additional penalty not in excess of twenty-five dollars for each
23 violation for the failure to respond to a notice of liability within the
24 prescribed time period.

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

30 (g) 1. A notice of liability shall be sent by first class mail to each
31 person alleged to be liable as an owner for a violation of subdivision
32 (d) of section eleven hundred eleven of this article pursuant to this
33 section. Personal delivery on the owner shall not be required. A manual
34 or automatic record of mailing prepared in the ordinary course of busi-
35 ness shall be prima facie evidence of the facts contained therein.

36 2. A notice of liability shall contain the name and address of the
37 person alleged to be liable as an owner for a violation of subdivision
38 (d) of section eleven hundred eleven of this article pursuant to this
39 section, the registration number of the vehicle involved in such
40 violation, the location where such violation took place, the date and
41 time of such violation and the identification number of the camera which
42 recorded the violation or other document locator number.

43 3. The notice of liability shall contain information advising the
44 person charged of the manner and the time in which he or she may contest
45 the liability alleged in the notice. Such notice of liability shall also
46 contain a warning to advise the persons charged that failure to contest
47 in the manner and time provided shall be deemed an admission of liabil-
48 ity and that a default judgment may be entered thereon.

49 4. The notice of liability shall be prepared and mailed by the village
50 of Pelham Manor or by any other entity authorized by such village to
51 prepare and mail such notification of violation.

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

1 (i) If an owner receives a notice of liability pursuant to this
2 section for any time period during which the vehicle was reported to the
3 police department as having been stolen, it shall be a valid defense to
4 an allegation of liability for a violation of subdivision (d) of section
5 eleven hundred eleven of this article pursuant to this section that the
6 vehicle had been reported to the police as stolen prior to the time the
7 violation occurred and had not been recovered by such time. For purposes
8 of asserting the defense provided by this subdivision it shall be suffi-
9 cient that a certified copy of the police report on the stolen vehicle
10 be sent by first class mail to the court having jurisdiction.

11 (j) An owner who is a lessor of a vehicle to which a notice of liabil-
12 ity was issued pursuant to subdivision (g) of this section shall not be
13 liable for the violation of subdivision (d) of section eleven hundred
14 eleven of this article, provided that he or she sends to the court
15 having jurisdiction a copy of the rental, lease or other such contract
16 document covering such vehicle on the date of the violation, with the
17 name and address of the lessee clearly legible, within thirty-seven days
18 after receiving notice from the court of the date and time of such
19 violation, together with the other information contained in the original
20 notice of liability. Failure to send such information within such thir-
21 ty-seven day time period shall render the owner liable for the penalty
22 prescribed by this section. Where the lessor complies with the
23 provisions of this subdivision, the lessee of such vehicle on the date
24 of such violation shall be deemed to be the owner of such vehicle for
25 purposes of this section, shall be subject to liability for the
26 violation of subdivision (d) of section eleven hundred eleven of this
27 article pursuant to this section and shall be sent a notice of liability
28 pursuant to subdivision (g) of this section.

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

33 2. Notwithstanding any other provision of this section, no owner of a
34 vehicle shall be subject to a monetary fine imposed pursuant to this
35 section if the operator of such vehicle was operating such vehicle with-
36 out the consent of the owner at the time such operator failed to obey a
37 traffic-control indication. For purposes of this subdivision there shall
38 be a presumption that the operator of such vehicle was operating such
39 vehicle with the consent of the owner at the time such operator failed
40 to obey a traffic-control indication.

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

44 (m) When the village has established a demonstration program pursuant
45 to this section, all fines and penalties collected under such program
46 shall be distributed in accordance with subdivision ten of section eigh-
47 teen hundred three of this chapter.

48 (n) Any village that adopts a demonstration program pursuant to subdivi-
49 vision (a) of this section shall submit an annual report detailing the
50 results of the use of such traffic-control signal photo violation-moni-
51 toring system to the governor, the temporary president of the senate and
52 the speaker of the assembly on or before June first, two thousand twen-
53 ty-one and on the same date in each succeeding year in which the demon-
54 stration program is operable. Such report shall include, but not be
55 limited to:

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

3 2. the aggregate number, type and severity of accidents reported at
4 intersections where a traffic-control signal photo violation-monitoring
5 system is used for the three years preceding the installation of such
6 system, 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 traffic-control signal photo violation-monitoring
9 system is used for the reporting year, as well as for each year that the
10 traffic-control signal photo violation-monitoring system has been opera-
11 tional, to the extent the information is maintained by the department;

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

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

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

21 7. the number and percentage of violations adjudicated and results of
22 such adjudications including breakdowns of disposition made for
23 violations recorded by such systems which shall be provided at least
24 annually to such village by the respective courts and bureaus conducting
25 such adjudications;

26 8. the total amount of revenue realized by such village from such
27 adjudications including a breakdown of revenue realized by such village
28 for each year since deployment of its traffic-control signal photo
29 violation-monitoring system;

30 9. expenses incurred by such village in connection with the program;
31 and

32 10. quality of the adjudication process and its results which shall be
33 provided at least annually to such village by the respective courts and
34 bureaus conducting such adjudications.

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

40 § 12. This act shall take effect immediately; provided, however that
41 section eleven of this act shall take effect on the thirtieth day after
42 it shall have become a law and shall expire on December 1, 2025, when
43 upon such date the provisions of section eleven of this act shall be
44 deemed repealed; provided, further, that any such local law as may be
45 enacted pursuant to section eleven of this act shall remain in full
46 force and effect only until December 1, 2025.