

STATE OF NEW YORK

2740--B

Cal. No. 707

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; and providing for the repeal of such 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 Section 235 of the vehicle and traffic law is REPEALED and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: (a) to hear and determine complaints of
7 traffic infractions constituting parking, standing or stopping
8 violations, or (b) to adjudicate the liability of owners for violations
9 of subdivision (d) of section eleven hundred eleven of this chapter
10 imposed pursuant to a local law or ordinance imposing monetary liability
11 on the owner of a vehicle for failure of an operator thereof to comply
12 with traffic-control indications through the installation and operation
13 of traffic-control signal photo violation-monitoring systems, in accord-
14 ance with article twenty-four of this chapter, or (c) to adjudicate the
15 liability of owners for violations of subdivision (b), (c), (d), (f) or
16 (g) of section eleven hundred eighty of this chapter imposed pursuant to

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

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1 a demonstration program imposing monetary liability on the owner of a
2 vehicle for failure of an operator thereof to comply with such posted
3 maximum speed limits through the installation and operation of photo
4 speed violation monitoring systems, in accordance with article thirty of
5 this chapter, or (d) to adjudicate the liability of owners for
6 violations of bus lane restrictions as defined by article twenty-four of
7 this chapter imposed pursuant to a bus rapid transit program imposing
8 monetary liability on the owner of a vehicle for failure of an operator
9 thereof to comply with such bus lane restrictions through the installa-
10 tion and operation of bus lane photo devices, in accordance with article
11 twenty-four of this chapter, or (e) to adjudicate the liability of
12 owners for violations of toll collection regulations imposed by certain
13 public authorities pursuant to the law authorizing such public authori-
14 ties to impose monetary liability on the owner of a vehicle for failure
15 of an operator thereof to comply with toll collection regulations of
16 such public authorities through the installation and operation of
17 photo-monitoring systems, in accordance with the provisions of section
18 two thousand nine hundred eighty-five of the public authorities law and
19 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
20 seventy-four of the laws of nineteen hundred fifty, or (f) to adjudicate
21 the liability of owners for violations of section eleven hundred seven-
22 ty-four of this chapter when meeting a school bus marked and equipped as
23 provided in subdivisions twenty and twenty-one-c of section three
24 hundred seventy-five of this chapter imposed pursuant to a local law or
25 ordinance imposing monetary liability on the owner of a vehicle for
26 failure of an operator thereof to comply with school bus red visual
27 signals through the installation and operation of school bus photo
28 violation monitoring systems, in accordance with article twenty-nine of
29 this chapter, or (g) to adjudicate the liability of owners for
30 violations of section three hundred eighty-five of this chapter and the
31 rules of the department of transportation of the city of New York in
32 relation to gross vehicle weight and/or axle weight violations imposed
33 pursuant to a weigh in motion demonstration program imposing monetary
34 liability on the owner of a vehicle for failure of an operator thereof
35 to comply with such gross vehicle weight and/or axle weight restrictions
36 through the installation and operation of weigh in motion violation
37 monitoring systems, in accordance with article ten of this chapter, such
38 tribunal and the rules and regulations pertaining thereto shall be
39 constituted in substantial conformance with the following sections.

40 2. Notwithstanding any inconsistent provision of any general, special
41 or local law or administrative code to the contrary, any city with a
42 population in excess of one hundred thousand persons according to the
43 nineteen hundred eighty United States census hereinafter referred to as
44 a city shall provide notice of parking violations and of the imposition
45 of additional penalties whenever the person who is liable therefor fails
46 to respond to the parking ticket in the manner designated thereon. Such
47 notice shall be in substantial conformance with the following
48 provisions:

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

52 (2) Whenever a person has been issued a notice of violation for a
53 parking violation and has not responded in the manner described in the
54 notice, a city shall give the owner a second notice of the violation by
55 regular first class mail: (i) within forty days of issuance of the first
56 notice of violation for a parking violation where the vehicle is a vehi-

1 cle registered in this state; or (ii) within forty days of the receipt
2 by such city of the name and address of the owner of the vehicle where
3 the vehicle is a vehicle registered in any other state. Such second
4 notice shall include, but not be limited to, the following information:

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

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

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

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

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

23 b. Additional penalties. (1) For the purposes of this paragraph, each
24 locality shall determine an initial response date of not less than eight
25 days nor more than thirty days, after which time a penalty may be
26 imposed. The liability for such initial penalty shall commence on the
27 date following the initial response date.

28 (2) Failure to respond to a notice of violation for a parking
29 violation by the initial response date may result in the liability for a
30 penalty in an amount of the fine indicated on the notice of violation
31 for a parking violation; where a city has given a second notice pursuant
32 to paragraph a of this subdivision, the following schedule of additional
33 penalties may apply:

34 (A) failure to respond to a notice of violation for a parking
35 violation by the initial response date may result in the liability for
36 an additional penalty not to exceed ten dollars or, if the first penalty
37 assessed by a city does not exceed five dollars, such city may assess an
38 additional penalty within thirty-one to seventy-five days not to exceed
39 ten dollars; and

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

45 (3) Where the additional penalty schedule set forth in subparagraph
46 two of this paragraph, as interpreted in 9 New York Code of Rules and
47 Regulations Part 6180, has not been implemented by a city and is not in
48 effect in such city on or before January first, nineteen hundred nine-
49 ty-three, the provisions of this paragraph shall not apply. For the
50 purposes of this subdivision, the provisions of this paragraph shall not
51 be considered to have been implemented and in effect unless the penalty
52 schedule contained herein shall have been applied to parking violations
53 issued in such city on or before January first, nineteen hundred nine-
54 ty-three.

55 b-1. Alternate additional penalty schedule. In any city in which the
56 schedule of penalties contained in subparagraph two of paragraph b of

1 this subdivision, as interpreted in 9 New York Code of Rules and Regu-
2 lations Part 6180, has not been implemented and was not in effect on or
3 before January first, nineteen hundred ninety-three, the provisions of
4 this paragraph shall only apply upon enactment of a local law containing
5 the penalty schedule provided in this paragraph prior to March 28, 1993.
6 Following the enactment of such a local law, such city may elect to
7 impose the additional penalties set forth in subparagraphs one and two
8 of this paragraph for failure to respond to a notice of violation for a
9 parking violation in accordance with this paragraph. In the event that
10 no such local law was enacted prior to March 28, 1993, the alternate
11 additional penalty schedule set forth in paragraph b-2 of this subdivi-
12 sion shall apply.

13 (1) Failure to respond to a notice of violation for a parking
14 violation within thirty days shall result in liability, commencing on
15 the thirty-first day, for an additional penalty in an amount not to
16 exceed ten dollars, indicated on the notice of violation for a parking
17 violation; where a city has given a second notice pursuant to paragraph
18 a of this subdivision failure to respond to a notice of violation for a
19 parking violation within forty-five days may result in liability,
20 commencing on the forty-sixth day, for the penalty prescribed above for
21 failure to respond within thirty days and an additional penalty not to
22 exceed twenty dollars; and where a city has given a second notice pursu-
23 ant to paragraph a of this subdivision failure to respond to a notice of
24 violation for a parking violation within seventy-five days may result in
25 liability, commencing on the seventy-sixth day, for the penalties
26 prescribed above for failure to respond within thirty days and for fail-
27 ure to respond within forty-five days and an additional penalty not to
28 exceed thirty dollars.

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

34 b-2. Alternate additional penalty schedule. In any city in which the
35 schedule of penalties contained in paragraph b of this subdivision, as
36 interpreted in 9 New York Code of Rules and Regulations Part 6180, has
37 not been implemented and was not in effect on or before January first,
38 nineteen hundred ninety-three and which has not enacted a local law
39 pursuant to paragraph b-1 of this subdivision prior to March 28, 1993,
40 the following alternate additional penalty schedule shall apply:

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

45 (2) Failure to respond to a notice of violation for a parking
46 violation within thirty days may result in the liability, commencing on
47 the thirty-first day, for the penalty prescribed above for failure to
48 respond within eight days and an additional penalty not to exceed ten
49 dollars or, if the first penalty assessed by the city does not exceed
50 five dollars, such city may assess an additional penalty within thirty-
51 one to seventy-five days not to exceed ten dollars;

52 (3) Where a city has given a second notice pursuant to paragraph a of
53 this subdivision failure to respond to a notice of violation for a park-
54 ing violation within seventy-five days may result in the liability,
55 commencing on the seventy-sixth day, for the penalties prescribed above
56 for failure to respond within eight days and for failure to respond

1 within thirty days and an additional penalty not to exceed twenty
2 dollars; and

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

8 c. Default judgment. Where a city has given notice pursuant to para-
9 graph a of this subdivision, failure to respond to a notice of violation
10 for a parking violation within ninety days shall be deemed an admission
11 of liability and shall subject the owner to a default judgment being
12 entered thereon in an amount not greater than the amount of the original
13 fine and accrued penalties plus any applicable surcharges. Such default
14 shall be reported to the department which department shall cause a
15 suspension and non-renewal of the owner's registration pursuant to the
16 provisions of subdivision four-c of section five hundred ten of this
17 chapter.

18 3. Nothing set forth in this article shall be construed to authorize
19 the imposition of monetary liability on the owner of a vehicle for fail-
20 ure of an operator thereof to comply with any provision of law, rule or
21 regulation through the installation and operation of a photo enforcement
22 device or system, except as otherwise explicitly authorized by article
23 ten, twenty-four, twenty-nine or thirty of this chapter, by section two
24 thousand nine hundred eighty-five of the public authorities law, or by
25 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
26 seventy-four of the laws of nineteen hundred fifty, nor be construed to
27 grant any municipality the authority to establish by local law, ordi-
28 nance, order, rule, regulation, resolution or any other means, an admin-
29 istrative tribunal to hear and determine complaints of traffic infrac-
30 tions or jurisdiction to adjudicate any liability set forth in
31 subdivision one of this section.

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

34 1. Creation. In any city as hereinbefore or hereafter authorized such
35 tribunal when created shall be known as the parking violations bureau
36 and shall have jurisdiction of traffic infractions which constitute a
37 parking violation and, where authorized: (a) to adjudicate the liability
38 of owners for violations of subdivision (d) of section eleven hundred
39 eleven of this chapter imposed pursuant to a local law or ordinance
40 imposing monetary liability on the owner of a vehicle for failure of an
41 operator thereof to comply with traffic-control indications through the
42 installation and operation of traffic-control signal photo violation-
43 monitoring systems, in accordance with article twenty-four of this chap-
44 ter, or (b) to adjudicate the liability of owners for violations of
45 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
46 of this chapter imposed pursuant to a demonstration program imposing
47 monetary liability on the owner of a vehicle for failure of an operator
48 thereof to comply with such posted maximum speed limits through the
49 installation and operation of photo speed violation monitoring systems,
50 in accordance with article thirty of this chapter, or (c) to adjudicate
51 the liability of owners for violations of bus lane restrictions as
52 defined by article twenty-four of this chapter imposed pursuant to a bus
53 rapid transit program imposing monetary liability on the owner of a
54 vehicle for failure of an operator thereof to comply with such bus lane
55 restrictions through the installation and operation of bus lane photo
56 devices, in accordance with article twenty-four of this chapter, or (d)

1 to adjudicate the liability of owners for violations of toll collection
2 regulations imposed by certain public authorities pursuant to the law
3 authorizing such public authorities to impose monetary liability on the
4 owner of a vehicle for failure of an operator thereof to comply with
5 toll collection regulations of such public authorities through the
6 installation and operation of photo-monitoring systems, in accordance
7 with the provisions of section two thousand nine hundred eighty-five of
8 the public authorities law and sections sixteen-a, sixteen-b and
9 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
10 hundred fifty, or (e) to adjudicate the liability of owners for
11 violations of section eleven hundred seventy-four of this chapter when
12 meeting a school bus marked and equipped as provided in subdivisions
13 twenty and twenty-one-c of section three hundred seventy-five of this
14 chapter imposed pursuant to a local law or ordinance imposing monetary
15 liability on the owner of a vehicle for failure of an operator thereof
16 to comply with school bus red visual signals through the installation
17 and operation of school bus photo violation monitoring systems, in
18 accordance with article twenty-nine of this chapter, or (f) to adjudi-
19 cate the liability of owners for violations of section three hundred
20 eighty-five of this chapter and the rules of the department of transpor-
21 tation of the city of New York in relation to gross vehicle weight
22 and/or axle weight violations imposed pursuant to a weigh in motion
23 demonstration program imposing monetary liability on the owner of a
24 vehicle for failure of an operator thereof to comply with such gross
25 vehicle weight and/or axle weight restrictions through the installation
26 and operation of weigh in motion violation monitoring systems, in
27 accordance with article ten of this chapter. Such tribunal, except in a
28 city with a population of one million or more, shall also have jurisdic-
29 tion of abandoned vehicle violations. For the purposes of this article,
30 a parking violation is the violation of any law, rule or regulation
31 providing for or regulating the parking, stopping or standing of a vehi-
32 cle. In addition for purposes of this article, "commissioner" shall mean
33 and include the commissioner of traffic of the city or an official
34 possessing authority as such a commissioner.

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

38 f. "Notice of violation" means a notice of violation as defined in
39 subdivision nine of section two hundred thirty-seven of this article,
40 but shall not be deemed to include a notice of liability issued pursuant
41 to authorization set forth in articles ten, twenty-four, twenty-nine and
42 thirty of this chapter, section two thousand nine hundred eighty-five of
43 the public authorities law and sections sixteen-a, sixteen-b and
44 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
45 hundred fifty to impose monetary liability on the owner of a vehicle for
46 failure of an operator thereof: to comply with traffic-control indi-
47 cations in violation of subdivision (d) of section eleven hundred eleven
48 of this chapter through the installation and operation of traffic-con-
49 trol signal photo violation-monitoring systems, in accordance with arti-
50 cle twenty-four of this chapter; or to comply with certain posted maxi-
51 mum speed limits in violation of subdivision (b), (c), (d), (f) or (g)
52 of section eleven hundred eighty of this chapter through the installa-
53 tion and operation of photo speed violation monitoring systems, in
54 accordance with article thirty of this chapter; or to comply with bus
55 lane restrictions as defined by article twenty-four of this chapter
56 through the installation and operation of bus lane photo devices, in

accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, 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 in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten 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 in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, 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 in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten 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

1 date, shall be deemed an admission of liability, and that a default
2 judgment may be entered thereon.

3 1-a. Fines and penalties. Whenever a plea of not guilty has been
4 entered, or the bureau has been notified that an allegation of liability
5 in accordance with provisions of law specifically authorizing the im-
6 position of monetary liability on the owner of a vehicle for failure of an
7 operator thereof: to comply with traffic-control indications in
8 violation of subdivision (d) of section eleven hundred eleven of this
9 chapter through the installation and operation of traffic-control signal
10 photo violation-monitoring systems, in accordance with article twenty-
11 four of this chapter; or to comply with certain posted maximum speed
12 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
13 eleven hundred eighty of this chapter through the installation and oper-
14 ation of photo speed violation monitoring systems, in accordance with
15 article thirty of this chapter; or to comply with bus lane restrictions
16 as defined by article twenty-four of this chapter through the installa-
17 tion and operation of bus lane photo devices, in accordance with article
18 twenty-four of this chapter; or to comply with toll collection regu-
19 lations of certain public authorities through the installation and oper-
20 ation of photo-monitoring systems, in accordance with the provisions of
21 section two thousand nine hundred eighty-five of the public authorities
22 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
23 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
24 for a school bus displaying a red visual signal in violation of section
25 eleven hundred seventy-four of this chapter through the installation and
26 operation of school bus photo violation monitoring systems, in accord-
27 ance with article twenty-nine of this chapter; or to comply with gross
28 vehicle weight and/or axle weight restrictions in violation of section
29 three hundred eighty-five of this chapter and the rules of the depart-
30 ment of transportation of the city of New York through the installation
31 and operation of weigh in motion violation monitoring systems, in
32 accordance with article ten of this chapter, is being contested, by a
33 person in a timely fashion and a hearing upon the merits has been
34 demand, but has not yet been held, the bureau shall not issue any
35 notice of fine or penalty to that person prior to the date of the hear-
36 ing.

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

40 a. Every hearing for the adjudication of a charge of parking violation
41 or an allegation of liability of an owner for a violation of subdivision
42 (d) of section eleven hundred eleven of this chapter imposed pursuant to
43 a local law or ordinance imposing monetary liability on the owner of a
44 vehicle for failure of an operator thereof to comply with traffic-con-
45 trol indications through the installation and operation of traffic-con-
46 trol signal photo violation-monitoring systems, in accordance with arti-
47 cle twenty-four of this chapter, or an allegation of liability of an
48 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
49 section eleven hundred eighty of this chapter imposed pursuant to a
50 demonstration program imposing monetary liability on the owner of a
51 vehicle for failure of an operator thereof to comply with certain posted
52 maximum speed limits through the installation and operation of photo
53 speed violation monitoring systems, in accordance with article thirty of
54 this chapter, or an allegation of liability of an owner for a violation
55 of bus lane restrictions as defined by article twenty-four of this chap-
56 ter imposed pursuant to a bus rapid transit program imposing monetary

1 liability on the owner of a vehicle for failure of an operator thereof
2 to comply with such bus lane restrictions through the installation and
3 operation of bus lane photo devices, in accordance with article twenty-
4 four of this chapter, or an allegation of liability of an owner for a
5 violation of toll collection regulations imposed by certain public
6 authorities pursuant to the law authorizing such public authorities to
7 impose monetary liability on the owner of a vehicle for failure of an
8 operator thereof to comply with toll collection regulations of such
9 public authorities through the installation and operation of photo-moni-
10 toring systems, in accordance with the provisions of section two thou-
11 sand nine hundred eighty-five of the public authorities law and sections
12 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
13 of the laws of nineteen hundred fifty, or an allegation of liability of
14 an owner for a violation of section eleven hundred seventy-four of this
15 chapter when meeting a school bus marked and equipped as provided in
16 subdivisions twenty and twenty-one-c of section three hundred seventy-
17 five of this chapter imposed pursuant to a local law or ordinance impos-
18 ing monetary liability on the owner of a vehicle for failure of an oper-
19 ator thereof to comply with school bus red visual signals through the
20 installation and operation of school bus photo violation monitoring
21 systems, in accordance with article twenty-nine of this chapter, or an
22 allegation of liability of an owner for a violation of section three
23 hundred eighty-five of this chapter and the rules of the department of
24 transportation of the city of New York in relation to gross vehicle
25 weight and/or axle weight violations imposed pursuant to a weigh in
26 motion demonstration program imposing monetary liability on the owner of
27 a vehicle for failure of an operator thereof to comply with such gross
28 vehicle weight and/or axle weight restrictions through the installation
29 and operation of weigh in motion violation monitoring systems, in
30 accordance with article ten of this chapter, shall be held before a
31 hearing examiner in accordance with rules and regulations promulgated by
32 the bureau.

33 g. A record shall be made of a hearing on a plea of not guilty or of a
34 hearing at which liability in accordance with any provisions of law
35 specifically authorizing the imposition of monetary liability on the
36 owner of a vehicle for failure of an operator thereof: to comply with
37 traffic-control indications in violation of subdivision (d) of section
38 eleven hundred eleven of this chapter through the installation and oper-
39 ation of traffic-control signal photo violation-monitoring systems, in
40 accordance with article twenty-four of this chapter; to comply with
41 certain posted maximum speed limits in violation of subdivision (b),
42 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter
43 through the installation and operation of photo speed violation monitor-
44 ing systems, in accordance with article thirty of this chapter; to
45 comply with bus lane restrictions as defined by article twenty-four of
46 this chapter through the installation and operation of bus lane photo
47 devices, in accordance with article twenty-four of this chapter; to
48 comply with toll collection regulations of certain public authorities
49 through the installation and operation of photo-monitoring systems, in
50 accordance with the provisions of section two thousand nine hundred
51 eighty-five of the public authorities law and sections sixteen-a,
52 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
53 laws of nineteen hundred fifty; to stop for a school bus displaying a
54 red visual signal in violation of section eleven hundred seventy-four of
55 this chapter through the installation and operation of school bus photo
56 violation monitoring systems, in accordance with article twenty-nine of

1 this chapter, or to comply with gross vehicle weight and/or axle weight
2 restrictions in violation of section three hundred eighty-five of this
3 chapter and the rules of the department of transportation of the city of
4 New York through the installation and operation of weigh in motion
5 violation monitoring systems, in accordance with article ten of this
6 chapter, is contested. Recording devices may be used for the making of
7 the record.

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

11 1. The hearing examiner shall make a determination on the charges,
12 either sustaining or dismissing them. Where the hearing examiner deter-
13 mines that the charges have been sustained he or she may examine either
14 the prior parking violations record or the record of liabilities
15 incurred in accordance with any provisions of law specifically authoriz-
16 ing the imposition of monetary liability on the owner of a vehicle for
17 failure of an operator thereof: to comply with traffic-control indi-
18 cations in violation of subdivision (d) of section eleven hundred eleven
19 of this chapter through the installation and operation of traffic-con-
20 trol signal photo violation-monitoring systems, in accordance with
21 article twenty-four of this chapter; to comply with certain posted maxi-
22 mum speed limits in violation of subdivision (b), (c), (d), (f) or (g)
23 of section eleven hundred eighty of this chapter through the instal-
24 lation and operation of photo speed violation monitoring systems, in
25 accordance with article thirty of this chapter; to comply with bus lane
26 restrictions as defined by article twenty-four of this chapter through
27 the installation and operation of bus lane photo devices, in accordance
28 with article twenty-four of this chapter; to comply with toll
29 collection regulations of certain public authorities through the instal-
30 lation and operation of photo-monitoring systems, in accordance with the
31 provisions of section two thousand nine hundred eighty-five of the
32 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
33 of chapter seven hundred seventy-four of the laws of nineteen hundred
34 fifty; to stop for a school bus displaying a red visual signal in
35 violation of section eleven hundred seventy-four of this chapter through
36 the installation and operation of school bus photo violation monitoring
37 systems, in accordance with article twenty-nine of this chapter; or to
38 comply with gross vehicle weight and/or axle weight restrictions in
39 violation of section three hundred eighty-five of this chapter and the
40 rules of the department of transportation of the city of New York
41 through the installation and operation of weigh in motion violation
42 monitoring systems, in accordance with article ten of this chapter, of
43 the person charged, as applicable prior to rendering a final determi-
44 nation. Final determinations sustaining or dismissing charges shall be
45 entered on a final determination roll maintained by the bureau
46 together with records showing payment and nonpayment of penalties.

47 2. Where an operator or owner fails to enter a plea to a charge of a
48 parking violation or contest an allegation of liability in accordance
49 with any provisions of law specifically authorizing the imposition of
50 monetary liability on the owner of a vehicle for failure of an operator
51 thereof: to comply with traffic-control indications in violation of
52 subdivision (d) of section eleven hundred eleven of this chapter through
53 the installation and operation of traffic-control signal photo viola-
54 tion-monitoring systems, in accordance with article twenty-four of this
55 chapter; to comply with certain posted maximum speed limits in
56 violation of subdivision (b), (c), (d), (f) or (g) of section eleven

1 hundred eighty of this chapter through the installation and operation of
2 photo speed violation monitoring systems, in accordance with article
3 thirty of this chapter; to comply with bus lane restrictions as defined
4 by article twenty-four of this chapter through the installation and
5 operation of bus lane photo devices, in accordance with article twenty-
6 four of this chapter; to comply with toll collection regulations of
7 certain public authorities through the installation and operation of
8 photo-monitoring systems, in accordance with the provisions of section
9 two thousand nine hundred eighty-five of the public authorities law and
10 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
11 seventy-four of the laws of nineteen hundred fifty; to stop for a school
12 bus displaying a red visual signal in violation of section eleven
13 hundred seventy-four of this chapter through the installation and opera-
14 tion of school bus photo violation monitoring systems, in accordance
15 with article twenty-nine of this chapter; or to comply with gross vehi-
16 cle weight and/or axle weight restrictions in violation of section three
17 hundred eighty-five of this chapter and the rules of the department of
18 transportation of the city of New York through the installation and
19 operation of weigh in motion violation monitoring systems, in accordance
20 with article ten of this chapter; or fails to appear on a designated
21 hearing date or subsequent adjourned date or fails after a hearing
22 to comply with the determination of a hearing examiner, as prescribed
23 by this article or by rule or regulation of the bureau, such failure to
24 plead or contest, appear or comply shall be deemed, for all purposes,
25 an admission of liability and shall be grounds for rendering and
26 entering a default judgment in an amount provided by the rules and
27 regulations of the bureau. However, after the expiration of the
28 original date prescribed for entering a plea and before a default
29 judgment may be rendered, in such case the bureau shall pursuant to
30 the applicable provisions of law notify such operator or owner, by
31 such form of first class mail as the commission may direct; (1) of the
32 violation charged, or liability alleged in accordance with any
33 provisions of law specifically authorizing the imposition of monetary
34 liability on the owner of a vehicle for failure of an operator thereof:
35 to comply with traffic-control indications in violation of subdivision
36 (d) of section eleven hundred eleven of this chapter through the
37 installation and operation of traffic-control signal photo violation-
38 monitoring systems, in accordance with article twenty-four of this
39 chapter; to comply with certain posted maximum speed limits in
40 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
41 hundred eighty of this chapter through the installation and operation of
42 photo speed violation monitoring systems, in accordance with article
43 thirty of this chapter; to comply with bus lane restrictions as defined
44 by article twenty-four of this chapter through the installation and
45 operation of bus lane photo devices, in accordance with article twenty-
46 four of this chapter; to comply with toll collection regulations of
47 certain public authorities through the installation and operation of
48 photo-monitoring systems, in accordance with the provisions of section
49 two thousand nine hundred eighty-five of the public authorities law and
50 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
51 seventy-four of the laws of nineteen hundred fifty; to stop for a school
52 bus displaying a red visual signal in violation of section eleven
53 hundred seventy-four of this chapter through the installation and opera-
54 tion of school bus photo violation monitoring systems, in accordance
55 with article twenty-nine of this chapter; or to comply with gross vehi-
56 cle weight and/or axle weight restrictions in violation of section three

1 hundred eighty-five of this chapter and the rules of the department of
2 transportation of the city of New York through the installation and
3 operation of weigh in motion violation monitoring systems, in accordance
4 with article ten of this chapter, (2) of the impending default judgment,
5 (3) that such judgment will be entered in the Civil Court of the city in
6 which the bureau has been established, or other court of civil jurisdic-
7 tion or any other place provided for the entry of civil judgments within
8 the state of New York, and (4) that a default may be avoided by entering
9 a plea or contesting an allegation of liability in accordance with any
10 provisions of law specifically authorizing the imposition of monetary
11 liability on the owner of a vehicle for failure of an operator thereof:
12 to comply with traffic-control indications in violation of subdivi-
13 sion (d) of section eleven hundred eleven of this chapter through the
14 installation and operation of traffic-control signal photo violation-
15 monitoring systems, in accordance with article twenty-four of this
16 chapter; to comply with certain posted maximum speed limits in
17 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
18 hundred eighty of this chapter through the installation and operation
19 of photo speed violation monitoring systems, in accordance with arti-
20 cle thirty of this chapter; to comply with bus lane restrictions as
21 defined by article twenty-four of this chapter through the installation
22 and operation of bus lane photo devices, in accordance with article
23 twenty-four of this chapter; to comply with toll collection regulations
24 of certain public authorities through the installation and operation of
25 photo-monitoring systems, in accordance with the provisions of section
26 two thousand nine hundred eighty-five of the public authorities law and
27 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
28 seventy-four of the laws of nineteen hundred fifty; to stop for a school
29 bus displaying a red visual signal in violation of section eleven
30 hundred seventy-four of this chapter through the installation and opera-
31 tion of school bus photo violation monitoring systems, in accordance
32 with article twenty-nine of this chapter; or to comply with gross vehi-
33 cle weight and/or axle weight restrictions in violation of section three
34 hundred eighty-five of this chapter and the rules of the department of
35 transportation of the city of New York through the installation and
36 operation of weigh in motion violation monitoring systems, in accordance
37 with article ten of this chapter; or making an appearance within thirty
38 days of the sending of such notice. Pleas entered and allegations
39 contested within that period shall be in the manner prescribed in the
40 notice and not subject to additional penalty or fee. Such notice of
41 impending default judgment shall not be required prior to the rendering
42 and entry thereof in the case of operators or owners who are non-resi-
43 dents of the state of New York. In no case shall a default judgment be
44 rendered or, where required, a notice of impending default judgment be
45 sent, more than two years after the expiration of the time prescribed
46 for entering a plea or contesting an allegation. When a person has
47 demand a hearing, no fine or penalty shall be imposed for any reason,
48 prior to the holding of the hearing. If the hearing examiner shall make
49 a determination on the charges, sustaining them, he or she shall
50 impose no greater penalty or fine than those upon which the person was
51 originally charged.

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

55 a. (i) If at the time of application for a registration or renewal
56 thereof there is a certification from a court, parking violations

1 bureau, traffic and parking violations agency or administrative tribunal
2 of appropriate jurisdiction that the registrant or his or her represen-
3 tative failed to appear on the return date or any subsequent adjourned
4 date or failed to comply with the rules and regulations of an adminis-
5 trative tribunal following entry of a final decision in response to a
6 total of three or more summonses or other process in the aggregate,
7 issued within an eighteen month period, charging either that: (i) such
8 motor vehicle was parked, stopped or standing, or that such motor vehi-
9 cle was operated for hire by the registrant or his or her agent without
10 being licensed as a motor vehicle for hire by the appropriate local
11 authority, in violation of any of the provisions of this chapter or of
12 any law, ordinance, rule or regulation made by a local authority; or
13 (ii) the registrant was liable for a violation of subdivision (d) of
14 section eleven hundred eleven of this chapter imposed pursuant to a
15 local law or ordinance imposing monetary liability on the owner of a
16 vehicle for failure of an operator thereof to comply with traffic-con-
17 trol indications through the installation and operation of traffic-con-
18 trol signal photo violation-monitoring systems, in accordance with arti-
19 cle twenty-four of this chapter; or (iii) the registrant was liable for
20 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
21 hundred eighty of this chapter imposed pursuant to a demonstration
22 program imposing monetary liability on the owner of a vehicle for fail-
23 ure of an operator thereof to comply with such posted maximum speed
24 limits through the installation and operation of photo speed violation
25 monitoring systems, in accordance with article thirty of this chapter;
26 or (iv) the registrant was liable for a violation of bus lane
27 restrictions as defined by article twenty-four of this chapter imposed
28 pursuant to a bus rapid transit program imposing monetary liability on
29 the owner of a vehicle for failure of an operator thereof to comply with
30 such bus lane restrictions through the installation and operation of bus
31 lane photo devices, in accordance with article twenty-four of this chap-
32 ter; or (v) the registrant was liable for a violation of section eleven
33 hundred seventy-four of this chapter when meeting a school bus marked
34 and equipped as provided in subdivisions twenty and twenty-one-c of
35 section three hundred seventy-five of this chapter imposed pursuant to a
36 local law or ordinance imposing monetary liability on the owner of a
37 vehicle for failure of an operator thereof to comply with school bus red
38 visual signals through the installation and operation of school bus
39 photo violation monitoring systems, in accordance with article twenty-
40 nine of this chapter; or (vi) the registrant was liable for a violation
41 of section three hundred eighty-five of this chapter and the rules of
42 the department of transportation of the city of New York in relation to
43 gross vehicle weight and/or axle weight violations imposed pursuant to a
44 weigh in motion demonstration program imposing monetary liability on the
45 owner of a vehicle for failure of an operator thereof to comply with
46 such gross vehicle weight and/or axle weight restrictions through the
47 installation and operation of weigh in motion violation monitoring
48 systems, in accordance with article ten of this chapter, the commission-
49 er or his or her agent shall deny the registration or renewal applica-
50 tion until the applicant provides proof from the court, traffic and
51 parking violations agency or administrative tribunal wherein the charges
52 are pending that an appearance or answer has been made or in the case of
53 an administrative tribunal that he or she has complied with the rules
54 and regulations of said tribunal following entry of a final decision.
55 Where an application is denied pursuant to this section, the commission-
56 er may, in his or her discretion, deny a registration or renewal appli-

1 cation to any other person for the same vehicle and may deny a registra-
2 tion or renewal application for any other motor vehicle registered in
3 the name of the applicant where the commissioner has determined that
4 such registrant's intent has been to evade the purposes of this subdivi-
5 sion and where the commissioner has reasonable grounds to believe that
6 such registration or renewal will have the effect of defeating the
7 purposes of this subdivision. Such denial shall only remain in effect
8 as long as the summonses remain unanswered, or in the case of an admin-
9 istrative tribunal, the registrant fails to comply with the rules and
10 regulations following entry of a final decision.

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

14 § 8. The opening paragraph and paragraph (c) of subdivision 1 of
15 section 1809 of the vehicle and traffic law, as separately amended by
16 section 10 of chapter 145 and section 9 of chapter 148 of the laws of
17 2019, are amended to read as follows:

18 Whenever proceedings in an administrative tribunal or a court of this
19 state result in a conviction for an offense under this chapter or a
20 traffic infraction under this chapter, or a local law, ordinance, rule
21 or regulation adopted pursuant to this chapter, other than a traffic
22 infraction involving standing, stopping, or parking or violations by
23 pedestrians or bicyclists[~~, or other than an adjudication of liability~~
24 ~~of an owner for a violation of subdivision (d) of section eleven hundred~~
25 ~~eleven of this chapter in accordance with section eleven hundred~~
26 ~~eleven-a of this chapter, or other than an adjudication of liability of~~
27 ~~an owner for a violation of subdivision (d) of section eleven hundred~~
28 ~~eleven of this chapter in accordance with section eleven hundred~~
29 ~~eleven-b of this chapter, or other than an adjudication in accordance~~
30 ~~with section eleven hundred eleven-c of this chapter for a violation of~~
31 ~~a bus lane restriction as defined in such section, or other than an~~
32 ~~adjudication of liability of an owner for a violation of subdivision (d)~~
33 ~~of section eleven hundred eleven of this chapter in accordance with~~
34 ~~section eleven hundred eleven-d of this chapter, or other than an adju-~~
35 ~~dications of liability of an owner for a violation of subdivision (b),~~
36 ~~(c), (d), (f) or (g) of section eleven hundred eighty of this chapter in~~
37 ~~accordance with section eleven hundred eighty-b of this chapter, or~~
38 ~~other than an adjudication of liability of an owner for a violation of~~
39 ~~subdivision (d) of section eleven hundred eleven of this chapter in~~
40 ~~accordance with section eleven hundred eleven-c of this chapter, or~~
41 ~~other than an adjudication of liability of an owner for a violation of~~
42 ~~section eleven hundred seventy-four of this chapter in accordance with~~
43 ~~section eleven hundred seventy-four-a of this chapter, or other than an~~
44 ~~adjudication of liability of an owner for a violation of subdivision~~
45 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
46 ~~ter in accordance with section eleven hundred eighty-d of this chapter,~~
47 and except as otherwise provided by subdivision one-a of this section,
48 there shall be levied a crime victim assistance fee and a mandatory
49 surcharge, in addition to any sentence required or permitted by law, in
50 accordance with the following schedule:

51 (c) Whenever proceedings in an administrative tribunal or a court of
52 this state result in a conviction for an offense under this chapter
53 other than a crime pursuant to section eleven hundred ninety-two of this
54 chapter, or a traffic infraction under this chapter, or a local law,
55 ordinance, rule or regulation adopted pursuant to this chapter, other
56 than a traffic infraction involving standing, stopping, or parking or

violations by pedestrians or bicyclists[~~, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-d of this chapter, or other than an infraction pursuant to article nine of this chapter or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter in accordance with section eleven hundred seventy-four-a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-d of this chapter,~~] and except as otherwise provided by subdivision one-a of this section, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

§ 8-a. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10 of chapter 145 of the laws of 2019, are amended to read as follows:

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 an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in~~

~~accordance with section eleven hundred eighty b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy four of this chapter in accordance with section eleven hundred seventy four a of this chapter,~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a crime victim assistance fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:

(c) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter other than a crime pursuant to section eleven hundred ninety-two of 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 an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven d of this chapter, or other than an infraction pursuant to article nine of this chapter or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty five of the public authorities law or sections sixteen a, sixteen b and sixteen c of chapter seven hundred seventy four of the laws of nineteen hundred fifty or other than an adjudication in accordance with section eleven hundred eleven c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy four of this chapter in accordance with section eleven hundred seventy four a of this chapter,~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

§ 8-b. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 10-a of chapter 145 and section 9-a of chapter 148 of the laws of 2019, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime 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, parking or motor vehicle equip-

1 ment or violations by pedestrians or bicyclists[~~, or other than an adju-~~
2 ~~dication of liability of an owner for a violation of subdivision (d) of~~
3 ~~section eleven hundred eleven of this chapter in accordance with section~~
4 ~~eleven hundred eleven-a of this chapter, or other than an adjudication~~
5 ~~of liability of an owner for a violation of subdivision (d) of section~~
6 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
7 ~~hundred eleven-b of this chapter, or other than an adjudication in~~
8 ~~accordance with section eleven hundred eleven-c of this chapter for a~~
9 ~~violation of a bus lane restriction as defined in such section, or other~~
10 ~~than an adjudication of liability of an owner for a violation of subdi-~~
11 ~~vision (d) of section eleven hundred eleven of this chapter in accord-~~
12 ~~ance with section eleven hundred eleven-d of this chapter, or other than~~
13 ~~an adjudication of liability of an owner for a violation of subdivision~~
14 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
15 ~~ter in accordance with section eleven hundred eighty-b of this chapter,~~
16 ~~or other than an adjudication of liability of an owner for a violation~~
17 ~~of subdivision (b), (c), (d), (f) or (g) of section eleven hundred~~
18 ~~eighty of this chapter in accordance with section eleven hundred eight-~~
19 ~~y-d of this chapter, or other than an adjudication of liability of an~~
20 ~~owner for a violation of subdivision (d) of section eleven hundred elev-~~
21 ~~en of this chapter in accordance with section eleven hundred eleven-e of~~
22 ~~this chapter, or other than an adjudication of liability of an owner for~~
23 ~~a violation of section eleven hundred seventy-four of this chapter in~~
24 ~~accordance with section eleven hundred seventy-four-a of this chapter,]~~
25 and except as otherwise provided by subdivision one-a of this section,

26 there shall be levied a mandatory surcharge, in addition to any sentence
27 required or permitted by law, in the amount of twenty-five dollars.

28 § 8-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
29 as separately amended by section 10-b of chapter 145 and section 9-b of
30 chapter 148 of the laws of 2019, is amended to read as follows:

31 1. Whenever proceedings in an administrative tribunal or a court of
32 this state result in a conviction for a crime under this chapter or a
33 traffic infraction under this chapter other than a traffic infraction
34 involving standing, stopping, parking or motor vehicle equipment or
35 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
36 ~~in accordance with section eleven hundred eleven-e of this chapter for a~~
37 ~~violation of a bus lane restriction as defined in such section, or other~~
38 ~~than an adjudication of liability of an owner for a violation of subdi-~~
39 ~~vision (d) of section eleven hundred eleven of this chapter in accord-~~
40 ~~ance with section eleven hundred eleven-d of this chapter, or other than~~
41 ~~an adjudication of liability of an owner for a violation of subdivision~~
42 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
43 ~~ter in accordance with section eleven hundred eighty-d of this chapter,~~
44 ~~or other than an adjudication of liability of an owner for a violation~~
45 ~~of subdivision (d) of section eleven hundred eleven of this chapter in~~
46 ~~accordance with section eleven hundred eleven-e of this chapter, or~~
47 ~~other than an adjudication of liability of an owner for a violation of~~
48 ~~section eleven hundred seventy-four of this chapter in accordance with~~
49 ~~section eleven hundred seventy-four-a of this chapter,]~~ and except as
50 otherwise provided by subdivision one-a of this section, there shall be
51 levied a mandatory surcharge, in addition to any sentence required or
52 permitted by law, in the amount of seventeen dollars.

53 § 8-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
54 as separately amended by section 10-c of chapter 145 and section 9-c of
55 chapter 148 of the laws of 2019, is amended to read as follows:

1 1. Whenever proceedings in an administrative tribunal or a court of
2 this state result in a conviction for a crime under this chapter or a
3 traffic infraction under this chapter other than a traffic infraction
4 involving standing, stopping, parking or motor vehicle equipment or
5 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
6 ~~of liability of an owner for a violation of subdivision (b), (c), (d),~~
7 ~~(f) or (g) of section eleven hundred eighty of this chapter in accord-~~
8 ~~ance with section eleven hundred eighty-b of this chapter, or other than~~
9 ~~an adjudication of liability of an owner for a violation of subdivision~~
10 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
11 ~~ter in accordance with section eleven hundred eighty-d of this chapter,~~
12 ~~or other than an adjudication of liability of an owner for a violation~~
13 ~~of subdivision (d) of section eleven hundred eleven of this chapter in~~
14 ~~accordance with section eleven hundred eleven-d of this chapter, or~~
15 ~~other than an adjudication of liability of an owner for a violation of~~
16 ~~subdivision (d) of section eleven hundred eleven of this chapter in~~
17 ~~accordance with section eleven hundred eleven-e of this chapter, or~~
18 ~~other than an adjudication of liability of an owner for a violation of~~
19 ~~section eleven hundred seventy-four of this chapter in accordance with~~
20 ~~section eleven hundred seventy-four-a of this chapter,] and except as~~
21 ~~otherwise provided by subdivision one-a of this section,~~ there shall be
22 levied a mandatory surcharge, in addition to any sentence required or
23 permitted by law, in the amount of seventeen dollars.

24 § 8-e. Subdivision 1 of section 1809 of the vehicle and traffic law,
25 as separately amended by section 10-d of chapter 145 and section 9-d of
26 chapter 148 of the laws of 2019, is amended to read as follows:

27 1. Whenever proceedings in an administrative tribunal or a court of
28 this state result in a conviction for a crime under this chapter or a
29 traffic infraction under this chapter other than a traffic infraction
30 involving standing, stopping, parking or motor vehicle equipment or
31 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
32 ~~of liability of an owner for a violation of subdivision (b), (c), (d),~~
33 ~~(f) or (g) of section eleven hundred eighty of this chapter in accord-~~
34 ~~ance with section eleven hundred eighty-d of this chapter, or other than~~
35 ~~an adjudication of liability of an owner for a violation of subdivision~~
36 ~~(d) of section eleven hundred eleven of this chapter in accordance with~~
37 ~~section eleven hundred eleven-d of this chapter, or other than an adju-~~
38 ~~dication of liability of an owner for a violation of subdivision (d) of~~
39 ~~section eleven hundred eleven of this chapter in accordance with section~~
40 ~~eleven hundred eleven-e of this chapter, or other than an adjudication~~
41 ~~of liability of an owner for a violation of section eleven hundred~~
42 ~~seventy-four of this chapter in accordance with section eleven hundred~~
43 ~~seventy-four-a of this chapter,] and except as otherwise provided by~~
44 ~~subdivision one-a of this section,~~ there shall be levied a mandatory
45 surcharge, in addition to any sentence required or permitted by law, in
46 the amount of seventeen dollars.

47 § 8-f. Subdivision 1 of section 1809 of the vehicle and traffic law,
48 as separately amended by section 10-f of chapter 145 and section 9-f of
49 chapter 148 of the laws of 2019, is amended to read as follows:

50 1. Whenever proceedings in an administrative tribunal or a court of
51 this state result in a conviction for a crime under this chapter or a
52 traffic infraction under this chapter other than a traffic infraction
53 involving standing, stopping, parking or motor vehicle equipment or
54 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
55 ~~of liability of an owner for a violation of subdivision (b), (c), (d),~~
56 ~~(f) or (g) of section eleven hundred eighty of this chapter in accord-~~

~~ance with section eleven hundred eighty d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter in accordance with section eleven hundred seventy-four-a of this chapter,]~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

§ 8-g. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 10-g of chapter 145 and section 9-g of chapter 148 of the laws of 2019, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists~~[, or other than an adjudication of liability of an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty d of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter in accordance with section eleven hundred seventy-four-a of this chapter,]~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

§ 8-h. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by chapter 16 of the laws of 1983 and chapter 62 of the laws of 1989, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

§ 9. Section 1809 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-a. Notwithstanding the provisions of subdivision one of this section, the provisions of subdivision one of this section shall not apply to an adjudication of liability of owners: (a) for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to 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 and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or (b) for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or (c) for violations of bus lane restrictions as defined by article twenty-four of this chap-

1 ter imposed pursuant to a bus rapid transit program imposing monetary
2 liability on the owner of a vehicle for failure of an operator thereof
3 to comply with such bus lane restrictions through the installation and
4 operation of bus lane photo devices, in accordance with article twenty-
5 four of this chapter; or (d) for violations of toll collection regu-
6 lations imposed by certain public authorities pursuant to the law
7 authorizing such public authorities to impose monetary liability on the
8 owner of a vehicle for failure of an operator thereof to comply with
9 toll collection regulations of such public authorities through the
10 installation and operation of photo-monitoring systems, in accordance
11 with the provisions of section two thousand nine hundred eighty-five of
12 the public authorities law and sections sixteen-a, sixteen-b and
13 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
14 hundred fifty; or (e) for violations of section eleven hundred seventy-
15 four of this chapter when meeting a school bus marked and equipped as
16 provided in subdivisions twenty and twenty-one-c of section three
17 hundred seventy-five of this chapter imposed pursuant to a local law or
18 ordinance imposing monetary liability on the owner of a vehicle for
19 failure of an operator thereof to comply with school bus red visual
20 signals through the installation and operation of school bus photo
21 violation monitoring systems, in accordance with article twenty-nine of
22 this chapter; or (f) for violations of section three hundred eighty-five
23 of this chapter and the rules of the department of transportation of the
24 city of New York in relation to gross vehicle weight and/or axle weight
25 violations imposed pursuant to a weigh in motion demonstration program
26 imposing monetary liability on the owner of a vehicle for failure of an
27 operator thereof to comply with such gross vehicle weight and/or axle
28 weight restrictions through the installation and operation of weigh in
29 motion violation monitoring systems, in accordance with article ten of
30 this chapter.

31 § 10. Paragraph a of subdivision 1 of section 1809-e of the vehicle
32 and 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; and (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 imposed pursuant to a local law or ordinance imposing
44 monetary liability on the owner of a vehicle for failure of an operator
45 thereof to comply with traffic-control indications through the installa-
46 tion and operation of traffic-control signal photo violation-monitoring
47 systems, in accordance with article twenty-four of this chapter; and
48 (iii) an adjudication of liability of an owner for a violation of subdi-
49 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
50 this chapter imposed pursuant to a demonstration program imposing mone-
51 tary liability on the owner of a vehicle for failure of an operator
52 thereof to comply with such posted maximum speed limits through the
53 installation and operation of photo speed violation monitoring systems,
54 in accordance with article thirty of this chapter; and (iv) an adjudi-
55 cation of liability of an owner for a violation of bus lane restrictions
56 as defined by article twenty-four of this chapter imposed pursuant to a

1 bus rapid transit program imposing monetary liability on the owner of a
2 vehicle for failure of an operator thereof to comply with such bus lane
3 restrictions through the installation and operation of bus lane photo
4 devices, in accordance with article twenty-four of this chapter; and (v)
5 an adjudication of liability of an owner for a violation of toll
6 collection regulations imposed by certain public authorities pursuant to
7 the law authorizing such public authorities to impose monetary liability
8 on the owner of a vehicle for failure of an operator thereof to comply
9 with toll collection regulations of such public authorities through the
10 installation and operation of photo-monitoring systems, in accordance
11 with section two thousand nine hundred eighty-five of the public author-
12 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
13 seven hundred seventy-four of the laws of nineteen hundred fifty; and
14 (vi) an adjudication of liability of an owner for a violation of section
15 eleven hundred seventy-four of this chapter when meeting a school bus
16 marked and equipped as provided in subdivisions twenty and twenty-one-c
17 of section three hundred seventy-five of this chapter imposed pursuant
18 to a local law or ordinance imposing monetary liability on the owner of
19 a vehicle for failure of an operator thereof to comply with school bus
20 red visual signals through the installation and operation of school bus
21 photo violation monitoring systems, in accordance with article twenty-
22 nine of this chapter; and (vii) an adjudication of liability of an owner
23 for a violation of section three hundred eighty-five of this chapter and
24 the rules of the department of transportation of the city of New York in
25 relation to gross vehicle weight and/or axle weight violations imposed
26 pursuant to a weigh in motion demonstration program imposing monetary
27 liability on the owner of a vehicle for failure of an operator thereof
28 to comply with such gross vehicle weight and/or axle weight restrictions
29 through the installation and operation of weigh in motion violation
30 monitoring systems, in accordance with article ten of this chapter,
31 there shall be levied in addition to any sentence, penalty or other
32 surcharge required or permitted by law, an additional surcharge of twen-
33 ty-eight dollars.

34 § 11. The general municipal law is amended by adding a new section
35 371-a to read as follows:

36 § 371-a. Additional jurisdiction and procedure related to the adjudi-
37 cation of certain notices of liability. A traffic violations bureau
38 established pursuant to subdivision one and a traffic and parking
39 violations agency established pursuant to subdivision two of section
40 three hundred seventy-one of this article may be authorized to adjudi-
41 cate, in accordance with the provisions of this article, the liability
42 of owners: (a) for violations of subdivision (d) of section eleven
43 hundred eleven of the vehicle and traffic law imposed pursuant to a
44 local law or ordinance imposing monetary liability on the owner of a
45 vehicle for failure of an operator thereof to comply with traffic-con-
46 trol indications through the installation and operation of traffic-con-
47 trol signal photo violation-monitoring systems, in accordance with arti-
48 cle twenty-four of the vehicle and traffic law; or (b) for violations of
49 section eleven hundred seventy-four of the vehicle and traffic law when
50 meeting a school bus marked and equipped as provided in subdivisions
51 twenty and twenty-one-c of section three hundred seventy-five of the
52 vehicle and traffic law imposed pursuant to a local law or ordinance
53 imposing monetary liability on the owner of a vehicle for failure of an
54 operator thereof to comply with school bus red visual signals through
55 the installation and operation of school bus photo violation monitoring

1 systems, in accordance with article twenty-nine of the vehicle and traf-
2 fic law.

3 § 12. The vehicle and traffic law is amended by adding a new section
4 385-a to read as follows:

5 § 385-a. Owner liability for failure of operator to comply with weight
6 restrictions on interstate route 278 in Kings county. (a) 1. Notwith-
7 standing any other provision of law, the city of New York is hereby
8 authorized to establish a weigh in motion demonstration program on
9 interstate route 278 in Kings county imposing monetary liability on the
10 owner of a vehicle for failure of an operator thereof to comply with
11 gross vehicle weight and/or axle weight restrictions on such portion of
12 such interstate in accordance with the provisions of this section. Such
13 demonstration program shall empower the city of New York to install and
14 operate up to sixteen weigh in motion violation monitoring systems at
15 any one time on interstate route 278 in Kings county. Such systems may
16 be stationary or mobile and may be activated at locations on such
17 portion of such interstate as determined by the New York city department
18 of transportation. The New York state department of transportation may
19 enter into a memorandum of understanding with the New York city depart-
20 ment of transportation for the purposes of coordinating the planning,
21 design, installation, construction and maintenance of such weigh in
22 motion demonstration program. Such memorandum shall address, for
23 purposes of such demonstration program, the use of systems, devices and
24 other facilities owned and operated by the state.

25 2. No weigh in motion violation monitoring system shall be used unless
26 (i) on the day it is to be used it has undergone a self-test for the
27 operation of such system; and (ii) it has undergone a semi-annual cali-
28 bration check performed pursuant to paragraph three of this subdivision.
29 A result of the daily self-test for each such system shall include the
30 date and time that the self-test was successfully performed. The city of
31 New York shall retain each such daily self-test until the later of the
32 date on which the weigh in motion system to which it applies has been
33 permanently removed from use or the final resolution of all cases
34 involving notices of liability issued based on photographs, microphoto-
35 graphs, video or other recorded images, and information and data gener-
36 ated in conjunction therewith, produced by such system.

37 3. Each weigh in motion violation monitoring system shall undergo a
38 calibration check every six months in accordance with American Society
39 for Testing and Materials (ASTM) standard specification E1318-09 (2017).
40 If such standard specification is revised, the New York city department
41 of transportation shall adopt a rule to provide for the use of the most
42 current version of such standard specification. Such calibration check
43 shall be performed by an independent calibration laboratory which shall
44 issue a signed certificate of calibration on its letterhead to the city
45 of New York. Nothing contained in this paragraph shall be deemed to
46 require the signature of a notary public on such certificate. The city
47 shall retain each such bi-annual certificate of calibration on file
48 until the final resolution of all cases involving notices of liability
49 issued during such six-month time period which were based on photo-
50 graphs, microphotographs, video or other recorded images, and informa-
51 tion and data generated in conjunction therewith, produced by such weigh
52 in motion violation monitoring system.

53 4. The New York city department of transportation shall establish a
54 range, according to the manufacturer's standards and its monitoring of
55 the system, for evaluating information and data collected from sensor
56 readings of each weigh in motion violation monitoring system. Each such

1 system shall be set to automatically alert such department of signif-
2 icant variations from the established range during a twenty-four-hour
3 period. After such an alert, such system shall be inspected and any
4 necessary adjustments shall be made. Such department shall keep a log of
5 the details of all alerts, including the date and time of such alert,
6 the amount of variation from the established range in such alert, the
7 adjustments made or actions taken as a result of the subsequent
8 inspection, and the date and time of such inspection, adjustments or
9 actions.

10 5. Weigh in motion violation monitoring systems used in accordance
11 with the weigh in motion demonstration program authorized pursuant to
12 this section shall be operated only on interstate route 278 within Kings
13 county.

14 6. (i) No photograph, microphotograph, videotape or other recorded
15 image, nor any information and data generated in conjunction therewith,
16 shall be used for any purpose other than as specified in this section,
17 except as may be otherwise provided by this paragraph.

18 (ii) Such demonstration program shall utilize necessary technologies
19 to ensure, to the extent practicable, that photographs, microphoto-
20 graphs, videotape or other recorded images produced by such weigh in
21 motion violation monitoring systems shall not include images that iden-
22 tify the driver, the passengers, or the contents of the vehicle.
23 Provided, however, that no notice of liability issued pursuant to this
24 section shall be dismissed solely because such a photograph, microphoto-
25 graph, videotape or other recorded image allows for the identification
26 of the driver, the passengers, or the contents of vehicles where the
27 city shows that it made reasonable efforts to comply with the provisions
28 of this paragraph in such case.

29 (iii) Photographs, microphotographs, videotape or any other recorded
30 image, and any information and data generated in conjunction therewith,
31 produced by a weigh in motion violation monitoring system shall be for
32 the exclusive use of the city for the purpose of the adjudication of
33 liability imposed pursuant to this section, and of the owner receiving a
34 notice of liability pursuant to this section, and as required by the New
35 York city department of transportation to study the impact of overweight
36 vehicles on interstate route 278 in Kings county and management of such
37 infrastructure, and shall be destroyed by the city upon the final resol-
38 ution of the notice of liability to which such photographs, microphoto-
39 graphs, videotape or other recorded images and information and data
40 generated in conjunction therewith relate, or one year following the
41 date of issuance of such notice of liability, whichever is later.
42 Notwithstanding the provisions of any other law, rule or regulation to
43 the contrary, photographs, microphotographs, videotape or any other
44 recorded image, and information and data generated in conjunction there-
45 with, from a weigh in motion violation monitoring system shall not be
46 open to the public, nor subject to civil or criminal process or discov-
47 ery, nor used by any court or administrative or adjudicatory body in any
48 action or proceeding therein except that which is necessary for the
49 adjudication of a notice of liability issued pursuant to this section,
50 and no public entity or employee, officer or agent thereof shall
51 disclose such information, except that such photographs, microphoto-
52 graphs, videotape or any other recorded images, and information and data
53 generated in conjunction therewith, from such systems:

54 (A) shall be available for inspection and copying and use by the motor
55 vehicle owner and operator for so long as such photographs, microphoto-
56 graphs, videotape or other recorded images, information and data are

1 required to be maintained or are maintained by such public entity,
2 employee, officer or agent; and

3 (B) (1) shall be furnished when described in a search warrant issued
4 by a court authorized to issue such a search warrant pursuant to article
5 six hundred ninety of the criminal procedure law or a federal court
6 authorized to issue such a search warrant under federal law, where such
7 search warrant states that there is reasonable cause to believe such
8 information constitutes evidence of, or tends to demonstrate that, a
9 misdemeanor or felony offense was committed in this state or another
10 state, or that a particular person participated in the commission of a
11 misdemeanor or felony offense in this state or another state, provided,
12 however, that if such offense was against the laws of another state, the
13 court shall only issue a warrant if the conduct comprising such offense
14 would, if occurring in this state, constitute a misdemeanor or felony
15 against the laws of this state; and

16 (2) shall be furnished in response to a subpoena duces tecum signed by
17 a judge of competent jurisdiction and issued pursuant to article six
18 hundred ten of the criminal procedure law or a judge or magistrate of a
19 federal court authorized to issue such a subpoena duces tecum under
20 federal law, where the judge finds and the subpoena states that there is
21 reasonable cause to believe such information is relevant and material to
22 the prosecution, or the defense, or the investigation by an authorized
23 law enforcement official, of the alleged commission of a misdemeanor or
24 felony in this state or another state, provided, however, that if such
25 offense was against the laws of another state, such judge or magistrate
26 shall only issue such subpoena if the conduct comprising such offense
27 would, if occurring in this state, constitute a misdemeanor or felony in
28 this state; and

29 (3) may, if lawfully obtained pursuant to this clause and clause (A)
30 of this subparagraph and otherwise admissible, be used in such criminal
31 action or proceeding.

32 (iv) The city of New York shall install signs in advance of entry
33 points to interstate route 278 in Kings county giving notice to
34 approaching motor vehicle operators that weigh in motion violation moni-
35 toring systems are in use to enforce motor vehicle weight restrictions.

36 (v) The city of New York shall use oversight procedures to ensure
37 compliance with the aforementioned privacy protection measures.

38 (b) If the city of New York establishes a demonstration program pursu-
39 ant to subdivision (a) of this section, the owner of a vehicle shall be
40 liable for a penalty imposed pursuant to this section if such vehicle
41 was used or operated with the permission of the owner, express or
42 implied, on interstate route 278 in Kings county in violation of section
43 three hundred eighty-five of this article and the rules of the depart-
44 ment of transportation of the city of New York in relation to gross
45 vehicle weight and/or axle weight, where such vehicle was traveling ten
46 percent above the gross vehicle weight or twenty percent above the axle
47 weight at the time of such violation as indicated by at least two inde-
48 pendently detected gross vehicle weight and/or axle weight measurements
49 obtained by a weigh in motion violation monitoring system, and such
50 violation is evidenced by information obtained from a weigh in motion
51 violation monitoring system; provided however that no owner of a vehicle
52 shall be liable for a penalty imposed pursuant to this section where the
53 operator of such vehicle: has been convicted of the underlying violation
54 of section three hundred eighty-five of this article and the rules of
55 the department of transportation of the city of New York in relation to
56 gross vehicle weight and/or axle weight; or operated such vehicle in

1 accordance with the terms and conditions of any overweight permit issued
2 in accordance with this chapter and any rules and regulations promulgat-
3 ed thereto. Where a vehicle is in violation of both gross vehicle
4 weight restrictions and axle weight restrictions, the owner shall be
5 liable for a separate penalty for each such violation.

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

8 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
9 the manual and specifications for a uniform system of traffic control
10 devices maintained by the commissioner of transportation pursuant to
11 section sixteen hundred eighty of this chapter;

12 2. "owner" shall have the meaning provided in article two-B of this
13 chapter;

14 3. "weigh in motion violation monitoring system" shall mean sensors,
15 capable of operating independently of an enforcement officer, installed
16 to work in conjunction with other devices to capture and record the
17 gross vehicle weight and the axle weight of a motor vehicle, which
18 produce at least two independently detected gross vehicle weight and/or
19 axle weight measurements and automatically produce two or more photo-
20 graphs, two or more microphotographs, a videotape or other recorded
21 images of each vehicle at the time it is used or operated in violation
22 of section three hundred eighty-five of this article and the rules of
23 the department of transportation of the city of New York in relation to
24 gross vehicle weight and/or axle weight, in accordance with the
25 provisions of this section; and

26 4. "weigh in motion demonstration program" shall mean the demon-
27 stration program authorized by this section that operates exclusively on
28 interstate route 278 in Kings county.

29 5. "interstate route 278 in Kings county" shall mean that portion of
30 interstate route 278 specifically from the vicinity of Atlantic avenue
31 to the vicinity of Sands street in Kings county, state of New York.

32 6. "Rules of the department of transportation of the city of New York"
33 shall mean rules and regulations of the New York city department of
34 transportation adopted pursuant to section sixteen hundred forty-two of
35 this chapter.

36 (d) A certificate, sworn to or affirmed by a technician employed by
37 the city of New York, or a facsimile thereof, based upon inspection of
38 photographs, microphotographs, videotape or other recorded images, and
39 information and data generated in conjunction therewith, produced by a
40 weigh in motion violation monitoring system, shall be prima facie
41 evidence of the facts contained therein. Nothing contained in this
42 subdivision shall be deemed to require the signature of a notary public
43 on such certificate. Any photographs, microphotographs, videotape or
44 other recorded images evidencing such a violation shall include an image
45 of the motor vehicle alleged to be in violation and the information and
46 data generated in conjunction therewith and shall be available for
47 inspection reasonably in advance of and at any proceeding to adjudicate
48 the liability for such violation pursuant to this section.

49 (e) An owner liable for a violation of section three hundred eighty-
50 five of this article and the rules of the department of transportation
51 of the city of New York pursuant to a weigh in motion demonstration
52 program established pursuant to this section shall be liable for mone-
53 tary penalties in accordance with separate schedules of fines and penal-
54 ties to be promulgated by the parking violations bureau of the city of
55 New York for a violation of section three hundred eighty-five of this
56 article and the rules of the department of transportation of the city of

1 New York in relation to gross vehicle weight and/or axle weight. The
2 liability of the owner pursuant to this section shall not exceed one
3 thousand dollars for each violation; provided, however, that such park-
4 ing violations bureau may provide for an additional penalty not in
5 excess of twenty-five dollars for each violation for the failure to
6 respond to a notice of liability within the prescribed time period.

7 (f) An imposition of liability under the weigh in motion demonstration
8 program established pursuant to this section shall not be deemed a
9 conviction as an operator and shall not be made part of the operating
10 record of the person upon whom such liability is imposed nor shall it be
11 used for insurance purposes in the provision of motor vehicle insurance
12 coverage.

13 (g) 1. A notice of liability shall be sent by first class mail to each
14 person alleged to be liable as an owner for a violation of section three
15 hundred eighty-five of this article and the rules of the department of
16 transportation of the city of New York in relation to gross vehicle
17 weight and/or axle weight pursuant to this section, within fourteen
18 business days if such owner is a resident of this state and within
19 forty-five business days if such owner is a non-resident. Personal
20 delivery on the owner shall not be required. A manual or automatic
21 record of mailing prepared in the ordinary course of business shall be
22 prima facie evidence of the facts contained therein.

23 2. A notice of liability shall contain the name and address of the
24 person alleged to be liable as an owner for a violation of section three
25 hundred eighty-five of this article and the rules of the department of
26 transportation of the city of New York in relation to gross vehicle
27 weight and/or axle weight pursuant to this section, the United States
28 department of transportation number of the vehicle involved in such
29 violation, the registration number of the vehicle involved in such
30 violation, the gross vehicle weight and/or axle weight measured, the
31 location where such violation took place, the date and time of such
32 violation, the identification number of the weigh in motion violation
33 monitoring system which recorded the violation or other document locator
34 number, one or more date and time stamped images identifying the motor
35 vehicle and the information and data evidencing the alleged violation,
36 and the certificate charging the liability.

37 3. The notice of liability shall contain information advising the
38 person charged of the manner and the time in which they may contest the
39 liability alleged in the notice. Such notice of liability shall also
40 contain a prominent warning to advise the person charged that failure to
41 contest in the manner and time provided shall be deemed an admission of
42 liability and that a default judgment may be entered thereon.

43 4. The notice of liability shall be prepared and mailed by the city of
44 New York, or by any other entity authorized by the city to prepare and
45 mail such notice of liability.

46 (h) Adjudication of the liability imposed upon owners of this section
47 shall be by the New York city parking violations bureau.

48 (i) If an owner receives a notice of liability pursuant to this
49 section for any time period during which the vehicle or the number plate
50 or plates of such vehicle was reported to the police department as
51 having been stolen, it shall be a valid defense to an allegation of
52 liability for a violation of section three hundred eighty-five of this
53 article and the rules of the department of transportation of the city of
54 New York in relation to gross vehicle weight and/or axle weight pursuant
55 to this section that the vehicle or the number plate or plates of such
56 vehicle had been reported to the police as stolen prior to the time the

1 violation occurred and had not been recovered by such time. For purposes
2 of asserting the defense provided by this subdivision, it shall be
3 sufficient that a certified copy of the police report on the stolen
4 vehicle or number plate or plates of such vehicle be sent by first class
5 mail to the New York city parking violations bureau.

6 (j) 1. An owner who is a lessor of a vehicle to which a notice of
7 liability was issued pursuant to subdivision (g) of this section shall
8 not be liable for the violation of section three hundred eighty-five of
9 this article and the rules of the department of transportation of the
10 city of New York in relation to gross vehicle weight and/or axle weight
11 pursuant to this section, provided that:

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

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

23 2. Failure to comply with subparagraph (ii) of paragraph one of this
24 subdivision shall render the owner liable for the penalty prescribed in
25 this section.

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

32 (k) 1. If the owner liable for a violation of section three hundred
33 eighty-five of this article and the rules of the department of transpor-
34 tation of the city of New York in relation to gross vehicle weight
35 and/or axle weight pursuant to this section was not the operator of the
36 vehicle at the time of the violation, the owner may maintain an action
37 for indemnification against the operator.

38 2. Notwithstanding any other provision of this section, no owner of a
39 vehicle shall be subject to a monetary fine imposed pursuant to this
40 section if the operator of such vehicle was operating such vehicle with-
41 out the consent of the owner at the time such operator operated such
42 vehicle in violation of section three hundred eighty-five of this arti-
43 cle and the rules of the department of transportation of the city of New
44 York in relation to gross vehicle weight and/or axle weight. For
45 purposes of this subdivision there shall be a presumption that the oper-
46 ator of such vehicle was operating such vehicle with the consent of the
47 owner at the time such operator operated such vehicle in violation of
48 section three hundred eighty-five of this article and the rules of the
49 department of transportation of the city of New York in relation to
50 gross vehicle weight and/or axle weight.

51 (l) Nothing in this section shall be construed to limit the liability
52 of an operator of a vehicle for any violation of section three hundred
53 eighty-five of this article and the rules of the department of transpor-
54 tation of the city of New York in relation to gross vehicle weight
55 and/or axle weight.

(m) If the city adopts a demonstration program pursuant to subdivision (a) of this section it shall conduct a study and submit an annual report on the results of the use of weigh in motion violation monitoring systems to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand twenty-two and on the same date in each succeeding year in which the demonstration program is operable. Such city shall also post such annual report on the New York city department of transportation website. Such report shall include:

1. the locations where and dates when weigh in motion violation monitoring systems were used;

2. the total number of trucks weighed and the total number of violations recorded by weigh in motion violation monitoring systems in accordance with this section in the aggregate on a daily, weekly and monthly basis;

3. the total number of violations recorded by weigh in motion violation monitoring systems that were either ten percent above the gross vehicle weight or twenty percent above the axle weight;

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

5. the number of fines and total amount of fines paid after the first notice of liability issued for violations recorded by weigh in motion systems;

6. the number of violations adjudicated and the results of such adjudications including breakdowns of dispositions made for violations recorded by weigh in motion systems;

7. the total amount of revenue realized by the city of New York in connection with the program;

8. the expenses incurred by the city of New York in connection with the program;

9. the quality of the adjudication process and its results; and

10. the total capital amount spent on repair or reconstruction of interstate route 278 in Kings county and the total capital amount spent on repair or reconstruction of interstate route 278 specifically from the vicinity of Atlantic avenue to the vicinity of Sands street in Kings county.

(n) It shall be a defense to any prosecution for a violation of section three hundred eighty-five of this article and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight pursuant to this section that such weigh in motion violation monitoring system was malfunctioning at the time of the alleged violation.

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

(r) are photographs, microphotographs, videotape or other recorded images or information and data prepared under authority of section three hundred eighty-five-a of the vehicle and traffic law.

§ 14. The New York city department of transportation shall: (i) prior to implementing a weigh in motion demonstration program as authorized by section 385-a of the vehicle and traffic law, as added by section one of this act, communicate to the public the plan for the use of vehicle weigh in motion violation monitoring systems to enforce vehicle weight restrictions so as to maximize awareness of such program; (ii) during the first 90 day period in which weigh in motion violation monitoring systems are in operation pursuant to the provisions of this act send by first class mail a written warning in lieu of a notice of liability to

1 all owners of motor vehicles who would be held liable for failure of
2 operators thereof to comply with section 385 of the vehicle and traffic
3 law and the rules of the department of transportation of the city of New
4 York in relation to gross vehicle weight and/or axle weight, together
5 with notice of the weigh in motion demonstration program authorized by
6 section 385-a of the vehicle and traffic law; and (iii) take such meas-
7 ures as are necessary to implement such program prior to its implementa-
8 tion, including promulgating any rules and regulations necessary for the
9 implementation of this act.

10 § 15. The purchase or lease of equipment for a demonstration program
11 pursuant to section 385-a of the vehicle and traffic law shall be
12 subject to the provisions of section 103 of the general municipal law.

13 § 16. This act shall take effect immediately; provided, however, that
14 sections twelve, thirteen, fourteen and fifteen shall expire and be
15 deemed repealed December 1, 2025 when upon such date the provisions of
16 such sections shall be deemed repealed; and provided further, that
17 notwithstanding the expiration and repeal of sections twelve, thirteen,
18 fourteen and fifteen of this act, any notices of liability issued pursu-
19 ant to the demonstration program authorized pursuant to section 385-a of
20 the vehicle and traffic law, as added by section twelve of this act,
21 prior to the expiration date of this act may be adjudicated after such
22 expiration date; and provided further, that:

23 (a) the amendments to the opening paragraph and paragraph (c) of
24 subdivision 1 of section 1809 of the vehicle and traffic law made by
25 section eight of this act shall not affect the expiration of such
26 section and shall be deemed to expire therewith, when upon such date the
27 provisions of section eight-a of this act shall take effect;

28 (b) the amendments to the opening paragraph and paragraph (c) of
29 subdivision 1 of section 1809 of the vehicle and traffic law made by
30 section eight-a of this act shall not affect the expiration of such
31 section and shall be deemed to expire therewith, when upon such date the
32 provisions of section eight-b of this act shall take effect;

33 (c) the amendments to subdivision 1 of section 1809 of the vehicle and
34 traffic law made by section eight-b of this act shall not affect the
35 expiration of such section and shall be deemed to expire therewith, when
36 upon such date the provisions of section eight-c of this act shall take
37 effect;

38 (d) the amendments to subdivision 1 of section 1809 of the vehicle and
39 traffic law made by section eight-c of this act shall not affect the
40 expiration of such section and shall be deemed to expire therewith, when
41 upon such date the provisions of section eight-d of this act shall take
42 effect;

43 (e) the amendments to subdivision 1 of section 1809 of the vehicle and
44 traffic law made by section eight-d of this act shall not affect the
45 expiration of such section and shall be deemed to expire therewith, when
46 upon such date the provisions of section eight-e of this act shall take
47 effect;

48 (f) the amendments to subdivision 1 of section 1809 of the vehicle and
49 traffic law made by section eight-e of this act shall not affect the
50 expiration of such section and shall be deemed to expire therewith, when
51 upon such date the provisions of section eight-f of this act shall take
52 effect;

53 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
54 traffic law made by section eight-f of this act shall not affect the
55 expiration of such section and shall be deemed to expire therewith, when

1 upon such date the provisions of section eight-g of this act shall take
2 effect; and
3 (h) the amendments to subdivision 1 of section 1809 of the vehicle and
4 traffic law made by section eight-g of this act shall not affect the
5 expiration of such section and shall be deemed to expire therewith, when
6 upon such date the provisions of section eight-h of this act shall take
7 effect.