

STATE OF NEW YORK

415--A

Cal. No. 1520

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged and said bill committed to the Committee on Rules -- 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, the general municipal law and the public officers law, in relation to certain traffic infractions and notices of liability; to amend the vehicle and traffic law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the village of Pelham Manor; to repeal certain provisions of the vehicle and traffic law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Section 235 of the vehicle and traffic law is REPEALED and
2 a new section 235 is added to read as follows:

3 § 235. Jurisdiction. 1. Notwithstanding any inconsistent provision of
4 any general, special or local law or administrative code to the contra-
5 ry, in any city which heretofore or hereafter is authorized to establish
6 an administrative tribunal: (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

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

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(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 (d) to adjudicate the liability of owners for violations of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter, or (e) to adjudicate the liability of owners for violations of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such 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 (f) to adjudicate the liability of owners for violations of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter 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 school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter, such tribunal and the rules and regulations pertaining thereto shall be constituted in substantial conformance with the following sections.

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

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

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

(A) that the owner has a period of twenty days from issuance of the second notice in which to respond to the notice of violation for a parking violation;

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

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

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

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

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

21 (2) Failure to respond to a notice of violation for a parking
22 violation by the initial response date may result in the liability for a
23 penalty in an amount of the fine indicated on the notice of violation
24 for a parking violation; where a city has given a second notice pursuant
25 to paragraph a of this subdivision, the following schedule of additional
26 penalties may apply:

27 (A) failure to respond to a notice of violation for a parking
28 violation by the initial response date may result in the liability for
29 an additional penalty not to exceed ten dollars or, if the first penalty
30 assessed by a city does not exceed five dollars, such city may assess an
31 additional penalty within thirty-one to seventy-five days not to exceed
32 ten dollars; and

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

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

48 b-1. Alternate additional penalty schedule. In any city in which the
49 schedule of penalties contained in subparagraph two of paragraph b of
50 this subdivision, as interpreted in 9 New York Code of Rules and Regu-
51 lations Part 6180, has not been implemented and was not in effect on or
52 before January first, nineteen hundred ninety-three, the provisions of
53 this paragraph shall only apply upon enactment of a local law containing
54 the penalty schedule provided in this paragraph prior to March 28, 1993.
55 Following the enactment of such a local law, such city may elect to
56 impose the additional penalties set forth in subparagraphs one and two

1 of this paragraph for failure to respond to a notice of violation for a
2 parking violation in accordance with this paragraph. In the event that
3 no such local law was enacted prior to March 28, 1993, the alternate
4 additional penalty schedule set forth in paragraph b-2 of this subdivi-
5 sion shall apply.

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

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

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

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

38 (2) Failure to respond to a notice of violation for a parking
39 violation within thirty days may result in the liability, commencing on
40 the thirty-first day, for the penalty prescribed above for failure to
41 respond within eight days and an additional penalty not to exceed ten
42 dollars or, if the first penalty assessed by the city does not exceed
43 five dollars, such city may assess an additional penalty within thirty-
44 one to seventy-five days not to exceed ten dollars;

45 (3) Where a city has given a second notice pursuant to paragraph a of
46 this subdivision failure to respond to a notice of violation for a park-
47 ing violation within seventy-five days may result in the liability,
48 commencing on the seventy-sixth day, for the penalties prescribed above
49 for failure to respond within eight days and for failure to respond
50 within thirty days and an additional penalty not to exceed twenty
51 dollars; and

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

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

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

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

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

1 the public authorities law and sections sixteen-a, sixteen-b and
2 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
3 hundred fifty, or (e) to adjudicate the liability of owners for
4 violations of section eleven hundred seventy-four of this chapter when
5 meeting a school bus marked and equipped as provided in subdivisions
6 twenty and twenty-one-c of section three hundred seventy-five of this
7 chapter imposed pursuant to a local law or ordinance imposing monetary
8 liability on the owner of a vehicle for failure of an operator thereof
9 to comply with school bus red visual signals through the installation
10 and operation of school bus photo violation monitoring systems, in
11 accordance with article twenty-nine of this chapter. Such tribunal,
12 except in a city with a population of one million or more, shall also
13 have jurisdiction of abandoned vehicle violations. For the purposes of
14 this article, a parking violation is the violation of any law, rule or
15 regulation providing for or regulating the parking, stopping or standing
16 of a vehicle. In addition for purposes of this article, "commissioner"
17 shall mean and include the commissioner of traffic of the city or an
18 official possessing authority as such a commissioner.

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

22 f. "Notice of violation" means a notice of violation as defined in
23 subdivision nine of section two hundred thirty-seven of this article,
24 but shall not be deemed to include a notice of liability issued pursuant
25 to authorization set forth in articles twenty-four, twenty-nine and
26 thirty of this chapter, section two thousand nine hundred eighty-five of
27 the public authorities law and sections sixteen-a, sixteen-b and
28 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
29 hundred fifty to impose monetary liability on the owner of a vehicle for
30 failure of an operator thereof: to comply with traffic-control indi-
31 cations in violation of subdivision (d) of section eleven hundred eleven
32 of this chapter through the installation and operation of traffic-con-
33 trol signal photo violation-monitoring systems, in accordance with arti-
34 cle twenty-four of this chapter; or to comply with certain posted maxi-
35 mum speed limits in violation of subdivision (b), (c), (d), (f) or (g)
36 of section eleven hundred eighty of this chapter through the installa-
37 tion and operation of photo speed violation monitoring systems, in
38 accordance with article thirty of this chapter; or to comply with bus
39 lane restrictions as defined by article twenty-four of this chapter
40 through the installation and operation of bus lane photo devices, in
41 accordance with article twenty-four of this chapter; or to comply with
42 toll collection regulations of certain public authorities through the
43 installation and operation of photo-monitoring systems, in accordance
44 with the provisions of section two thousand nine hundred eighty-five of
45 the public authorities law and sections sixteen-a, sixteen-b and
46 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
47 hundred fifty; or to stop for a school bus displaying a red visual
48 signal in violation of section eleven hundred seventy-four of this chap-
49 ter through the installation and operation of school bus photo violation
50 monitoring systems, in accordance with article twenty-nine of this chap-
51 ter.

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

55 1. Notice of hearing. Whenever a person charged with a parking
56 violation enters a plea of not guilty; or a person alleged to be liable

1 in accordance with any provisions of law specifically authorizing the
2 imposition of monetary liability on the owner of a vehicle for failure
3 of an operator thereof: to comply with traffic-control indications in
4 violation of subdivision (d) of section eleven hundred eleven of this
5 chapter through the installation and operation of traffic-control signal
6 photo violation-monitoring systems, in accordance with article twenty-
7 four of this chapter; or to comply with certain posted maximum speed
8 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
9 eleven hundred eighty of this chapter through the installation and oper-
10 ation of photo speed violation monitoring systems, in accordance with
11 article thirty of this chapter; or to comply with bus lane restrictions
12 as defined by article twenty-four of this chapter through the installa-
13 tion and operation of bus lane photo devices, in accordance with article
14 twenty-four of this chapter; or to comply with toll collection regu-
15 lations of certain public authorities through the installation and oper-
16 ation of photo-monitoring systems, in accordance with the provisions of
17 section two thousand nine hundred eighty-five of the public authorities
18 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
19 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
20 for a school bus displaying a red visual signal in violation of section
21 eleven hundred seventy-four of this chapter through the installation and
22 operation of school bus photo violation monitoring systems, in accord-
23 ance with article twenty-nine of this chapter, contests such allegation,
24 the bureau shall advise such person personally by such form of first
25 class mail as the director may direct of the date on which he or she
26 must appear to answer the charge at a hearing. The form and content of
27 such notice of hearing shall be prescribed by the director, and shall
28 contain a warning to advise the person so pleading or contesting that
29 failure to appear on the date designated, or on any subsequent adjourned
30 date, shall be deemed an admission of liability, and that a default
31 judgment may be entered thereon.

32 1-a. Fines and penalties. Whenever a plea of not guilty has been
33 entered, or the bureau has been notified that an allegation of liability
34 in accordance with provisions of law specifically authorizing the impo-
35 sition of monetary liability on the owner of a vehicle for failure of an
36 operator thereof: to comply with traffic-control indications in
37 violation of subdivision (d) of section eleven hundred eleven of this
38 chapter through the installation and operation of traffic-control signal
39 photo violation-monitoring systems, in accordance with article twenty-
40 four of this chapter; or to comply with certain posted maximum speed
41 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
42 eleven hundred eighty of this chapter through the installation and
43 operation of photo speed violation monitoring systems, in accordance
44 with article thirty of this chapter; or to comply with bus lane
45 restrictions as defined by article twenty-four of this chapter through
46 the installation and operation of bus lane photo devices, in accordance
47 with article twenty-four of this chapter; or to comply with toll
48 collection regulations of certain public authorities through the instal-
49 lation and operation of photo-monitoring systems, in accordance with the
50 provisions of section two thousand nine hundred eighty-five of the
51 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
52 of chapter seven hundred seventy-four of the laws of nineteen hundred
53 fifty; or to stop for a school bus displaying a red visual signal in
54 violation of section eleven hundred seventy-four of this chapter through
55 the installation and operation of school bus photo violation monitoring
56 systems, in accordance with article twenty-nine of this chapter, is

1 being contested, by a person in a timely fashion and a hearing upon the
2 merits has been demanded, but has not yet been held, the bureau shall
3 not issue any notice of fine or penalty to that person prior to the date
4 of the hearing.

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

8 a. Every hearing for the adjudication of a charge of parking violation
9 or an allegation of liability of an owner for a violation of subdivision
10 (d) of section eleven hundred eleven of this chapter imposed pursuant to
11 a local law or ordinance imposing monetary liability on the owner of a
12 vehicle for failure of an operator thereof to comply with traffic-con-
13 trol indications through the installation and operation of traffic-con-
14 trol signal photo violation-monitoring systems, in accordance with arti-
15 cle twenty-four of this chapter, or an allegation of liability of an
16 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
17 section eleven hundred eighty of this chapter imposed pursuant to a
18 demonstration program imposing monetary liability on the owner of a
19 vehicle for failure of an operator thereof to comply with certain posted
20 maximum speed limits through the installation and operation of photo
21 speed violation monitoring systems, in accordance with article thirty of
22 this chapter, or an allegation of liability of an owner for a violation
23 of bus lane restrictions as defined by article twenty-four of this chap-
24 ter imposed pursuant to a bus rapid transit program imposing monetary
25 liability on the owner of a vehicle for failure of an operator thereof
26 to comply with such bus lane restrictions through the installation and
27 operation of bus lane photo devices, in accordance with article twenty-
28 four of this chapter, or an allegation of liability of an owner for a
29 violation of toll collection regulations imposed by certain public
30 authorities pursuant to the law authorizing such public authorities to
31 impose monetary liability on the owner of a vehicle for failure of an
32 operator thereof to comply with toll collection regulations of such
33 public authorities through the installation and operation of photo-moni-
34 toring systems, in accordance with the provisions of section two thou-
35 sand nine hundred eighty-five of the public authorities law and sections
36 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
37 of the laws of nineteen hundred fifty, or an allegation of liability of
38 an owner for a violation of section eleven hundred seventy-four of this
39 chapter when meeting a school bus marked and equipped as provided in
40 subdivisions twenty and twenty-one-c of section three hundred seventy-
41 five of this chapter imposed pursuant to a local law or ordinance impos-
42 ing monetary liability on the owner of a vehicle for failure of an oper-
43 ator thereof to comply with school bus red visual signals through the
44 installation and operation of school bus photo violation monitoring
45 systems, in accordance with article twenty-nine of this chapter, shall
46 be held before a hearing examiner in accordance with rules and regu-
47 lations promulgated by the bureau.

48 g. A record shall be made of a hearing on a plea of not guilty or of a
49 hearing at which liability in accordance with any provisions of law
50 specifically authorizing the imposition of monetary liability on the
51 owner of a vehicle for failure of an operator thereof: to comply with
52 traffic-control indications in violation of subdivision (d) of section
53 eleven hundred eleven of this chapter through the installation and oper-
54 ation of traffic-control signal photo violation-monitoring systems, in
55 accordance with article twenty-four of this chapter; to comply with
56 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; 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; 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, is contested. Recording devices may be used for the making of the record.

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

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications 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; 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; 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; 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, of the person charged, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties.

2. Where an operator or owner fails to enter a plea to a charge of a parking violation or contest an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of

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

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

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

44 a. (i) If at the time of application for a registration or renewal
45 thereof there is a certification from a court, parking violations
46 bureau, traffic and parking violations agency or administrative tribunal
47 of appropriate jurisdiction that the registrant or his or her represen-
48 tative failed to appear on the return date or any subsequent adjourned
49 date or failed to comply with the rules and regulations of an adminis-
50 trative tribunal following entry of a final decision in response to a
51 total of three or more summonses or other process in the aggregate,
52 issued within an eighteen month period, charging either that: (i) such
53 motor vehicle was parked, stopped or standing, or that such motor vehi-
54 cle was operated for hire by the registrant or his or her agent without
55 being licensed as a motor vehicle for hire by the appropriate local
56 authority, in violation of any of the provisions of this chapter or of

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

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

51 § 8. The opening paragraph and paragraph (c) of subdivision 1 of
52 section 1809 of the vehicle and traffic law, as separately amended by
53 section 10 of chapter 145 and section 9 of chapter 148 of the laws of
54 2019, are amended to read as follows:

55 Whenever proceedings in an administrative tribunal or a court of this
56 state result in a conviction for an offense under this chapter or a

1 traffic infraction under this chapter, or a local law, ordinance, rule
2 or regulation adopted pursuant to this chapter, other than a traffic
3 infraction involving standing, stopping, or parking or violations by
4 pedestrians or bicyclists[~~, or other than an adjudication of liability~~
5 ~~of an owner for a violation of subdivision (d) of section eleven hundred~~
6 ~~eleven of this chapter in accordance with section eleven hundred~~
7 ~~eleven-a of this chapter, or other than an adjudication of liability of~~
8 ~~an owner for a violation of subdivision (d) of section eleven hundred~~
9 ~~eleven of this chapter in accordance with section eleven hundred~~
10 ~~eleven-b of this chapter, or other than an adjudication in accordance~~
11 ~~with section eleven hundred eleven-c of this chapter for a violation of~~
12 ~~a bus lane restriction as defined in such section, or other than an~~
13 ~~adjudication of liability of an owner for a violation of subdivision (d)~~
14 ~~of section eleven hundred eleven of this chapter in accordance with~~
15 ~~section eleven hundred eleven-d of this chapter, or other than an adju-~~
16 ~~dication of liability of an owner for a violation of subdivision (b),~~
17 ~~(c), (d), (f) or (g) of section eleven hundred eighty of this chapter in~~
18 ~~accordance with section eleven hundred eighty-b of this chapter, or~~
19 ~~other than an adjudication of liability of an owner for a violation of~~
20 ~~subdivision (d) of section eleven hundred eleven of this chapter in~~
21 ~~accordance with section eleven hundred eleven-e of this chapter, or~~
22 ~~other than an adjudication of liability of an owner for a violation of~~
23 ~~section eleven hundred seventy-four of this chapter in accordance with~~
24 ~~section eleven hundred seventy-four-a of this chapter, or other than an~~
25 ~~adjudication of liability of an owner for a violation of subdivision~~
26 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
27 ~~ter in accordance with section eleven hundred eighty-d of this chapter,]~~
28 and except as otherwise provided by subdivision one-a of this section,
29 there shall be levied a crime victim assistance fee and a mandatory
30 surcharge, in addition to any sentence required or permitted by law, in
31 accordance with the following schedule:

32 (c) Whenever proceedings in an administrative tribunal or a court of
33 this state result in a conviction for an offense under this chapter
34 other than a crime pursuant to section eleven hundred ninety-two of this
35 chapter, or a traffic infraction under this chapter, or a local law,
36 ordinance, rule or regulation adopted pursuant to this chapter, other
37 than a traffic infraction involving standing, stopping, or parking or
38 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
39 ~~of liability of an owner for a violation of subdivision (d) of section~~
40 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
41 ~~hundred eleven-a of this chapter, or other than an adjudication of~~
42 ~~liability of an owner for a violation of subdivision (d) of section~~
43 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
44 ~~hundred eleven-b of this chapter, or other than an adjudication of~~
45 ~~liability of an owner for a violation of subdivision (d) of section~~
46 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
47 ~~hundred eleven-d of this chapter, or other than an infraction pursuant~~
48 ~~to article nine of this chapter or other than an adjudication of liabil-~~
49 ~~ity of an owner for a violation of toll collection regulations pursuant~~
50 ~~to section two thousand nine hundred eighty-five of the public authori-~~
51 ~~ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven~~
52 ~~hundred seventy-four of the laws of nineteen hundred fifty or other than~~
53 ~~an adjudication in accordance with section eleven hundred eleven-c of~~
54 ~~this chapter for a violation of a bus lane restriction as defined in~~
55 ~~such section, or other than an adjudication of liability of an owner for~~
56 ~~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 equipment 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 (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, 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 twenty-five dollars.

§ 8-c. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 10-b of chapter 145 and section 9-b 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 in accordance with section eleven hundred eleven e 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 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-d. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 10-c of chapter 145 and section 9-c 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), (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 (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, 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 (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

1 otherwise provided by subdivision one-a of this section, there shall be
2 levied a mandatory surcharge, in addition to any sentence required or
3 permitted by law, in the amount of seventeen dollars.

4 § 8-e. Subdivision 1 of section 1809 of the vehicle and traffic law,
5 as separately amended by section 10-d of chapter 145 and section 9-d of
6 chapter 148 of the laws of 2019, is amended to read as follows:

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

27 § 8-f. Subdivision 1 of section 1809 of the vehicle and traffic law,
28 as separately amended by section 10-f of chapter 145 and section 9-f of
29 chapter 148 of the laws of 2019, is amended to read as follows:

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

47 § 8-g. Subdivision 1 of section 1809 of the vehicle and traffic law,
48 as separately amended by section 10-g of chapter 145 and section 9-g 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), (d), (f) or~~
56 ~~(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 chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or (d) for violations of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such 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 (e) for violations of section eleven hundred seventy-four of this chapter when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter 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 school bus red visual signals through the installation and operation of school bus photo

1 violation monitoring systems, in accordance with article twenty-nine of
2 this chapter.

3 § 9-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
4 and traffic law is REPEALED and a new paragraph a is added to read as
5 follows:

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

53 § 10. The general municipal law is amended by adding a new section
54 371-a to read as follows:

55 § 371-a. Additional jurisdiction and procedure related to the adjudi-
56 cation of certain notices of liability. A traffic violations bureau

1 established pursuant to subdivision one and a traffic and parking
2 violations agency established pursuant to subdivision two of section
3 three hundred seventy-one of this article may be authorized to adjudi-
4 cate, in accordance with the provisions of this article, the liability
5 of owners: (a) for violations of subdivision (d) of section eleven
6 hundred eleven of the vehicle and traffic law imposed pursuant to a
7 local law or ordinance imposing monetary liability on the owner of a
8 vehicle for failure of an operator thereof to comply with traffic-con-
9 trol indications through the installation and operation of traffic-con-
10 trol signal photo violation-monitoring systems, in accordance with arti-
11 cle twenty-four of the vehicle and traffic law; or (b) for violations of
12 section eleven hundred seventy-four of the vehicle and traffic law when
13 meeting a school bus marked and equipped as provided in subdivisions
14 twenty and twenty-one-c of section three hundred seventy-five of the
15 vehicle and traffic law imposed pursuant to a local law or ordinance
16 imposing monetary liability on the owner of a vehicle for failure of an
17 operator thereof to comply with school bus red visual signals through
18 the installation and operation of school bus photo violation monitoring
19 systems, in accordance with article twenty-nine of the vehicle and traf-
20 fic law.

21 § 11. The vehicle and traffic law is amended by adding a new section
22 1111-f to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. the aggregate number, type and severity of accidents reported at intersections where a traffic-control signal photo violation-monitoring system is used for the reporting year, as well as for each year that the traffic-control signal photo violation-monitoring system has been operational, to the extent the information is maintained by the department of motor vehicles of this state;

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

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

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

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

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

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

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

(n) It shall be a defense to any prosecution for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to a local law or ordinance adopted pursuant to this section that such traffic-control indications were malfunctioning at the time of the alleged violation.

§ 12. 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 prepared under authority of section eleven hundred eleven-f of the vehicle and traffic law.

§ 13. The purchase or lease of equipment for a demonstration program established pursuant to section 1111-f of the vehicle and traffic law shall be subject to the provisions of section 103 of the general municipal law.

§ 14. This act shall take effect immediately; provided, however that sections eleven, twelve and thirteen of this act shall take effect on the thirtieth day after such sections shall have become a law and shall expire on December 1, 2026, when upon such date the provisions of such sections shall be deemed repealed; provided, further, that any such local law as may be enacted pursuant to section eleven of this act shall remain in full force and effect only until December 1, 2026; provided, further, that effective immediately, the addition, amendment and/or

1 repeal of any rule or regulation necessary for the implementation of
2 this act on its effective date are authorized to be made and completed
3 on or before such effective date; and provided further, that:

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

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

14 (c) the amendments to subdivision 1 of section 1809 of the vehicle and
15 traffic law made by section eight-b of this act shall not affect the
16 expiration of such section and shall be deemed to expire therewith, when
17 upon such date the provisions of section eight-c of this act shall take
18 effect;

19 (d) the amendments to subdivision 1 of section 1809 of the vehicle and
20 traffic law made by section eight-c of this act shall not affect the
21 expiration of such section and shall be deemed to expire therewith, when
22 upon such date the provisions of section eight-d of this act shall take
23 effect;

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

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

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

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