

STATE OF NEW YORK

4682--B

Cal. No. 765

2021-2022 Regular Sessions

IN SENATE

February 8, 2021

Introduced by Sens. KENNEDY, BAILEY, BRESLIN, COMRIE, GAUGHRAN, HARCKHAM, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, LIU, MYRIE, PERSAUD, RAMOS, REICHLIN-MELNICK, SALAZAR, SAVINO, SKOUFIS -- 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 general municipal law, in relation to certain notices of liability; to repeal certain provisions of the vehicle and traffic law relating thereto; to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices; 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 Section 235 of the vehicle and traffic law is REPEALED and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-

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

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

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

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

54 (2) Whenever a person has been issued a notice of violation for a
55 parking violation and has not responded in the manner described in the
56 notice, a city shall give the owner a second notice of the violation by

1 regular first class mail: (i) within forty days of issuance of the first
2 notice of violation for a parking violation where the vehicle is a vehi-
3 cle registered in this state; or (ii) within forty days of the receipt
4 by such city of the name and address of the owner of the vehicle where
5 the vehicle is a vehicle registered in any other state. Such second
6 notice shall include, but not be limited to, the following information:

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

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

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

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

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

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

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

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

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

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

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

(1) Failure to respond to a notice of violation for a parking violation within thirty days shall result in liability, commencing on the thirty-first day, for an additional penalty in an amount not to exceed ten dollars, indicated on the notice of violation for a parking violation; where a city has given a second notice pursuant to paragraph a of this subdivision failure to respond to a notice of violation for a parking violation within forty-five days may result in liability, commencing on the forty-sixth day, for the penalty prescribed above for failure to respond within thirty days and an additional penalty not to exceed twenty dollars; and where a city has given a second notice pursuant to paragraph a of this subdivision failure to respond to a notice of violation for a parking violation within seventy-five days may result in liability, commencing on the seventy-sixth day, for the penalties prescribed above for failure to respond within thirty days and for failure to respond within forty-five days and an additional penalty not to exceed thirty dollars.

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

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

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

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

(3) Where a city has given a second notice pursuant to paragraph a of this subdivision failure to respond to a notice of violation for a parking violation within seventy-five days may result in the liability,

1 commencing on the seventy-sixth day, for the penalties prescribed above
2 for failure to respond within eight days and for failure to respond
3 within thirty days and an additional penalty not to exceed twenty
4 dollars; and

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

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

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

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

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

1 restrictions through the installation and operation of bus lane photo
2 devices, in accordance with article twenty-four of this chapter, or (d)
3 to adjudicate the liability of owners for violations of toll collection
4 regulations imposed by certain public authorities pursuant to the law
5 authorizing such public authorities to impose monetary liability on the
6 owner of a vehicle for failure of an operator thereof to comply with
7 toll collection regulations of such public authorities through the
8 installation and operation of photo-monitoring systems, in accordance
9 with the provisions of section two thousand nine hundred eighty-five of
10 the public authorities law and sections sixteen-a, sixteen-b and
11 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
12 hundred fifty, or (e) to adjudicate the liability of owners for
13 violations of section eleven hundred seventy-four of this chapter when
14 meeting a school bus marked and equipped as provided in subdivisions
15 twenty and twenty-one-c of section three hundred seventy-five of this
16 chapter imposed pursuant to a local law or ordinance imposing monetary
17 liability on the owner of a vehicle for failure of an operator thereof
18 to comply with school bus red visual signals through the installation
19 and operation of school bus photo violation monitoring systems, in
20 accordance with article twenty-nine of this chapter, or (f) to adjudi-
21 cate the liability of owners for violations of subdivision (b), (d), (f)
22 or (g) of section eleven hundred eighty of this chapter imposed pursuant
23 to a demonstration program imposing monetary liability on the owner of a
24 vehicle for failure of an operator thereof to comply with such posted
25 maximum speed limits within a highway construction or maintenance work
26 area through the installation and operation of photo speed violation
27 monitoring systems, in accordance with article thirty of this chapter.
28 Such tribunal, except in a city with a population of one million or
29 more, shall also have jurisdiction of abandoned vehicle violations. For
30 the purposes of this article, a parking violation is the violation of
31 any law, rule or regulation providing for or regulating the parking,
32 stopping or standing of a vehicle. In addition for purposes of this
33 article, "commissioner" shall mean and include the commissioner of traf-
34 fic of the city or an official possessing authority as such a commis-
35 sioner.

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

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

1 through the installation and operation of bus lane photo devices, in
2 accordance with article twenty-four of this chapter; or to comply with
3 toll collection regulations of certain public authorities through the
4 installation and operation of photo-monitoring systems, in accordance
5 with the provisions of section two thousand nine hundred eighty-five of
6 the public authorities law and sections sixteen-a, sixteen-b and
7 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
8 hundred fifty; or to stop for a school bus displaying a red visual
9 signal in violation of section eleven hundred seventy-four of this chap-
10 ter through the installation and operation of school bus photo violation
11 monitoring systems, in accordance with article twenty-nine of this chap-
12 ter, or to comply with certain posted maximum speed limits in violation
13 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
14 this chapter within a highway construction or maintenance work area
15 through the installation and operation of photo speed violation monitor-
16 ing systems, in accordance with article thirty of this chapter.

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

20 1. Notice of hearing. Whenever a person charged with a parking
21 violation enters a plea of not guilty; or a person alleged to be liable
22 in accordance with any provisions of law specifically authorizing the
23 imposition of monetary liability on the owner of a vehicle for failure
24 of an operator thereof: to comply with traffic-control indications in
25 violation of subdivision (d) of section eleven hundred eleven of this
26 chapter through the installation and operation of traffic-control signal
27 photo violation-monitoring systems, in accordance with article twenty-
28 four of this chapter; or to comply with certain posted maximum speed
29 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
30 eleven hundred eighty of this chapter through the installation and oper-
31 ation of photo speed violation monitoring systems, in accordance with
32 article thirty of this chapter; or to comply with bus lane restrictions
33 as defined by article twenty-four of this chapter through the installa-
34 tion and operation of bus lane photo devices, in accordance with article
35 twenty-four of this chapter; or to comply with toll collection regu-
36 lations of certain public authorities through the installation and oper-
37 ation of photo-monitoring systems, in accordance with the provisions of
38 section two thousand nine hundred eighty-five of the public authorities
39 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
40 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
41 for a school bus displaying a red visual signal in violation of section
42 eleven hundred seventy-four of this chapter through the installation and
43 operation of school bus photo violation monitoring systems, in accord-
44 ance with article twenty-nine of this chapter, or to comply with certain
45 posted maximum speed limits in violation of subdivision (b), (d), (f) or
46 (g) of section eleven hundred eighty of this chapter within a highway
47 construction or maintenance work area through the installation and oper-
48 ation of photo speed violation monitoring systems, in accordance with
49 article thirty of this chapter, contests such allegation, the bureau
50 shall advise such person personally by such form of first class mail as
51 the director may direct of the date on which he or she must appear to
52 answer the charge at a hearing. The form and content of such notice of
53 hearing shall be prescribed by the director, and shall contain a warning
54 to advise the person so pleading or contesting that failure to appear on
55 the date designated, or on any subsequent adjourned date, shall be

1 deemed an admission of liability, and that a default judgment may be
2 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 certain
28 posted maximum speed limits in violation of subdivision (b), (d), (f) or
29 (g) of section eleven hundred eighty of this chapter within a highway
30 construction or maintenance work area through the installation and oper-
31 ation of photo speed violation monitoring systems, in accordance with
32 article thirty of this chapter, is being contested, by a person in a
33 timely fashion and a hearing upon the merits has been demanded, but has
34 not yet been held, the bureau shall not issue any notice of fine or
35 penalty to that person prior to the date of the hearing.

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

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

1 to comply with such bus lane restrictions through the installation and
2 operation of bus lane photo devices, in accordance with article twenty-
3 four of this chapter, or an allegation of liability of an owner for a
4 violation of toll collection regulations imposed by certain public
5 authorities pursuant to the law authorizing such public authorities to
6 impose monetary liability on the owner of a vehicle for failure of an
7 operator thereof to comply with toll collection regulations of such
8 public authorities through the installation and operation of photo-moni-
9 toring systems, in accordance with the provisions of section two thou-
10 sand nine hundred eighty-five of the public authorities law and sections
11 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
12 of the laws of nineteen hundred fifty, or an allegation of liability of
13 an owner for a violation of section eleven hundred seventy-four of this
14 chapter when meeting a school bus marked and equipped as provided in
15 subdivisions twenty and twenty-one-c of section three hundred seventy-
16 five of this chapter imposed pursuant to a local law or ordinance impos-
17 ing monetary liability on the owner of a vehicle for failure of an oper-
18 ator thereof to comply with school bus red visual signals through the
19 installation and operation of school bus photo violation monitoring
20 systems, in accordance with article twenty-nine of this chapter, or an
21 allegation of liability of an owner for a violation of subdivision (b),
22 (d), (f) or (g) of section eleven hundred eighty of this chapter imposed
23 pursuant to a demonstration program imposing monetary liability on the
24 owner of a vehicle for failure of an operator thereof to comply with
25 certain posted maximum speed limits within a highway construction or
26 maintenance work area through the installation and operation of photo
27 speed violation monitoring systems, in accordance with article thirty of
28 this chapter, shall be held before a hearing examiner in accordance with
29 rules and regulations promulgated by the bureau.

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

1 area through the installation and operation of photo speed violation
2 monitoring systems, in accordance with article thirty of this chapter,
3 is contested. Recording devices may be used for the making of the
4 record.

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

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

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

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

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

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

52 a. (i) If at the time of application for a registration or renewal
53 thereof there is a certification from a court, parking violations
54 bureau, traffic and parking violations agency or administrative tribunal
55 of appropriate jurisdiction that the registrant or his or her represen-
56 tative failed to appear on the return date or any subsequent adjourned

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

commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

§ 8. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 10 of chapter 145 and section 9 of chapter 148 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, 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 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, 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-c 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-c 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-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-c 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-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-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-c 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-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-e. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 10-d of chapter 145 and section 9-d 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-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-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-f. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 10-f of chapter 145 and section 9-f 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-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.

~~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 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 regu-

lations 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 violation monitoring systems, in accordance with article twenty-nine of this chapter; or (f) for violations of subdivision (b), (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 within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter.

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

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except: (i) a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists; and (ii) an adjudication of liability of an owner for a violation 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; and (iii) 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 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; and (iv) an adjudication of liability of an owner for a violation 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; and (v) an adjudication of liability of an owner for a violation of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability

1 on the owner of a vehicle for failure of an operator thereof to comply
2 with toll collection regulations of such public authorities through the
3 installation and operation of photo-monitoring systems, in accordance
4 with section two thousand nine hundred eighty-five of the public author-
5 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
6 seven hundred seventy-four of the laws of nineteen hundred fifty; and
7 (vi) an adjudication of liability of an owner for a violation of section
8 eleven hundred seventy-four of this chapter when meeting a school bus
9 marked and equipped as provided in subdivisions twenty and twenty-one-c
10 of section three hundred seventy-five of this chapter imposed pursuant
11 to a local law or ordinance imposing monetary liability on the owner of
12 a vehicle for failure of an operator thereof to comply with school bus
13 red visual signals through the installation and operation of school bus
14 photo violation monitoring systems, in accordance with article twenty-
15 nine of this chapter; and (vii) an adjudication of liability of an owner
16 for a violation of subdivision (b), (d), (f) or (g) of section eleven
17 hundred eighty of this chapter imposed pursuant to a demonstration
18 program imposing monetary liability on the owner of a vehicle for fail-
19 ure of an operator thereof to comply with such posted maximum speed
20 limits within a highway construction or maintenance work area through
21 the installation and operation of photo speed violation monitoring
22 systems, in accordance with article thirty of this chapter, there shall
23 be levied in addition to any sentence, penalty or other surcharge
24 required or permitted by law, an additional surcharge of twenty-eight
25 dollars.

26 § 11. The general municipal law is amended by adding a new section
27 371-a to read as follows:

28 § 371-a. Additional jurisdiction and procedure related to the adjudi-
29 cation of certain notices of liability. A traffic violations bureau
30 established pursuant to subdivision one and a traffic and parking
31 violations agency established pursuant to subdivision two of section
32 three hundred seventy-one of this article may be authorized to adjudi-
33 cate, in accordance with the provisions of this article, the liability
34 of owners: (a) for violations of subdivision (d) of section eleven
35 hundred eleven of the vehicle and traffic law 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 traffic-con-
38 trol indications through the installation and operation of traffic-con-
39 trol signal photo violation-monitoring systems, in accordance with arti-
40 cle twenty-four of the vehicle and traffic law; or (b) for violations of
41 section eleven hundred seventy-four of the vehicle and traffic law when
42 meeting a school bus marked and equipped as provided in subdivisions
43 twenty and twenty-one-c of section three hundred seventy-five of the
44 vehicle and traffic law imposed pursuant to a local law or ordinance
45 imposing monetary liability on the owner of a vehicle for failure of an
46 operator thereof to comply with school bus red visual signals through
47 the installation and operation of school bus photo violation monitoring
48 systems, in accordance with article twenty-nine of the vehicle and traf-
49 fic law; or (c) for violations of subdivision (b), (d), (f) or (g) of
50 section eleven hundred eighty of the vehicle and traffic law imposed
51 pursuant to a demonstration program imposing monetary liability on the
52 owner of a vehicle for failure of an operator thereof to comply with
53 such posted maximum speed limits within a highway construction or main-
54 tenance work area through the installation and operation of photo speed
55 violation monitoring systems, in accordance with article thirty of this
56 chapter.

1 § 12. The vehicle and traffic law is amended by adding a new section
2 1180-e to read as follows:

3 § 1180-e. Owner liability for failure of operator to comply with
4 certain posted maximum speed limits. (a) 1. Notwithstanding any other
5 provision of law, the commissioner of transportation is hereby author-
6 ized to establish a demonstration program imposing monetary liability on
7 the owner of a vehicle for failure of an operator thereof to comply with
8 posted maximum speed limits in a highway construction or maintenance
9 work area located on a controlled-access highway (i) when highway
10 construction or maintenance work is occurring and a work area speed
11 limit is in effect as provided in paragraph two of subdivision (d) or
12 subdivision (f) of section eleven hundred eighty of this article or (ii)
13 when highway construction or maintenance work is occurring and other
14 speed limits are in effect as provided in subdivision (b) or (g) or
15 paragraph one of subdivision (d) of section eleven hundred eighty of
16 this article. Such demonstration program shall empower the commissioner
17 to install photo speed violation monitoring systems within no more than
18 twenty highway construction or maintenance work areas located on cont-
19 rolled-access highways and to operate such systems within such work
20 areas (iii) when highway construction or maintenance work is occurring
21 and a work area speed limit is in effect as provided in paragraph two of
22 subdivision (d) or subdivision (f) of section eleven hundred eighty of
23 this article or (iv) when highway construction or maintenance work is
24 occurring and other speed limits are in effect as provided in subdivi-
25 sion (b) or (g) or paragraph one of subdivision (d) of section eleven
26 hundred eighty of this article. The commissioner, in consultation with
27 the superintendent of the division of state police, shall determine the
28 location of the highway construction or maintenance work areas located
29 on a controlled-access highway in which to install and operate photo
30 speed violation monitoring systems. In selecting a highway construction
31 or maintenance work area in which to install and operate a photo speed
32 violation monitoring system, the commissioner shall consider criteria
33 including, but not limited to, the speed data, crash history, and road-
34 way geometry applicable to such highway construction or maintenance work
35 area. A photo speed violation monitoring system shall not be installed
36 or operated on a controlled-access highway exit ramp.

37 2. Notwithstanding any other provision of law, after holding a public
38 hearing in accordance with the public officers law and subsequent
39 approval of the establishment of a demonstration program in accordance
40 with this section by a majority of the members of the entire board of
41 the thruway authority, the chair of the thruway authority is hereby
42 authorized to establish a demonstration program imposing monetary
43 liability on the owner of a vehicle for failure of an operator thereof
44 to comply with posted maximum speed limits in a highway construction or
45 maintenance work area located on the thruway (i) when highway
46 construction or maintenance work is occurring and a work area speed
47 limit is in effect as provided in paragraph two of subdivision (d) or
48 subdivision (f) of section eleven hundred eighty of this article or (ii)
49 when highway construction or maintenance work is occurring and other
50 speed limits are in effect as provided in subdivision (b) or (g) or
51 paragraph one of subdivision (d) of section eleven hundred eighty of
52 this article. Such demonstration program shall empower the chair to
53 install photo speed violation monitoring systems within no more than ten
54 highway construction or maintenance work areas located on the thruway
55 and to operate such systems within such work areas (iii) when highway
56 construction or maintenance work is occurring and a work area speed

1 limit is in effect as provided in paragraph two of subdivision (d) or
2 subdivision (f) of section eleven hundred eighty of this article or (iv)
3 when highway construction or maintenance work is occurring and other
4 speed limits are in effect as provided in subdivision (b) or (g) or
5 paragraph one of subdivision (d) of section eleven hundred eighty of
6 this article. The chair, in consultation with the superintendent of the
7 division of state police, shall determine the location of the highway
8 construction or maintenance work areas located on the thruway in which
9 to install and operate photo speed violation monitoring systems. In
10 selecting a highway construction or maintenance work area in which to
11 install and operate a photo speed violation monitoring system, the chair
12 shall consider criteria including, but not limited to, the speed data,
13 crash history, and roadway geometry applicable to such highway
14 construction or maintenance work area. A photo speed violation monitor-
15 ing system shall not be installed or operated on a thruway exit ramp.

16 3. No photo speed violation monitoring system shall be used in a high-
17 way construction or maintenance work area unless (i) on the day it is to
18 be used it has successfully passed a self-test of its functions; and
19 (ii) it has undergone an annual calibration check performed pursuant to
20 paragraph five of this subdivision. The commissioner or chair, as appli-
21 cable, shall install signs giving notice that a photo speed violation
22 monitoring system is in use, in conformance with standards established
23 in the MUTCD.

24 4. Operators of photo speed violation monitoring systems shall have
25 completed training in the procedures for setting up, testing, and oper-
26 ating such systems. Each such operator shall complete and sign a daily
27 set-up log for each such system that he or she operates that (i) states
28 the date and time when, and the location where, the system was set up
29 that day, and (ii) states that such operator successfully performed, and
30 the system passed, the self-tests of such system before producing a
31 recorded image that day. The commissioner or the chair, as applicable,
32 shall retain each such daily log until the later of the date on which
33 the photo speed violation monitoring system to which it applies has been
34 permanently removed from use or the final resolution of all cases
35 involving notices of liability issued based on photographs, microphoto-
36 graphs, video or other recorded images produced by such system.

37 5. Each photo speed violation monitoring system shall undergo an annu-
38 al calibration check performed by an independent calibration laboratory
39 which shall issue a signed certificate of calibration. The commissioner
40 or the chair, as applicable, shall keep each such annual certificate of
41 calibration on file until the final resolution of all cases involving a
42 notice of liability issued during such year which were based on photo-
43 graphs, microphotographs, videotape or other recorded images produced by
44 such photo speed violation monitoring system.

45 6. (i) Such demonstration program shall utilize necessary technologies
46 to ensure, to the extent practicable, that photographs, microphoto-
47 graphs, videotape or other recorded images produced by such photo speed
48 violation monitoring systems shall not include images that identify the
49 driver, the passengers, or the contents of the vehicle. Provided, howev-
50 er, that no notice of liability issued pursuant to this section shall be
51 dismissed solely because such a photograph, microphotograph, videotape
52 or other recorded image allows for the identification of the driver, the
53 passengers, or the contents of vehicles where the commissioner or the
54 chair, as applicable, shows that they made reasonable efforts to comply
55 with the provisions of this paragraph in such case.

(ii) Photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall be for the exclusive use of the commissioner or the chair, as applicable, for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by the commissioner or chair, as applicable, upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a photo speed violation monitoring system shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

(A) shall be available for inspection and copying and use by the motor vehicle owner and operator for so long as such photographs, microphotographs, videotape or other recorded images are required to be maintained or are maintained by such public entity, employee, officer or agent; and

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

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

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

(b) If the commissioner or chair establishes a demonstration program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such

1 vehicle was used or operated with the permission of the owner, express
2 or implied, within a highway construction or maintenance work area
3 located on a controlled-access highway or on the thruway in violation of
4 paragraph two of subdivision (d) or subdivision (f), or when other speed
5 limits are in effect in violation of subdivision (b) or (g) or paragraph
6 one of subdivision (d), of section eleven hundred eighty of this arti-
7 cle, such vehicle was traveling at a speed of more than ten miles per
8 hour above the posted speed limit in effect within such highway
9 construction or maintenance work area, and such violation is evidenced
10 by information obtained from a photo speed violation monitoring system;
11 provided however that no owner of a vehicle shall be liable for a penal-
12 ty imposed pursuant to this section where the operator of such vehicle
13 has been convicted of the underlying violation of subdivision (b), (d),
14 (f) or (g) of section eleven hundred eighty of this article.

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

17 1. "chair" shall mean the chair of the New York state thruway authori-
18 ty;

19 2. "commissioner" shall mean the commissioner of transportation;

20 3. "controlled-access highway" shall mean a controlled-access highway
21 as defined by section one hundred nine of this chapter under the commis-
22 sioner's jurisdiction which has been functionally classified by the
23 department of transportation as principal arterial - interstate or prin-
24 cipal arterial - other freeway/expressway on official functional classi-
25 fication maps approved by the federal highway administration pursuant to
26 part 470.105 of title 23 of the code of federal regulations, as amended
27 from time to time;

28 4. "manual on uniform traffic control devices" or "MUTCD" shall mean
29 the manual and specifications for a uniform system of traffic control
30 devices maintained by the commissioner of transportation pursuant to
31 section sixteen hundred eighty of this chapter;

32 5. "owner" shall have the meaning provided in article two-B of this
33 chapter;

34 6. "photo speed violation monitoring system" shall mean a vehicle
35 sensor installed to work in conjunction with a speed measuring device
36 which automatically produces two or more photographs, two or more micro-
37 photographs, a videotape or other recorded images of each vehicle at the
38 time it is used or operated in a highway construction or maintenance
39 work area located on a controlled-access highway or on the thruway in
40 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
41 eighty of this article in accordance with the provisions of this
42 section;

43 7. "thruway authority" shall mean the New York state thruway authori-
44 ty, a body corporate and politic constituting a public corporation
45 created and constituted pursuant to title nine of article two of the
46 public authorities law; and

47 8. "thruway" shall mean generally a divided highway under the juris-
48 isdiction of the thruway authority for mixed traffic with access limited
49 as the authority may determine and generally with grade separations at
50 intersections.

51 (d) A certificate, sworn to or affirmed by a technician employed by
52 the commissioner or chair as applicable, or a facsimile thereof, based
53 upon inspection of photographs, microphotographs, videotape or other
54 recorded images produced by a photo speed violation monitoring system,
55 shall be prima facie evidence of the facts contained therein. Any photo-
56 graphs, microphotographs, videotape or other recorded images evidencing

1 such a violation shall include at least two date and time stamped images
2 of the rear of the motor vehicle that include the same stationary object
3 near the motor vehicle and shall be available for inspection reasonably
4 in advance of and at any proceeding to adjudicate the liability for such
5 violation pursuant to this section.

6 (e) An owner liable for a violation of subdivision (b), (d), (f) or
7 (g) of section eleven hundred eighty of this article pursuant to a
8 demonstration program established pursuant to this section shall be
9 liable for monetary penalties not to exceed fifty dollars for a first
10 violation, seventy-five dollars for a second violation both of which
11 were committed within a period of eighteen months, and one hundred
12 dollars for a third or subsequent violation all of which were committed
13 within a period of eighteen months; provided, however, that an addi-
14 tional penalty not in excess of twenty-five dollars for each violation
15 may be imposed for the failure to respond to a notice of liability with-
16 in the prescribed time period.

17 (f) An imposition of liability under the demonstration program estab-
18 lished pursuant to this section shall not be deemed a conviction as an
19 operator and shall not be made part of the operating record of the
20 person upon whom such liability is imposed nor shall it be used for
21 insurance purposes in the provision of motor vehicle insurance coverage.

22 (g) 1. A notice of liability shall be sent by first class mail to each
23 person alleged to be liable as an owner for a violation of subdivision
24 (b), (d), (f) or (g) of section eleven hundred eighty of this article
25 pursuant to this section, within fourteen business days if such owner is
26 a resident of this state and within forty-five business days if such
27 owner is a non-resident. Personal delivery on the owner shall not be
28 required. A manual or automatic record of mailing prepared in the ordi-
29 nary course of business shall be prima facie evidence of the facts
30 contained therein.

31 2. A notice of liability shall contain the name and address of the
32 person alleged to be liable as an owner for a violation of subdivision
33 (b), (d), (f) or (g) of section eleven hundred eighty of this article
34 pursuant to this section, the registration number of the vehicle
35 involved in such violation, the location where such violation took
36 place, the date and time of such violation, the identification number of
37 the camera which recorded the violation or other document locator
38 number, at least two date and time stamped images of the rear of the
39 motor vehicle that include the same stationary object near the motor
40 vehicle, and the certificate charging the liability.

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

47 4. The notice of liability shall be prepared and mailed by the commis-
48 sioner or chair as applicable, or by any other entity authorized by the
49 commissioner or chair to prepare and mail such notice of liability.

50 (h) Adjudication of the liability imposed upon owners of this section
51 shall be by a traffic violations bureau established pursuant to section
52 three hundred seventy of the general municipal law where the violation
53 occurred or, if there be none, by the court having jurisdiction over
54 traffic infractions where the violation occurred, except that if a city
55 has established an administrative tribunal to hear and determine
56 complaints of traffic infractions constituting parking, standing or

1 stopping violations such city may, by local law, authorize such adjudication by such tribunal.

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

17 (j) 1. Where the adjudication of liability imposed upon owners pursu-
18 ant to this section is by a traffic violations bureau or a court having
19 jurisdiction, an owner who is a lessor of a vehicle to which a notice of
20 liability was issued pursuant to subdivision (g) of this section shall
21 not be liable for the violation of subdivision (b), (d), (f) or (g) of
22 section eleven hundred eighty of this article pursuant to this section,
23 provided that he or she sends to the traffic violations bureau or court
24 having jurisdiction a copy of the rental, lease or other such contract
25 document covering such vehicle on the date of the violation, with the
26 name and address of the lessee clearly legible, within thirty-seven days
27 after receiving notice from the bureau or court of the date and time of
28 such violation, together with the other information contained in the
29 original notice of liability. Failure to send such information within
30 such thirty-seven day time period shall render the owner liable for the
31 penalty prescribed by this section. Where the lessor complies with the
32 provisions of this paragraph, the lessee of such vehicle on the date of
33 such violation shall be deemed to be the owner of such vehicle for
34 purposes of this section, shall be subject to liability for the
35 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
36 eighty of this article pursuant to this section and shall be sent a
37 notice of liability pursuant to subdivision (g) of this section.

38 2. (i) In a city which, by local law, has authorized the adjudication
39 of liability imposed upon owners by this section by a parking violations
40 bureau, an owner who is a lessor of a vehicle to which a notice of
41 liability was issued pursuant to subdivision (g) of this section shall
42 not be liable for the violation of subdivision (b), (d), (f) or (g) of
43 section eleven hundred eighty of this article, provided that:

44 (A) prior to the violation, the lessor has filed with the bureau in
45 accordance with the provisions of section two hundred thirty-nine of
46 this chapter; and

47 (B) within thirty-seven days after receiving notice from the bureau of
48 the date and time of a liability, together with the other information
49 contained in the original notice of liability, the lessor submits to the
50 bureau the correct name and address of the lessee of the vehicle identi-
51 fied in the notice of liability at the time of such violation, together
52 with such other additional information contained in the rental, lease or
53 other contract document, as may be reasonably required by the bureau
54 pursuant to regulations that may be promulgated for such purpose.

1 (ii) Failure to comply with clause (B) of subparagraph (i) of this
2 paragraph shall render the owner liable for the penalty prescribed in
3 this section.

4 (iii) Where the lessor complies with the provisions of this paragraph,
5 the lessee of such vehicle on the date of such violation shall be deemed
6 to be the owner of such vehicle for purposes of this section, shall be
7 subject to liability for such violation pursuant to this section and
8 shall be sent a notice of liability pursuant to subdivision (g) of this
9 section.

10 (k) 1. If the owner liable for a violation of subdivision (b), (d),
11 (f) or (g) of section eleven hundred eighty of this article pursuant to
12 this section was not the operator of the vehicle at the time of the
13 violation, the owner may maintain an action for indemnification against
14 the operator.

15 2. Notwithstanding any other provision of this section, no owner of a
16 vehicle shall be subject to a monetary fine imposed pursuant to this
17 section if the operator of such vehicle was operating such vehicle with-
18 out the consent of the owner at the time such operator operated such
19 vehicle in violation of subdivision (b), (d), (f) or (g) of section
20 eleven hundred eighty of this article. For purposes of this subdivision
21 there shall be a presumption that the operator of such vehicle was oper-
22 ating such vehicle with the consent of the owner at the time such opera-
23 tor operated such vehicle in violation of subdivision (b), (d), (f) or
24 (g) of section eleven hundred eighty of this article.

25 (l) Nothing in this section shall be construed to limit the liability
26 of an operator of a vehicle for any violation of subdivision (b), (d),
27 (f) or (g) of section eleven hundred eighty of this article.

28 (m) If the commissioner or chair adopts a demonstration program pursu-
29 ant to subdivision (a) of this section the commissioner or chair, as
30 applicable, shall conduct a study and submit a report on or before May
31 first, two thousand twenty-four and a report on or before May first, two
32 thousand twenty-six on the results of the use of photo devices to the
33 governor, the temporary president of the senate and the speaker of the
34 assembly. The commissioner or chair shall also make such reports avail-
35 able on their public-facing websites, provided that they may provide
36 aggregate data from paragraph one of this subdivision if the commission-
37 er or chair finds that publishing specific location data would jeopard-
38 ize public safety. Such report shall include:

39 1. the locations where and dates when photo speed violation monitoring
40 systems were used;

41 2. the aggregate number, type and severity of crashes, fatalities,
42 injuries and property damage reported within all highway construction or
43 maintenance work areas on controlled-access highways or on the thruway,
44 to the extent the information is maintained by the commissioner, chair
45 or the department of motor vehicles of this state;

46 3. the aggregate number, type and severity of crashes, fatalities,
47 injuries and property damage reported within highway construction or
48 maintenance work areas where photo speed violation monitoring systems
49 were used, to the extent the information is maintained by the commis-
50 sioner, chair or the department of motor vehicles of this state;

51 4. the number of violations recorded within all highway construction
52 or maintenance work areas on controlled-access highways or on the thru-
53 way, in the aggregate on a daily, weekly and monthly basis to the extent
54 the information is maintained by the commissioner, chair or the depart-
55 ment of motor vehicles of this state;

1 5. the number of violations recorded within each highway construction
2 or maintenance work area where a photo speed violation monitoring system
3 is used, in the aggregate on a daily, weekly and monthly basis;

4 6. to the extent the information is maintained by the commissioner,
5 chair or the department of motor vehicles of this state, the number of
6 violations recorded within all highway construction or maintenance work
7 areas on controlled-access highways or on the thruway that were:

8 (i) more than ten but not more than twenty miles per hour over the
9 posted speed limit;

10 (ii) more than twenty but not more than thirty miles per hour over the
11 posted speed limit;

12 (iii) more than thirty but not more than forty miles per hour over the
13 posted speed limit; and

14 (iv) more than forty miles per hour over the posted speed limit;

15 7. the number of violations recorded within each highway construction
16 or maintenance work area where a photo speed violation monitoring system
17 is used that were:

18 (i) more than ten but not more than twenty miles per hour over the
19 posted speed limit;

20 (ii) more than twenty but not more than thirty miles per hour over the
21 posted speed limit;

22 (iii) more than thirty but not more than forty miles per hour over the
23 posted speed limit; and

24 (iv) more than forty miles per hour over the posted speed limit;

25 8. the total number of notices of liability issued for violations
26 recorded by such systems;

27 9. the number of fines and total amount of fines paid after the first
28 notice of liability issued for violations recorded by such systems, to
29 the extent the information is maintained by the commissioner, chair or
30 the department of motor vehicles of this state;

31 10. the number of violations adjudicated and the results of such adju-
32 dications including breakdowns of dispositions made for violations
33 recorded by such systems, to the extent the information is maintained by
34 the commissioner, chair or the department of motor vehicles of this
35 state;

36 11. the total amount of revenue realized by the state or thruway
37 authority in connection with the program;

38 12. the expenses incurred by the state or the thruway authority in
39 connection with the program;

40 13. an itemized list of expenditures made by the state and the thruway
41 authority on work zone safety projects undertaken in accordance with
42 subdivisions eleven and twelve of section eighteen hundred three of this
43 chapter; and

44 14. the quality of the adjudication process and its results, to the
45 extent the information is maintained by the commissioner, chair or the
46 department of motor vehicles of this state.

47 (n) It shall be a defense to any prosecution for a violation of subdi-
48 vision (b), (d), (f) or (g) of section eleven hundred eighty of this
49 article pursuant to this section that such photo speed violation moni-
50 toring system was malfunctioning at the time of the alleged violation.

51 § 13. Section 1803 of the vehicle and traffic law is amended by adding
52 two new subdivisions 11 and 12 to read as follows:

53 11. Except as otherwise provided in paragraph e of subdivision one of
54 this section, where the commissioner of transportation has established a
55 demonstration program imposing monetary liability on the owner of a
56 vehicle for failure of an operator thereof to comply with subdivision

(b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. The comptroller shall pay eighty percent of any such fine or penalty imposed for such liability to the general fund, and twenty percent of any such fine or penalty to the city, town or village in which the violation giving rise to the liability occurred. With respect to the percentage of fines or penalties paid to the general fund, no less than sixty percent shall be dedicated to department of transportation work zone safety projects after deducting the expenses necessary to administer such demonstration program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the department of transportation and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. All fines, penalties and forfeitures paid to a city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

12. Except as otherwise provided in paragraph e of subdivision one of this section, where the chair of the New York state thruway authority has established a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. The comptroller shall pay eighty percent of any such fine or penalty imposed for such liability to the thruway authority, and twenty percent of any such fine or penalty to the city, town or village in which the violation giving rise to the liability occurred. With respect to the percentage of fines or penalties paid to the thruway authority, no less than sixty percent shall be dedicated to thruway authority work zone safety projects after deducting the expenses necessary to administer such demonstration program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the thruway authority and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and mark-

1 ings, worker safety training, contractor outreach, enforcement efforts,
2 radar speed display signs at major active work zones and police presence
3 at major active work zones, as provided in section twenty-two of the
4 transportation law. For the purposes of this subdivision, the term
5 "thruway authority" shall mean the New York state thruway authority, a
6 body corporate and politic constituting a public corporation created and
7 constituted pursuant to title nine of article two of the public authori-
8 ties law. All fines, penalties and forfeitures paid to a city, town or
9 village pursuant to the provisions of this subdivision shall be credited
10 to the general fund of such city, town or village, unless a different
11 disposition is prescribed by charter, special law, local law or ordi-
12 nance.

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

15 (r) are photographs, microphotographs, videotape or other recorded
16 images prepared under the authority of section eleven hundred eighty-e
17 of the vehicle and traffic law.

18 § 15. For the purpose of informing and educating owners of motor vehi-
19 cles in this state, an agency or authority authorized to issue notices
20 of liability pursuant to the provisions of this act shall, during the
21 first thirty-day period in which the photo violation monitoring systems
22 are in operation pursuant to the provisions of this act, issue a written
23 warning in lieu of a notice of liability to all owners of motor vehicles
24 who would be held liable for failure of operators thereof to comply with
25 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of the
26 vehicle and traffic law in accordance with section eleven hundred eight-
27 y-e of the vehicle and traffic law.

28 § 16. This act shall take effect on the thirtieth day after it shall
29 have become a law; provided, however, that sections twelve, thirteen,
30 fourteen and fifteen of this act shall expire and be deemed repealed 5
31 years after such effective date when upon such date the provisions of
32 such sections shall be deemed repealed; provided that effective imme-
33 diately, the addition, amendment and/or repeal of any rule or regulation
34 necessary for the implementation of this act on its effective date are
35 authorized to be made and completed on or before such effective date;
36 and provided further, that:

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

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

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

52 (d) the amendments to subdivision 1 of section 1809 of the vehicle and
53 traffic law made by section eight-c of this act shall not affect the
54 expiration of such section and shall be deemed to expire therewith, when
55 upon such date the provisions of section eight-d of this act shall take
56 effect;

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

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

11 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
12 traffic law made by section eight-f of this act shall not affect the
13 expiration of such section and shall be deemed to expire therewith, when
14 upon such date the provisions of section eight-g of this act shall take
15 effect; and

16 (h) the amendments to subdivision 1 of section 1809 of the vehicle and
17 traffic law made by section eight-g of this act shall not affect the
18 expiration of such section and shall be deemed to expire therewith, when
19 upon such date the provisions of section eight-h of this act shall take
20 effect.