

STATE OF NEW YORK

1145

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Transportation

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

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

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 Section 235 of the vehicle and traffic law is REPEALED and a new section 235 is added to read as follows:

§ 235. Jurisdiction. 1. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in any city which heretofore or hereafter is authorized to establish an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, or authorized to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter, or authorized to adjudicate the liability of owners for violations of section eleven hundred eighty of this chapter in accordance with local laws imposing liability on owners for failure of an operator to comply with certain posted maximum speed limits through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter, or authorized to adjudicate liability of owners for violations of bus lane restrictions 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 local laws imposing liability on owners for failure of opera-
2 tors to comply with such restrictions through the use of photo devices
3 pursuant to article twenty-four of this chapter, or authorized to adju-
4 dicate the liability of owners for violations of toll collection regu-
5 lations by an operator as defined in and in accordance with the
6 provisions of section two thousand nine hundred eighty-five of the
7 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
8 of chapter seven hundred seventy-four of the laws of nineteen hundred
9 fifty, or authorized to adjudicate the liability of owners for failure
10 of operator to stop for a school bus displaying a red visual signal and
11 stop-arm when meeting a school bus marked and equipped as provided in
12 subdivisions twenty and twenty-one-c of section three hundred seventy-
13 five of this chapter in accordance with provisions of law specifically
14 authorizing the imposition of monetary liability on the owner of a vehi-
15 cle through the installation of school bus photo monitoring systems
16 pursuant to article twenty-nine of this chapter, such tribunal and the
17 rules and regulations pertaining thereto shall be constituted in
18 substantial conformance with the following sections.

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

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

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

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

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

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

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

53 (E) that submission of a plea of guilty to the parking violation makes
54 the owner liable for payment of the stated fine and additional penalties
55 imposed pursuant to paragraph b of this subdivision and the mandatory

1 surcharge of fifteen dollars imposed upon parking violations pursuant to
2 section eighteen hundred nine-a of this chapter.

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

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

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

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

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

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

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

1 failure to respond within thirty days and an additional penalty not to
2 exceed twenty dollars; and where a city has given a second notice pursu-
3 ant to paragraph a of this subdivision failure to respond to a notice of
4 violation for a parking violation within seventy-five days may result in
5 liability, commencing on the seventy-sixth day, for the penalties
6 prescribed above for failure to respond within thirty days and for fail-
7 ure to respond within forty-five days and an additional penalty not to
8 exceed thirty dollars.

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

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

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

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

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

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

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

54 3. Nothing set forth in this section shall be construed to grant any
55 municipality the authority to establish by local law, ordinance, resol-
56 ution or any other means, an administrative tribunal to hear and deter-

1 mine complaints of traffic infractions or jurisdiction to adjudicate any
2 liability set forth in subdivision one of this section.

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

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

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

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

1 thirty of this chapter; or to comply with bus lane restrictions through
2 the use of photo devices pursuant to article twenty-four of this chap-
3 ter; or to comply with toll collection regulations as defined in and in
4 accordance with the provisions of section two thousand nine hundred
5 eighty-five of the public authorities law and sections sixteen-a,
6 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
7 laws of nineteen hundred fifty; or to stop for a school bus displaying a
8 red visual signal and stop-arm when meeting a school bus marked and
9 equipped as provided in subdivisions twenty and twenty-one-c of section
10 three hundred seventy-five of this chapter through the installation of
11 school bus photo monitoring systems pursuant to article twenty-nine of
12 this chapter.

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

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

45 1-a. Fines and penalties. Whenever a plea of not guilty has been
46 entered, or the bureau has been notified that an allegation of liability
47 in accordance with provisions of law specifically authorizing the impo-
48 sition of monetary liability on the owner of a vehicle for failure of an
49 operator thereof: to comply with traffic-control indications through the
50 use of traffic-control signal photo violation-monitoring devices pursu-
51 ant to article twenty-four of this chapter; or to comply with certain
52 posted maximum speed limits in violation of section eleven hundred
53 eighty of this chapter through the use of photo speed violation monitor-
54 ing systems pursuant to article thirty of this chapter; or to comply
55 with bus lane restrictions through the use of photo devices pursuant to
56 article twenty-four of this chapter; or to comply with toll collection

1 regulations as defined in and in accordance with the provisions of
2 section two thousand nine hundred eighty-five of the public authorities
3 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
4 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
5 for a school bus displaying a red visual signal and stop-arm when meet-
6 ing a school bus marked and equipped as provided in subdivisions twenty
7 and twenty-one-c of section three hundred seventy-five of this chapter
8 through the installation of school bus photo monitoring systems pursuant
9 to article twenty-nine of this chapter, is being contested, by a person
10 in a timely fashion and a hearing upon the merits has been demanded, but
11 has not yet been held, the bureau shall not issue any notice of fine or
12 penalty to that person prior to the date of the hearing.

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

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

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

1 the use of photo devices pursuant to article twenty-four of this chap-
2 ter; to comply with toll collection regulations as defined in and in
3 accordance with the provisions of section two thousand nine hundred
4 eighty-five of the public authorities law and sections sixteen-a,
5 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
6 laws of nineteen hundred fifty; or to stop for a school bus displaying a
7 red visual signal and stop-arm when meeting a school bus marked and
8 equipped as provided in subdivisions twenty and twenty-one-c of section
9 three hundred seventy-five of this chapter through the installation of
10 school bus photo monitoring systems pursuant to article twenty-nine of
11 this chapter, is contested. Recording devices may be used for the
12 making of the record.

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

16 1. The hearing examiner shall make a determination on the charges,
17 either sustaining or dismissing them. Where the hearing examiner deter-
18 mines that the charges have been sustained he or she may examine either
19 the prior parking violations record or the record of liabilities
20 incurred in accordance with any provisions of law specifically authoriz-
21 ing the imposition of monetary liability on the owner of a vehicle for
22 failure of an operator thereof: to comply with traffic-control indi-
23 cations through the use of traffic-control signal photo violation-moni-
24 toring devices pursuant to article twenty-four of this chapter; to
25 comply with certain posted maximum speed limits in violation of section
26 eleven hundred eighty of this chapter through the use of photo speed
27 violation monitoring systems pursuant to article thirty of this chapter;
28 to comply with bus lane restrictions as specifically set forth in local
29 laws establishing such restrictions through the use of photo devices
30 pursuant to article twenty-four of this chapter; to comply with toll
31 collection regulations as defined in and in accordance with the
32 provisions of section two thousand nine hundred eighty-five of the
33 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
34 of chapter seven hundred seventy-four of the laws of nineteen hundred
35 fifty; or to stop for a school bus displaying a red visual signal and
36 stop-arm when meeting a school bus marked and equipped as provided in
37 subdivisions twenty and twenty-one-c of section three hundred seventy-
38 five of this chapter through the installation of school bus photo moni-
39 toring systems pursuant to article twenty-nine of this chapter, of the
40 person charged, as applicable prior to rendering a final determination.
41 Final determinations sustaining or dismissing charges shall be entered
42 on a 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 through the use of
49 traffic-control signal photo violation-monitoring devices pursuant to
50 article twenty-four of this chapter; to comply with certain posted maxi-
51 mum speed limits in violation of section eleven hundred eighty of this
52 chapter through the use of photo speed violation monitoring systems
53 systems pursuant to article thirty of this chapter; to comply with bus
54 lane restrictions as specifically set forth in local laws establishing
55 such restrictions through the use of photo devices pursuant to article
56 twenty-four of this chapter; to comply with toll collection regulations

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

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

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

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

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

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

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

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

public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or an adjudication of liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, 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:

(a) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a traffic infraction pursuant to article nine of this chapter, 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 twenty-five dollars.

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

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

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

(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 a local law or ordinance imposing liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter, or other than an adjudication of liability of an owner in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for the failure of an operator to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter, or other than an adjudication of liability of an owner in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for violations of bus lane restrictions as specifically set forth in local laws establishing such restrictions, through the use of photo devices pursuant to article twenty-four of this chapter, or other than an adjudication of the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and

twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter; 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, 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.

§ 9. 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; or (ii) an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; or (iii) an adjudication of liability of an owner in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for the failure of an operator to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter; or (iv) an adjudication of liability of an owner in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for violations of bus lane restrictions as specifically set forth in local laws establishing such restrictions, through the use of photo devices pursuant to article twenty-four of this chapter; or (v) 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 (vi) an adjudication of the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter, in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

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

§ 371. Jurisdiction and procedure. 1. A traffic violations bureau so established may be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, and, if authorized by local law or ordinance, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of the vehicle and traffic law, or authorized to adjudicate the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of the vehicle and traffic law in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of the vehicle and traffic law.

2. The Nassau county traffic and parking violations agency, as established, may be authorized to assist the Nassau county district court, and the Suffolk county traffic and parking violations agency, as established, may be authorized to assist the Suffolk county district court, in the disposition and administration of infractions of traffic and parking laws, ordinances, rules and regulations and to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of the vehicle and traffic law, or authorized to adjudicate the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of the vehicle and traffic law in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of the vehicle and traffic law, except that such agencies shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under item (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction defined under section three hundred ninety-seven-a of the vehicle and traffic law and the traffic infraction defined under subdivision (g) of section eleven hundred eighty of the vehicle and traffic law; (e) any misdemeanor or felony; or (f) any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section

1 40.10 of the criminal procedure law, as a violation of subdivision one
2 of section eleven hundred ninety-two of the vehicle and traffic law, a
3 violation of subdivision five of section eleven hundred ninety-two of
4 the vehicle and traffic law, a violation of paragraph (b) of subdivision
5 four of section fourteen-f of the transportation law, a violation of
6 item (b) of subparagraph (iii) of paragraph c of subdivision two of
7 section one hundred forty of the transportation law, a violation of
8 section three hundred ninety-seven-a of the vehicle and traffic law, a
9 violation of subdivision (g) of section eleven hundred eighty of the
10 vehicle and traffic law or any misdemeanor or felony.

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

42 2-b. The Rochester traffic violations agency, as established in subdivi-
43 vision five of section three hundred seventy of this article, may be
44 authorized to assist the Rochester city court in the disposition and
45 administration of infractions of traffic laws, ordinances, rules and
46 regulations except that such agency shall not have jurisdiction over (a)
47 the traffic infraction defined under subdivision one of section eleven
48 hundred ninety-two of the vehicle and traffic law; (b) the traffic
49 infraction defined under subdivision five of section eleven hundred
50 ninety-two of the vehicle and traffic law; (c) the violation defined
51 under paragraph (b) of subdivision four of section fourteen-f of the
52 transportation law and the violation defined under item (b) of subpara-
53 graph (iii) of paragraph c of subdivision two of section one hundred
54 forty of the transportation law; (d) the traffic infraction defined
55 under section three hundred ninety-seven-a of the vehicle and traffic
56 law and the traffic infraction defined under subdivision (g) of section

eleven hundred eighty of the vehicle and traffic law; (e) traffic infractions constituting parking, standing, stopping or pedestrian offenses; (f) any misdemeanor or felony; or (g) any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as a violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, a violation of subdivision five of section eleven hundred ninety-two of the vehicle and traffic law, a violation of paragraph (b) of subdivision four of section fourteen-f of the transportation law, a violation of item (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, a violation of section three hundred ninety-seven-a of the vehicle and traffic law, a violation constituting a parking, stopping, standing or pedestrian offense, a violation of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

3. A person charged with an infraction which shall be disposed of by either a traffic violations bureau, the Nassau county traffic and parking violations agency, or the Suffolk county traffic and parking violations agency may be permitted to answer, within a specified time, at the traffic violations bureau, in Nassau county at the traffic and parking violations agency and in Suffolk county at the traffic and parking violations agency, either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the bureau or agency, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or admitting liability as an owner for the violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law, as the case may be, and authorizing the person in charge of the bureau or agency to enter such a plea or admission and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the bureau or agency shall be deemed complete satisfaction for the violation or of the liability, and the violator or owner liable for a violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the bureau or agency may cause a complaint to be entered against him or her forthwith and a warrant to be issued for his or her arrest and appearance before the court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction. Any person who shall have been, within the preceding twelve months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the traffic violations bureau or agency, but must appear in court at a time specified by the bureau or agency. Such bureau or agency shall not be authorized to deprive a person of his or her right to counsel or to prevent him or her from exercising his or her right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

3-a. A person charged with an infraction which shall be disposed of by the Buffalo traffic violations agency may be permitted to answer, within a specified time, at the traffic violations agency either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the agency, by paying a prescribed fine

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

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

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

1 complete report in such form and detail as the comptroller shall
2 prescribe.

3 4-a. Notwithstanding any inconsistent provision of law, fines, penal-
4 ties and forfeitures collected by the Buffalo traffic violations agency
5 shall be distributed as provided in section eighteen hundred three of
6 the vehicle and traffic law. All fines, penalties and forfeitures for
7 violations adjudicated by the Buffalo traffic violations agency pursuant
8 to subdivision two-a of this section except as provided in subdivision
9 three of section ninety-nine-a of the state finance law, shall be paid
10 by such agency to the state comptroller within the first ten days of the
11 month following collection. Each such payment shall be accompanied by a
12 true and complete report in such form and detail as the comptroller
13 shall prescribe.

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

25 § 11. The vehicle and traffic law is amended by adding a new section
26 1111-f to read as follows:

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

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

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

1 vehicle has been convicted of the underlying violation of subdivision
2 (d) of section eleven hundred eleven of this article.

3 (c) For purposes of this section, "owner" shall have the meaning
4 provided in article two-B of this chapter. For purposes of this section,
5 "traffic-control signal photo violation-monitoring system" shall mean a
6 vehicle sensor installed to work in conjunction with a traffic-control
7 signal which automatically produces two or more photographs, two or more
8 microphotographs, a videotape or other recorded images of each vehicle
9 at the time it is used or operated in violation of subdivision (d) of
10 section eleven hundred eleven of this article.

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

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

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

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

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

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

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

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

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

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

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

41 2. Notwithstanding any other provision of this section, no owner of a
42 vehicle shall be subject to a monetary fine imposed pursuant to this
43 section if the operator of such vehicle was operating such vehicle with-
44 out the consent of the owner at the time such operator failed to obey a
45 traffic-control indication. For purposes of this subdivision there shall
46 be a presumption that the operator of such vehicle was operating such
47 vehicle with the consent of the owner at the time such operator failed
48 to obey a traffic-control indication.

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

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

(n) Any village that adopts a demonstration program pursuant to subdivision (a) of this section shall submit an annual report detailing the results of the use of such traffic-control signal photo violation-monitoring system to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand twenty-one and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to:

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

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

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

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

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

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

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

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

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

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

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

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