STATE OF NEW YORK

2186

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. PRETLOW -- 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; to amend the vehicle and traffic law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the county of Westchester; to amend the public officers law, in relation to accessing records; 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. Paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law is REPEALED and a new paragraph a is added to read as follows:

a. (i) If at the time of application for a registration or renewal thereof there is a certification from a court, parking violations bureau, traffic and parking violations agency or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation or any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority; or (ii) the registrant was liable for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local

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

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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 (iii) the registrant was liable in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for the failure of 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) the registrant was liable 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) 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.

§ 2. 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 installa-

tion 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.

§ 3. 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.

§ 4. 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 juris-

diction 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 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 of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

2-a. The Buffalo traffic violations agency, as established in subdivision four of section three hundred seventy of this article, may be authorized to assist the Buffalo city court in the disposition and administration of infractions of traffic laws, ordinances, rules and regulations except that such agency 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) 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.

2-b. The Rochester traffic violations agency, as established in subdivision five of section three hundred seventy of this article, may be

authorized to assist the Rochester city court in the disposition and administration of infractions of traffic laws, ordinances, rules and regulations except that such agency 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) 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 and, in writing, waiving a hearing in court, pleading guilty to the charge or a lesser charge agreeable to the traffic prosecutor and the person charged with an infraction, and authorizing the person in charge of the agency to enter such a plea and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the agency shall be deemed complete satisfaction for the violation, and the violator 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 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 three or more violations, shall not be permitted to appear and answer to a subsequent violation at the agency, but must appear in court at a time specified by the agency. Such 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-b. A person charged with an infraction which shall be disposed of by the Rochester 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 and, in writing, waiving a hearing in court, pleading guilty to the charge or a lesser charge agreeable to the traffic prosecutor and the person charged with an infraction, and authorizing the person in charge of the agency to enter such a plea and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the agency shall be deemed complete satisfaction for the violation, and the violator 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 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 three or more violations, shall not be permitted to appear and answer to a subsequent violation at the agency, but must appear in court at a time specified by the agency. Such 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.

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

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

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

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

§ 1111-f. Owner liability for failure of operator to comply with traffic-control indications. (a) 1. Notwithstanding any other provision of law, the county of Westchester is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such county in accordance with the provisions of this section. Such demonstration program shall empower such county to install and operate traffic-control signal photo violation-monitoring devices at no more than fifty intersections within and under the jurisdiction of such county at any one time.

2. Such demonstration program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph

or photographs allow for the identification of the contents of a vehicle, provided that such county has made a reasonable effort to comply with the provisions of this paragraph.

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

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

(d) A certificate, sworn to or affirmed by a technician employed by Westchester county in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a traffic-control signal photo violation-monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to a local law or ordinance adopted pursuant to this section.

(e) An owner liable 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 shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be set forth in such local law or ordinance. The liability of the owner pursuant to this section shall not exceed fifty dollars for each violation; provided, however, that such local law or ordinance may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

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

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

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this

section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

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

4. The notice of liability shall be prepared and mailed by Westchester county or by any other entity authorized by such county to prepare and mail such notification of violation.

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

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

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

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

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator failed to obey a traffic-control indication. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such

vehicle with the consent of the owner at the time such operator failed to obey a traffic-control indication.

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

(m) When a county has established a demonstration program pursuant to this section, all fines and penalties collected under such program shall be distributed in accordance with subdivision ten of section eighteen hundred three of this chapter.

(n) Any county 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-two 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 county by the respective courts and bureaus conducting such adjudications;

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

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

10. quality of the adjudication process and its results which shall be provided at least annually to such county 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.

§ 6. Subdivision 3 of section 1803 of the vehicle and traffic law, as amended by chapter 145 of the laws of 2019, is amended to read as follows:

3. All fines, penalties and forfeitures paid to a city, town or village pursuant to the provisions of paragraph a of subdivision one of this section and subdivision ten **or eleven** of this section 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.

§ 6-a. Subdivision 3 of section 1803 of the vehicle and traffic law, as amended by chapter 679 of the laws of 1970, is amended to read as follows:

3. All fines, penalties and forfeitures paid to a city, town or village pursuant to the provisions of paragraph a of subdivision one of this section **and subdivision eleven of this section** 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.

§ 7. Section 1803 of the vehicle and traffic law is amended by adding a new subdivision 11 to read as follows:

11. Notwithstanding the provisions of subdivision three of section ninety-nine-a of the state finance law, where the county of Westchester has established a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-f of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs within a town or village within such county 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 county of Westchester, and twenty percent of any such fine or penalty to the town or village in which the violation giving rise to the liability occurred.

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

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

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

§ 10. This act shall take effect immediately; provided, however that sections five, six, seven, eight and nine of this act shall take effect on the thirtieth day after it shall have become a law, provided further, that sections five, seven, eight and nine of this act and shall expire and be deemed repealed on December 1, 2025, provided, further, that any such local law as may be enacted pursuant to section five of this act shall remain in full force and effect only until December 1, 2025; and provided, further, that the amendments to subdivision 3 of section 1803 of the vehicle and traffic law made by section six of this act shall be subject to the expiration and reversion of such subdivision pursuant to

chapter 145 of the laws of 2019, as amended, when upon such date the provisions of section six-a of this act shall take effect.