

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 Paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law is REPEALED and a new paragraph a is added to read as follows: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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1 law or ordinance imposing monetary liability on the owner of a vehicle
2 for failure of an operator thereof to comply with traffic-control indi-
3 cations through the installation of traffic-control signal photo viola-
4 tion-monitoring devices pursuant to article twenty-four of this chapter;
5 or (iii) the registrant was liable in accordance with a local law or
6 ordinance imposing monetary liability on the owner of a vehicle for the
7 failure of operator to comply with certain posted maximum speed limits
8 in violation of section eleven hundred eighty of this chapter through
9 the installation of photo speed violation monitoring systems pursuant to
10 article thirty of this chapter; or (iv) the registrant was liable in
11 accordance with a local law or ordinance imposing monetary liability on
12 the owner of a vehicle for violations of bus lane restrictions as
13 specifically set forth in local laws establishing such restrictions,
14 through the use of photo devices pursuant to article twenty-four of this
15 chapter; or (v) the registrant was liable in accordance with a local law
16 or ordinance imposing monetary liability on the owner of a vehicle for
17 failure of operator to stop for a school bus displaying a red visual
18 signal and stop-arm when meeting a school bus marked and equipped as
19 provided in subdivisions twenty and twenty-one-c of section three
20 hundred seventy-five of this chapter in accordance with provisions of
21 law specifically authorizing the imposition of monetary liability on the
22 owner of a vehicle through the installation of school bus photo monitor-
23 ing systems pursuant to article twenty-nine of this chapter, the commis-
24 sioner or his or her agent shall deny the registration or renewal appli-
25 cation until the applicant provides proof from the court, traffic and
26 parking violations agency or administrative tribunal wherein the charges
27 are pending that an appearance or answer has been made or in the case of
28 an administrative tribunal that he or she has complied with the rules
29 and regulations of said tribunal following entry of a final decision.
30 Where an application is denied pursuant to this section, the commis-
31 sioner may, in his or her discretion, deny a registration or renewal appli-
32 cation to any other person for the same vehicle and may deny a registra-
33 tion or renewal application for any other motor vehicle registered in
34 the name of the applicant where the commissioner has determined that
35 such registrant's intent has been to evade the purposes of this subdivi-
36 sion and where the commissioner has reasonable grounds to believe that
37 such registration or renewal will have the effect of defeating the
38 purposes of this subdivision. Such denial shall only remain in effect
39 as long as the summonses remain unanswered, or in the case of an admin-
40 istrative tribunal, the registrant fails to comply with the rules and
41 regulations following entry of a final decision.

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

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

47 1. Whenever proceedings in an administrative tribunal or a court of
48 this state result in a conviction for an offense under this chapter or a
49 traffic infraction under this chapter, or a local law, ordinance, rule
50 or regulation adopted pursuant to this chapter; other than a traffic
51 infraction involving standing, stopping, or parking or violations by
52 pedestrians or bicyclists, or other than an adjudication of liability of
53 owners for violations of subdivision (d) of section eleven hundred elev-
54 en of this chapter in accordance with a local law or ordinance imposing
55 monetary liability on the owner of a vehicle for failure of an operator
56 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

1 an adjudication of liability of an owner in accordance with a local law
2 or ordinance imposing monetary liability on the owner of a vehicle for
3 the failure of an operator to comply with certain posted maximum speed
4 limits in violation of section eleven hundred eighty of this chapter
5 through the installation of photo speed violation monitoring systems
6 pursuant to article thirty of this chapter, or other than an adjudi-
7 cation of liability of an owner in accordance with a local law or ordi-
8 nance imposing monetary liability on the owner of a vehicle for
9 violations of bus lane restrictions as specifically set forth in local
10 laws establishing such restrictions, through the use of photo devices
11 pursuant to article twenty-four of this chapter, or other than an adju-
12 dication of the liability of owners for failure of operator to stop for
13 a school bus displaying a red visual signal and stop-arm when meeting a
14 school bus marked and equipped as provided in subdivisions twenty and
15 twenty-one-c of section three hundred seventy-five of this chapter in
16 accordance with provisions of law specifically authorizing the imposi-
17 tion of monetary liability on the owner of a vehicle through the instal-
18 lation of school bus photo monitoring systems pursuant to article twen-
19 ty-nine of this chapter; or other than an infraction pursuant to article
20 nine of this chapter; or other than an adjudication of liability of an
21 owner for a violation of toll collection regulations pursuant to section
22 two thousand nine hundred eighty-five of the public authorities law or
23 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
24 seventy-four of the laws of nineteen hundred fifty, there shall be
25 levied a crime victim assistance fee in the amount of five dollars and a
26 mandatory surcharge, in addition to any sentence required or permitted
27 by law, in the amount of fifty-five dollars.

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

31 a. Notwithstanding any other provision of law, whenever proceedings in
32 a court or an administrative tribunal of this state result in a
33 conviction for an offense under this chapter, except a conviction pursu-
34 ant to section eleven hundred ninety-two of this chapter, or for a traf-
35 fic infraction under this chapter, or a local law, ordinance, rule or
36 regulation adopted pursuant to this chapter, except: (i) a traffic
37 infraction involving standing, stopping, or parking or violations by
38 pedestrians or bicyclists; or (ii) an adjudication of liability of an
39 owner for a violation of subdivision (d) of section eleven hundred elev-
40 en of this chapter in accordance with a local law or ordinance imposing
41 liability on the owner of a vehicle for failure of an operator thereof
42 to comply with traffic-control indications through the installation of
43 traffic-control signal photo violation-monitoring devices pursuant to
44 article twenty-four of this chapter; or (iii) an adjudication of liabil-
45 ity of an owner in accordance with a local law or ordinance imposing
46 monetary liability on the owner of a vehicle for the failure of an oper-
47 ator to comply with certain posted maximum speed limits in violation of
48 section eleven hundred eighty of this chapter through the installation
49 of photo speed violation monitoring systems pursuant to article thirty
50 of this chapter; or (iv) an adjudication of liability of an owner in
51 accordance with a local law or ordinance imposing monetary liability on
52 the owner of a vehicle for violations of bus lane restrictions as
53 specifically set forth in local laws establishing such restrictions,
54 through the use of photo devices pursuant to article twenty-four of this
55 chapter; or (v) an adjudication of liability of an owner for a violation
56 of toll collection regulations pursuant to section two thousand nine

1 hundred eighty-five of the public authorities law or sections sixteen-a,
2 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
3 laws of nineteen hundred fifty; or (vi) an adjudication of the liability
4 of owners for failure of operator to stop for a school bus displaying a
5 red visual signal and stop-arm when meeting a school bus marked and
6 equipped as provided in subdivisions twenty and twenty-one-c of section
7 three hundred seventy-five of this chapter, in accordance with
8 provisions of law specifically authorizing the imposition of monetary
9 liability on the owner of a vehicle through the installation of school
10 bus photo monitoring systems pursuant to article twenty-nine of this
11 chapter, there shall be levied in addition to any sentence, penalty or
12 other surcharge required or permitted by law, an additional surcharge of
13 twenty-eight dollars.

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

16 § 371. Jurisdiction and procedure. 1. A traffic violations bureau so
17 established may be authorized to dispose of violations of traffic laws,
18 ordinances, rules and regulations when such offenses shall not consti-
19 tute the traffic infraction known as speeding or a misdemeanor or felo-
20 ny, and, if authorized by local law or ordinance, or to adjudicate the
21 liability of owners for violations of subdivision (d) of section eleven
22 hundred eleven of the vehicle and traffic law in accordance with a local
23 law or ordinance imposing monetary liability on the owner of a vehicle
24 for failure of an operator thereof to comply with traffic-control indi-
25 cations through the installation of traffic-control signal photo viola-
26 tion-monitoring devices pursuant to article twenty-four of the vehicle
27 and traffic law, or authorized to adjudicate the liability of owners for
28 failure of operator to stop for a school bus displaying a red visual
29 signal and stop-arm when meeting a school bus marked and equipped as
30 provided in subdivisions twenty and twenty-one-c of section three
31 hundred seventy-five of the vehicle and traffic law in accordance with
32 provisions of law specifically authorizing the imposition of monetary
33 liability on the owner of a vehicle through the installation of school
34 bus photo monitoring systems pursuant to article twenty-nine of the
35 vehicle and traffic law.

36 2. The Nassau county traffic and parking violations agency, as estab-
37 lished, may be authorized to assist the Nassau county district court,
38 and the Suffolk county traffic and parking violations agency, as estab-
39 lished, may be authorized to assist the Suffolk county district court,
40 in the disposition and administration of infractions of traffic and
41 parking laws, ordinances, rules and regulations and to adjudicate the
42 liability of owners for violations of subdivision (d) of section eleven
43 hundred eleven of the vehicle and traffic law in accordance with a local
44 law or ordinance imposing monetary liability on the owner of a vehicle
45 for failure of an operator thereof to comply with traffic-control indi-
46 cations through the installation of traffic-control signal photo viola-
47 tion-monitoring devices pursuant to article twenty-four of the vehicle
48 and traffic law, or authorized to adjudicate the liability of owners for
49 failure of operator to stop for a school bus displaying a red visual
50 signal and stop-arm when meeting a school bus marked and equipped as
51 provided in subdivisions twenty and twenty-one-c of section three
52 hundred seventy-five of the vehicle and traffic law in accordance with
53 provisions of law specifically authorizing the imposition of monetary
54 liability on the owner of a vehicle through the installation of school
55 bus photo monitoring systems pursuant to article twenty-nine of the
56 vehicle and traffic law, except that such agencies shall not have juris-

1 diction over (a) the traffic infraction defined under subdivision one of
2 section eleven hundred ninety-two of the vehicle and traffic law; (b)
3 the traffic infraction defined under subdivision five of section eleven
4 hundred ninety-two of the vehicle and traffic law; (c) the violation
5 defined under paragraph (b) of subdivision four of section fourteen-f of
6 the transportation law and the violation defined under item (b) of
7 subparagraph (iii) of paragraph c of subdivision two of section one
8 hundred forty of the transportation law; (d) the traffic infraction
9 defined under section three hundred ninety-seven-a of the vehicle and
10 traffic law and the traffic infraction defined under subdivision (g) of
11 section eleven hundred eighty of the vehicle and traffic law; (e) any
12 misdemeanor or felony; or (f) any offense that is part of the same crim-
13 inal transaction, as that term is defined in subdivision two of section
14 40.10 of the criminal procedure law, as a violation of subdivision one
15 of section eleven hundred ninety-two of the vehicle and traffic law, a
16 violation of subdivision five of section eleven hundred ninety-two of
17 the vehicle and traffic law, a violation of paragraph (b) of subdivision
18 four of section fourteen-f of the transportation law, a violation of
19 item (b) of subparagraph (iii) of paragraph c of subdivision two of
20 section one hundred forty of the transportation law, a violation of
21 section three hundred ninety-seven-a of the vehicle and traffic law, a
22 violation of subdivision (g) of section eleven hundred eighty of the
23 vehicle and traffic law or any misdemeanor or felony.

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

55 2-b. The Rochester traffic violations agency, as established in subdivi-
56 sion five of section three hundred seventy of this article, may be

1 authorized to assist the Rochester city court in the disposition and
2 administration of infractions of traffic laws, ordinances, rules and
3 regulations except that such agency shall not have jurisdiction over (a)
4 the traffic infraction defined under subdivision one of section eleven
5 hundred ninety-two of the vehicle and traffic law; (b) the traffic
6 infraction defined under subdivision five of section eleven hundred
7 ninety-two of the vehicle and traffic law; (c) the violation defined
8 under paragraph (b) of subdivision four of section fourteen-f of the
9 transportation law and the violation defined under item (b) of subpara-
10 graph (iii) of paragraph c of subdivision two of section one hundred
11 forty of the transportation law; (d) the traffic infraction defined
12 under section three hundred ninety-seven-a of the vehicle and traffic
13 law and the traffic infraction defined under subdivision (g) of section
14 eleven hundred eighty of the vehicle and traffic law; (e) traffic
15 infractions constituting parking, standing, stopping or pedestrian
16 offenses; (f) any misdemeanor or felony; or (g) any offense that is part
17 of the same criminal transaction, as that term is defined in subdivision
18 two of section 40.10 of the criminal procedure law, as a violation of
19 subdivision one of section eleven hundred ninety-two of the vehicle and
20 traffic law, a violation of subdivision five of section eleven hundred
21 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
22 of subdivision four of section fourteen-f of the transportation law, a
23 violation of item (b) of subparagraph (iii) of paragraph c of subdivi-
24 sion two of section one hundred forty of the transportation law, a
25 violation of section three hundred ninety-seven-a of the vehicle and
26 traffic law, a violation constituting a parking, stopping, standing or
27 pedestrian offense, a violation of subdivision (g) of section eleven
28 hundred eighty of the vehicle and traffic law or any misdemeanor or
29 felony.

30 3. A person charged with an infraction which shall be disposed of by
31 either a traffic violations bureau, the Nassau county traffic and park-
32 ing violations agency, or the Suffolk county traffic and parking
33 violations agency may be permitted to answer, within a specified time,
34 at the traffic violations bureau, in Nassau county at the traffic and
35 parking violations agency and in Suffolk county at the traffic and park-
36 ing violations agency, either in person or by written power of attorney
37 in such form as may be prescribed in the ordinance or local law creating
38 the bureau or agency, by paying a prescribed fine and, in writing, waiv-
39 ing a hearing in court, pleading guilty to the charge or admitting
40 liability as an owner for the violation of subdivision (d) of section
41 eleven hundred eleven of the vehicle and traffic law, as the case may
42 be, and authorizing the person in charge of the bureau or agency to
43 enter such a plea or admission and accept payment of said fine. Accept-
44 ance of the prescribed fine and power of attorney by the bureau or agen-
45 cy shall be deemed complete satisfaction for the violation or of the
46 liability, and the violator or owner liable for a violation of subdivi-
47 sion (d) of section eleven hundred eleven of the vehicle and traffic law
48 shall be given a receipt which so states. If a person charged with a
49 traffic violation does not answer as hereinbefore prescribed, within a
50 designated time, the bureau or agency may cause a complaint to be
51 entered against him or her forthwith and a warrant to be issued for his
52 or her arrest and appearance before the court, such summons to be predi-
53 cated upon the personal service of said summons upon the person charged
54 with the infraction. Any person who shall have been, within the preced-
55 ing twelve months, guilty of a number of parking violations in excess of
56 such maximum number as may be designated by the court, or of three or

1 more violations other than parking violations, shall not be permitted to
2 appear and answer to a subsequent violation at the traffic violations
3 bureau or agency, but must appear in court at a time specified by the
4 bureau or agency. Such bureau or agency shall not be authorized to
5 deprive a person of his or her right to counsel or to prevent him or her
6 from exercising his or her right to appear in court to answer to,
7 explain, or defend any charge of a violation of any traffic law, ordi-
8 nance, rule or regulation.

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

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

1 appear in court to answer to, explain, or defend any charge of a
2 violation of any traffic law, ordinance, rule or regulation.

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

16 4-a. Notwithstanding any inconsistent provision of law, fines, penal-
17 ties and forfeitures collected by the Buffalo traffic violations agency
18 shall be distributed as provided in section eighteen hundred three of
19 the vehicle and traffic law. All fines, penalties and forfeitures for
20 violations adjudicated by the Buffalo traffic violations agency pursuant
21 to subdivision two-a of this section except as provided in subdivision
22 three of section ninety-nine-a of the state finance law, shall be paid
23 by such agency to the state comptroller within the first ten days of the
24 month following collection. Each such payment shall be accompanied by a
25 true and complete report in such form and detail as the comptroller
26 shall prescribe.

27 4-b. Notwithstanding any inconsistent provision of law, fines, penal-
28 ties and forfeitures collected by the Rochester traffic violations agen-
29 cy shall be distributed as provided in section eighteen hundred three of
30 the vehicle and traffic law. All fines, penalties and forfeitures for
31 violations adjudicated by the Rochester traffic violations agency pursu-
32 ant to subdivision two-b of this section except as provided in subdivi-
33 sion three of section ninety-nine-a of the state finance law, shall be
34 paid by such agency to the state comptroller within the first ten days
35 of the month following collection. Each such payment shall be accompa-
36 nied by a true and complete report in such form and detail as the comp-
37 troller shall prescribe.

38 § 5. The vehicle and traffic law is amended by adding a new section
39 1111-f to read as follows:

40 § 1111-f. Owner liability for failure of operator to comply with
41 traffic-control indications. (a) 1. Notwithstanding any other provision
42 of law, the county of Westchester is hereby authorized and empowered to
43 adopt and amend a local law or ordinance establishing a demonstration
44 program imposing monetary liability on the owner of a vehicle for fail-
45 ure of an operator thereof to comply with traffic-control indications in
46 such county in accordance with the provisions of this section. Such
47 demonstration program shall empower such county to install and operate
48 traffic-control signal photo violation-monitoring devices at no more
49 than fifty intersections within and under the jurisdiction of such coun-
50 ty at any one time.

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

1 or photographs allow for the identification of the contents of a vehi-
2 cle, provided that such county has made a reasonable effort to comply
3 with the provisions of this paragraph.

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

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

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

33 (e) An owner liable for a violation of subdivision (d) of section
34 eleven hundred eleven of this article pursuant to a local law or ordi-
35 nance adopted pursuant to this section shall be liable for monetary
36 penalties in accordance with a schedule of fines and penalties to be set
37 forth in such local law or ordinance. The liability of the owner pursu-
38 ant to this section shall not exceed fifty dollars for each violation;
39 provided, however, that such local law or ordinance may provide for an
40 additional penalty not in excess of twenty-five dollars for each
41 violation for the failure to respond to a notice of liability within the
42 prescribed time period.

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

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

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

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

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

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

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

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

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

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

51 2. Notwithstanding any other provision of this section, no owner of a
52 vehicle shall be subject to a monetary fine imposed pursuant to this
53 section if the operator of such vehicle was operating such vehicle with-
54 out the consent of the owner at the time such operator failed to obey a
55 traffic-control indication. For purposes of this subdivision there shall
56 be a presumption that the operator of such vehicle was operating such

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

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

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

10 (n) Any county that adopts a demonstration program pursuant to subdi-
11 vision (a) of this section shall submit an annual report detailing the
12 results of the use of such traffic-control signal photo violation-moni-
13 toring system to the governor, the temporary president of the senate and
14 the speaker of the assembly on or before June first, two thousand twen-
15 ty-two and on the same date in each succeeding year in which the demon-
16 stration program is operable. Such report shall include, but not be
17 limited to:

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

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

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

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

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

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

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

43 8. the total amount of revenue realized by such county from such adju-
44 dications including a breakdown of revenue realized by such county for
45 each year since deployment of its traffic-control signal photo viola-
46 tion-monitoring system;

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

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

52 (o) It shall be a defense to any prosecution for a violation of subdi-
53 vision (d) of section eleven hundred eleven of this article pursuant to
54 a local law or ordinance adopted pursuant to this section that such
55 traffic-control indications were malfunctioning at the time of the
56 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

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