

STATE OF NEW YORK

2316--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. SIMON, FORREST -- Multi-Sponsored by -- M. of A. CARROLL -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program on interstate route 278 in Kings county to enforce vehicle weight restriction on such interstate by means of mobile or stationary weigh in motion systems; and providing for the repeal of such provisions upon expiration thereof

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

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 Section 235 of the vehicle and traffic law is REPEALED and a new section 235 is added to read as follows:

§ 235. Jurisdiction. 1. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in any city which heretofore or hereafter is authorized to establish an administrative tribunal: (a) to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, or (b) to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter, or (c) to adjudicate the liability of owners for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or (d) to adjudicate the liability of owners for violations of bus lane restrictions as defined by article twenty-four of

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

LBD01147-06-1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 b-1. Alternate additional penalty schedule. In any city in which the
52 schedule of penalties contained in subparagraph two of paragraph b of
53 this subdivision, as interpreted in 9 New York Code of Rules and Regu-
54 lations Part 6180, has not been implemented and was not in effect on or
55 before January first, nineteen hundred ninety-three, the provisions of
56 this paragraph shall only apply upon enactment of a local law containing

1 the penalty schedule provided in this paragraph prior to March 28, 1993.
2 Following the enactment of such a local law, such city may elect to
3 impose the additional penalties set forth in subparagraphs one and two
4 of this paragraph for failure to respond to a notice of violation for a
5 parking violation in accordance with this paragraph. In the event that
6 no such local law was enacted prior to March 28, 1993, the alternate
7 additional penalty schedule set forth in paragraph b-2 of this subdivi-
8 sion shall apply.

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

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

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

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

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

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

55 (4) Notwithstanding the foregoing schedule of alternate penalties, if
56 an owner makes a plea or appears within twenty days after issuance of a

second notice of violation in accordance with paragraph a of this subdivision, or prior to such mailing, such additional penalty shall not exceed five dollars.

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

3. Nothing set forth in this article shall be construed to authorize the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof to comply with any provision of law, rule or regulation through the installation and operation of a photo enforcement device or system, except as otherwise explicitly authorized by article ten, twenty-four, twenty-nine or thirty of this chapter, by section two thousand nine hundred eighty-five of the public authorities law, or by sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, nor be construed to grant any municipality the authority to establish by local law, ordinance, order, rule, regulation, resolution or any other means, an administrative tribunal to hear and determine complaints of traffic infractions or jurisdiction to adjudicate any liability set forth in subdivision one of this section.

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

1. Creation. In any city as hereinbefore or hereafter authorized such tribunal when created shall be known as the parking violations bureau and shall have jurisdiction of traffic infractions which constitute a parking violation and, where authorized: (a) to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter, or (b) to adjudicate the liability of owners for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or (c) to adjudicate the liability of owners for violations of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter, or (d) to adjudicate the liability of owners for violations of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with

1 toll collection regulations of such public authorities through the
2 installation and operation of photo-monitoring systems, in accordance
3 with the provisions of section two thousand nine hundred eighty-five of
4 the public authorities law and sections sixteen-a, sixteen-b and
5 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
6 hundred fifty, or (e) to adjudicate the liability of owners for
7 violations of section eleven hundred seventy-four of this chapter when
8 meeting a school bus marked and equipped as provided in subdivisions
9 twenty and twenty-one-c of section three hundred seventy-five of this
10 chapter imposed pursuant to a local law or ordinance imposing monetary
11 liability on the owner of a vehicle for failure of an operator thereof
12 to comply with school bus red visual signals through the installation
13 and operation of school bus photo violation monitoring systems, in
14 accordance with article twenty-nine of this chapter, or (f) to adjudi-
15 cate the liability of owners for violations of section three hundred
16 eighty-five of this chapter and the rules of the department of transpor-
17 tation of the city of New York in relation to gross vehicle weight
18 and/or axle weight violations imposed pursuant to a weigh in motion
19 demonstration program imposing monetary liability on the owner of a
20 vehicle for failure of an operator thereof to comply with such gross
21 vehicle weight and/or axle weight restrictions through the installation
22 and operation of weigh in motion violation monitoring systems, in
23 accordance with article ten of this chapter. Such tribunal, except in a
24 city with a population of one million or more, shall also have jurisdic-
25 tion of abandoned vehicle violations. For the purposes of this article,
26 a parking violation is the violation of any law, rule or regulation
27 providing for or regulating the parking, stopping or standing of a vehi-
28 cle. In addition for purposes of this article, "commissioner" shall mean
29 and include the commissioner of traffic of the city or an official
30 possessing authority as such a commissioner.

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

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

1 the public authorities law and sections sixteen-a, sixteen-b and
2 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
3 hundred fifty; or to stop for a school bus displaying a red visual
4 signal in violation of section eleven hundred seventy-four of this chap-
5 ter through the installation and operation of school bus photo violation
6 monitoring systems, in accordance with article twenty-nine of this chap-
7 ter; or to comply with gross vehicle weight and/or axle weight
8 restrictions in violation of section three hundred eighty-five of this
9 chapter and the rules of the department of transportation of the city of
10 New York through the installation and operation of weigh in motion
11 violation monitoring systems, in accordance with article ten of this
12 chapter.

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

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

54 1-a. Fines and penalties. Whenever a plea of not guilty has been
55 entered, or the bureau has been notified that an allegation of liability
56 in accordance with provisions of law specifically authorizing the impo-

sition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter, is being contested, by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the bureau shall not issue any notice of fine or penalty to that person prior to the date of the hearing.

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

a. Every hearing for the adjudication of a charge of parking violation or an allegation of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter, or an allegation of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with certain posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or an allegation of liability of an owner for a violation of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter, or an allegation of liability of an owner for a violation of toll collection regulations imposed by certain public

1 authorities pursuant to the law authorizing such public authorities to
2 impose monetary liability on the owner of a vehicle for failure of an
3 operator thereof to comply with toll collection regulations of such
4 public authorities through the installation and operation of photo-mon-
5 itoring systems, in accordance with the provisions of section two thou-
6 sand nine hundred eighty-five of the public authorities law and sections
7 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
8 of the laws of nineteen hundred fifty, or an allegation of liability of
9 an owner for a violation of section eleven hundred seventy-four of this
10 chapter when meeting a school bus marked and equipped as provided in
11 subdivisions twenty and twenty-one-c of section three hundred seventy-
12 five of this chapter imposed pursuant to a local law or ordinance impos-
13 ing monetary liability on the owner of a vehicle for failure of an oper-
14 ator thereof to comply with school bus red visual signals through the
15 installation and operation of school bus photo violation monitoring
16 systems, in accordance with article twenty-nine of this chapter, or an
17 allegation of liability of an owner for a violation of section three
18 hundred eighty-five of this chapter and the rules of the department of
19 transportation of the city of New York in relation to gross vehicle
20 weight and/or axle weight violations imposed pursuant to a weigh in
21 motion demonstration program imposing monetary liability on the owner of
22 a vehicle for failure of an operator thereof to comply with such gross
23 vehicle weight and/or axle weight restrictions through the installation
24 and operation of weigh in motion violation monitoring systems, in
25 accordance with article ten of this chapter, shall be held before a
26 hearing examiner in accordance with rules and regulations promulgated by
27 the bureau.

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

1 chapter, is contested. Recording devices may be used for the making of
2 the record.

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

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

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

four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; or fails to appear on a designated hearing date or subsequent adjourned date or fails after a hearing to comply with the determination of a hearing examiner, as prescribed by this article or by rule or regulation of the bureau, such failure to plead or contest, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment in an amount provided by the rules and regulations of the bureau. However, after the expiration of the original date prescribed for entering a plea and before a default judgment may be rendered, in such case the bureau shall pursuant to the applicable provisions of law notify such operator or owner, by such form of first class mail as the commission may direct; (1) of the violation charged, or liability alleged in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof; to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter, (2) of the impending default judgment, (3) that such judgment will be entered in the Civil Court of the city in

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

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

50 a. (i) If at the time of application for a registration or renewal
51 thereof there is a certification from a court, parking violations
52 bureau, traffic and parking violations agency or administrative tribunal
53 of appropriate jurisdiction that the registrant or his or her represen-
54 tative failed to appear on the return date or any subsequent adjourned
55 date or failed to comply with the rules and regulations of an adminis-
56 trative tribunal following entry of a final decision in response to a

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

1 such registration or renewal will have the effect of defeating the
2 purposes of this subdivision. Such denial shall only remain in effect
3 as long as the summonses remain unanswered, or in the case of an admin-
4 istrative tribunal, the registrant fails to comply with the rules and
5 regulations following entry of a final decision.

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

9 § 8. The opening paragraph and paragraph (c) of subdivision 1 of
10 section 1809 of the vehicle and traffic law, as separately amended by
11 section 10 of chapter 145 and section 9 of chapter 148 of the laws of
12 2019, are amended to read as follows:

13 Whenever proceedings in an administrative tribunal or a court of this
14 state result in a conviction for an offense under this chapter or a
15 traffic infraction under this chapter, or a local law, ordinance, rule
16 or regulation adopted pursuant to this chapter, other than a traffic
17 infraction involving standing, stopping, or parking or violations by
18 pedestrians or bicyclists[~~, or other than an adjudication of liability~~
19 ~~of an owner for a violation of subdivision (d) of section eleven hundred~~
20 ~~eleven of this chapter in accordance with section eleven hundred~~
21 ~~eleven-a of this chapter, or other than an adjudication of liability of~~
22 ~~an owner for a violation of subdivision (d) of section eleven hundred~~
23 ~~eleven of this chapter in accordance with section eleven hundred~~
24 ~~eleven-b of this chapter, or other than an adjudication in accordance~~
25 ~~with section eleven hundred eleven-c of this chapter for a violation of~~
26 ~~a bus lane restriction as defined in such section, or other than an~~
27 ~~adjudication of liability of an owner for a violation of subdivision (d)~~
28 ~~of section eleven hundred eleven of this chapter in accordance with~~
29 ~~section eleven hundred eleven-d of this chapter, or other than an adju-~~
30 ~~dications of liability of an owner for a violation of subdivision (b),~~
31 ~~(c), (d), (f) or (g) of section eleven hundred eighty of this chapter in~~
32 ~~accordance with section eleven hundred eighty-b of this chapter, or~~
33 ~~other than an adjudication of liability of an owner for a violation of~~
34 ~~subdivision (d) of section eleven hundred eleven of this chapter in~~
35 ~~accordance with section eleven hundred eleven-e of this chapter, or~~
36 ~~other than an adjudication of liability of an owner for a violation of~~
37 ~~section eleven hundred seventy-four of this chapter in accordance with~~
38 ~~section eleven hundred seventy-four-a of this chapter, or other than an~~
39 ~~adjudication of liability of an owner for a violation of subdivision~~
40 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
41 ~~ter in accordance with section eleven hundred eighty-d of this chapter,]~~

42 and except as otherwise provided by subdivision one-a of this section,
43 there shall be levied a crime victim assistance fee and a mandatory
44 surcharge, in addition to any sentence required or permitted by law, in
45 accordance with the following schedule:

46 (c) Whenever proceedings in an administrative tribunal or a court of
47 this state result in a conviction for an offense under this chapter
48 other than a crime pursuant to section eleven hundred ninety-two of this
49 chapter, or a traffic infraction under this chapter, or a local law,
50 ordinance, rule or regulation adopted pursuant to this chapter, other
51 than a traffic infraction involving standing, stopping, or parking or
52 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
53 ~~of liability of an owner for a violation of subdivision (d) of section~~
54 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
55 ~~hundred eleven-a of this chapter, or other than an adjudication of~~
56 ~~liability of an owner for a violation of subdivision (d) of section~~

~~eleven hundred eleven of this chapter in accordance with section eleven hundred eleven b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven d of this chapter, or other than an infraction pursuant to article nine of this chapter or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy four of the laws of nineteen hundred fifty or other than an adjudication in accordance with section eleven hundred eleven c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy four of this chapter in accordance with section eleven hundred seventy four-a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty d of this chapter,~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

§ 8-a. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10 of chapter 145 of the laws of 2019, are amended to read as follows:

Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists[, ~~or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-e of this chapter, or other than an adjudication of liability of an owner for a violation of~~

~~section eleven hundred seventy four of this chapter in accordance with section eleven hundred seventy four a of this chapter,~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a crime victim assistance fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:

(c) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter other than a crime pursuant to section eleven hundred ninety-two of this chapter, or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists~~, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven d of this chapter, or other than an infraction pursuant to article nine of this chapter or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty five of the public authorities law or sections sixteen a, sixteen b and sixteen c of chapter seven hundred seventy four of the laws of nineteen hundred fifty or other than an adjudication in accordance with section eleven hundred eleven c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy four of this chapter in accordance with section eleven hundred seventy four a of this chapter,~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists~~, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven a of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section~~

~~eleven hundred eleven of this chapter in accordance with section eleven hundred eleven b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter in accordance with section eleven hundred seventy-four a of this chapter,]~~
and except as otherwise provided by subdivision one-a of this section,

there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists~~[, or other than an adjudication in accordance with section eleven hundred eleven c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter in accordance with section eleven hundred seventy-four a of this chapter,]~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists~~[, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d),~~

~~(f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty b of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter in accordance with section eleven hundred seventy-four a of this chapter,~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists~~, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter in accordance with section eleven hundred seventy-four a of this chapter,~~ and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists~~, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty d of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven e of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy-four of this chapter in accordance with section eleven~~

~~hundred seventy four a of this chapter,~~] and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists~~[, or other than an adjudication of liability of an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty d of this chapter, or other than an adjudication of liability of an owner for a violation of section eleven hundred seventy four of this chapter in accordance with section eleven hundred seventy four a of this chapter,~~] and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

§ 8-h. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by chapter 16 of the laws of 1983 and chapter 62 of the laws of 1989, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

§ 9. Section 1809 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-a. Notwithstanding the provisions of subdivision one of this section, the provisions of subdivision one of this section shall not apply to an adjudication of liability of owners: (a) for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or (b) for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or (c) for violations of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or (d) for violations of toll collection regulations imposed by certain public authorities pursuant to the law

1 authorizing such public authorities to impose monetary liability on the
2 owner of a vehicle for failure of an operator thereof to comply with
3 toll collection regulations of such public authorities through the
4 installation and operation of photo-monitoring systems, in accordance
5 with the provisions of section two thousand nine hundred eighty-five of
6 the public authorities law and sections sixteen-a, sixteen-b and
7 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
8 hundred fifty; or (e) for violations of section eleven hundred seventy-
9 four of this chapter when meeting a school bus marked and equipped as
10 provided in subdivisions twenty and twenty-one-c of section three
11 hundred seventy-five of this chapter imposed pursuant to a local law or
12 ordinance imposing monetary liability on the owner of a vehicle for
13 failure of an operator thereof to comply with school bus red visual
14 signals through the installation and operation of school bus photo
15 violation monitoring systems, in accordance with article twenty-nine of
16 this chapter; or (f) for violations of section three hundred eighty-five
17 of this chapter and the rules of the department of transportation of the
18 city of New York in relation to gross vehicle weight and/or axle weight
19 violations imposed pursuant to a weigh in motion demonstration program
20 imposing monetary liability on the owner of a vehicle for failure of an
21 operator thereof to comply with such gross vehicle weight and/or axle
22 weight restrictions through the installation and operation of weigh in
23 motion violation monitoring systems, in accordance with article ten of
24 this chapter.

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

28 a. Notwithstanding any other provision of law, whenever proceedings in
29 a court or an administrative tribunal of this state result in a
30 conviction for an offense under this chapter, except a conviction pursu-
31 ant to section eleven hundred ninety-two of this chapter, or for a traf-
32 fic infraction under this chapter, or a local law, ordinance, rule or
33 regulation adopted pursuant to this chapter, except: (i) a traffic
34 infraction involving standing, stopping, or parking or violations by
35 pedestrians or bicyclists; and (ii) an adjudication of liability of an
36 owner for a violation of subdivision (d) of section eleven hundred elev-
37 en of this chapter imposed pursuant to a local law or ordinance imposing
38 monetary liability on the owner of a vehicle for failure of an operator
39 thereof to comply with traffic-control indications through the installa-
40 tion and operation of traffic-control signal photo violation-monitoring
41 systems, in accordance with article twenty-four of this chapter; and
42 (iii) an adjudication of liability of an owner for a violation of subdi-
43 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
44 this chapter imposed pursuant to a demonstration program imposing mone-
45 tary liability on the owner of a vehicle for failure of an operator
46 thereof to comply with such posted maximum speed limits through the
47 installation and operation of photo speed violation monitoring systems,
48 in accordance with article thirty of this chapter; and (iv) an adjudi-
49 cation of liability of an owner for a violation of bus lane restrictions
50 as defined by article twenty-four of this chapter imposed pursuant to a
51 bus rapid transit program imposing monetary liability on the owner of a
52 vehicle for failure of an operator thereof to comply with such bus lane
53 restrictions through the installation and operation of bus lane photo
54 devices, in accordance with article twenty-four of this chapter; and (v)
55 an adjudication of liability of an owner for a violation of toll
56 collection regulations imposed by certain public authorities pursuant to

1 the law authorizing such public authorities to impose monetary liability
2 on the owner of a vehicle for failure of an operator thereof to comply
3 with toll collection regulations of such public authorities through the
4 installation and operation of photo-monitoring systems, in accordance
5 with section two thousand nine hundred eighty-five of the public author-
6 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
7 seven hundred seventy-four of the laws of nineteen hundred fifty; and
8 (vi) an adjudication of liability of an owner for a violation of section
9 eleven hundred seventy-four of this chapter when meeting a school bus
10 marked and equipped as provided in subdivisions twenty and twenty-one-c
11 of section three hundred seventy-five of this chapter imposed pursuant
12 to a local law or ordinance imposing monetary liability on the owner of
13 a vehicle for failure of an operator thereof to comply with school bus
14 red visual signals through the installation and operation of school bus
15 photo violation monitoring systems, in accordance with article twenty-
16 nine of this chapter; and (vii) an adjudication of liability of an owner
17 for a violation of section three hundred eighty-five of this chapter and
18 the rules of the department of transportation of the city of New York in
19 relation to gross vehicle weight and/or axle weight violations imposed
20 pursuant to a weigh in motion demonstration program imposing monetary
21 liability on the owner of a vehicle for failure of an operator thereof
22 to comply with such gross vehicle weight and/or axle weight restrictions
23 through the installation and operation of weigh in motion violation
24 monitoring systems, in accordance with article ten of this chapter,
25 there shall be levied in addition to any sentence, penalty or other
26 surcharge required or permitted by law, an additional surcharge of twen-
27 ty-eight dollars.

28 § 11. The general municipal law is amended by adding a new section
29 371-a to read as follows:

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

52 § 12. The vehicle and traffic law is amended by adding a new section
53 385-a to read as follows:

54 § 385-a. Owner liability for failure of operator to comply with weight
55 restrictions on interstate route 278 in Kings county. (a) 1. Notwith-
56 standing any other provision of law, the city of New York is hereby

1 authorized to establish a weigh in motion demonstration program on
2 interstate route 278 in Kings county imposing monetary liability on the
3 owner of a vehicle for failure of an operator thereof to comply with
4 gross vehicle weight and/or axle weight restrictions on such portion of
5 such interstate in accordance with the provisions of this section. Such
6 demonstration program shall empower the city of New York to install and
7 operate up to sixteen weigh in motion violation monitoring systems at
8 any one time on interstate route 278 in Kings county. Such systems may
9 be stationary or mobile and may be activated at locations on such
10 portion of such interstate as determined by the New York city department
11 of transportation. The New York state department of transportation may
12 enter into a memorandum of understanding with the New York city depart-
13 ment of transportation for the purposes of coordinating the planning,
14 design, installation, construction and maintenance of such weigh in
15 motion demonstration program. Such memorandum shall address, for
16 purposes of such demonstration program, the use of systems, devices and
17 other facilities owned and operated by the state.

18 2. No weigh in motion violation monitoring system shall be used unless
19 (i) on the day it is to be used it has undergone a self-test for the
20 operation of such system; and (ii) it has undergone a semi-annual cali-
21 bration check performed pursuant to paragraph three of this subdivision.
22 A result of the daily self-test for each such system shall include the
23 date and time that the self-test was successfully performed. The city of
24 New York shall retain each such daily self-test until the later of the
25 date on which the weigh in motion system to which it applies has been
26 permanently removed from use or the final resolution of all cases
27 involving notices of liability issued based on photographs, microphoto-
28 graphs, video or other recorded images, and information and data gener-
29 ated in conjunction therewith, produced by such system.

30 3. Each weigh in motion violation monitoring system shall undergo a
31 calibration check every six months in accordance with American Society
32 for Testing and Materials (ASTM) standard specification E1318-09 (2017).
33 If such standard specification is revised, the New York city department
34 of transportation shall adopt a rule to provide for the use of the most
35 current version of such standard specification. Such calibration check
36 shall be performed by an independent calibration laboratory which shall
37 issue a signed certificate of calibration on its letterhead to the city
38 of New York. Nothing contained in this paragraph shall be deemed to
39 require the signature of a notary public on such certificate. The city
40 shall retain each such bi-annual certificate of calibration on file
41 until the final resolution of all cases involving notices of liability
42 issued during such six-month time period which were based on photo-
43 graphs, microphotographs, video or other recorded images, and informa-
44 tion and data generated in conjunction therewith, produced by such weigh
45 in motion violation monitoring system.

46 4. The New York city department of transportation shall establish a
47 range, according to the manufacturer's standards and its monitoring of
48 the system, for evaluating information and data collected from sensor
49 readings of each weigh in motion violation monitoring system. Each such
50 system shall be set to automatically alert such department of signif-
51 icant variations from the established range during a twenty-four-hour
52 period. After such an alert, such system shall be inspected and any
53 necessary adjustments shall be made. Such department shall keep a log of
54 the details of all alerts, including the date and time of such alert,
55 the amount of variation from the established range in such alert, the
56 adjustments made or actions taken as a result of the subsequent

1 inspection, and the date and time of such inspection, adjustments or
2 actions.

3 5. Weigh in motion violation monitoring systems used in accordance
4 with the weigh in motion demonstration program authorized pursuant to
5 this section shall be operated only on interstate route 278 within Kings
6 county.

7 6. (i) No photograph, microphotograph, videotape or other recorded
8 image, nor any information and data generated in conjunction therewith,
9 shall be used for any purpose other than as specified in this section,
10 except as may be otherwise provided by this paragraph.

11 (ii) Such demonstration program shall utilize necessary technologies
12 to ensure, to the extent practicable, that photographs, microphoto-
13 graphs, videotape or other recorded images produced by such weigh in
14 motion violation monitoring systems shall not include images that iden-
15 tify the driver, the passengers, or the contents of the vehicle.
16 Provided, however, that no notice of liability issued pursuant to this
17 section shall be dismissed solely because such a photograph, microphoto-
18 graph, videotape or other recorded image allows for the identification
19 of the driver, the passengers, or the contents of vehicles where the
20 city shows that it made reasonable efforts to comply with the provisions
21 of this paragraph in such case.

22 (iii) Photographs, microphotographs, videotape or any other recorded
23 image, and any information and data generated in conjunction therewith,
24 produced by a weigh in motion violation monitoring system shall be for
25 the exclusive use of the city for the purpose of the adjudication of
26 liability imposed pursuant to this section, and of the owner receiving a
27 notice of liability pursuant to this section, and as required by the New
28 York city department of transportation to study the impact of overweight
29 vehicles on interstate route 278 in Kings county and management of such
30 infrastructure, and shall be destroyed by the city upon the final resol-
31 ution of the notice of liability to which such photographs, microphoto-
32 graphs, videotape or other recorded images and information and data
33 generated in conjunction therewith relate, or one year following the
34 date of issuance of such notice of liability, whichever is later.
35 Notwithstanding the provisions of any other law, rule or regulation to
36 the contrary, photographs, microphotographs, videotape or any other
37 recorded image, and information and data generated in conjunction there-
38 with, from a weigh in motion violation monitoring system shall not be
39 open to the public, nor subject to civil or criminal process or discov-
40 ery, nor used by any court or administrative or adjudicatory body in any
41 action or proceeding therein except that which is necessary for the
42 adjudication of a notice of liability issued pursuant to this section,
43 and no public entity or employee, officer or agent thereof shall
44 disclose such information, except that such photographs, microphoto-
45 graphs, videotape or any other recorded images, and information and data
46 generated in conjunction therewith, from such systems:

47 (A) shall be available for inspection and copying and use by the motor
48 vehicle owner and operator for so long as such photographs, microphoto-
49 graphs, videotape or other recorded images, information and data are
50 required to be maintained or are maintained by such public entity,
51 employee, officer or agent; and

52 (B) (1) shall be furnished when described in a search warrant issued
53 by a court authorized to issue such a search warrant pursuant to article
54 six hundred ninety of the criminal procedure law or a federal court
55 authorized to issue such a search warrant under federal law, where such
56 search warrant states that there is reasonable cause to believe such

1 information constitutes evidence of, or tends to demonstrate that, a
2 misdemeanor or felony offense was committed in this state or another
3 state, or that a particular person participated in the commission of a
4 misdemeanor or felony offense in this state or another state, provided,
5 however, that if such offense was against the laws of another state, the
6 court shall only issue a warrant if the conduct comprising such offense
7 would, if occurring in this state, constitute a misdemeanor or felony
8 against the laws of this state; and

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

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

25 (iv) The city of New York shall install signs in advance of entry
26 points to interstate route 278 in Kings county giving notice to
27 approaching motor vehicle operators that weigh in motion violation moni-
28 toring systems are in use to enforce motor vehicle weight restrictions.

29 (v) The city of New York shall use oversight procedures to ensure
30 compliance with the aforementioned privacy protection measures.

31 (b) If the city of New York establishes a demonstration program pursu-
32 ant to subdivision (a) of this section, the owner of a vehicle shall be
33 liable for a penalty imposed pursuant to this section if such vehicle
34 was used or operated with the permission of the owner, express or
35 implied, on interstate route 278 in Kings county in violation of section
36 three hundred eighty-five of this article and the rules of the depart-
37 ment of transportation of the city of New York in relation to gross
38 vehicle weight and/or axle weight, where such vehicle was traveling ten
39 percent above the gross vehicle weight or twenty percent above the axle
40 weight at the time of such violation as indicated by at least two inde-
41 pendently detected gross vehicle weight and/or axle weight measurements
42 obtained by a weigh in motion violation monitoring system, and such
43 violation is evidenced by information obtained from a weigh in motion
44 violation monitoring system; provided however that no owner of a vehicle
45 shall be liable for a penalty imposed pursuant to this section where the
46 operator of such vehicle: has been convicted of the underlying violation
47 of section three hundred eighty-five of this article and the rules of
48 the department of transportation of the city of New York in relation to
49 gross vehicle weight and/or axle weight; or operated such vehicle in
50 accordance with the terms and conditions of any overweight permit issued
51 in accordance with this chapter and any rules and regulations promulgat-
52 ed thereto. Where a vehicle is in violation of both gross vehicle
53 weight restrictions and axle weight restrictions, the owner shall be
54 liable for a separate penalty for each such violation.

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

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

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

7 3. "weigh in motion violation monitoring system" shall mean sensors,
8 capable of operating independently of an enforcement officer, installed
9 to work in conjunction with other devices to capture and record the
10 gross vehicle weight and the axle weight of a motor vehicle, which
11 produce at least two independently detected gross vehicle weight and/or
12 axle weight measurements and automatically produce two or more photo-
13 graphs, two or more microphotographs, a videotape or other recorded
14 images of each vehicle at the time it is used or operated in violation
15 of section three hundred eighty-five of this article and the rules of
16 the department of transportation of the city of New York in relation to
17 gross vehicle weight and/or axle weight, in accordance with the
18 provisions of this section; and

19 4. "weigh in motion demonstration program" shall mean the demon-
20 stration program authorized by this section that operates exclusively on
21 interstate route 278 in Kings county.

22 5. "interstate route 278 in Kings county" shall mean that portion of
23 interstate route 278 specifically from the vicinity of Atlantic avenue
24 to the vicinity of Sands street in Kings county, state of New York.

25 6. "Rules of the department of transportation of the city of New York"
26 shall mean rules and regulations of the New York city department of
27 transportation adopted pursuant to section sixteen hundred forty-two of
28 this chapter.

29 (d) A certificate, sworn to or affirmed by a technician employed by
30 the city of New York, or a facsimile thereof, based upon inspection of
31 photographs, microphotographs, videotape or other recorded images, and
32 information and data generated in conjunction therewith, produced by a
33 weigh in motion violation monitoring system, shall be prima facie
34 evidence of the facts contained therein. Nothing contained in this
35 subdivision shall be deemed to require the signature of a notary public
36 on such certificate. Any photographs, microphotographs, videotape or
37 other recorded images evidencing such a violation shall include an image
38 of the motor vehicle alleged to be in violation and the information and
39 data generated in conjunction therewith and shall be available for
40 inspection reasonably in advance of and at any proceeding to adjudicate
41 the liability for such violation pursuant to this section.

42 (e) An owner liable for a violation of section three hundred eighty-
43 five of this article and the rules of the department of transportation
44 of the city of New York pursuant to a weigh in motion demonstration
45 program established pursuant to this section shall be liable for mone-
46 tary penalties in accordance with separate schedules of fines and penal-
47 ties to be promulgated by the parking violations bureau of the city of
48 New York for a violation of section three hundred eighty-five of this
49 article and the rules of the department of transportation of the city of
50 New York in relation to gross vehicle weight and/or axle weight. The
51 liability of the owner pursuant to this section shall not exceed one
52 thousand dollars for each violation; provided, however, that such park-
53 ing violations bureau may provide for an additional penalty not in
54 excess of twenty-five dollars for each violation for the failure to
55 respond to a notice of liability within the prescribed time period.

1 (f) An imposition of liability under the weigh in motion demonstration
2 program established pursuant to this section shall not be deemed a
3 conviction as an operator and shall not be made part of the operating
4 record of the person upon whom such liability is imposed nor shall it be
5 used for insurance purposes in the provision of motor vehicle insurance
6 coverage.

7 (g) 1. A notice of liability shall be sent by first class mail to each
8 person alleged to be liable as an owner for a violation of section three
9 hundred eighty-five of this article and the rules of the department of
10 transportation of the city of New York in relation to gross vehicle
11 weight and/or axle weight pursuant to this section, within fourteen
12 business days if such owner is a resident of this state and within
13 forty-five business days if such owner is a non-resident. Personal
14 delivery on the owner shall not be required. A manual or automatic
15 record of mailing prepared in the ordinary course of business shall be
16 prima facie evidence of the facts contained therein.

17 2. A notice of liability shall contain the name and address of the
18 person alleged to be liable as an owner for a violation of section three
19 hundred eighty-five of this article and the rules of the department of
20 transportation of the city of New York in relation to gross vehicle
21 weight and/or axle weight pursuant to this section, the United States
22 department of transportation number of the vehicle involved in such
23 violation, the registration number of the vehicle involved in such
24 violation, the gross vehicle weight and/or axle weight measured, the
25 location where such violation took place, the date and time of such
26 violation, the identification number of the weigh in motion violation
27 monitoring system which recorded the violation or other document locator
28 number, one or more date and time stamped images identifying the motor
29 vehicle and the information and data evidencing the alleged violation,
30 and the certificate charging the liability.

31 3. The notice of liability shall contain information advising the
32 person charged of the manner and the time in which they may contest the
33 liability alleged in the notice. Such notice of liability shall also
34 contain a prominent warning to advise the person charged that failure to
35 contest in the manner and time provided shall be deemed an admission of
36 liability and that a default judgment may be entered thereon.

37 4. The notice of liability shall be prepared and mailed by the city of
38 New York, or by any other entity authorized by the city to prepare and
39 mail such notice of liability.

40 (h) Adjudication of the liability imposed upon owners of this section
41 shall be by the New York city parking violations bureau.

42 (i) If an owner receives a notice of liability pursuant to this
43 section for any time period during which the vehicle or the number plate
44 or plates of such vehicle was reported to the police department as
45 having been stolen, it shall be a valid defense to an allegation of
46 liability for a violation of section three hundred eighty-five of this
47 article and the rules of the department of transportation of the city of
48 New York in relation to gross vehicle weight and/or axle weight pursuant
49 to this section that the vehicle or the number plate or plates of such
50 vehicle had been reported to the police as stolen prior to the time the
51 violation occurred and had not been recovered by such time. For purposes
52 of asserting the defense provided by this subdivision, it shall be
53 sufficient that a certified copy of the police report on the stolen
54 vehicle or number plate or plates of such vehicle be sent by first class
55 mail to the New York city parking violations bureau.

1 (j) 1. An owner who is a lessor of a vehicle to which a notice of
2 liability was issued pursuant to subdivision (g) of this section shall
3 not be liable for the violation of section three hundred eighty-five of
4 this article and the rules of the department of transportation of the
5 city of New York in relation to gross vehicle weight and/or axle weight
6 pursuant to this section, provided that:

7 (i) prior to the violation, the lessor has filed with such parking
8 violations bureau in accordance with the provisions of section two
9 hundred thirty-nine of this chapter; and

10 (ii) within thirty-seven days after receiving notice from such bureau
11 of the date and time of a liability, together with the other information
12 contained in the original notice of liability, the lessor submits to
13 such bureau the correct name and address of the lessee of the vehicle
14 identified in the notice of liability at the time of such violation,
15 together with such other additional information contained in the rental,
16 lease or other contract document, as may be reasonably required by such
17 bureau pursuant to regulations that may be promulgated for such purpose.

18 2. Failure to comply with subparagraph (ii) of paragraph one of this
19 subdivision shall render the owner liable for the penalty prescribed in
20 this section.

21 3. Where the lessor complies with the provisions of paragraph one of
22 this subdivision, the lessee of such vehicle on the date of such
23 violation shall be deemed to be the owner of such vehicle for purposes
24 of this section, shall be subject to liability for such violation pursu-
25 ant to this section and shall be sent a notice of liability pursuant to
26 subdivision (g) of this section.

27 (k) 1. If the owner liable for a violation of section three hundred
28 eighty-five of this article and the rules of the department of transpor-
29 tation of the city of New York in relation to gross vehicle weight
30 and/or axle weight pursuant to this section was not the operator of the
31 vehicle at the time of the violation, the owner may maintain an action
32 for indemnification against the operator.

33 2. Notwithstanding any other provision of this section, no owner of a
34 vehicle shall be subject to a monetary fine imposed pursuant to this
35 section if the operator of such vehicle was operating such vehicle with-
36 out the consent of the owner at the time such operator operated such
37 vehicle in violation of section three hundred eighty-five of this arti-
38 cle and the rules of the department of transportation of the city of New
39 York in relation to gross vehicle weight and/or axle weight. For
40 purposes of this subdivision there shall be a presumption that the oper-
41 ator of such vehicle was operating such vehicle with the consent of the
42 owner at the time such operator operated such vehicle in violation of
43 section three hundred eighty-five of this article and the rules of the
44 department of transportation of the city of New York in relation to
45 gross vehicle weight and/or axle weight.

46 (l) Nothing in this section shall be construed to limit the liability
47 of an operator of a vehicle for any violation of section three hundred
48 eighty-five of this article and the rules of the department of transpor-
49 tation of the city of New York in relation to gross vehicle weight
50 and/or axle weight.

51 (m) If the city adopts a demonstration program pursuant to subdivision
52 (a) of this section it shall conduct a study and submit an annual report
53 on the results of the use of weigh in motion violation monitoring
54 systems to the governor, the temporary president of the senate and the
55 speaker of the assembly on or before June first, two thousand twenty-two
56 and on the same date in each succeeding year in which the demonstration

1 program is operable. Such city shall also post such annual report on the
2 New York city department of transportation website. Such report shall
3 include:

4 1. the locations where and dates when weigh in motion violation moni-
5 toring systems were used;

6 2. the total number of trucks weighed and the total number of
7 violations recorded by weigh in motion violation monitoring systems in
8 accordance with this section in the aggregate on a daily, weekly and
9 monthly basis;

10 3. the total number of violations recorded by weigh in motion
11 violation monitoring systems that were either ten percent above the
12 gross vehicle weight or twenty percent above the axle weight;

13 4. the total number of notices of liability issued for violations
14 recorded by such weigh in motion systems;

15 5. the number of fines and total amount of fines paid after the first
16 notice of liability issued for violations recorded by weigh in motion
17 systems;

18 6. the number of violations adjudicated and the results of such adju-
19 dications including breakdowns of dispositions made for violations
20 recorded by weigh in motion systems;

21 7. the total amount of revenue realized by the city of New York in
22 connection with the program;

23 8. the expenses incurred by the city of New York in connection with
24 the program;

25 9. the quality of the adjudication process and its results; and

26 10. the total capital amount spent on repair or reconstruction of
27 interstate route 278 in Kings county and the total capital amount spent
28 on repair or reconstruction of interstate route 278 specifically from
29 the vicinity of Atlantic avenue to the vicinity of Sands street in Kings
30 county.

31 (n) It shall be a defense to any prosecution for a violation of
32 section three hundred eighty-five of this article and the rules of the
33 department of transportation of the city of New York in relation to
34 gross vehicle weight and/or axle weight pursuant to this section that
35 such weigh in motion violation monitoring system was malfunctioning at
36 the time of the alleged violation.

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

39 (r) are photographs, microphotographs, videotape or other recorded
40 images or information and data prepared under authority of section three
41 hundred eighty-five-a of the vehicle and traffic law.

42 § 14. The New York city department of transportation shall: (i) prior
43 to implementing a weigh in motion demonstration program as authorized by
44 section 385-a of the vehicle and traffic law, as added by section one of
45 this act, communicate to the public the plan for the use of vehicle
46 weigh in motion violation monitoring systems to enforce vehicle weight
47 restrictions so as to maximize awareness of such program; (ii) during
48 the first 90 day period in which weigh in motion violation monitoring
49 systems are in operation pursuant to the provisions of this act send by
50 first class mail a written warning in lieu of a notice of liability to
51 all owners of motor vehicles who would be held liable for failure of
52 operators thereof to comply with section 385 of the vehicle and traffic
53 law and the rules of the department of transportation of the city of New
54 York in relation to gross vehicle weight and/or axle weight, together
55 with notice of the weigh in motion demonstration program authorized by
56 section 385-a of the vehicle and traffic law; and (iii) take such meas-

1 ures as are necessary to implement such program prior to its implementa-
2 tion, including promulgating any rules and regulations necessary for the
3 implementation of this act.

4 § 15. The purchase or lease of equipment for a demonstration program
5 pursuant to section 385-a of the vehicle and traffic law shall be
6 subject to the provisions of section 103 of the general municipal law.

7 § 16. This act shall take effect immediately; provided, however, that
8 sections twelve, thirteen, fourteen and fifteen shall expire and be
9 deemed repealed December 1, 2025 when upon such date the provisions of
10 such sections shall be deemed repealed; and provided further, that
11 notwithstanding the expiration and repeal of sections twelve, thirteen,
12 fourteen and fifteen of this act, any notices of liability issued pursu-
13 ant to the demonstration program authorized pursuant to section 385-a of
14 the vehicle and traffic law, as added by section twelve of this act,
15 prior to the expiration date of this act may be adjudicated after such
16 expiration date; and provided further, that:

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

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

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

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

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

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

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

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