

STATE OF NEW YORK

485--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. MAGNARELLI, BRONSON, JACOBSON, THIELE, SIMON, LUPARDO, REYES, COOK, TAYLOR, GRIFFIN, JEAN-PIERRE, BARRON, DINOWITZ, STECK, BRAUNSTEIN, STIRPE, CYMBROWITZ, GLICK, CARROLL, WILLIAMS, NIOU, EPSTEIN, L. ROSENTHAL, LAVINE, McMAHON, GOTTFRIED, RODRIGUEZ, CRUZ, OTIS, ABINANTI, PERRY, BUTTENSCHON, SEAWRIGHT, WALLACE, FAHY, DICKENS, HUNTER, AUBRY, DAVILA, ROZIC, PAULIN, GALEF, BARNWELL -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- 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 general municipal law, in relation to certain notices of liability; to repeal certain provisions of the vehicle and traffic law relating thereto; to amend the vehicle and traffic law and the public officers law, in relation to establishing a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof

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

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 Section 235 of the vehicle and traffic law is REPEALED and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

3 § 235. Jurisdiction. 1. Notwithstanding any inconsistent provision of
4 any general, special or local law or administrative code to the contra-
5 ry, in any city which heretofore or hereafter is authorized to establish
6 an administrative tribunal: (a) to hear and determine complaints of
7 traffic infractions constituting parking, standing or stopping
8 violations, or (b) to adjudicate the liability of owners for violations
9 of subdivision (d) of section eleven hundred eleven of this chapter
10 imposed pursuant to a local law or ordinance imposing monetary liability
11 on the owner of a vehicle for failure of an operator thereof to comply
12 with traffic-control indications through the installation and operation

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

LBD02181-05-1

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

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

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

55 (2) Whenever a person has been issued a notice of violation for a
56 parking violation and has not responded in the manner described in the

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

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

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

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

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

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

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

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

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

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

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

1 issued in such city on or before January first, nineteen hundred nine-
2 ty-three.

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

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

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

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

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

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

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

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

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

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

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

tion 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 certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter.

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

1. Notice of hearing. Whenever a person charged with a parking violation enters a plea of not guilty; or a person alleged to be liable 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; 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 certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, contests such allegation, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which he or she must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning

1 to advise the person so pleading or contesting that failure to appear on
2 the date designated, or on any subsequent adjourned date, shall be
3 deemed an admission of liability, and that a default judgment may be
4 entered thereon.

5 1-a. Fines and penalties. Whenever a plea of not guilty has been
6 entered, or the bureau has been notified that an allegation of liability
7 in accordance with provisions of law specifically authorizing the im-
8 position of monetary liability on the owner of a vehicle for failure of an
9 operator thereof: to comply with traffic-control indications in
10 violation of subdivision (d) of section eleven hundred eleven of this
11 chapter through the installation and operation of traffic-control signal
12 photo violation-monitoring systems, in accordance with article twenty-
13 four of this chapter; or to comply with certain posted maximum speed
14 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
15 eleven hundred eighty of this chapter through the installation and oper-
16 ation of photo speed violation monitoring systems, in accordance with
17 article thirty of this chapter; or to comply with bus lane restrictions
18 as defined by article twenty-four of this chapter through the installa-
19 tion and operation of bus lane photo devices, in accordance with article
20 twenty-four of this chapter; or to comply with toll collection regu-
21 lations of certain public authorities through the installation and oper-
22 ation of photo-monitoring systems, in accordance with the provisions of
23 section two thousand nine hundred eighty-five of the public authorities
24 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
25 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
26 for a school bus displaying a red visual signal in violation of section
27 eleven hundred seventy-four of this chapter through the installation and
28 operation of school bus photo violation monitoring systems, in accord-
29 ance with article twenty-nine of this chapter, or to comply with certain
30 posted maximum speed limits in violation of subdivision (b), (d), (f) or
31 (g) of section eleven hundred eighty of this chapter within a highway
32 construction or maintenance work area through the installation and oper-
33 ation of photo speed violation monitoring systems, in accordance with
34 article thirty of this chapter, is being contested, by a person in a
35 timely fashion and a hearing upon the merits has been demanded, but has
36 not yet been held, the bureau shall not issue any notice of fine or
37 penalty to that person prior to the date of the hearing.

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

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

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

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

1 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
2 eighty of this chapter within a highway construction or maintenance work
3 area through the installation and operation of photo speed violation
4 monitoring systems, in accordance with article thirty of this chapter,
5 is contested. Recording devices may be used for the making of the
6 record.

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

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

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

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

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

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

54 a. (i) If at the time of application for a registration or renewal
55 thereof there is a certification from a court, parking violations
56 bureau, traffic and parking violations agency or administrative tribunal

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

1 applicant where the commissioner has determined that such registrant's
2 intent has been to evade the purposes of this subdivision and where the
3 commissioner has reasonable grounds to believe that such registration or
4 renewal will have the effect of defeating the purposes of this subdivi-
5 sion. Such denial shall only remain in effect as long as the summonses
6 remain unanswered, or in the case of an administrative tribunal, the
7 registrant fails to comply with the rules and regulations following
8 entry of a final decision.

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

12 § 8. The opening paragraph and paragraph (c) of subdivision 1 of
13 section 1809 of the vehicle and traffic law, as separately amended by
14 section 10 of chapter 145 and section 9 of chapter 148 of the laws of
15 2019, are amended to read as follows:

16 Whenever proceedings in an administrative tribunal or a court of this
17 state result in a conviction for an offense under this chapter or a
18 traffic infraction under this chapter, or a local law, ordinance, rule
19 or regulation adopted pursuant to this chapter, other than a traffic
20 infraction involving standing, stopping, or parking or violations by
21 pedestrians or bicyclists[~~, or other than an adjudication of liability~~
22 ~~of 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-a of this chapter, or other than an adjudication of liability of~~
25 ~~an owner for a violation of subdivision (d) of section eleven hundred~~
26 ~~eleven of this chapter in accordance with section eleven hundred~~
27 ~~eleven-b of this chapter, or other than an adjudication in accordance~~
28 ~~with section eleven hundred eleven-c of this chapter for a violation of~~
29 ~~a bus lane restriction as defined in such section, or other than an~~
30 ~~adjudication of liability of an owner for a violation of subdivision (d)~~
31 ~~of section eleven hundred eleven of this chapter in accordance with~~
32 ~~section eleven hundred eleven-d of this chapter, or other than an adju-~~
33 ~~dication of liability of an owner for a violation of subdivision (b),~~
34 ~~(c), (d), (f) or (g) of section eleven hundred eighty of this chapter in~~
35 ~~accordance with section eleven hundred eighty-b of this chapter, or~~
36 ~~other than an adjudication of liability of an owner for a violation of~~
37 ~~subdivision (d) of section eleven hundred eleven of this chapter in~~
38 ~~accordance with section eleven hundred eleven-e of this chapter, or~~
39 ~~other than an adjudication of liability of an owner for a violation of~~
40 ~~section eleven hundred seventy-four of this chapter in accordance with~~
41 ~~section eleven hundred seventy-four-a of this chapter, or other than an~~
42 ~~adjudication of liability of an owner for a violation of subdivision~~
43 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
44 ~~ter in accordance with section eleven hundred eighty-d of this chapter,~~
45 and except as otherwise provided by subdivision one-a of this section,
46 there shall be levied a crime victim assistance fee and a mandatory
47 surcharge, in addition to any sentence required or permitted by law, in
48 accordance with the following schedule:

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

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

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

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

~~subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven 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-e 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 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 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-e 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

1 involving standing, stopping, parking or motor vehicle equipment or
2 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
3 ~~of liability of an owner for a violation of subdivision (b), (c), (d),~~
4 ~~(f) or (g) of section eleven hundred eighty of this chapter in accord-~~
5 ~~ance with section eleven hundred eighty b of this chapter, or other than~~
6 ~~an adjudication of liability of an owner for a violation of subdivision~~
7 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
8 ~~ter in accordance with section eleven hundred eighty-d of this chapter,~~
9 ~~or other than an adjudication of liability of an owner for a violation~~
10 ~~of subdivision (d) of section eleven hundred eleven of this chapter in~~
11 ~~accordance with section eleven hundred eleven-d of this chapter, or~~
12 ~~other than an adjudication of liability of an owner for a violation of~~
13 ~~subdivision (d) of section eleven hundred eleven of this chapter in~~
14 ~~accordance with section eleven hundred eleven-e of this chapter, or~~
15 ~~other than an adjudication of liability of an owner for a violation of~~
16 ~~section eleven hundred seventy-four of this chapter in accordance with~~
17 ~~section eleven hundred seventy-four a of this chapter,] and except as~~
18 otherwise provided by subdivision one-a of this section, there shall be
19 levied a mandatory surcharge, in addition to any sentence required or
20 permitted by law, in the amount of seventeen dollars.

21 § 8-e. Subdivision 1 of section 1809 of the vehicle and traffic law,
22 as separately amended by section 10-d of chapter 145 and section 9-d of
23 chapter 148 of the laws of 2019, is amended to read as follows:

24 1. Whenever proceedings in an administrative tribunal or a court of
25 this state result in a conviction for a crime under this chapter or a
26 traffic infraction under this chapter other than a traffic infraction
27 involving standing, stopping, parking or motor vehicle equipment or
28 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
29 ~~of liability of an owner for a violation of subdivision (b), (c), (d),~~
30 ~~(f) or (g) of section eleven hundred eighty of this chapter in accord-~~
31 ~~ance with section eleven hundred eighty d of this chapter, or other than~~
32 ~~an adjudication of liability of an owner for a violation of subdivision~~
33 ~~(d) of section eleven hundred eleven of this chapter in accordance with~~
34 ~~section eleven hundred eleven-d of this chapter, or other than an adju-~~
35 ~~dication of liability of an owner for a violation of subdivision (d) of~~
36 ~~section eleven hundred eleven of this chapter in accordance with section~~
37 ~~eleven hundred eleven-e of this chapter, or other than an adjudication~~
38 ~~of liability of an owner for a violation of section eleven hundred~~
39 ~~seventy-four of this chapter in accordance with section eleven hundred~~
40 ~~seventy-four a of this chapter,] and except as otherwise provided by~~
41 subdivision one-a of this section, there shall be levied a mandatory
42 surcharge, in addition to any sentence required or permitted by law, in
43 the amount of seventeen dollars.

44 § 8-f. Subdivision 1 of section 1809 of the vehicle and traffic law,
45 as separately amended by section 10-f of chapter 145 and section 9-f of
46 chapter 148 of the laws of 2019, is amended to read as follows:

47 1. Whenever proceedings in an administrative tribunal or a court of
48 this state result in a conviction for a crime under this chapter or a
49 traffic infraction under this chapter other than a traffic infraction
50 involving standing, stopping, parking or motor vehicle equipment or
51 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
52 ~~of liability of an owner for a violation of subdivision (b), (c), (d),~~
53 ~~(f) or (g) of section eleven hundred eighty of this chapter in accord-~~
54 ~~ance with section eleven hundred eighty-d of this chapter, or other than~~
55 ~~an adjudication of liability of an owner for a violation of subdivision~~
56 ~~(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

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

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

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

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

1 violation monitoring systems, in accordance with article thirty of this
2 chapter.

3 § 12. The vehicle and traffic law is amended by adding a new section
4 1180-e to read as follows:

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

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

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

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

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

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

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

1 chair, as applicable, shows that they made reasonable efforts to comply
2 with the provisions of this paragraph in such case.

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

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

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

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

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

(b) If the commissioner or chair establishes a demonstration program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or operated with the permission of the owner, express or implied, within a highway construction or maintenance work area located on a controlled-access highway or on the thruway in violation of paragraph two of subdivision (d) or subdivision (f), or when other speed limits are in effect in violation of subdivision (b) or (g) or paragraph one of subdivision (d), of section eleven hundred eighty of this article, such vehicle was traveling at a speed of more than ten miles per hour above the posted speed limit in effect within such highway construction or maintenance work area, and such violation is evidenced by information obtained from a photo speed violation monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this article.

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

1. "chair" shall mean the chair of the New York state thruway authority;

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

3. "controlled-access highway" shall mean a controlled-access highway as defined by section one hundred nineteen of this chapter under the commissioner's jurisdiction which has been functionally classified by the department of transportation as principal arterial - interstate or principal arterial - other freeway/expressway on official functional classification maps approved by the federal highway administration pursuant to part 470.105 of title 23 of the code of federal regulations, as amended from time to time;

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

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

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

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

8. "thruway" shall mean generally a divided highway under the jurisdiction of the thruway authority for mixed traffic with access limited as the authority may determine and generally with grade separations at intersections.

(d) A certificate, sworn to or affirmed by a technician employed by the commissioner or chair as applicable, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other

1 recorded images produced by a photo speed violation monitoring system,
2 shall be prima facie evidence of the facts contained therein. Any photo-
3 graphs, microphotographs, videotape or other recorded images evidencing
4 such a violation shall include at least two date and time stamped images
5 of the rear of the motor vehicle that include the same stationary object
6 near the motor vehicle and shall be available for inspection reasonably
7 in advance of and at any proceeding to adjudicate the liability for such
8 violation pursuant to this section.

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

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

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

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

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

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

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

1 traffic infractions where the violation occurred, except that if a city
2 has established an administrative tribunal to hear and determine
3 complaints of traffic infractions constituting parking, standing or
4 stopping violations such city may, by local law, authorize such adjudi-
5 cation by such tribunal.

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

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

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

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

50 (B) within thirty-seven days after receiving notice from the bureau of
51 the date and time of a liability, together with the other information
52 contained in the original notice of liability, the lessor submits to the
53 bureau the correct name and address of the lessee of the vehicle identi-
54 fied in the notice of liability at the time of such violation, together
55 with such other additional information contained in the rental, lease or

1 other contract document, as may be reasonably required by the bureau
2 pursuant to regulations that may be promulgated for such purpose.

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

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

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

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

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

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

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

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

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

53 4. the number of violations recorded within all highway construction
54 or maintenance work areas on controlled-access highways or on the thru-
55 way, in the aggregate on a daily, weekly and monthly basis to the extent

1 the information is maintained by the commissioner, chair or the depart-
2 ment of motor vehicles of this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 12. the expenses incurred by the state or the thruway authority in
41 connection with the program;

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

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

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

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

55 11. Except as otherwise provided in paragraph e of subdivision one of
56 this section, where the commissioner of transportation has established a

1 demonstration program imposing monetary liability on the owner of a
2 vehicle for failure of an operator thereof to comply with subdivision
3 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in
4 accordance with section eleven hundred eighty-e of this chapter, any
5 fine or penalty collected by a court, judge, magistrate or other officer
6 for an imposition of liability which occurs pursuant to such program
7 shall be paid to the state comptroller within the first ten days of the
8 month following collection. Every such payment shall be accompanied by a
9 statement in such form and detail as the comptroller shall provide. The
10 comptroller shall pay eighty percent of any such fine or penalty imposed
11 for such liability to the general fund, and twenty percent of any such
12 fine or penalty to the city, town or village in which the violation
13 giving rise to the liability occurred. With respect to the percentage
14 of fines or penalties paid to the general fund, no less than sixty
15 percent shall be dedicated to department of transportation work zone
16 safety projects after deducting the expenses necessary to administer
17 such demonstration program, provided, however, that such funds provided
18 pursuant to this subdivision shall be payable on the audit and warrant
19 of the comptroller and shall only be used to supplement and not supplant
20 current expenditures of state funds on work zone safety projects. For
21 the purposes of this subdivision, "work zone safety projects" shall
22 apply to work zones under the jurisdiction of the department of trans-
23 portation and shall include, but not be limited to, inspection and
24 implementation of work zone design, maintenance, traffic plans and mark-
25 ings, worker safety training, contractor outreach, enforcement efforts,
26 radar speed display signs at major active work zones and police presence
27 at major active work zones, as provided in section twenty-two of the
28 transportation law. All fines, penalties and forfeitures paid to a
29 city, town or village pursuant to the provisions of this subdivision
30 shall be credited to the general fund of such city, town or village,
31 unless a different disposition is prescribed by charter, special law,
32 local law or ordinance.

33 12. Except as otherwise provided in paragraph e of subdivision one of
34 this section, where the chair of the New York state thruway authority
35 has established a demonstration program imposing monetary liability on
36 the owner of a vehicle for failure of an operator thereof to comply with
37 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
38 this chapter in accordance with section eleven hundred eighty-e of this
39 chapter, any fine or penalty collected by a court, judge, magistrate or
40 other officer for an imposition of liability which occurs pursuant to
41 such program shall be paid to the state comptroller within the first ten
42 days of the month following collection. Every such payment shall be
43 accompanied by a statement in such form and detail as the comptroller
44 shall provide. The comptroller shall pay eighty percent of any such fine
45 or penalty imposed for such liability to the thruway authority, and
46 twenty percent of any such fine or penalty to the city, town or village
47 in which the violation giving rise to the liability occurred. With
48 respect to the percentage of fines or penalties paid to the thruway
49 authority, no less than sixty percent shall be dedicated to thruway
50 authority work zone safety projects after deducting the expenses neces-
51 sary to administer such demonstration program, provided, however, that
52 such funds provided pursuant to this subdivision shall be payable on the
53 audit and warrant of the comptroller and shall only be used to supple-
54 ment and not supplant current expenditures of state funds on work zone
55 safety projects. For the purposes of this subdivision, "work zone safety
56 projects" shall apply to work zones under the jurisdiction of the thru-

1 way authority and shall include, but not be limited to, inspection and
2 implementation of work zone design, maintenance, traffic plans and mark-
3 ings, worker safety training, contractor outreach, enforcement efforts,
4 radar speed display signs at major active work zones and police presence
5 at major active work zones, as provided in section twenty-two of the
6 transportation law. For the purposes of this subdivision, the term
7 "thruway authority" shall mean the New York state thruway authority, a
8 body corporate and politic constituting a public corporation created and
9 constituted pursuant to title nine of article two of the public authori-
10 ties law. All fines, penalties and forfeitures paid to a city, town or
11 village pursuant to the provisions of this subdivision shall be credited
12 to the general fund of such city, town or village, unless a different
13 disposition is prescribed by charter, special law, local law or ordi-
14 nance.

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

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

20 § 15. The purchase or lease of equipment for a demonstration program
21 pursuant to section 1180-e of the vehicle and traffic law shall be
22 subject to the provisions of section 103 of the general municipal law.

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

33 § 17. This act shall take effect on the thirtieth day after it shall
34 have become a law; provided, however, that sections twelve, thirteen,
35 fourteen, fifteen and sixteen of this act shall expire and be deemed
36 repealed 5 years after such effective date when upon such date the
37 provisions of such sections shall be deemed repealed; provided that
38 effective immediately, the addition, amendment and/or repeal of any rule
39 or regulation necessary for the implementation of this act on its effec-
40 tive date are authorized and directed to be made and completed on or
41 before such effective date; and provided further, that:

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

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

52 (c) the amendments to subdivision 1 of section 1809 of the vehicle and
53 traffic law made by section eight-b 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-c of this act shall take
56 effect;

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

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

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

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

21 (h) the amendments to subdivision 1 of section 1809 of the vehicle and
22 traffic law made by section eight-g of this act shall not affect the
23 expiration of such section and shall be deemed to expire therewith, when
24 upon such date the provisions of section eight-h of this act shall take
25 effect.