

STATE OF NEW YORK

485--B

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, SILLITTI -- 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 -- reported and referred to the Committee on Codes -- 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 Section 235 of the vehicle and traffic law is REPEALED and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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (3) Where the additional penalty schedule set forth in subparagraph
54 two of this paragraph, as interpreted in 9 New York Code of Rules and
55 Regulations Part 6180, has not been implemented by a city and is not in
56 effect in such city on or before January first, nineteen hundred nine-

ty-three, the provisions of this paragraph shall not apply. For the purposes of this subdivision, the provisions of this paragraph shall not be considered to have been implemented and in effect unless the penalty schedule contained herein shall have been applied to parking violations issued in such city on or before January first, nineteen hundred ninety-three.

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

(1) Failure to respond to a notice of violation for a parking violation within thirty days shall result in liability, commencing on the thirty-first day, for an additional penalty in an amount not to exceed ten dollars, indicated on the notice of violation for a parking violation; 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 forty-five days may result in liability, commencing on the forty-sixth day, for the penalty prescribed above for failure to respond within thirty days and an additional penalty not to exceed twenty dollars; and 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 liability, commencing on the seventy-sixth day, for the penalties prescribed above for failure to respond within thirty days and for failure to respond within forty-five days and an additional penalty not to exceed thirty dollars.

(2) Notwithstanding the foregoing schedule of alternative additional 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 ten dollars.

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

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

(2) Failure to respond to a notice of violation for a parking violation within thirty days may result in the liability, commencing on the thirty-first day, for the penalty prescribed above for failure to respond within eight days and an additional penalty not to exceed ten

1 dollars or, if the first penalty assessed by the city does not exceed
2 five dollars, such city may assess an additional penalty within thirty-
3 one to seventy-five days not to exceed ten dollars;

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

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

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

26 3. Nothing set forth in this article shall be construed to authorize
27 the imposition of monetary liability on the owner of a vehicle for fail-
28 ure of an operator thereof to comply with any provision of law, rule or
29 regulation through the installation and operation of a photo enforcement
30 device or system, except as otherwise explicitly authorized by article
31 twenty-four, twenty-nine or thirty of this chapter, by section two thou-
32 sand nine hundred eighty-five of the public authorities law, or by
33 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
34 seventy-four of the laws of nineteen hundred fifty, nor be construed to
35 grant any municipality the authority to establish by local law, ordi-
36 nance, order, rule, regulation, resolution or any other means, an admin-
37 istrative tribunal to hear and determine complaints of traffic infrac-
38 tions or jurisdiction to adjudicate any liability set forth in
39 subdivision one of this section.

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

42 1. Creation. In any city as hereinbefore or hereafter authorized such
43 tribunal when created shall be known as the parking violations bureau
44 and shall have jurisdiction of traffic infractions which constitute a
45 parking violation and, where authorized: (a) to adjudicate the liability
46 of owners for violations of subdivision (d) of section eleven hundred
47 eleven of this chapter imposed pursuant to a local law or ordinance
48 imposing monetary liability on the owner of a vehicle for failure of an
49 operator thereof to comply with traffic-control indications through the
50 installation and operation of traffic-control signal photo violation-
51 monitoring systems, in accordance with article twenty-four of this chap-
52 ter, or (b) to adjudicate the liability of owners for violations of
53 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
54 of this chapter imposed pursuant to a demonstration program imposing
55 monetary liability on the owner of a vehicle for failure of an operator
56 thereof to comply with such posted maximum speed limits through the

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

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

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

cle 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.

§ 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

1 the director may direct of the date on which he or she must appear to
2 answer the charge at a hearing. The form and content of such notice of
3 hearing shall be prescribed by the director, and shall contain a warning
4 to advise the person so pleading or contesting that failure to appear on
5 the date designated, or on any subsequent adjourned date, shall be
6 deemed an admission of liability, and that a default judgment may be
7 entered thereon.

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

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

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

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

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

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

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; 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, of the person charged, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties.

2. Where an operator or owner fails to enter a plea to a charge of a parking violation or contest an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this

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

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

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

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

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

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

15 § 8. The opening paragraph and paragraph (c) of subdivision 1 of
16 section 1809 of the vehicle and traffic law, as separately amended by
17 section 10 of chapter 145 and section 9 of chapter 148 of the laws of
18 2019, are amended to read as follows:

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

49 there shall be levied a crime victim assistance fee and a mandatory
50 surcharge, in addition to any sentence required or permitted by law, in
51 accordance with the following schedule:

52 (c) Whenever proceedings in an administrative tribunal or a court of
53 this state result in a conviction for an offense under this chapter
54 other than a crime pursuant to section eleven hundred ninety-two of this
55 chapter, or a traffic infraction under this chapter, or a local law,
56 ordinance, rule or regulation adopted pursuant to this chapter, other

1 than a traffic infraction involving standing, stopping, or parking or
2 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
3 ~~of liability of an owner for a violation of subdivision (d) of section~~
4 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
5 ~~hundred eleven-a of this chapter, or other than an adjudication of~~
6 ~~liability of an owner for a violation of subdivision (d) of section~~
7 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
8 ~~hundred eleven-b of this chapter, or other than an adjudication of~~
9 ~~liability of an owner for a violation of subdivision (d) of section~~
10 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
11 ~~hundred eleven-d of this chapter, or other than an infraction pursuant~~
12 ~~to article nine of this chapter or other than an adjudication of liabil-~~
13 ~~ity of an owner for a violation of toll collection regulations pursuant~~
14 ~~to section two thousand nine hundred eighty-five of the public authori-~~
15 ~~ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven~~
16 ~~hundred seventy-four of the laws of nineteen hundred fifty or other than~~
17 ~~an adjudication in accordance with section eleven hundred eleven-c of~~
18 ~~this chapter for a violation of a bus lane restriction as defined in~~
19 ~~such section, or other than an adjudication of liability of an owner for~~
20 ~~a violation of subdivision (b), (c), (d), (f) or (g) of section eleven~~
21 ~~hundred eighty of this chapter in accordance with section eleven hundred~~
22 ~~eighty-b of this chapter, or other than an adjudication of liability of~~
23 ~~an owner for a violation of subdivision (d) of section eleven hundred~~
24 ~~eleven of this chapter in accordance with section eleven hundred~~
25 ~~eleven-c of this chapter, or other than an adjudication of liability of~~
26 ~~an owner for a violation of section eleven hundred seventy-four of this~~
27 ~~chapter in accordance with section eleven hundred seventy-four-a of this~~
28 ~~chapter, or other than an adjudication of liability of an owner for a~~
29 ~~violation of subdivision (b), (c), (d), (f) or (g) of section eleven~~
30 ~~hundred eighty of this chapter in accordance with section eleven hundred~~
31 ~~eighty-d of this chapter,]~~ and except as otherwise provided by subdivi-
32 sion one-a of this section, there shall be levied a crime victim assist-
33 ance fee in the amount of five dollars and a mandatory surcharge, in
34 addition to any sentence required or permitted by law, in the amount of
35 fifty-five dollars.

36 § 8-a. The opening paragraph and paragraph (c) of subdivision 1 of
37 section 1809 of the vehicle and traffic law, as amended by section 10 of
38 chapter 145 of the laws of 2019, are amended to read as follows:

39 Whenever proceedings in an administrative tribunal or a court of this
40 state result in a conviction for an offense under this chapter or a
41 traffic infraction under this chapter, or a local law, ordinance, rule
42 or regulation adopted pursuant to this chapter, other than a traffic
43 infraction involving standing, stopping, or parking or violations by
44 pedestrians or bicyclists[~~, or other than an adjudication of liability~~
45 ~~of an owner for a violation of subdivision (d) of section eleven hundred~~
46 ~~eleven of this chapter in accordance with section eleven hundred~~
47 ~~eleven-a of this chapter, or other than an adjudication of liability of~~
48 ~~an owner for a violation of subdivision (d) of section eleven hundred~~
49 ~~eleven of this chapter in accordance with section eleven hundred~~
50 ~~eleven-b of this chapter, or other than an adjudication in accordance~~
51 ~~with section eleven hundred eleven-c of this chapter for a violation of~~
52 ~~a bus lane restriction as defined in such section, or other than an~~
53 ~~adjudication of liability of an owner for a violation of subdivision (d)~~
54 ~~of section eleven hundred eleven of this chapter in accordance with~~
55 ~~section eleven hundred eleven-d of this chapter, or other than an adju-~~
56 ~~dication of liability of an owner for a violation of subdivision (b),~~

~~(e), (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), (e), (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

1 infraction involving standing, stopping, parking or motor vehicle equip-
2 ment or violations by pedestrians or bicyclists[~~, or other than an adju-~~
3 ~~dicatation of liability of an owner for a violation of subdivision (d) of~~
4 ~~section eleven hundred eleven of this chapter in accordance with section~~
5 ~~eleven hundred eleven-a of this chapter, or other than an adjudication~~
6 ~~of liability of an owner for a violation of subdivision (d) of section~~
7 ~~eleven hundred eleven of this chapter in accordance with section eleven~~
8 ~~hundred eleven-b of this chapter, or other than an adjudication in~~
9 ~~accordance with section eleven hundred eleven-c of this chapter for a~~
10 ~~violation of a bus lane restriction as defined in such section, or other~~
11 ~~than an adjudication of liability of an owner for a violation of subdi-~~
12 ~~vision (d) of section eleven hundred eleven of this chapter in accord-~~
13 ~~ance with section eleven hundred eleven-d of this chapter, or other than~~
14 ~~an adjudication of liability of an owner for a violation of subdivision~~
15 ~~(b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-~~
16 ~~ter in accordance with section eleven hundred eighty-b of this chapter,~~
17 ~~or other than an adjudication of liability of an owner for a violation~~
18 ~~of subdivision (b), (c), (d), (f) or (g) of section eleven hundred~~
19 ~~eighty of this chapter in accordance with section eleven hundred eight-~~
20 ~~y-d of this chapter, or other than an adjudication of liability of an~~
21 ~~owner for a violation of subdivision (d) of section eleven hundred elev-~~
22 ~~en of this chapter in accordance with section eleven hundred eleven-e of~~
23 ~~this chapter, or other than an adjudication of liability of an owner for~~
24 ~~a violation of section eleven hundred seventy-four of this chapter in~~
25 ~~accordance with section eleven hundred seventy-four-a of this chapter,]~~

26 and except as otherwise provided by subdivision one-a of this section,
27 there shall be levied a mandatory surcharge, in addition to any sentence
28 required or permitted by law, in the amount of twenty-five dollars.

29 § 8-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
30 as separately amended by section 10-b of chapter 145 and section 9-b of
31 chapter 148 of the laws of 2019, is amended to read as follows:

32 1. Whenever proceedings in an administrative tribunal or a court of
33 this state result in a conviction for a crime under this chapter or a
34 traffic infraction under this chapter other than a traffic infraction
35 involving standing, stopping, parking or motor vehicle equipment or
36 violations by pedestrians or bicyclists[~~, or other than an adjudication~~
37 ~~in accordance with section eleven hundred eleven-c of this chapter for a~~
38 ~~violation of a bus lane restriction as defined in such section, or other~~
39 ~~than an adjudication of liability of an owner for a violation of subdi-~~
40 ~~vision (d) of section eleven hundred eleven of this chapter in accord-~~
41 ~~ance with section eleven hundred eleven-d of this chapter, or other than~~
42 ~~an 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 ~~or other than an adjudication of liability of an owner for a violation~~
46 ~~of subdivision (d) of section eleven hundred eleven of this chapter in~~
47 ~~accordance with section eleven hundred eleven-e of this chapter, or~~
48 ~~other than an adjudication of liability of an owner for a violation of~~
49 ~~section eleven hundred seventy-four of this chapter in accordance with~~
50 ~~section eleven hundred seventy-four-a of this chapter,]~~ and except as
51 otherwise provided by subdivision one-a of this section, there shall be
52 levied a mandatory surcharge, in addition to any sentence required or
53 permitted by law, in the amount of seventeen dollars.

54 § 8-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
55 as separately amended by section 10-c of chapter 145 and section 9-c of
56 chapter 148 of the laws of 2019, is amended to read as follows:

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

24 § 8-e. Subdivision 1 of section 1809 of the vehicle and traffic law,
25 as separately amended by section 10-d of chapter 145 and section 9-d of
26 chapter 148 of the laws of 2019, is amended to read as follows:

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

47 § 8-f. Subdivision 1 of section 1809 of the vehicle and traffic law,
48 as separately amended by section 10-f of chapter 145 and section 9-f of
49 chapter 148 of the laws of 2019, is amended to read as follows:

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

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

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

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

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

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

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

1-a. Notwithstanding the provisions of subdivision one of this section, the provisions of subdivision one of this section shall not apply to an adjudication of liability of owners: (a) for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or (b) for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or (c) for violations of bus lane restrictions as defined by article twenty-four of this 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 (d) for violations of toll collection regu-
6 lations imposed by certain public authorities pursuant to the law
7 authorizing such public authorities to impose monetary liability on the
8 owner of a vehicle for failure of an operator thereof to comply with
9 toll collection regulations of such public authorities through the
10 installation and operation of photo-monitoring systems, in accordance
11 with the provisions of section two thousand nine hundred eighty-five of
12 the public authorities law and sections sixteen-a, sixteen-b and
13 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
14 hundred fifty; or (e) for violations of section eleven hundred seventy-
15 four of this chapter when meeting a school bus marked and equipped as
16 provided in subdivisions twenty and twenty-one-c of section three
17 hundred seventy-five of this chapter imposed pursuant to a local law or
18 ordinance imposing monetary liability on the owner of a vehicle for
19 failure of an operator thereof to comply with school bus red visual
20 signals through the installation and operation of school bus photo
21 violation monitoring systems, in accordance with article twenty-nine of
22 this chapter; or (f) for violations of subdivision (b), (d), (f) or (g)
23 of section eleven hundred eighty of this chapter imposed pursuant to a
24 demonstration program imposing monetary liability on the owner of a
25 vehicle for failure of an operator thereof to comply with such posted
26 maximum speed limits within a highway construction or maintenance work
27 area through the installation and operation of photo speed violation
28 monitoring systems, in accordance with article thirty of this chapter.

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

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

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

31 § 11. The general municipal law is amended by adding a new section
32 371-a to read as follows:

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

1 owner of a vehicle for failure of an operator thereof to comply with
2 such posted maximum speed limits within a highway construction or main-
3 tenance work area through the installation and operation of photo speed
4 violation monitoring systems, in accordance with article thirty of this
5 chapter.

6 § 12. The vehicle and traffic law is amended by adding a new section
7 1180-e to read as follows:

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

42 2. Notwithstanding any other provision of law, after holding a public
43 hearing in accordance with the public officers law and subsequent
44 approval of the establishment of a demonstration program in accordance
45 with this section by a majority of the members of the entire board of
46 the thruway authority, the chair of the thruway authority is hereby
47 authorized to establish a demonstration program imposing monetary
48 liability on the owner of a vehicle for failure of an operator thereof
49 to comply with posted maximum speed limits in a highway construction or
50 maintenance work area located on the thruway (i) when highway
51 construction or maintenance work is occurring and a work area speed
52 limit is in effect as provided in paragraph two of subdivision (d) or
53 subdivision (f) of section eleven hundred eighty of this article or (ii)
54 when highway construction or maintenance work is occurring and other
55 speed limits are in effect as provided in subdivision (b) or (g) or
56 paragraph one of subdivision (d) of section eleven hundred eighty of

1 this article. Such demonstration program shall empower the chair to
2 install photo speed violation monitoring systems within no more than ten
3 highway construction or maintenance work areas located on the thruway
4 and to operate such systems within such work areas (iii) when highway
5 construction or maintenance work is occurring and a work area speed
6 limit is in effect as provided in paragraph two of subdivision (d) or
7 subdivision (f) of section eleven hundred eighty of this article or (iv)
8 when highway construction or maintenance work is occurring and other
9 speed limits are in effect as provided in subdivision (b) or (g) or
10 paragraph one of subdivision (d) of section eleven hundred eighty of
11 this article. The chair, in consultation with the superintendent of the
12 division of state police, shall determine the location of the highway
13 construction or maintenance work areas located on the thruway in which
14 to install and operate photo speed violation monitoring systems. In
15 selecting a highway construction or maintenance work area in which to
16 install and operate a photo speed violation monitoring system, the chair
17 shall consider criteria including, but not limited to, the speed data,
18 crash history, and roadway geometry applicable to such highway
19 construction or maintenance work area. A photo speed violation monitor-
20 ing system shall not be installed or operated on a thruway exit ramp.

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

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

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

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

1 or other recorded image allows for the identification of the driver, the
2 passengers, or the contents of vehicles where the commissioner or the
3 chair, as applicable, shows that they made reasonable efforts to comply
4 with the provisions of this paragraph in such case.

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

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

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

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

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

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

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

23 1. "chair" shall mean the chair of the New York state thruway authori-
24 ty;

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

26 3. "controlled-access highway" shall mean a controlled-access highway
27 as defined by section one hundred nine of this chapter under the commis-
28 sioner's jurisdiction which has been functionally classified by the
29 department of transportation as principal arterial - interstate or prin-
30 icipal arterial - other freeway/expressway on official functional classi-
31 fication maps approved by the federal highway administration pursuant to
32 part 470.105 of title 23 of the code of federal regulations, as amended
33 from time to time;

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

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

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

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

53 8. "thruway" shall mean generally a divided highway under the juris-
54 isdiction of the thruway authority for mixed traffic with access limited
55 as the authority may determine and generally with grade separations at
56 intersections.

1 (d) A certificate, sworn to or affirmed by a technician employed by
2 the commissioner or chair as applicable, or a facsimile thereof, based
3 upon inspection of photographs, microphotographs, videotape or other
4 recorded images produced by a photo speed violation monitoring system,
5 shall be prima facie evidence of the facts contained therein. Any photo-
6 graphs, microphotographs, videotape or other recorded images evidencing
7 such a violation shall include at least two date and time stamped images
8 of the rear of the motor vehicle that include the same stationary object
9 near the motor vehicle and shall be available for inspection reasonably
10 in advance of and at any proceeding to adjudicate the liability for such
11 violation pursuant to this section.

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

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

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

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

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

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

1 (h) Adjudication of the liability imposed upon owners of this section
2 shall be by a traffic violations bureau established pursuant to section
3 three hundred seventy of the general municipal law where the violation
4 occurred or, if there be none, by the court having jurisdiction over
5 traffic infractions where the violation occurred, except that if a city
6 has established an administrative tribunal to hear and determine
7 complaints of traffic infractions constituting parking, standing or
8 stopping violations such city may, by local law, authorize such adjudi-
9 cation by such tribunal.

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

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

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

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

54 (B) within thirty-seven days after receiving notice from the bureau of
55 the date and time of a liability, together with the other information
56 contained in the original notice of liability, the lessor submits to the

1 bureau the correct name and address of the lessee of the vehicle identi-
2 fied in the notice of liability at the time of such violation, together
3 with such other additional information contained in the rental, lease or
4 other contract document, as may be reasonably required by the bureau
5 pursuant to regulations that may be promulgated for such purpose.

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

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

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

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

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

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

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

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

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

1 4. the number of violations recorded within all highway construction
2 or maintenance work areas on controlled-access highways or on the thru-
3 way, in the aggregate on a daily, weekly and monthly basis to the extent
4 the information is maintained by the commissioner, chair or the depart-
5 ment of motor vehicles of this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 12. the expenses incurred by the state or the thruway authority in
44 connection with the program;

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

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

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

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

11. Except as otherwise provided in paragraph e of subdivision one of this section, where the commissioner of transportation has established a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. The comptroller shall pay eighty percent of any such fine or penalty imposed for such liability to the general fund, and twenty percent of any such fine or penalty to the city, town or village in which the violation giving rise to the liability occurred. With respect to the percentage of fines or penalties paid to the general fund, no less than sixty percent shall be dedicated to department of transportation work zone safety projects after deducting the expenses necessary to administer such demonstration program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the department of transportation and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. All fines, penalties and forfeitures paid to a city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

12. Except as otherwise provided in paragraph e of subdivision one of this section, where the chair of the New York state thruway authority has established a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. The comptroller shall pay eighty percent of any such fine or penalty imposed for such liability to the thruway authority, and twenty percent of any such fine or penalty to the city, town or village in which the violation giving rise to the liability occurred. With respect to the percentage of fines or penalties paid to the thruway authority, no less than sixty percent shall be dedicated to thruway authority work zone safety projects after deducting the expenses necessary to administer such demonstration program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the

audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the thruway authority and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. For the purposes of this subdivision, the term "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. All fines, penalties and forfeitures paid to a city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

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

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

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

§ 16. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that sections twelve, thirteen, fourteen and fifteen of this act shall expire and be deemed repealed 5 years after such effective date when upon such date the provisions of such sections shall be deemed repealed; provided that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date; and provided further, that:

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

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

(c) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight-b of this act shall not affect the expiration of such section and shall be deemed to expire therewith, when

1 upon such date the provisions of section eight-c of this act shall take
2 effect;

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

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

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

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

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