STATE OF NEW YORK

415

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the general municipal law, in relation to certain traffic infractions and repealing certain provisions of such laws relating thereto; and to amend the vehicle and traffic law, in relation to adjudications and owner liability for a violation of traffic-control signal indications in the village of Pelham Manor; and providing for the repeal of certain provisions upon expiration thereof

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

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 Section 235 of the vehicle and traffic law is REPEALED and a new section 235 is added to read as follows:

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

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

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liability of owners for violations of bus lane restrictions in accordance with local laws imposing liability on owners for failure of operators to comply with such restrictions through the use of photo devices pursuant to article twenty-four of this chapter, or authorized to adjudicate the liability of owners for violations of toll collection regulations by an operator as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or authorized to adjudicate the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, such tribunal and the rules and regulations pertaining thereto shall be constituted in substantial conformance with the following sections.

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

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

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

(A) that the owner has a period of twenty days from issuance of the second notice in which to respond to the notice of violation for a parking violation;

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

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

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

(E) that submission of a plea of guilty to the parking violation makes the owner liable for payment of the stated fine and additional penalties imposed pursuant to paragraph b of this subdivision and the mandatory

surcharge of fifteen dollars imposed upon parking violations pursuant to section eighteen hundred nine-a of this chapter.

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

(2) Failure to respond to a notice of violation for a parking violation by the initial response date may result in the liability for a penalty in an amount of the fine 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, the following schedule of additional penalties may apply:

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

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

(3) Where the additional penalty schedule set forth in subparagraph two of this paragraph, as interpreted in 9 New York Code of Rules and Regulations Part 6180, has not been implemented by a city and is not in effect in such city on or before January first, nineteen hundred ninety-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 July 28, 1991. 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 July 28, 1991, 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 July 28, 1991, 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 dollars or, if the first penalty assessed by the city does not exceed five dollars, such city may assess an additional penalty within thirty-one to seventy-five days not to exceed ten dollars;

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

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

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

3. Nothing set forth in this section shall be construed to grant any municipality the authority to establish by local law, ordinance, resolution or any other means, an administrative tribunal to hear and deter-

mine complaints of traffic infractions or jurisdiction to adjudicate any liability set forth in subdivision one of this section.

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

1. Creation. In any city as hereinbefore or hereafter authorized such tribunal when created shall be known as the parking violations bureau and shall have jurisdiction of traffic infractions which constitute a parking violation and, where authorized, to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter, or authorized to adjudicate the liability of owners for violations of section eleven hundred eighty of this chapter in accordance with local laws imposing liability on owners for failure of an operator to comply with certain posted maximum speed limits through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter, or authorized to adjudicate liability of owners for violations of bus lane restrictions in accordance with local laws imposing liability on owners for failure of operators to comply with such restrictions through the use of photo devices pursuant to article twenty-four of this chapter, or authorized to adjudicate the liability of owners for violations of toll collection regulations by an operator as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or authorized to adjudicate the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter. Such tribunal, except in a city with a population of one million or more, shall also have jurisdiction of abandoned vehicle violations. For the purposes of this article, a parking violation is the violation of any law, rule or regulation providing for or regulating the parking, stopping or standing of a vehicle. In addition for purposes of this article, "commissioner" shall mean and include the commissioner of traffic of the city or an official possessing authority as such a commissioner.

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

f. "Notice of violation" means a notice of violation as defined in subdivision nine of section two hundred thirty-seven of this article, but shall not be deemed to include a notice of liability issued pursuant to authorization under this chapter to impose monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article

thirty of this chapter; or to comply with bus lane restrictions through the use of photo devices pursuant to article twenty-four of this chapter; or to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine 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 through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; or to comply with bus lane restrictions through the use of photo devices pursuant to article twenty-four of this chapter; or to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, contests such allegation, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which he or she must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading or contesting that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

1-a. Fines and penalties. Whenever a plea of not guilty has been entered, or the bureau has been notified that an allegation of liability in accordance with 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 through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; or to comply with bus lane restrictions through the use of photo devices pursuant to article twenty-four of this chapter; or to comply with toll collection

regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, is being contested, by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the bureau shall not issue any notice of fine or penalty to that person prior to the date of the hearing.

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

a. Every hearing for the adjudication of a charge of parking violation or an allegation of liability for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter, or an allegation of liability for violations of section eleven hundred eighty of this chapter in accordance with local laws imposing liability on owners for failure of an operator to comply with certain posted maximum speed limits through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter, or an allegation of liability for violations of bus lane restrictions in accordance with local laws imposing liability on owners for failure of operators to comply with such restrictions through the use of photo devices pursuant to article twenty-four of this chapter, or an allegation of liability for violations of toll collection regulations by an operator as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or an allegation of liability of owners for failure of an operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, shall be held before a hearing examiner in accordance with rules and regulations promulgated by the bureau.

g. A record shall be made of a hearing on a plea of not guilty or of a hearing at which 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 through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; to comply with bus lane restrictions as specifically set forth in local laws establishing such restrictions through

the use of photo devices pursuant to article twenty-four of this chapter; to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine 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 through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; to comply with bus lane restrictions as specifically set forth in local laws establishing such restrictions through the use of photo devices pursuant to article twenty-four of this chapter; to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine 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 through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems systems pursuant to article thirty of this chapter; to comply with bus lane restrictions as specifically set forth in local laws establishing such restrictions through the use of photo devices pursuant to article twenty-four of this chapter; to comply with toll collection regulations

as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine 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 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 through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; to comply with bus lane restrictions as specifically set forth in local laws establishing such restrictions through the use of photo devices pursuant to article twenty-four of this chapter; to comply with toll collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, (2) of the impending default judgment, (3) that such judgment will be entered in the Civil Court of the city in which the bureau has been established, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York, and (4) that a default may be avoided by entering a plea or contesting 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 through the use of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the use of photo speed violation monitoring systems pursuant to article thirty of this chapter; to comply with bus lane restrictions as specifically set forth in local laws establishing such restrictions through the use of photo devices pursuant to article twenty-four of this chapter; to comply with toll

collection regulations as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter through the installation of school bus photo monitoring systems as appropriate pursuant to article twenty-nine of this chapter, or making an appearance within thirty days of the sending of such notice. Pleas entered and allegations contested within that period shall be in the manner prescribed in the notice and not subject to additional penalty or fee. Such notice of impending default judgment shall not be required prior to the rendering and entry thereof in the case of operators or owners who are non-residents of the state of New York. In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea or contesting an allegation. When a person has demanded a hearing, no fine or penalty shall be imposed for any reason, prior to the holding of the hearing. If the hearing examiner shall make a determination on the charges, sustaining them, he or she shall impose no greater penalty or fine than those upon which the person was originally charged.

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

a. (i) If at the time of application for a registration or renewal thereof there is a certification from a court, parking violations bureau, traffic and parking violations agency or administrative tribunal of appropriate jurisdiction that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation or any of the provisions of this chapter or of any law, ordinance, rule or regulation made by a local authority; or (ii) the registrant was liable for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; or (iii) the registrant was liable in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for the failure of operator to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter; or (iv) the registrant was liable in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for violations of bus lane restrictions as specifically set forth in local laws establishing such restrictions, through the use of photo devices pursuant to article twenty-four of this

chapter; or (v) the registrant was liable in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, the commissioner or his or her agent shall deny the registration or renewal application until the applicant provides proof from the court, traffic and parking violations agency or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he or she has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his or her discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

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

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

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter; other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than an adjudication of liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter, or an adjudication of liability of owners for violations of section eleven hundred eighty of this chapter in accordance with local laws imposing liability on owners for failure of an operator to comply with certain posted maximum speed limits through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter, or an adjudication of liability of owners for violations of bus lane restrictions in accordance with local laws imposing liability on owners for failure of operators to comply with such restrictions through the use of photo devices pursuant to article twenty-four of this chapter, or an adjudication of liability of owners for violations of toll collection regulations by an operator as defined in and in accordance with the provisions of section two thousand nine hundred eighty-five of the

public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or an adjudication of liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, there shall be levied a crime victim assistance fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:

(a) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a traffic infraction pursuant to article nine of this chapter, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

(b) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a misdemeanor or felony pursuant to section eleven hundred ninety-two of this chapter, there shall be levied, in addition to any sentence required or permitted by law, a crime victim assistance fee in the amount of twenty-five dollars and a mandatory surcharge in accordance with the following schedule:

(i) a person convicted of a felony shall pay a mandatory surcharge of three hundred dollars;

(ii) a person convicted of a misdemeanor shall pay a mandatory surcharge of one hundred seventy-five dollars.

(c) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter other than a crime pursuant to section eleven hundred ninety-two of this chapter, or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter, or other than an adjudication of liability of an owner in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for the failure of an operator to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter, or other than an adjudication of liability of an owner in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for violations of bus lane restrictions as specifically set forth in local laws establishing such restrictions, through the use of photo devices pursuant to article twenty-four of this chapter, or other than an adjudication of the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and

twenty-one-c of section three hundred seventy-five of this chapter in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter; or other than an infraction pursuant to article nine of this chapter; or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

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

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except: (i) a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists; or (ii) an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with a local law or ordinance imposing liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of this chapter; or (iii) an adjudication of liability of an owner in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for the failure of an operator to comply with certain posted maximum speed limits in violation of section eleven hundred eighty of this chapter through the installation of photo speed violation monitoring systems pursuant to article thirty of this chapter; or (iv) an adjudication of liability of an owner in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for violations of bus lane restrictions as specifically set forth in local laws establishing such restrictions, through the use of photo devices pursuant to article twenty-four of this chapter; or (v) an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or (vi) an adjudication of the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of this chapter, in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of this chapter, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

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

§ 371. Jurisdiction and procedure. 1. A traffic violations bureau so established may be authorized to dispose of violations of traffic laws, ordinances, rules and regulations when such offenses shall not constitute the traffic infraction known as speeding or a misdemeanor or felony, and, if authorized by local law or ordinance, or to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of the vehicle and traffic law, or authorized to adjudicate the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of the vehicle and traffic law in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of the vehicle and traffic law.

2. The Nassau county traffic and parking violations agency, as established, may be authorized to assist the Nassau county district court, and the Suffolk county traffic and parking violations agency, as established, may be authorized to assist the Suffolk county district court, in the disposition and administration of infractions of traffic and parking laws, ordinances, rules and regulations and to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law in accordance with a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation of traffic-control signal photo violation-monitoring devices pursuant to article twenty-four of the vehicle and traffic law, or authorized to adjudicate the liability of owners for failure of operator to stop for a school bus displaying a red visual signal and stop-arm when meeting a school bus marked and equipped as provided in subdivisions twenty and twenty-one-c of section three hundred seventy-five of the vehicle and traffic law in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle through the installation of school bus photo monitoring systems pursuant to article twenty-nine of the vehicle and traffic law, except that such agencies shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under item (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction defined under section three hundred ninety-seven-a of the vehicle and traffic law and the traffic infraction defined under subdivision (g) of section eleven hundred eighty of the vehicle and traffic law; (e) any misdemeanor or felony; or (f) any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section

40.10 of the criminal procedure law, as a violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, a violation of subdivision five of section eleven hundred ninety-two of the vehicle and traffic law, a violation of paragraph (b) of subdivision four of section fourteen-f of the transportation law, a violation of item (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, a violation of section three hundred ninety-seven-a of the vehicle and traffic law, a violation of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

2-a. The Buffalo traffic violations agency, as established in subdivision four of section three hundred seventy of this article, may be authorized to assist the Buffalo city court in the disposition and administration of infractions of traffic laws, ordinances, rules and regulations except that such agency shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under item (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction defined under section three hundred ninety-seven-a of the vehicle and traffic law and the traffic infraction defined under subdivision (g) of section eleven hundred eighty of the vehicle and traffic law; (e) traffic infractions constituting parking, standing, stopping or pedestrian offenses; (f) any misdemeanor or felony; or (g) any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as a violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, a violation of subdivision five of section eleven hundred ninety-two of the vehicle and traffic law, a violation of paragraph (b) of subdivision four of section fourteen-f of the transportation law, a violation of item (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, a violation of section three hundred ninety-seven-a of the vehicle and traffic law, a violation constituting a parking, stopping, standing or pedestrian offense, a violation of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

2-b. The Rochester traffic violations agency, as established in subdivision five of section three hundred seventy of this article, may be authorized to assist the Rochester city court in the disposition and administration of infractions of traffic laws, ordinances, rules and regulations except that such agency shall not have jurisdiction over (a) the traffic infraction defined under subdivision one of section eleven hundred ninety-two of the vehicle and traffic law; (b) the traffic infraction defined under subdivision five of section eleven hundred ninety-two of the vehicle and traffic law; (c) the violation defined under paragraph (b) of subdivision four of section fourteen-f of the transportation law and the violation defined under item (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law; (d) the traffic infraction defined under section three hundred ninety-seven-a of the vehicle and traffic law and the traffic infraction defined under subdivision (g) of section

eleven hundred eighty of the vehicle and traffic law; (e) traffic infractions constituting parking, standing, stopping or pedestrian offenses; (f) any misdemeanor or felony; or (g) any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as a violation of subdivision one of section eleven hundred ninety-two of the vehicle and traffic law, a violation of subdivision five of section eleven hundred ninety-two of the vehicle and traffic law, a violation of paragraph (b) of subdivision four of section fourteen-f of the transportation law, a violation of item (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, a violation of section three hundred ninety-seven-a of the vehicle and traffic law, a violation constituting a parking, stopping, standing or pedestrian offense, a violation of subdivision (g) of section eleven hundred eighty of the vehicle and traffic law or any misdemeanor or felony.

3. A person charged with an infraction which shall be disposed of by either a traffic violations bureau, the Nassau county traffic and parking violations agency, or the Suffolk county traffic and parking violations agency may be permitted to answer, within a specified time, at the traffic violations bureau, in Nassau county at the traffic and parking violations agency and in Suffolk county at the traffic and parking violations agency, either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the bureau or agency, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or admitting liability as an owner for the violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law, as the case may be, and authorizing the person in charge of the bureau or agency to enter such a plea or admission and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the bureau or agency shall be deemed complete satisfaction for the violation or of the liability, and the violator or owner liable for a violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the bureau or agency may cause a complaint to be entered against him or her forthwith and a warrant to be issued for his or her arrest and appearance before the court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction. Any person who shall have been, within the preceding twelve months, guilty of a number of parking violations in excess of such maximum number as may be designated by the court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the traffic violations bureau or agency, but must appear in court at a time specified by the bureau or agency. Such bureau or agency shall not be authorized to deprive a person of his or her right to counsel or to prevent him or her from exercising his or her right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

3-a. A person charged with an infraction which shall be disposed of by the Buffalo traffic violations agency may be permitted to answer, within a specified time, at the traffic violations agency either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the agency, by paying a prescribed fine

and, in writing, waiving a hearing in court, pleading guilty to the charge or a lesser charge agreeable to the traffic prosecutor and the person charged with an infraction, and authorizing the person in charge of the agency to enter such a plea and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the agency shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the agency may cause a complaint to be entered against him or her forthwith and a warrant to be issued for his or her arrest and appearance before the court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction. Any person who shall have been, within the preceding twelve months, guilty of three or more violations, shall not be permitted to appear and answer to a subsequent violation at the agency, but must appear in court at a time specified by the agency. Such agency shall not be authorized to deprive a person of his or her right to counsel or to prevent him or her from exercising his or her right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

3-b. A person charged with an infraction which shall be disposed of by the Rochester traffic violations agency may be permitted to answer, within a specified time, at the traffic violations agency either in person or by written power of attorney in such form as may be prescribed in the ordinance or local law creating the agency, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or a lesser charge agreeable to the traffic prosecutor and the person charged with an infraction, and authorizing the person in charge of the agency to enter such a plea and accept payment of said fine. Acceptance of the prescribed fine and power of attorney by the agency shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt which so states. If a person charged with a traffic violation does not answer as hereinbefore prescribed, within a designated time, the agency may cause a complaint to be entered against him or her forthwith and a warrant to be issued for his or her arrest and appearance before the court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction. Any person who shall have been, within the preceding twelve months, guilty of three or more violations, shall not be permitted to appear and answer to a subsequent violation at the agency, but must appear in court at a time specified by the agency. Such agency shall not be authorized to deprive a person of his or her right to counsel or to prevent him or her from exercising his or her right to appear in court to answer to, explain, or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

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

complete report in such form and detail as the comptroller shall prescribe.

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

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

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

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

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

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

vehicle has been convicted of the underlying violation of subdivision (d) of section eleven hundred eleven of this article.

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

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

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

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

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

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

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

4. The notice of liability shall be prepared and mailed by the village of Pelham Manor or by any other entity authorized by such village to prepare and mail such notification of violation.

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

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

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

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

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

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

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

(n) Any village that adopts a demonstration program pursuant to subdivision (a) of this section shall submit an annual report detailing the results of the use of such traffic-control signal photo violation-monitoring system to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand twenty-one and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to:

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

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

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

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

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

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

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

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

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

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

(o) It shall be a defense to any prosecution for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to a local law or ordinance adopted pursuant to this section that such traffic-control indications were malfunctioning at the time of the alleged violation.

§ 12. This act shall take effect immediately; provided, however that section eleven of this act shall take effect on the thirtieth day after it shall have become a law and shall expire on December 1, 2026, when upon such date the provisions of section eleven of this act shall be deemed repealed; provided, further, that any such local law as may be enacted pursuant to section eleven of this act shall remain in full force and effect only until December 1, 2026.