

# 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:

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 Section 235 of the vehicle and traffic law is REPEALED and  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 to hear and determine complaints of traffic  
7 infractions constituting parking, standing or stopping violations, or  
8 authorized to adjudicate the liability of owners for violations of  
9 subdivision (d) of section eleven hundred eleven of this chapter in  
10 accordance with a local law or ordinance imposing monetary liability on  
11 the owner of a vehicle for failure of an operator thereof to comply with  
12 traffic-control indications through the installation of traffic-control  
13 signal photo violation-monitoring devices pursuant to article twenty-  
14 four of this chapter, or authorized to adjudicate the liability of  
15 owners for violations of section eleven hundred eighty of this chapter  
16 in accordance with local laws imposing liability on owners for failure  
17 of an operator to comply with certain posted maximum speed limits  
18 through the installation of photo speed violation monitoring systems  
19 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.

LBD02079-01-1

1 liability of owners for violations of bus lane restrictions in accord-  
2 ance with local laws imposing liability on owners for failure of opera-  
3 tors to comply with such restrictions through the use of photo devices  
4 pursuant to article twenty-four of this chapter, or authorized to adju-  
5 dicating the liability of owners for violations of toll collection regu-  
6 lations by an operator as defined in and in accordance with the  
7 provisions of section two thousand nine hundred eighty-five of the  
8 public authorities law and sections sixteen-a, sixteen-b and sixteen-c  
9 of chapter seven hundred seventy-four of the laws of nineteen hundred  
10 fifty, or authorized to adjudicate the liability of owners for failure  
11 of operator to stop for a school bus displaying a red visual signal and  
12 stop-arm when meeting a school bus marked and equipped as provided in  
13 subdivisions twenty and twenty-one-c of section three hundred seventy-  
14 five of this chapter in accordance with provisions of law specifically  
15 authorizing the imposition of monetary liability on the owner of a vehi-  
16 cle through the installation of school bus photo monitoring systems  
17 pursuant to article twenty-nine of this chapter, such tribunal and the  
18 rules and regulations pertaining thereto shall be constituted in  
19 substantial conformance with the following sections.

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

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

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

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

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

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

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

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

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

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

8 (2) Failure to respond to a notice of violation for a parking  
9 violation by the initial response date may result in the liability for a  
10 penalty in an amount of the fine indicated on the notice of violation  
11 for a parking violation; where a city has given a second notice pursuant  
12 to paragraph a of this subdivision, the following schedule of additional  
13 penalties may apply:

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

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

25 (3) Where the additional penalty schedule set forth in subparagraph  
26 two of this paragraph, as interpreted in 9 New York Code of Rules and  
27 Regulations Part 6180, has not been implemented by a city and is not in  
28 effect in such city on or before January first, nineteen hundred nine-  
29 ty-three, the provisions of this paragraph shall not apply. For the  
30 purposes of this subdivision, the provisions of this paragraph shall not  
31 be considered to have been implemented and in effect unless the penalty  
32 schedule contained herein shall have been applied to parking violations  
33 issued in such city on or before January first, nineteen hundred nine-  
34 ty-three.

35 b-1. Alternate additional penalty schedule. In any city in which the  
36 schedule of penalties contained in subparagraph two of paragraph b of  
37 this subdivision, as interpreted in 9 New York Code of Rules and Regu-  
38 lations Part 6180, has not been implemented and was not in effect on or  
39 before January first, nineteen hundred ninety-three, the provisions of  
40 this paragraph shall only apply upon enactment of a local law containing  
41 the penalty schedule provided in this paragraph prior to July 28, 1991.  
42 Following the enactment of such a local law, such city may elect to  
43 impose the additional penalties set forth in subparagraphs one and two  
44 of this paragraph for failure to respond to a notice of violation for a  
45 parking violation in accordance with this paragraph. In the event that  
46 no such local law was enacted prior to July 28, 1991, the alternate  
47 additional penalty schedule set forth in paragraph b-2 of this subdivi-  
48 sion shall apply.

49 (1) Failure to respond to a notice of violation for a parking  
50 violation within thirty days shall result in liability, commencing on  
51 the thirty-first day, for an additional penalty in an amount not to  
52 exceed ten dollars, indicated on the notice of violation for a parking  
53 violation: where a city has given a second notice pursuant to paragraph  
54 a of this subdivision failure to respond to a notice of violation for a  
55 parking violation within forty-five days may result in liability,  
56 commencing on the forty-sixth day, for the penalty prescribed above for

1 failure to respond within thirty days and an additional penalty not to  
2 exceed twenty dollars; and where a city has given a second notice pursu-  
3 ant to paragraph a of this subdivision failure to respond to a notice of  
4 violation for a parking violation within seventy-five days may result in  
5 liability, commencing on the seventy-sixth day, for the penalties  
6 prescribed above for failure to respond within thirty days and for fail-  
7 ure to respond within forty-five days and an additional penalty not to  
8 exceed thirty dollars.

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

14 b-2. Alternate additional penalty schedule. In any city in which the  
15 schedule of penalties contained in paragraph b of this subdivision, as  
16 interpreted in 9 New York Code of Rules and Regulations Part 6180, has  
17 not been implemented and was not in effect on or before January first,  
18 nineteen hundred ninety-three and which has not enacted a local law  
19 pursuant to paragraph b-1 of this subdivision prior to July 28, 1991,  
20 the following alternate additional penalty schedule shall apply:

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

25 (2) Failure to respond to a notice of violation for a parking  
26 violation within thirty days may result in the liability, commencing on  
27 the thirty-first day, for the penalty prescribed above for failure to  
28 respond within eight days and an additional penalty not to exceed ten  
29 dollars or, if the first penalty assessed by the city does not exceed  
30 five dollars, such city may assess an additional penalty within thirty-  
31 one to seventy-five days not to exceed ten dollars;

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

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

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

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

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

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

5 1. Creation. In any city as hereinbefore or hereafter authorized such  
6 tribunal when created shall be known as the parking violations bureau  
7 and shall have jurisdiction of traffic infractions which constitute a  
8 parking violation and, where authorized, to adjudicate the liability of  
9 owners for violations of subdivision (d) of section eleven hundred elev-  
10 en of this chapter in accordance with a local law or ordinance imposing  
11 monetary liability on the owner of a vehicle for failure of an operator  
12 thereof to comply with traffic-control indications through the installa-  
13 tion of traffic-control signal photo violation-monitoring devices pursu-  
14 ant to article twenty-four of this chapter, or authorized to adjudicate  
15 the liability of owners for violations of section eleven hundred eighty  
16 of this chapter in accordance with local laws imposing liability on  
17 owners for failure of an operator to comply with certain posted maximum  
18 speed limits through the installation of photo speed violation monitor-  
19 ing systems pursuant to article thirty of this chapter, or authorized to  
20 adjudicate liability of owners for violations of bus lane restrictions  
21 in accordance with local laws imposing liability on owners for failure  
22 of operators to comply with such restrictions through the use of photo  
23 devices pursuant to article twenty-four of this chapter, or authorized  
24 to adjudicate the liability of owners for violations of toll collection  
25 regulations by an operator as defined in and in accordance with the  
26 provisions of section two thousand nine hundred eighty-five of the  
27 public authorities law and sections sixteen-a, sixteen-b and sixteen-c  
28 of chapter seven hundred seventy-four of the laws of nineteen hundred  
29 fifty, or authorized to adjudicate the liability of owners for failure  
30 of operator to stop for a school bus displaying a red visual signal and  
31 stop-arm when meeting a school bus marked and equipped as provided in  
32 subdivisions twenty and twenty-one-c of section three hundred seventy-  
33 five of this chapter in accordance with provisions of law specifically  
34 authorizing the imposition of monetary liability on the owner of a vehi-  
35 cle through the installation of school bus photo monitoring systems  
36 pursuant to article twenty-nine of this chapter. Such tribunal, except  
37 in a city with a population of one million or more, shall also have  
38 jurisdiction of abandoned vehicle violations. For the purposes of this  
39 article, a parking violation is the violation of any law, rule or regu-  
40 lation providing for or regulating the parking, stopping or standing of  
41 a vehicle. In addition for purposes of this article, "commissioner"  
42 shall mean and include the commissioner of traffic of the city or an  
43 official possessing authority as such a commissioner.

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

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

1 thirty of this chapter; or to comply with bus lane restrictions through  
2 the use of photo devices pursuant to article twenty-four of this chap-  
3 ter; or to comply with toll collection regulations as defined in and in  
4 accordance with the provisions of section two thousand nine hundred  
5 eighty-five of the public authorities law and sections sixteen-a,  
6 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
7 laws of nineteen hundred fifty; or to stop for a school bus displaying a  
8 red visual signal and stop-arm when meeting a school bus marked and  
9 equipped as provided in subdivisions twenty and twenty-one-c of section  
10 three hundred seventy-five of this chapter through the installation of  
11 school bus photo monitoring systems pursuant to article twenty-nine of  
12 this chapter.

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

16 1. Notice of hearing. Whenever a person charged with a parking  
17 violation enters a plea of not guilty; or a person alleged to be liable  
18 in accordance with any provisions of law specifically authorizing the  
19 imposition of monetary liability on the owner of a vehicle for failure  
20 of an operator thereof; to comply with traffic-control indications  
21 through the use of traffic-control signal photo violation-monitoring  
22 devices pursuant to article twenty-four of this chapter; or to comply  
23 with certain posted maximum speed limits in violation of section eleven  
24 hundred eighty of this chapter through the use of photo speed violation  
25 monitoring systems pursuant to article thirty of this chapter; or to  
26 comply with bus lane restrictions through the use of photo devices  
27 pursuant to article twenty-four of this chapter; or to comply with toll  
28 collection regulations as defined in and in accordance with the  
29 provisions of section two thousand nine hundred eighty-five of the  
30 public authorities law and sections sixteen-a, sixteen-b and sixteen-c  
31 of chapter seven hundred seventy-four of the laws of nineteen hundred  
32 fifty; or to stop for a school bus displaying a red visual signal and  
33 stop-arm when meeting a school bus marked and equipped as provided in  
34 subdivisions twenty and twenty-one-c of section three hundred seventy-  
35 five of this chapter through the installation of school bus photo moni-  
36 toring systems pursuant to article twenty-nine of this chapter, contests  
37 such allegation, the bureau shall advise such person personally by such  
38 form of first class mail as the director may direct of the date on which  
39 he or she must appear to answer the charge at a hearing. The form and  
40 content of such notice of hearing shall be prescribed by the director,  
41 and shall contain a warning to advise the person so pleading or contest-  
42 ing that failure to appear on the date designated, or on any subsequent  
43 adjourned date, shall be deemed an admission of liability, and that a  
44 default judgment may be entered thereon.

45 1-a. Fines and penalties. Whenever a plea of not guilty has been  
46 entered, or the bureau has been notified that an allegation of liability  
47 in accordance with provisions of law specifically authorizing the impo-  
48 sition of monetary liability on the owner of a vehicle for failure of an  
49 operator thereof; to comply with traffic-control indications through the  
50 use of traffic-control signal photo violation-monitoring devices pursu-  
51 ant to article twenty-four of this chapter; or to comply with certain  
52 posted maximum speed limits in violation of section eleven hundred  
53 eighty of this chapter through the use of photo speed violation monitor-  
54 ing systems pursuant to article thirty of this chapter; or to comply  
55 with bus lane restrictions through the use of photo devices pursuant to  
56 article twenty-four of this chapter; or to comply with toll collection

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

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

16 a. Every hearing for the adjudication of a charge of parking violation  
17 or an allegation of liability for violations of subdivision (d) of  
18 section eleven hundred eleven of this chapter in accordance with a local  
19 law or ordinance imposing monetary liability on the owner of a vehicle  
20 for failure of an operator thereof to comply with traffic-control indi-  
21 cations through the installation of traffic-control signal photo viola-  
22 tion-monitoring devices pursuant to article twenty-four of this chapter,  
23 or an allegation of liability for violations of section eleven hundred  
24 eighty of this chapter in accordance with local laws imposing liability  
25 on owners for failure of an operator to comply with certain posted maxi-  
26 imum speed limits through the installation of photo speed violation moni-  
27 toring systems pursuant to article thirty of this chapter, or an allega-  
28 tion of liability for violations of bus lane restrictions in accordance  
29 with local laws imposing liability on owners for failure of operators to  
30 comply with such restrictions through the use of photo devices pursuant  
31 to article twenty-four of this chapter, or an allegation of liability  
32 for violations of toll collection regulations by an operator as defined  
33 in and in accordance with the provisions of section two thousand nine  
34 hundred eighty-five of the public authorities law and sections  
35 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four  
36 of the laws of nineteen hundred fifty, or an allegation of liability of  
37 owners for failure of an operator to stop for a school bus displaying a  
38 red visual signal and stop-arm when meeting a school bus marked and  
39 equipped as provided in subdivisions twenty and twenty-one-c of section  
40 three hundred seventy-five of this chapter in accordance with provisions  
41 of law specifically authorizing the imposition of monetary liability on  
42 the owner of a vehicle through the installation of school bus photo  
43 monitoring systems pursuant to article twenty-nine of this chapter,  
44 shall be held before a hearing examiner in accordance with rules and  
45 regulations promulgated by the bureau.

46 g. A record shall be made of a hearing on a plea of not guilty or of a  
47 hearing at which liability in accordance with any provisions of law  
48 specifically authorizing the imposition of monetary liability on the  
49 owner of a vehicle for failure of an operator thereof; to comply with  
50 traffic-control indications through the use of traffic-control signal  
51 photo violation-monitoring devices pursuant to article twenty-four of  
52 this chapter; to comply with certain posted maximum speed limits in  
53 violation of section eleven hundred eighty of this chapter through the  
54 use of photo speed violation monitoring systems pursuant to article  
55 thirty of this chapter; to comply with bus lane restrictions as specif-  
56 ically set forth in local laws establishing such restrictions through

1 the use of photo devices pursuant to article twenty-four of this chap-  
2 ter; to comply with toll collection regulations as defined in and in  
3 accordance with the provisions of section two thousand nine hundred  
4 eighty-five of the public authorities law and sections sixteen-a,  
5 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
6 laws of nineteen hundred fifty; or to stop for a school bus displaying a  
7 red visual signal and stop-arm when meeting a school bus marked and  
8 equipped as provided in subdivisions twenty and twenty-one-c of section  
9 three hundred seventy-five of this chapter through the installation of  
10 school bus photo monitoring systems pursuant to article twenty-nine of  
11 this chapter, is contested. Recording devices may be used for the  
12 making of the record.

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

16 1. The hearing examiner shall make a determination on the charges,  
17 either sustaining or dismissing them. Where the hearing examiner deter-  
18 mines that the charges have been sustained he or she may examine either  
19 the prior parking violations record or the record of liabilities  
20 incurred in accordance with any provisions of law specifically authoriz-  
21 ing the imposition of monetary liability on the owner of a vehicle for  
22 failure of an operator thereof; to comply with traffic-control indi-  
23 cations through the use of traffic-control signal photo violation-moni-  
24 toring devices pursuant to article twenty-four of this chapter; to  
25 comply with certain posted maximum speed limits in violation of section  
26 eleven hundred eighty of this chapter through the use of photo speed  
27 violation monitoring systems pursuant to article thirty of this chapter;  
28 to comply with bus lane restrictions as specifically set forth in local  
29 laws establishing such restrictions through the use of photo devices  
30 pursuant to article twenty-four of this chapter; to comply with toll  
31 collection regulations as defined in and in accordance with the  
32 provisions of section two thousand nine hundred eighty-five of the  
33 public authorities law and sections sixteen-a, sixteen-b and sixteen-c  
34 of chapter seven hundred seventy-four of the laws of nineteen hundred  
35 fifty; or to stop for a school bus displaying a red visual signal and  
36 stop-arm when meeting a school bus marked and equipped as provided in  
37 subdivisions twenty and twenty-one-c of section three hundred seventy-  
38 five of this chapter through the installation of school bus photo moni-  
39 toring systems pursuant to article twenty-nine of this chapter, of the  
40 person charged, as applicable prior to rendering a final determination.  
41 Final determinations sustaining or dismissing charges shall be entered  
42 on a final determination roll maintained by the bureau together with  
43 records showing payment and nonpayment of penalties.

44 2. Where an operator or owner fails to enter a plea to a charge of a  
45 parking violation or contest an allegation of liability in accordance  
46 with any provisions of law specifically authorizing the imposition of  
47 monetary liability on the owner of a vehicle for failure of an operator  
48 thereof; to comply with traffic-control indications through the use of  
49 traffic-control signal photo violation-monitoring devices pursuant to  
50 article twenty-four of this chapter; to comply with certain posted maxi-  
51 mum speed limits in violation of section eleven hundred eighty of this  
52 chapter through the use of photo speed violation monitoring systems  
53 systems pursuant to article thirty of this chapter; to comply with bus  
54 lane restrictions as specifically set forth in local laws establishing  
55 such restrictions through the use of photo devices pursuant to article  
56 twenty-four of this chapter; to comply with toll collection regulations



1 as defined in and in accordance with the provisions of section two thou-  
2 sand nine hundred eighty-five of the public authorities law and sections  
3 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four  
4 of the laws of nineteen hundred fifty; or to stop for a school bus  
5 displaying a red visual signal and stop-arm when meeting a school bus  
6 marked and equipped as provided in subdivisions twenty and twenty-one-c  
7 of section three hundred seventy-five of this chapter through the  
8 installation of school bus photo monitoring systems pursuant to article  
9 twenty-nine of this chapter, or fails to appear on a designated hearing  
10 date or subsequent adjourned date or fails after a hearing to comply  
11 with the determination of a hearing examiner, as prescribed by this  
12 article or by rule or regulation of the bureau, such failure to plead or  
13 contest, appear or comply shall be deemed, for all purposes, an admis-  
14 sion of liability and shall be grounds for rendering and entering a  
15 default judgment in an amount provided by the rules and regulations of  
16 the bureau. However, after the expiration of the original date  
17 prescribed for entering a plea and before a default judgment may be  
18 rendered, in such case the bureau shall pursuant to the applicable  
19 provisions of law notify such operator or owner, by such form of first  
20 class mail as the commission may direct; (1) of the violation charged,  
21 or liability in accordance with any provisions of law specifically  
22 authorizing the imposition of monetary liability on the owner of a vehi-  
23 cle for failure of an operator thereof: to comply with traffic-control  
24 indications through the use of traffic-control signal photo violation-  
25 monitoring devices pursuant to article twenty-four of this chapter; to  
26 comply with certain posted maximum speed limits in violation of section  
27 eleven hundred eighty of this chapter through the use of photo speed  
28 violation monitoring systems pursuant to article thirty of this chapter;  
29 to comply with bus lane restrictions as specifically set forth in local  
30 laws establishing such restrictions through the use of photo devices  
31 pursuant to article twenty-four of this chapter; to comply with toll  
32 collection regulations as defined in and in accordance with the  
33 provisions of section two thousand nine hundred eighty-five of the  
34 public authorities law and sections sixteen-a, sixteen-b and sixteen-c  
35 of chapter seven hundred seventy-four of the laws of nineteen hundred  
36 fifty; or to stop for a school bus displaying a red visual signal and  
37 stop-arm when meeting a school bus marked and equipped as provided in  
38 subdivisions twenty and twenty-one-c of section three hundred seventy-  
39 five of this chapter through the installation of school bus photo moni-  
40 toring systems pursuant to article twenty-nine of this chapter, (2) of  
41 the impending default judgment, (3) that such judgment will be entered  
42 in the Civil Court of the city in which the bureau has been established,  
43 or other court of civil jurisdiction or any other place provided for the  
44 entry of civil judgments within the state of New York, and (4) that a  
45 default may be avoided by entering a plea or contesting an allegation of  
46 liability in accordance with any provisions of law specifically author-  
47 izing the imposition of monetary liability on the owner of a vehicle for  
48 failure of an operator thereof: to comply with traffic-control indi-  
49 cations through the use of traffic-control signal photo violation-moni-  
50 toring devices pursuant to article twenty-four of this chapter; to  
51 comply with certain posted maximum speed limits in violation of section  
52 eleven hundred eighty of this chapter through the use of photo speed  
53 violation monitoring systems pursuant to article thirty of this chapter;  
54 to comply with bus lane restrictions as specifically set forth in local  
55 laws establishing such restrictions through the use of photo devices  
56 pursuant to article twenty-four of this chapter; to comply with toll

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

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

27 a. (i) If at the time of application for a registration or renewal  
28 thereof there is a certification from a court, parking violations  
29 bureau, traffic and parking violations agency or administrative tribunal  
30 of appropriate jurisdiction that the registrant or his or her represen-  
31 tative failed to appear on the return date or any subsequent adjourned  
32 date or failed to comply with the rules and regulations of an adminis-  
33 trative tribunal following entry of a final decision in response to a  
34 total of three or more summonses or other process in the aggregate,  
35 issued within an eighteen month period, charging either that: (i) such  
36 motor vehicle was parked, stopped or standing, or that such motor vehi-  
37 cle was operated for hire by the registrant or his or her agent without  
38 being licensed as a motor vehicle for hire by the appropriate local  
39 authority, in violation or any of the provisions of this chapter or of  
40 any law, ordinance, rule or regulation made by a local authority; or  
41 (ii) the registrant was liable for a violation of subdivision (d) of  
42 section eleven hundred eleven of this chapter in accordance with a local  
43 law or ordinance imposing monetary liability on the owner of a vehicle  
44 for failure of an operator thereof to comply with traffic-control indi-  
45 cations through the installation of traffic-control signal photo viola-  
46 tion-monitoring devices pursuant to article twenty-four of this chapter;  
47 or (iii) the registrant was liable in accordance with a local law or  
48 ordinance imposing monetary liability on the owner of a vehicle for the  
49 failure of operator to comply with certain posted maximum speed limits  
50 in violation of section eleven hundred eighty of this chapter through  
51 the installation of photo speed violation monitoring systems pursuant to  
52 article thirty of this chapter; or (iv) the registrant was liable in  
53 accordance with a local law or ordinance imposing monetary liability on  
54 the owner of a vehicle for violations of bus lane restrictions as  
55 specifically set forth in local laws establishing such restrictions,  
56 through the use of photo devices pursuant to article twenty-four of this

1 chapter; or (v) the registrant was liable in accordance with a local law  
2 or ordinance imposing monetary liability on the owner of a vehicle for  
3 failure of operator to stop for a school bus displaying a red visual  
4 signal and stop-arm when meeting a school bus marked and equipped as  
5 provided in subdivisions twenty and twenty-one-c of section three  
6 hundred seventy-five of this chapter in accordance with provisions of  
7 law specifically authorizing the imposition of monetary liability on the  
8 owner of a vehicle through the installation of school bus photo monitor-  
9 ing systems pursuant to article twenty-nine of this chapter, the commis-  
10 sioner or his or her agent shall deny the registration or renewal appli-  
11 cation until the applicant provides proof from the court, traffic and  
12 parking violations agency or administrative tribunal wherein the charges  
13 are pending that an appearance or answer has been made or in the case of  
14 an administrative tribunal that he or she has complied with the rules  
15 and regulations of said tribunal following entry of a final decision.  
16 Where an application is denied pursuant to this section, the commis-  
17 ioner may, in his or her discretion, deny a registration or renewal appli-  
18 cation to any other person for the same vehicle and may deny a registra-  
19 tion or renewal application for any other motor vehicle registered in  
20 the name of the applicant where the commissioner has determined that  
21 such registrant's intent has been to evade the purposes of this subdivi-  
22 sion and where the commissioner has reasonable grounds to believe that  
23 such registration or renewal will have the effect of defeating the  
24 purposes of this subdivision. Such denial shall only remain in effect  
25 as long as the summonses remain unanswered, or in the case of an admin-  
26 istrative tribunal, the registrant fails to comply with the rules and  
27 regulations following entry of a final decision.

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

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

33 1. Whenever proceedings in an administrative tribunal or a court of  
34 this state result in a conviction for an offense under this chapter or a  
35 traffic infraction under this chapter, or a local law, ordinance, rule  
36 or regulation adopted pursuant to this chapter; other than a traffic  
37 infraction involving standing, stopping, or parking or violations by  
38 pedestrians or bicyclists, or other than an adjudication of liability of  
39 owners for violations of subdivision (d) of section eleven hundred elev-  
40 en of this chapter in accordance with a local law or ordinance imposing  
41 monetary liability on the owner of a vehicle for failure of an operator  
42 thereof to comply with traffic-control indications through the installa-  
43 tion of traffic-control signal photo violation-monitoring devices pursu-  
44 ant to article twenty-four of this chapter, or an adjudication of  
45 liability of owners for violations of section eleven hundred eighty of  
46 this chapter in accordance with local laws imposing liability on owners  
47 for failure of an operator to comply with certain posted maximum speed  
48 limits through the installation of photo speed violation monitoring  
49 systems pursuant to article thirty of this chapter, or an adjudication  
50 of liability of owners for violations of bus lane restrictions in  
51 accordance with local laws imposing liability on owners for failure of  
52 operators to comply with such restrictions through the use of photo  
53 devices pursuant to article twenty-four of this chapter, or an adjudi-  
54 cation of liability of owners for violations of toll collection regu-  
55 lations by an operator as defined in and in accordance with the  
56 provisions of section two thousand nine hundred eighty-five of the

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

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

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

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

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

30 (c) Whenever proceedings in an administrative tribunal or a court of  
31 this state result in a conviction for an offense under this chapter  
32 other than a crime pursuant to section eleven hundred ninety-two of this  
33 chapter, or a traffic infraction under this chapter, or a local law,  
34 ordinance, rule or regulation adopted pursuant to this chapter, other  
35 than a traffic infraction involving standing, stopping, or parking or  
36 violations by pedestrians or bicyclists, or other than an adjudication  
37 of liability of an owner for a violation of subdivision (d) of section  
38 eleven hundred eleven of this chapter in accordance with a local law or  
39 ordinance imposing liability on the owner of a vehicle for failure of an  
40 operator thereof to comply with traffic-control indications through the  
41 installation of traffic-control signal photo violation-monitoring  
42 devices pursuant to article twenty-four of this chapter, or other than  
43 an adjudication of liability of an owner in accordance with a local law  
44 or ordinance imposing monetary liability on the owner of a vehicle for  
45 the failure of an operator to comply with certain posted maximum speed  
46 limits in violation of section eleven hundred eighty of this chapter  
47 through the installation of photo speed violation monitoring systems  
48 pursuant to article thirty of this chapter, or other than an adjudi-  
49 cation of liability of an owner in accordance with a local law or ordi-  
50 nance imposing monetary liability on the owner of a vehicle for  
51 violations of bus lane restrictions as specifically set forth in local  
52 laws establishing such restrictions, through the use of photo devices  
53 pursuant to article twenty-four of this chapter, or other than an adju-  
54 dications of the liability of owners for failure of operator to stop for  
55 a school bus displaying a red visual signal and stop-arm when meeting a  
56 school bus marked and equipped as provided in subdivisions twenty and

1 twenty-one-c of section three hundred seventy-five of this chapter in  
2 accordance with provisions of law specifically authorizing the imposi-  
3 tion of monetary liability on the owner of a vehicle through the instal-  
4 lation of school bus photo monitoring systems pursuant to article twen-  
5 ty-nine of this chapter; or other than an infraction pursuant to article  
6 nine of this chapter; or other than an adjudication of liability of an  
7 owner for a violation of toll collection regulations pursuant to section  
8 two thousand nine hundred eighty-five of the public authorities law or  
9 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred  
10 seventy-four of the laws of nineteen hundred fifty, there shall be  
11 levied a crime victim assistance fee in the amount of five dollars and a  
12 mandatory surcharge, in addition to any sentence required or permitted  
13 by law, in the amount of fifty-five dollars.

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

17 a. Notwithstanding any other provision of law, whenever proceedings in  
18 a court or an administrative tribunal of this state result in a  
19 conviction for an offense under this chapter, except a conviction pursu-  
20 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
21 fic infraction under this chapter, or a local law, ordinance, rule or  
22 regulation adopted pursuant to this chapter, except: (i) a traffic  
23 infraction involving standing, stopping, or parking or violations by  
24 pedestrians or bicyclists; or (ii) an adjudication of liability of an  
25 owner for a violation of subdivision (d) of section eleven hundred elev-  
26 en of this chapter in accordance with a local law or ordinance imposing  
27 liability on the owner of a vehicle for failure of an operator thereof  
28 to comply with traffic-control indications through the installation of  
29 traffic-control signal photo violation-monitoring devices pursuant to  
30 article twenty-four of this chapter; or (iii) an adjudication of liabil-  
31 ity of an owner in accordance with a local law or ordinance imposing  
32 monetary liability on the owner of a vehicle for the failure of an oper-  
33 ator to comply with certain posted maximum speed limits in violation of  
34 section eleven hundred eighty of this chapter through the installation  
35 of photo speed violation monitoring systems pursuant to article thirty  
36 of this chapter; or (iv) an adjudication of liability of an owner in  
37 accordance with a local law or ordinance imposing monetary liability on  
38 the owner of a vehicle for violations of bus lane restrictions as  
39 specifically set forth in local laws establishing such restrictions,  
40 through the use of photo devices pursuant to article twenty-four of this  
41 chapter; or (v) an adjudication of liability of an owner for a violation  
42 of toll collection regulations pursuant to section two thousand nine  
43 hundred eighty-five of the public authorities law or sections sixteen-a,  
44 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
45 laws of nineteen hundred fifty; or (vi) an adjudication of the liability  
46 of owners for failure of operator to stop for a school bus displaying a  
47 red visual signal and stop-arm when meeting a school bus marked and  
48 equipped as provided in subdivisions twenty and twenty-one-c of section  
49 three hundred seventy-five of this chapter, in accordance with  
50 provisions of law specifically authorizing the imposition of monetary  
51 liability on the owner of a vehicle through the installation of school  
52 bus photo monitoring systems pursuant to article twenty-nine of this  
53 chapter, there shall be levied in addition to any sentence, penalty or  
54 other surcharge required or permitted by law, an additional surcharge of  
55 twenty-eight dollars.

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

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

23 2. The Nassau county traffic and parking violations agency, as estab-  
24 lished, may be authorized to assist the Nassau county district court,  
25 and the Suffolk county traffic and parking violations agency, as estab-  
26 lished, may be authorized to assist the Suffolk county district court,  
27 in the disposition and administration of infractions of traffic and  
28 parking laws, ordinances, rules and regulations and to adjudicate the  
29 liability of owners for violations of subdivision (d) of section eleven  
30 hundred eleven of the vehicle and traffic law in accordance with a local  
31 law or ordinance imposing monetary liability on the owner of a vehicle  
32 for failure of an operator thereof to comply with traffic-control indi-  
33 cations through the installation of traffic-control signal photo viola-  
34 tion-monitoring devices pursuant to article twenty-four of the vehicle  
35 and traffic law, or authorized to adjudicate the liability of owners for  
36 failure of operator to stop for a school bus displaying a red visual  
37 signal and stop-arm when meeting a school bus marked and equipped as  
38 provided in subdivisions twenty and twenty-one-c of section three  
39 hundred seventy-five of the vehicle and traffic law in accordance with  
40 provisions of law specifically authorizing the imposition of monetary  
41 liability on the owner of a vehicle through the installation of school  
42 bus photo monitoring systems pursuant to article twenty-nine of the  
43 vehicle and traffic law, except that such agencies shall not have juris-  
44 isdiction over (a) the traffic infraction defined under subdivision one of  
45 section eleven hundred ninety-two of the vehicle and traffic law; (b)  
46 the traffic infraction defined under subdivision five of section eleven  
47 hundred ninety-two of the vehicle and traffic law; (c) the violation  
48 defined under paragraph (b) of subdivision four of section fourteen-f of  
49 the transportation law and the violation defined under item (b) of  
50 subparagraph (iii) of paragraph c of subdivision two of section one  
51 hundred forty of the transportation law; (d) the traffic infraction  
52 defined under section three hundred ninety-seven-a of the vehicle and  
53 traffic law and the traffic infraction defined under subdivision (g) of  
54 section eleven hundred eighty of the vehicle and traffic law; (e) any  
55 misdemeanor or felony; or (f) any offense that is part of the same crim-  
56 inal transaction, as that term is defined in subdivision two of section

1 40.10 of the criminal procedure law, as a violation of subdivision one  
2 of section eleven hundred ninety-two of the vehicle and traffic law, a  
3 violation of subdivision five of section eleven hundred ninety-two of  
4 the vehicle and traffic law, a violation of paragraph (b) of subdivision  
5 four of section fourteen-f of the transportation law, a violation of  
6 item (b) of subparagraph (iii) of paragraph c of subdivision two of  
7 section one hundred forty of the transportation law, a violation of  
8 section three hundred ninety-seven-a of the vehicle and traffic law, a  
9 violation of subdivision (g) of section eleven hundred eighty of the  
10 vehicle and traffic law or any misdemeanor or felony.

11 2-a. The Buffalo traffic violations agency, as established in subdivi-  
12 sion four of section three hundred seventy of this article, may be  
13 authorized to assist the Buffalo city court in the disposition and  
14 administration of infractions of traffic laws, ordinances, rules and  
15 regulations except that such agency shall not have jurisdiction over (a)  
16 the traffic infraction defined under subdivision one of section eleven  
17 hundred ninety-two of the vehicle and traffic law; (b) the traffic  
18 infraction defined under subdivision five of section eleven hundred  
19 ninety-two of the vehicle and traffic law; (c) the violation defined  
20 under paragraph (b) of subdivision four of section fourteen-f of the  
21 transportation law and the violation defined under item (b) of subpara-  
22 graph (iii) of paragraph c of subdivision two of section one hundred  
23 forty of the transportation law; (d) the traffic infraction defined  
24 under section three hundred ninety-seven-a of the vehicle and traffic  
25 law and the traffic infraction defined under subdivision (g) of section  
26 eleven hundred eighty of the vehicle and traffic law; (e) traffic  
27 infractions constituting parking, standing, stopping or pedestrian  
28 offenses; (f) any misdemeanor or felony; or (g) any offense that is part  
29 of the same criminal transaction, as that term is defined in subdivision  
30 two of section 40.10 of the criminal procedure law, as a violation of  
31 subdivision one of section eleven hundred ninety-two of the vehicle and  
32 traffic law, a violation of subdivision five of section eleven hundred  
33 ninety-two of the vehicle and traffic law, a violation of paragraph (b)  
34 of subdivision four of section fourteen-f of the transportation law, a  
35 violation of item (b) of subparagraph (iii) of paragraph c of subdivi-  
36 sion two of section one hundred forty of the transportation law, a  
37 violation of section three hundred ninety-seven-a of the vehicle and  
38 traffic law, a violation constituting a parking, stopping, standing or  
39 pedestrian offense, a violation of subdivision (g) of section eleven  
40 hundred eighty of the vehicle and traffic law or any misdemeanor or  
41 felony.

42 2-b. The Rochester traffic violations agency, as established in subdivi-  
43 vision five of section three hundred seventy of this article, may be  
44 authorized to assist the Rochester city court in the disposition and  
45 administration of infractions of traffic laws, ordinances, rules and  
46 regulations except that such agency shall not have jurisdiction over (a)  
47 the traffic infraction defined under subdivision one of section eleven  
48 hundred ninety-two of the vehicle and traffic law; (b) the traffic  
49 infraction defined under subdivision five of section eleven hundred  
50 ninety-two of the vehicle and traffic law; (c) the violation defined  
51 under paragraph (b) of subdivision four of section fourteen-f of the  
52 transportation law and the violation defined under item (b) of subpara-  
53 graph (iii) of paragraph c of subdivision two of section one hundred  
54 forty of the transportation law; (d) the traffic infraction defined  
55 under section three hundred ninety-seven-a of the vehicle and traffic  
56 law and the traffic infraction defined under subdivision (g) of section

1 eleven hundred eighty of the vehicle and traffic law; (e) traffic  
2 infractions constituting parking, standing, stopping or pedestrian  
3 offenses; (f) any misdemeanor or felony; or (g) any offense that is part  
4 of the same criminal transaction, as that term is defined in subdivision  
5 two of section 40.10 of the criminal procedure law, as a violation of  
6 subdivision one of section eleven hundred ninety-two of the vehicle and  
7 traffic law, a violation of subdivision five of section eleven hundred  
8 ninety-two of the vehicle and traffic law, a violation of paragraph (b)  
9 of subdivision four of section fourteen-f of the transportation law, a  
10 violation of item (b) of subparagraph (iii) of paragraph c of subdivi-  
11 sion two of section one hundred forty of the transportation law, a  
12 violation of section three hundred ninety-seven-a of the vehicle and  
13 traffic law, a violation constituting a parking, stopping, standing or  
14 pedestrian offense, a violation of subdivision (g) of section eleven  
15 hundred eighty of the vehicle and traffic law or any misdemeanor or  
16 felony.

17 3. A person charged with an infraction which shall be disposed of by  
18 either a traffic violations bureau, the Nassau county traffic and park-  
19 ing violations agency, or the Suffolk county traffic and parking  
20 violations agency may be permitted to answer, within a specified time,  
21 at the traffic violations bureau, in Nassau county at the traffic and  
22 parking violations agency and in Suffolk county at the traffic and park-  
23 ing violations agency, either in person or by written power of attorney  
24 in such form as may be prescribed in the ordinance or local law creating  
25 the bureau or agency, by paying a prescribed fine and, in writing, waiv-  
26 ing a hearing in court, pleading guilty to the charge or admitting  
27 liability as an owner for the violation of subdivision (d) of section  
28 eleven hundred eleven of the vehicle and traffic law, as the case may  
29 be, and authorizing the person in charge of the bureau or agency to  
30 enter such a plea or admission and accept payment of said fine. Accept-  
31 ance of the prescribed fine and power of attorney by the bureau or agen-  
32 cy shall be deemed complete satisfaction for the violation or of the  
33 liability, and the violator or owner liable for a violation of subdivi-  
34 sion (d) of section eleven hundred eleven of the vehicle and traffic law  
35 shall be given a receipt which so states. If a person charged with a  
36 traffic violation does not answer as hereinbefore prescribed, within a  
37 designated time, the bureau or agency may cause a complaint to be  
38 entered against him or her forthwith and a warrant to be issued for his  
39 or her arrest and appearance before the court, such summons to be predi-  
40 cated upon the personal service of said summons upon the person charged  
41 with the infraction. Any person who shall have been, within the preced-  
42 ing twelve months, guilty of a number of parking violations in excess of  
43 such maximum number as may be designated by the court, or of three or  
44 more violations other than parking violations, shall not be permitted to  
45 appear and answer to a subsequent violation at the traffic violations  
46 bureau or agency, but must appear in court at a time specified by the  
47 bureau or agency. Such bureau or agency shall not be authorized to  
48 deprive a person of his or her right to counsel or to prevent him or her  
49 from exercising his or her right to appear in court to answer to,  
50 explain, or defend any charge of a violation of any traffic law, ordi-  
51 nance, rule or regulation.

52 3-a. A person charged with an infraction which shall be disposed of by  
53 the Buffalo traffic violations agency may be permitted to answer, within  
54 a specified time, at the traffic violations agency either in person or  
55 by written power of attorney in such form as may be prescribed in the  
56 ordinance or local law creating the agency, by paying a prescribed fine



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

21 3-b. A person charged with an infraction which shall be disposed of by  
22 the Rochester traffic violations agency may be permitted to answer,  
23 within a specified time, at the traffic violations agency either in  
24 person or by written power of attorney in such form as may be prescribed  
25 in the ordinance or local law creating the agency, by paying a  
26 prescribed fine and, in writing, waiving a hearing in court, pleading  
27 guilty to the charge or a lesser charge agreeable to the traffic prose-  
28 cutor and the person charged with an infraction, and authorizing the  
29 person in charge of the agency to enter such a plea and accept payment  
30 of said fine. Acceptance of the prescribed fine and power of attorney  
31 by the agency shall be deemed complete satisfaction for the violation,  
32 and the violator shall be given a receipt which so states. If a person  
33 charged with a traffic violation does not answer as hereinbefore  
34 prescribed, within a designated time, the agency may cause a complaint  
35 to be entered against him or her forthwith and a warrant to be issued  
36 for his or her arrest and appearance before the court, such summons to  
37 be predicated upon the personal service of said summons upon the person  
38 charged with the infraction. Any person who shall have been, within the  
39 preceding twelve months, guilty of three or more violations, shall not  
40 be permitted to appear and answer to a subsequent violation at the agen-  
41 cy, but must appear in court at a time specified by the agency. Such  
42 agency shall not be authorized to deprive a person of his or her right  
43 to counsel or to prevent him or her from exercising his or her right to  
44 appear in court to answer to, explain, or defend any charge of a  
45 violation of any traffic law, ordinance, rule or regulation.

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

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

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

14 4-b. Notwithstanding any inconsistent provision of law, fines, penal-  
15 ties and forfeitures collected by the Rochester traffic violations agen-  
16 cy shall be distributed as provided in section eighteen hundred three of  
17 the vehicle and traffic law. All fines, penalties and forfeitures for  
18 violations adjudicated by the Rochester traffic violations agency pursu-  
19 ant to subdivision two-b of this section except as provided in subdivi-  
20 sion three of section ninety-nine-a of the state finance law, shall be  
21 paid by such agency to the state comptroller within the first ten days  
22 of the month following collection. Each such payment shall be accompa-  
23 nied by a true and complete report in such form and detail as the comp-  
24 troller shall prescribe.

25 § 11. The vehicle and traffic law is amended by adding a new section  
26 1111-f to read as follows:

27 § 1111-f. Owner liability for failure of operator to comply with  
28 traffic-control indications. (a) 1. Notwithstanding any other provision  
29 of law, the village of Pelham Manor is hereby authorized and empowered  
30 to adopt and amend a local law or ordinance establishing a demonstration  
31 program imposing monetary liability on the owner of a vehicle for fail-  
32 ure of an operator thereof to comply with traffic-control indications in  
33 such village in accordance with the provisions of this section. Such  
34 demonstration program shall empower such village to install and operate  
35 traffic-control signal photo violation-monitoring devices at no more  
36 than one intersection within and under the jurisdiction of such village  
37 at any one time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 2. Notwithstanding any other provision of this section, no owner of a  
42 vehicle shall be subject to a monetary fine imposed pursuant to this  
43 section if the operator of such vehicle was operating such vehicle with-  
44 out the consent of the owner at the time such operator failed to obey a  
45 traffic-control indication. For purposes of this subdivision there shall  
46 be a presumption that the operator of such vehicle was operating such  
47 vehicle with the consent of the owner at the time such operator failed  
48 to obey a traffic-control indication.

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

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

1 (n) Any village that adopts a demonstration program pursuant to subdi-  
2 vision (a) of this section shall submit an annual report detailing the  
3 results of the use of such traffic-control signal photo violation-moni-  
4 toring system to the governor, the temporary president of the senate and  
5 the speaker of the assembly on or before June first, two thousand twen-  
6 ty-one and on the same date in each succeeding year in which the demon-  
7 stration program is operable. Such report shall include, but not be  
8 limited to:

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

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

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

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

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

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

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

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

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

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

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

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