

STATE OF NEW YORK

8902

IN ASSEMBLY

January 26, 2024

Introduced by M. of A. CUNNINGHAM -- read once and referred to the
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to owner liability for failure of an operator to comply with street cleaning-related local law or traffic regulations; to amend the public officers law, in relation to access to records prepared pursuant to street cleaning-related local law or traffic regulation restrictions; 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. The vehicle and traffic law is amended by adding a new
2 section 1111-h to read as follows:

3 § 1111-h. Owner liability for failure of operator to comply with
4 street cleaning-related traffic regulations. (a) 1. Notwithstanding any
5 other provision of law, the city of New York is hereby authorized and
6 empowered to establish a demonstration program imposing monetary liabil-
7 ity on the owner of a vehicle for failure of an operator thereof to
8 comply with street cleaning-related traffic regulations, in accordance
9 with the provisions of this section. The New York city department of
10 transportation and/or the New York city department of sanitation, for
11 purposes of the implementation of such program, shall operate street
12 cleaning-related photo devices that may be stationary or mobile and
13 shall be activated at locations determined by such department of trans-
14 portation and/or on street cleaning vehicles selected by such department
15 of transportation in consultation with the New York city department of
16 sanitation.

17 2. Any photographs, microphotographs, videotape or other recorded
18 images captured by street cleaning-related photo devices shall be inad-
19 missible in any disciplinary proceeding convened by the department of
20 sanitation or any subsidiary thereof and any proceeding initiated by the
21 department involving licensure privileges of street cleaning vehicle
22 operators. Any mobile street cleaning-related photo device mounted on a
23 street cleaning vehicle shall be directed outwardly from such vehicle to
24 capture images of vehicles operated in violation of street cleaning-re-

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

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lated traffic regulations, and images produced by such device shall not be used for any other purpose in the absence of a court order requiring such images to be produced.

3. (i) The city of New York shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a street cleaning-related photo device. Such measures shall include:

(A) utilization of necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such street cleaning-related photo devices 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 such a photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of a vehicle where the city shows that it made reasonable efforts to comply with the provisions of this paragraph in such case;

(B) the installation of signage that is clearly visible to drivers at regular intervals along and adjacent to roadways upon which mobile and/or stationary street cleaning-related photo devices are operated pursuant to a demonstration program authorized pursuant to this section stating that mobile and/or stationary street cleaning-related photo devices are used to enforce street cleaning-related traffic regulations, in conformance with standards established in the MUTCD; and

(C) oversight procedures to ensure compliance with the privacy protection measures under this subdivision.

(ii) Photographs, microphotographs, videotape or any other recorded image from a street cleaning-related photo device shall be for the exclusive use of the city of New York for the purpose of the adjudication of liability imposed pursuant to this section and of the owner receiving a notice of liability pursuant to this section, and shall be destroyed by such city upon the final resolution of the notice of liability to which such photographs, microphotographs, videotape or other recorded images relate, or one year following the date of issuance of such notice of liability, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, photographs, microphotographs, videotape or any other recorded image from a street cleaning-related photo device shall not be open to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of liability issued pursuant to this section, and no public entity or employee, officer or agent thereof shall disclose such information, except that such photographs, microphotographs, videotape or any other recorded images from such systems:

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

(B) (1) shall be furnished when described in a search warrant issued by a court authorized to issue such a search warrant pursuant to article six hundred ninety of the criminal procedure law or a federal court authorized to issue such a search warrant under federal law, where such search warrant states that there is reasonable cause to believe such information constitutes evidence of, or tends to demonstrate that, a misdemeanor or felony offense was committed in this state or another

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

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

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

23 (iii) The demonstration program authorized pursuant to this section is
24 prohibited from utilizing and from arranging for the utilization of
25 biometric identifying technology, including but not limited to facial
26 recognition technology, for any purpose. The use, and the arrangement
27 for the use, of biometric identifying technology, including but not
28 limited to facial recognition technology, on photographs, microphoto-
29 graphs, videotape, or any other recorded image or data produced by a
30 street cleaning-related photo device, by any person for any purpose, are
31 prohibited. For purposes of this subparagraph, "person" shall include,
32 but not be limited to, a human being, a public or private corporation,
33 an unincorporated association, a partnership, a government or a govern-
34 mental instrumentality, a court or an administrative or adjudicatory
35 body, and any employee, officer, and agent of the foregoing.

36 (iv) Every street cleaning vehicle upon which a mobile street clean-
37 ing-related photo device is installed and operated pursuant to a demon-
38 stration program authorized pursuant to this section shall be equipped
39 with signs, placards or other displays giving notice to approaching
40 motor vehicle operators that street cleaning-related photo devices are
41 used to enforce street cleaning-related traffic regulations.

42 (b) Warning notices of violation shall be issued during the first
43 sixty days that street cleaning-related photo devices pursuant to a
44 demonstration program authorized by this section are active and in oper-
45 ation.

46 (c) If the city of New York has established a demonstration program
47 pursuant to subdivision (a) of this section, the owner of a vehicle
48 shall be liable for a penalty imposed pursuant to this section if such
49 vehicle was used or operated with the permission of the owner, express
50 or implied, in violation of any street cleaning-related traffic regu-
51 lations and such violation is evidenced by information obtained from a
52 street cleaning-related photo device; provided however that no owner of
53 a vehicle shall be liable for a penalty imposed pursuant to this section
54 where the operator of such vehicle has been convicted of the underlying
55 violation of such street cleaning-related traffic regulation.

1 (d) For purposes of this section the following terms shall have the
2 following meanings:

3 1. "owner" shall have the meaning provided in article two-B of this
4 chapter.

5 2. "street cleaning-related photo device" shall mean a device that is
6 capable of operating independently of an enforcement officer and produc-
7 es one or more images of each vehicle at the time it is in violation of
8 a street cleaning-related traffic regulation.

9 3. "street cleaning-related traffic regulations" shall mean the
10 following provisions set forth in chapter four of title thirty-four of
11 the rules of the city of New York, adopted pursuant to section sixteen
12 hundred forty-two of this chapter: 4-08(d)(1), violation of posted no
13 parking rules prohibited.

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

18 5. "biometric identifying technology" shall mean any tool using an
19 automated or semi-automated process that assists in verifying a person's
20 identity based on a person's biometric information.

21 6. "biometric information" shall mean any measurable physical, physio-
22 logical or behavioral characteristics that are attributable to a person,
23 including but not limited to facial characteristics, fingerprint charac-
24 teristics, hand characteristics, eye characteristics, vocal character-
25 istics, and any other characteristics that can be used to identify a
26 person including, but not limited to: fingerprints; handprints; retina
27 and iris patterns; DNA sequence; voice; gait; and facial geometry.

28 7. "facial recognition" shall mean any tool using an automated or
29 semi-automated process that assists in uniquely identifying or verifying
30 a person by comparing and analyzing patterns based on the person's face.

31 (e) A certificate, sworn to or affirmed by a technician employed by
32 the city of New York in which the charged violation occurred, or a
33 facsimile thereof, based upon inspection of photographs, microphoto-
34 graphs, videotape or other recorded images produced by a street clean-
35 ing-related photo device, shall be prima facie evidence of the facts
36 contained therein. Any photographs, microphotographs, videotape or other
37 recorded images evidencing such a violation shall be available for
38 inspection in any proceeding to adjudicate the liability for such
39 violation pursuant to this section.

40 (f) An owner liable for a violation of a street cleaning-related traf-
41 fic regulation pursuant to a demonstration program established pursuant
42 to this section shall be liable for monetary penalties in accordance
43 with a schedule of fines and penalties to be promulgated by the parking
44 violations bureau of the city of New York. The liability of the owner
45 pursuant to this section shall not exceed fifty dollars for a first
46 violation, one hundred dollars for a second violation within a twelve-
47 month period, one hundred fifty dollars for a third violation within a
48 twelve-month period, two hundred dollars for a fourth violation within a
49 twelve-month period, and two hundred fifty dollars for each subsequent
50 violation within a twelve-month period; provided, however, that an owner
51 shall be liable for an additional penalty not to exceed twenty-five
52 dollars for each violation for the failure to respond to a notice of
53 liability within the prescribed time period.

54 (g) An imposition of liability under the demonstration program estab-
55 lished pursuant to subdivision (a) of this section shall not be deemed a
56 conviction of an operator and shall not be made part of the operating

1 record of the person upon whom such liability is imposed, nor shall it
2 be used for insurance purposes in the provision of motor vehicle insur-
3 ance coverage.

4 (h) 1. A notice of liability shall be sent by first class mail to each
5 person alleged to be liable as an owner for a violation of a street
6 cleaning-related traffic regulation. Personal delivery to the owner
7 shall not be required. A manual or automatic record of mailing prepared
8 in the ordinary course of business shall be prima facie evidence of the
9 facts contained therein.

10 2. A notice of liability shall contain the name and address of the
11 person alleged to be liable as an owner for a violation of a street
12 cleaning-related traffic regulation, the registration number of the
13 vehicle involved in such violation, the location where such violation
14 took place including the street address or cross streets, one or more
15 images identifying the violation, the date and time of such violation,
16 the identification number of the street cleaning-related photo device
17 which recorded the violation or other document locator number, and
18 whether the device was stationary or mobile. If the street cleaning-re-
19 lated photo device was mobile, an identity of the vehicle containing
20 such street cleaning-related photo device shall be included in the
21 notice.

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

28 4. The notice of liability shall be prepared and mailed by the agency
29 or agencies designated by the city of New York, or any other entity
30 authorized by such city to prepare and mail such notice of liability.

31 (i) Adjudication of the liability imposed upon owners by this section
32 shall be conducted by the New York city parking violations bureau.

33 (j) If an owner of a vehicle receives a notice of liability pursuant
34 to this section for any time period during which such vehicle was
35 reported to the police department as having been stolen, it shall be a
36 valid defense to an allegation of liability for a violation of a street
37 cleaning-related traffic regulation pursuant to this section that the
38 vehicle had been reported to the police as stolen prior to the time the
39 violation occurred and had not been recovered by such time. For purposes
40 of asserting the defense provided by this subdivision it shall be suffi-
41 cient that a certified copy of the police report on the stolen vehicle
42 be sent by first class mail to the parking violations bureau of such
43 city.

44 (k) 1. An owner who is a lessor of a vehicle to which a notice of
45 liability was issued pursuant to subdivision (h) of this section shall
46 not be liable for the violation of a street cleaning-related traffic
47 regulation, provided that:

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

51 (ii) within thirty-seven days after receiving notice from such parking
52 violations bureau of the date and time of a liability, together with the
53 other information contained in the original notice of liability, the
54 lessor submits to such bureau the correct name and address of the lessee
55 of the vehicle identified in the notice of liability at the time of such
56 violation, together with such other additional information contained in

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

4 2. Failure to comply with subparagraph (ii) of paragraph one of this
5 subdivision shall render the lessor liable for the penalty prescribed in
6 this section.

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

13 (1) 1. If the owner liable for a violation of a street cleaning-relat-
14 ed traffic regulation pursuant to this section was not the operator of
15 the vehicle at the time of such violation, the owner may maintain an
16 action for indemnification against the operator.

17 2. Notwithstanding any other provision of this section, no owner of a
18 vehicle shall be subject to a monetary fine imposed pursuant to this
19 section if the operator of such vehicle was operating such vehicle with-
20 out the consent of the owner at the time such operator failed to obey a
21 street cleaning-related traffic regulation. For purposes of this subdivi-
22 vision there shall be a presumption that the operator of such vehicle
23 was operating such vehicle with the consent of the owner at the time
24 such operator failed to obey a street cleaning-related traffic regu-
25 lation.

26 (m) Nothing in this section shall be construed to limit the liability
27 of an operator of a vehicle for any violation of a street cleaning-re-
28 lated traffic regulation.

29 (n) If the city of New York adopts a demonstration program pursuant to
30 subdivision (a) of this section, such city shall submit a report on the
31 results of the use of street cleaning-related photo devices to the
32 governor, the temporary president of the senate, and the speaker of the
33 assembly by April first, two thousand twenty-six and every two years
34 thereafter. The city of New York shall also make such reports available
35 on its public-facing websites, provided that it may provide aggregate
36 data from paragraph one of this subdivision if the city finds that
37 publishing specific location data would jeopardize public safety. Such
38 report shall include, but not be limited to:

39 1. a description of the locations and/or street cleaning vehicles
40 where street cleaning-related photo devices were used;

41 2. the total number of violations recorded on a monthly and annual
42 basis;

43 3. the total number of notices of liability issued;

44 4. the number of fines and total amount of fines paid after the first
45 notice of liability;

46 5. the number of violations adjudicated and results of such adjudi-
47 cations including breakdowns of dispositions made;

48 6. the total amount of revenue realized by such city;

49 7. the quality of the adjudication process and its results;

50 8. the total number of cameras by type of camera used; and

51 9. the total cost to such city.

52 (o) Any revenue from fines and penalties collected from any mobile
53 street cleaning-related photo devices, shall be remitted by the city of
54 New York to be deposited in any fund related to funding the department
55 of sanitation.

(p) It shall be a defense to any prosecution for a violation of a street cleaning-related traffic regulation pursuant to a demonstration program adopted pursuant to subdivision (a) of this section that such street cleaning-related photo devices were malfunctioning at the time of the alleged violation.

§ 2. Subdivision 1 of section 235 of the vehicle and traffic law, as amended by section 2 of part MM of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding any inconsistent provision of any general, special or local law or administrative code to the contrary, in any city which heretofore or hereafter is authorized to establish an administrative tribunal: (a) to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations, or (b) to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter, or (c) to adjudicate the liability of owners for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or (d) to adjudicate the liability of owners for violations of bus lane restrictions as defined by article twenty-four of this chapter imposed pursuant to a bus rapid transit program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus lane restrictions through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter, or (e) to adjudicate the liability of owners for violations of toll collection regulations imposed by certain public authorities pursuant to the law authorizing such public authorities to impose monetary liability on the owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or (f) to adjudicate the liability of owners for violations of section eleven hundred seventy-four of this chapter 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 imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter, or (g) to adjudicate the liability of owners for violations of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof

1 to comply with such gross vehicle weight and/or axle weight restrictions
2 through the installation and operation of weigh in motion violation
3 monitoring systems, in accordance with article ten of this chapter, or
4 (h) to adjudicate the liability of owners for violations of subdivision
5 (b), (d), (f) or (g) of section eleven hundred eighty of this chapter
6 imposed pursuant to a demonstration program imposing monetary liability
7 on the owner of a vehicle for failure of an operator thereof to comply
8 with such posted maximum speed limits within a highway construction or
9 maintenance work area through the installation and operation of photo
10 speed violation monitoring systems, in accordance with article thirty of
11 this chapter, or (i) to adjudicate the liability of owners for
12 violations of bus operation-related traffic regulations as defined by
13 article twenty-four of this chapter imposed pursuant to a demonstration
14 program imposing monetary liability on the owner of a vehicle for fail-
15 ure of an operator thereof to comply with such bus operation-related
16 traffic regulations through the installation and operation of bus opera-
17 tion-related photo devices, in accordance with article twenty-four of
18 this chapter, or (j) to adjudicate the liability of owners for
19 violations of street cleaning-related traffic regulations as defined by
20 article twenty-four of this chapter imposed pursuant to a demonstration
21 program imposing monetary liability on the owner of a vehicle for fail-
22 ure of an operator thereof to comply with such street cleaning-related
23 traffic regulations through the installation and operation of street
24 cleaning-related photo devices, in accordance with article twenty-four
25 of this chapter, such tribunal and the rules and regulations pertaining
26 thereto shall be constituted in substantial conformance with the follow-
27 ing sections.

28 § 3. Subdivision 1 of section 236 of the vehicle and traffic law, as
29 amended by section 3 of part MM of chapter 56 of the laws of 2023, is
30 amended to read as follows:

31 1. Creation. In any city as hereinbefore or hereafter authorized such
32 tribunal when created shall be known as the parking violations bureau
33 and shall have jurisdiction of traffic infractions which constitute a
34 parking violation and, where authorized: (a) to adjudicate the liability
35 of owners for violations of subdivision (d) of section eleven hundred
36 eleven of this chapter imposed pursuant to a local law or ordinance
37 imposing monetary liability on the owner of a vehicle for failure of an
38 operator thereof to comply with traffic-control indications through the
39 installation and operation of traffic-control signal photo violation-
40 monitoring systems, in accordance with article twenty-four of this chap-
41 ter, or (b) to adjudicate the liability of owners for violations of
42 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
43 of this chapter imposed pursuant to a demonstration program imposing
44 monetary liability on the owner of a vehicle for failure of an operator
45 thereof to comply with such posted maximum speed limits through the
46 installation and operation of photo speed violation monitoring systems,
47 in accordance with article thirty of this chapter, or (c) to adjudicate
48 the liability of owners for violations of bus lane restrictions as
49 defined by article twenty-four of this chapter imposed pursuant to a bus
50 rapid transit program imposing monetary liability on the owner of a
51 vehicle for failure of an operator thereof to comply with such bus lane
52 restrictions through the installation and operation of bus lane photo
53 devices, in accordance with article twenty-four of this chapter, or (d)
54 to adjudicate the liability of owners for violations of toll collection
55 regulations imposed by certain public authorities pursuant to the law
56 authorizing such public authorities to impose monetary liability on the

owner of a vehicle for failure of an operator thereof to comply with toll collection regulations of such public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty, or (e) to adjudicate the liability of owners for violations of section eleven hundred seventy-four of this chapter 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 imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with school bus red visual signals through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter, or (f) to adjudicate the liability of owners for violations of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter, or (g) to adjudicate the liability of owners for violations of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or (h) to adjudicate the liability of owners for violations of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, or (i) to adjudicate the liability of owners for violations of street cleaning-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning-related traffic regulations through the installation and operation of street cleaning-related photo devices, in accordance with article twenty-four 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.

§ 4. Paragraph f of subdivision 1 of section 239 of the vehicle and traffic law, as amended by section 4 of part MM of chapter 56 of the laws of 2023, is amended 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 set forth in articles ten, twenty-four, twenty-nine and thirty of this chapter, section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty to impose monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter; or to comply with street cleaning-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of street cleaning-related photo devices, in accordance with article twenty-four of this chapter.

§ 5. Subdivisions 1, 1-a and the opening subparagraph of paragraph (a) of subdivision 1-b of section 240 of the vehicle and traffic law, as amended by section 5 of part MM of chapter 56 of the laws of 2023, are amended 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

1 imposition of monetary liability on the owner of a vehicle for failure
2 of an operator thereof: to comply with traffic-control indications in
3 violation of subdivision (d) of section eleven hundred eleven of this
4 chapter through the installation and operation of traffic-control signal
5 photo violation-monitoring systems, in accordance with article twenty-
6 four of this chapter; or to comply with certain posted maximum speed
7 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
8 eleven hundred eighty of this chapter through the installation and oper-
9 ation of photo speed violation monitoring systems, in accordance with
10 article thirty of this chapter; or to comply with bus lane restrictions
11 as defined by article twenty-four of this chapter through the installa-
12 tion and operation of bus lane photo devices, in accordance with article
13 twenty-four of this chapter; or to comply with toll collection regu-
14 lations of certain public authorities through the installation and oper-
15 ation of photo-monitoring systems, in accordance with the provisions of
16 section two thousand nine hundred eighty-five of the public authorities
17 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
18 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
19 for a school bus displaying a red visual signal in violation of section
20 eleven hundred seventy-four of this chapter through the installation and
21 operation of school bus photo violation monitoring systems, in accord-
22 ance with article twenty-nine of this chapter; or to comply with certain
23 posted maximum speed limits in violation of subdivision (b), (d), (f) or
24 (g) of section eleven hundred eighty of this chapter within a highway
25 construction or maintenance work area through the installation and oper-
26 ation of photo speed violation monitoring systems, in accordance with
27 article thirty of this chapter; or to comply with gross vehicle weight
28 and/or axle weight restrictions in violation of section three hundred
29 eighty-five of this chapter and the rules of the department of transpor-
30 tation of the city of New York through the installation and operation of
31 weigh in motion violation monitoring systems, in accordance with article
32 ten of this chapter; or to comply with bus operation-related traffic
33 regulations as defined by article twenty-four of this chapter in
34 violation of the rules of the department of transportation of the city
35 of New York through the installation and operation of bus operation-re-
36 lated photo devices, in accordance with article twenty-four of this
37 chapter; or to comply with street cleaning-related traffic regulations
38 as defined by article twenty-four of this chapter in violation of the
39 rules of the department of transportation of the city of New York
40 through the installation and operation of street cleaning-related photo
41 devices, in accordance with article twenty-four of this chapter,
42 contests such allegation, the bureau shall advise such person personally
43 by such form of first class mail as the director may direct of the date
44 on which he or she must appear to answer the charge at a hearing. The
45 form and content of such notice of hearing shall be prescribed by the
46 director, and shall contain a warning to advise the person so pleading
47 or contesting that failure to appear on the date designated, or on any
48 subsequent adjourned date, shall be deemed an admission of liability,
49 and that a default judgment may be entered thereon.

50 1-a. Fines and penalties. Whenever a plea of not guilty has been
51 entered, or the bureau has been notified that an allegation of liability
52 in accordance with provisions of law specifically authorizing the impo-
53 sition of monetary liability on the owner of a vehicle for failure of an
54 operator thereof: to comply with traffic-control indications in
55 violation of subdivision (d) of section eleven hundred eleven of this
56 chapter through the installation and operation of traffic-control signal

1 photo violation-monitoring systems, in accordance with article twenty-
2 four of this chapter; or to comply with certain posted maximum speed
3 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
4 eleven hundred eighty of this chapter through the installation and oper-
5 ation of photo speed violation monitoring systems, in accordance with
6 article thirty of this chapter; or to comply with bus lane restrictions
7 as defined by article twenty-four of this chapter through the installa-
8 tion and operation of bus lane photo devices, in accordance with article
9 twenty-four of this chapter; or to comply with toll collection regu-
10 lations of certain public authorities through the installation and oper-
11 ation of photo-monitoring systems, in accordance with the provisions of
12 section two thousand nine hundred eighty-five of the public authorities
13 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
14 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
15 for a school bus displaying a red visual signal in violation of section
16 eleven hundred seventy-four of this chapter through the installation and
17 operation of school bus photo violation monitoring systems, in accord-
18 ance with article twenty-nine of this chapter; or to comply with certain
19 posted maximum speed limits in violation of subdivision (b), (d), (f) or
20 (g) of section eleven hundred eighty of this chapter within a highway
21 construction or maintenance work area through the installation and oper-
22 ation of photo speed violation monitoring systems, in accordance with
23 article thirty of this chapter; or to comply with gross vehicle weight
24 and/or axle weight restrictions in violation of section three hundred
25 eighty-five of this chapter and the rules of the department of transpor-
26 tation of the city of New York through the installation and operation of
27 weigh in motion violation monitoring systems, in accordance with article
28 ten of this chapter; or to comply with bus operation-related traffic
29 regulations as defined by article twenty-four of this chapter in
30 violation of the rules of the department of transportation of the city
31 of New York through the installation and operation of bus operation-re-
32 lated photo devices, in accordance with article twenty-four of this
33 chapter; or to comply with street cleaning-related traffic regulations
34 as defined by article twenty-four of this chapter in violation of the
35 rules of the department of transportation of the city of New York
36 through the installation and operation of street cleaning-related photo
37 devices, in accordance with article twenty-four of this chapter, is
38 being contested, by a person in a timely fashion and a hearing upon the
39 merits has been demanded, but has not yet been held, the bureau shall
40 not issue any notice of fine or penalty to that person prior to the date
41 of the hearing.

42 In a city having a population of one million or more, at every hearing
43 for the adjudication of a notice of liability, as provided by this arti-
44 cle, there shall be a rebuttable presumption that the owner of a first-
45 response emergency vehicle alleged to be liable in accordance with any
46 provisions of law specifically authorizing the imposition of monetary
47 liability on the owner of a vehicle for failure of an operator thereof:
48 to comply with traffic-control indications in violation of subdivision
49 (d) of section eleven hundred eleven of this chapter through the instal-
50 lation and operation of traffic-control signal photo violation-monitor-
51 ing systems, in accordance with article twenty-four of this chapter; or
52 to comply with certain posted maximum speed limits in violation of
53 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
54 of this chapter through the installation and operation of photo speed
55 violation monitoring systems, in accordance with article thirty of this
56 chapter; or to comply with bus lane restrictions as defined by article

1 twenty-four of this chapter through the installation and operation of
2 bus lane photo devices, in accordance with article twenty-four of this
3 chapter; or to comply with bus operation-related traffic regulations as
4 defined by article twenty-four of this chapter in violation of the rules
5 of the department of transportation of the city of New York through the
6 installation and operation of bus operation-related photo devices, in
7 accordance with article twenty-four of this chapter; or to comply with
8 street cleaning-related traffic regulations as defined by article twen-
9 ty-four of this chapter in violation of the rules of the department
10 of transportation of the city of New York through the installation and
11 operation of street cleaning-related photo devices, in accordance
12 with article twenty-four of this chapter is not liable for such alleged
13 violation if such owner of the first-response emergency vehicle provides
14 the hearing officer with:

15 § 6. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
16 and traffic law, as amended by section 6 of part MM of chapter 56 of the
17 laws of 2023, are amended to read as follows:

18 a. Every hearing for the adjudication of a charge of parking violation
19 or an allegation of liability of an owner for a violation of subdivision
20 (d) of section eleven hundred eleven of this chapter imposed pursuant to
21 a local law or ordinance imposing monetary liability on the owner of a
22 vehicle for failure of an operator thereof to comply with traffic-con-
23 trol indications through the installation and operation of traffic-con-
24 trol signal photo violation-monitoring systems, in accordance with arti-
25 cle twenty-four of this chapter, or an allegation of liability of an
26 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
27 section eleven hundred eighty of this chapter imposed pursuant to a
28 demonstration program imposing monetary liability on the owner of a
29 vehicle for failure of an operator thereof to comply with certain posted
30 maximum speed limits through the installation and operation of photo
31 speed violation monitoring systems, in accordance with article thirty of
32 this chapter, or an allegation of liability of an owner for a violation
33 of bus lane restrictions as defined by article twenty-four of this chap-
34 ter imposed pursuant to a bus rapid transit program imposing monetary
35 liability on the owner of a vehicle for failure of an operator thereof
36 to comply with such bus lane restrictions through the installation and
37 operation of bus lane photo devices, in accordance with article twenty-
38 four of this chapter, or an allegation of liability of an owner for a
39 violation of toll collection regulations imposed by certain public
40 authorities pursuant to the law authorizing such public authorities to
41 impose monetary liability on the owner of a vehicle for failure of an
42 operator thereof to comply with toll collection regulations of such
43 public authorities through the installation and operation of photo-moni-
44 toring systems, in accordance with the provisions of section two thou-
45 sand nine hundred eighty-five of the public authorities law and sections
46 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
47 of the laws of nineteen hundred fifty, or an allegation of liability of
48 an owner for a violation of section eleven hundred seventy-four of this
49 chapter when meeting a school bus marked and equipped as provided in
50 subdivisions twenty and twenty-one-c of section three hundred seventy-
51 five of this chapter imposed pursuant to a local law or ordinance impos-
52 ing monetary liability on the owner of a vehicle for failure of an oper-
53 ator thereof to comply with school bus red visual signals through the
54 installation and operation of school bus photo violation monitoring
55 systems, in accordance with article twenty-nine of this chapter, or an
56 allegation of liability of an owner for a violation of subdivision (b),

(d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with certain posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter, or an allegation of liability of an owner for a violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York in relation to gross vehicle weight and/or axle weight violations imposed pursuant to a weigh in motion demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter, or an allegation of liability of an owner for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, or an allegation of liability of an owner for a violation of street cleaning-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning-related traffic regulations through the installation and operation of street cleaning-related photo devices, in accordance with article twenty-four 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 in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; to comply with certain posted maximum speed limits in

1 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
2 eighty of this chapter within a highway construction or maintenance work
3 area through the installation and operation of photo speed violation
4 monitoring systems, in accordance with article thirty of this chapter;
5 to comply with gross vehicle weight and/or axle weight restrictions in
6 violation of section three hundred eighty-five of this chapter and the
7 rules of the department of transportation of the city of New York
8 through the installation and operation of weigh in motion violation
9 monitoring systems, in accordance with article ten of this chapter; or
10 to comply with bus operation-related traffic regulations as defined by
11 article twenty-four of this chapter in violation of the rules of the
12 department of transportation of the city of New York through the instal-
13 lation and operation of bus operation-related photo devices, in accord-
14 ance with article twenty-four of this chapter; or to comply with street
15 cleaning-related traffic regulations as defined by article twenty-four
16 of this chapter in violation of the rules of the department of trans-
17 portation of the city of New York through the installation and operation
18 of street cleaning-related photo devices, in accordance with article
19 twenty-four of this chapter, is contested. Recording devices may be used
20 for the making of the record.

21 § 7. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
22 law, as amended by section 7 of part MM of chapter 56 of the laws of
23 2023, are amended to read as follows:

24 1. The hearing examiner shall make a determination on the charges,
25 either sustaining or dismissing them. Where the hearing examiner deter-
26 mines that the charges have been sustained he or she may examine either
27 the prior parking violations record or the record of liabilities
28 incurred in accordance with any provisions of law specifically authoriz-
29 ing the imposition of monetary liability on the owner of a vehicle for
30 failure of an operator thereof: to comply with traffic-control indi-
31 cations in violation of subdivision (d) of section eleven hundred eleven
32 of this chapter through the installation and operation of traffic-con-
33 trol signal photo violation-monitoring systems, in accordance with arti-
34 cle twenty-four of this chapter; to comply with certain posted maximum
35 speed limits in violation of subdivision (b), (c), (d), (f) or (g) of
36 section eleven hundred eighty of this chapter through the installation
37 and operation of photo speed violation monitoring systems, in accordance
38 with article thirty of this chapter; to comply with bus lane
39 restrictions as defined by article twenty-four of this chapter through
40 the installation and operation of bus lane photo devices, in accordance
41 with article twenty-four of this chapter; to comply with toll collection
42 regulations of certain public authorities through the installation and
43 operation of photo-monitoring systems, in accordance with the provisions
44 of section two thousand nine hundred eighty-five of the public authori-
45 ties law and sections sixteen-a, sixteen-b and sixteen-c of chapter
46 seven hundred seventy-four of the laws of nineteen hundred fifty; to
47 stop for a school bus displaying a red visual signal in violation of
48 section eleven hundred seventy-four of this chapter through the instal-
49 lation and operation of school bus photo violation monitoring systems,
50 in accordance with article twenty-nine of this chapter; to comply with
51 certain posted maximum speed limits in violation of subdivision (b),
52 (d), (f) or (g) of section eleven hundred eighty of this chapter within
53 a highway construction or maintenance work area through the installation
54 and operation of photo speed violation monitoring systems, in accordance
55 with article thirty of this chapter; to comply with gross vehicle weight
56 and/or axle weight restrictions in violation of section three hundred

eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; ~~[or]~~ to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter; or to comply with street cleaning-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of street cleaning-related photo devices, in accordance with article twenty-four of this chapter, of the person charged, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties.

2. Where an operator or owner fails to enter a plea to a charge of a parking violation or contest an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the department of transportation of the city of New York through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; ~~[or]~~ to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter; or to

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

1 through the installation and operation of street cleaning-related photo
2 devices, in accordance with article twenty-four of this chapter, (2) of
3 the impending default judgment, (3) that such judgment will be entered
4 in the Civil Court of the city in which the bureau has been established,
5 or other court of civil jurisdiction or any other place provided for the
6 entry of civil judgments within the state of New York, and (4) that a
7 default may be avoided by entering a plea or contesting an allegation of
8 liability in accordance with any provisions of law specifically author-
9 izing the imposition of monetary liability on the owner of a vehicle for
10 failure of an operator thereof: to comply with traffic-control indi-
11 cations in violation of subdivision (d) of section eleven hundred eleven
12 of this chapter through the installation and operation of traffic-con-
13 trol signal photo violation-monitoring systems, in accordance with arti-
14 cle twenty-four of this chapter; to comply with certain posted maximum
15 speed limits in violation of subdivision (b), (c), (d), (f) or (g) of
16 section eleven hundred eighty of this chapter through the installation
17 and operation of photo speed violation monitoring systems, in accordance
18 with article thirty of this chapter; to comply with bus lane
19 restrictions as defined by article twenty-four of this chapter through
20 the installation and operation of bus lane photo devices, in accordance
21 with article twenty-four of this chapter; to comply with toll collection
22 regulations of certain public authorities through the installation and
23 operation of photo-monitoring systems, in accordance with the provisions
24 of section two thousand nine hundred eighty-five of the public authori-
25 ties law and sections sixteen-a, sixteen-b and sixteen-c of chapter
26 seven hundred seventy-four of the laws of nineteen hundred fifty; to
27 stop for a school bus displaying a red visual signal in violation of
28 section eleven hundred seventy-four of this chapter through the instal-
29 lation and operation of school bus photo violation monitoring systems,
30 in accordance with article twenty-nine of this chapter; to comply with
31 certain posted maximum speed limits in violation of subdivision (b),
32 (d), (f) or (g) of section eleven hundred eighty of this chapter within
33 a highway construction or maintenance work area through the installation
34 and operation of photo speed violation monitoring systems, in accordance
35 with article thirty of this chapter; to comply with gross vehicle weight
36 and/or axle weight restrictions in violation of section three hundred
37 eighty-five of this chapter and the rules of the department of transpor-
38 tation of the city of New York through the installation and operation of
39 weigh in motion violation monitoring systems, in accordance with article
40 ten of this chapter; ~~or~~ to comply with bus operation-related traffic
41 regulations as defined by article twenty-four of this chapter in
42 violation of the rules of the department of transportation of the city
43 of New York through the installation and operation of bus operation-re-
44 lated photo devices, in accordance with article twenty-four of this
45 chapter; or to comply with street cleaning-related traffic regulations
46 as defined by article twenty-four of this chapter in violation of the
47 rules of the department of transportation of the city of New York
48 through the installation and operation of street cleaning-related photo
49 devices, in accordance with article twenty-four of this chapter; or
50 making an appearance within thirty days of the sending of such notice.
51 Pleas entered and allegations contested within that period shall be in
52 the manner prescribed in the notice and not subject to additional penal-
53 ty or fee. Such notice of impending default judgment shall not be
54 required prior to the rendering and entry thereof in the case of opera-
55 tors or owners who are non-residents of the state of New York. In no
56 case shall a default judgment be rendered or, where required, a notice

1 of impending default judgment be sent, more than two years after the
2 expiration of the time prescribed for entering a plea or contesting an
3 allegation. When a person has demanded a hearing, no fine or penalty
4 shall be imposed for any reason, prior to the holding of the hearing. If
5 the hearing examiner shall make a determination on the charges, sustain-
6 ing them, he or she shall impose no greater penalty or fine than those
7 upon which the person was originally charged.

8 § 8. Subparagraph (i) of paragraph a of subdivision 5-a of section 401
9 of the vehicle and traffic law, as amended by section 8 of part MM of
10 chapter 56 of the laws of 2023, is amended to read as follows:

11 (i) If at the time of application for a registration or renewal there-
12 of there is a certification from a court, parking violations bureau,
13 traffic and parking violations agency or administrative tribunal of
14 appropriate jurisdiction that the registrant or his or her represen-
15 tative failed to appear on the return date or any subsequent adjourned
16 date or failed to comply with the rules and regulations of an adminis-
17 trative tribunal following entry of a final decision in response to a
18 total of three or more summonses or other process in the aggregate,
19 issued within an eighteen month period, charging either that: (i) such
20 motor vehicle was parked, stopped or standing, or that such motor vehi-
21 cle was operated for hire by the registrant or his or her agent without
22 being licensed as a motor vehicle for hire by the appropriate local
23 authority, in violation of any of the provisions of this chapter or of
24 any law, ordinance, rule or regulation made by a local authority; or
25 (ii) the registrant was liable for a violation of subdivision (d) of
26 section eleven hundred eleven of this chapter imposed pursuant to a
27 local law or ordinance imposing monetary liability on the owner of a
28 vehicle for failure of an operator thereof to comply with traffic-con-
29 trol indications through the installation and operation of traffic-con-
30 trol signal photo violation-monitoring systems, in accordance with arti-
31 cle twenty-four of this chapter; or (iii) the registrant was liable for
32 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
33 hundred eighty of this chapter imposed pursuant to a demonstration
34 program imposing monetary liability on the owner of a vehicle for fail-
35 ure of an operator thereof to comply with such posted maximum speed
36 limits through the installation and operation of photo speed violation
37 monitoring systems, in accordance with article thirty of this chapter;
38 or (iv) the registrant was liable for a violation of bus lane
39 restrictions as defined by article twenty-four of this chapter imposed
40 pursuant to a bus rapid transit program imposing monetary liability on
41 the owner of a vehicle for failure of an operator thereof to comply with
42 such bus lane restrictions through the installation and operation of bus
43 lane photo devices, in accordance with article twenty-four of this chap-
44 ter; or (v) the registrant was liable for a violation of section eleven
45 hundred seventy-four of this chapter when meeting a school bus marked
46 and equipped as provided in subdivisions twenty and twenty-one-c of
47 section three hundred seventy-five of this chapter imposed pursuant to a
48 local law or ordinance imposing monetary liability on the owner of a
49 vehicle for failure of an operator thereof to comply with school bus red
50 visual signals through the installation and operation of school bus
51 photo violation monitoring systems, in accordance with article twenty-
52 nine of this chapter; or (vi) the registrant was liable for a violation
53 of section three hundred eighty-five of this chapter and the rules of
54 the department of transportation of the city of New York in relation to
55 gross vehicle weight and/or axle weight violations imposed pursuant to a
56 weigh in motion demonstration program imposing monetary liability on the

owner of a vehicle for failure of an operator thereof to comply with such gross vehicle weight and/or axle weight restrictions through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; or (vii) the registrant was liable for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such posted maximum speed limits within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter[~~7~~]; or (viii) the registrant was liable for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter[~~7~~]; or (ix) the registrant was liable for a violation of street cleaning-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning-related traffic regulations through the installation and operation of street cleaning-related photo devices, in accordance with article twenty-four 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.

§ 9. Subdivision 1-a of section 1809 of the vehicle and traffic law, as amended by section 9 of part MM of chapter 56 of the laws of 2023, is amended to read as follows:

1-a. Notwithstanding the provisions of subdivision one of this section, the provisions of subdivision one of this section shall not apply to an adjudication of liability of owners: (a) for violations of subdivision (d) of section eleven hundred eleven of this chapter imposed pursuant to a local law or ordinance imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or (b) for violations of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty

1 of this chapter imposed pursuant to a demonstration program imposing
2 monetary liability on the owner of a vehicle for failure of an operator
3 thereof to comply with such posted maximum speed limits through the
4 installation and operation of photo speed violation monitoring systems,
5 in accordance with article thirty of this chapter; or (c) for violations
6 of bus lane restrictions as defined by article twenty-four of this chap-
7 ter imposed pursuant to a bus rapid transit program imposing monetary
8 liability on the owner of a vehicle for failure of an operator thereof
9 to comply with such bus lane restrictions through the installation and
10 operation of bus lane photo devices, in accordance with article twenty-
11 four of this chapter; or (d) for violations of toll collection regu-
12 lations imposed by certain public authorities pursuant to the law
13 authorizing such public authorities to impose monetary liability on the
14 owner of a vehicle for failure of an operator thereof to comply with
15 toll collection regulations of such public authorities through the
16 installation and operation of photo-monitoring systems, in accordance
17 with the provisions of section two thousand nine hundred eighty-five of
18 the public authorities law and sections sixteen-a, sixteen-b and
19 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
20 hundred fifty; or (e) for violations of section eleven hundred seventy-
21 four of this chapter when meeting a school bus marked and equipped as
22 provided in subdivisions twenty and twenty-one-c of section three
23 hundred seventy-five of this chapter imposed pursuant to a local law or
24 ordinance imposing monetary liability on the owner of a vehicle for
25 failure of an operator thereof to comply with school bus red visual
26 signals through the installation and operation of school bus photo
27 violation monitoring systems, in accordance with article twenty-nine of
28 this chapter; or (f) for violations of section three hundred eighty-five
29 of this chapter and the rules of the department of transportation of the
30 city of New York in relation to gross vehicle weight and/or axle weight
31 violations imposed pursuant to a weigh in motion demonstration program
32 imposing monetary liability on the owner of a vehicle for failure of an
33 operator thereof to comply with such gross vehicle weight and/or axle
34 weight restrictions through the installation and operation of weigh in
35 motion violation monitoring systems, in accordance with article ten of
36 this chapter; or (g) for violations of subdivision (b), (d), (f) or (g)
37 of section eleven hundred eighty of this chapter imposed pursuant to a
38 demonstration program imposing monetary liability on the owner of a
39 vehicle for failure of an operator thereof to comply with such posted
40 maximum speed limits within a highway construction or maintenance work
41 area through the installation and operation of photo speed violation
42 monitoring systems, in accordance with article thirty of this chapter;
43 or (h) for violations of bus operation-related traffic regulations as
44 defined by article twenty-four of this chapter imposed pursuant to a
45 demonstration program imposing monetary liability on the owner of a
46 vehicle for failure of an operator thereof to comply with such bus oper-
47 ation-related traffic regulations through the installation and operation
48 of bus operation-related photo devices, in accordance with article twen-
49 ty-four of this chapter; or (i) for violations of street cleaning-relat-
50 ed traffic regulations as defined by article twenty-four of this chapter
51 imposed pursuant to a demonstration program imposing monetary liability
52 on the owner of a vehicle for failure of an operator thereof to comply
53 with such street cleaning-related traffic regulations through the
54 installation and operation of street cleaning-related photo devices, in
55 accordance with article twenty-four of this chapter.

§ 10. Subdivision 1 of section 1809-a of the vehicle and traffic law, as amended by section 10 of part MM of chapter 56 of the laws of 2023, is amended to read as follows:

1. The provisions of any other general or special law notwithstanding, whenever, in a city having a population of one hundred thousand or more according to the nineteen hundred eighty United States census, proceedings in an administrative tribunal or a court result in a finding of liability, or conviction for the violation of any statute, local law, ordinance or rule involving the parking, stopping or standing of a motor vehicle, except (a) an adjudication of liability of an owner for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, or (b) an adjudication of liability of an owner for a violation of street cleaning-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning-related traffic regulations through the installation and operation of street cleaning-related photo devices, in accordance with article twenty-four of this chapter, there shall be levied a mandatory surcharge in addition to any other sentence, fine or penalty otherwise permitted or required, in the amount of fifteen dollars. Such surcharge shall not be deemed a monetary penalty for the purposes of section two hundred thirty-seven of this chapter or section 19-203 of the administrative code of the city of New York.

§ 11. Subdivision 1 of section 1809-aa of the vehicle and traffic law, as amended by section 11 of part MM of chapter 56 of the laws of 2023, is amended to read as follows:

1. Notwithstanding any other provision of law, whenever proceedings in an administrative tribunal or court result in a conviction for a violation of section twelve hundred, twelve hundred one or twelve hundred two of this chapter, except (a) an adjudication of liability of an owner for a violation of bus operation-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such bus operation-related traffic regulations through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, or (b) an adjudication of liability of an owner for a violation of street cleaning-related traffic regulations as defined by article twenty-four of this chapter imposed pursuant to a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning-related traffic regulations through the installation and operation of street cleaning-related photo devices, in accordance with article twenty-four of this chapter, there shall be levied a mandatory surcharge in addition to any other sentence, fine or penalty otherwise permitted or required, in the amount of twenty-five dollars.

§ 12. Paragraph a of subdivision 1 of section 1809-e of the vehicle and traffic law, as amended by section 12 of part MM of chapter 56 of the laws of 2023, is amended to read as follows:

1 a. Notwithstanding any other provision of law, whenever proceedings in
2 a court or an administrative tribunal of this state result in a
3 conviction for an offense under this chapter, except a conviction pursu-
4 ant to section eleven hundred ninety-two of this chapter, or for a traf-
5 fic infraction under this chapter, or a local law, ordinance, rule or
6 regulation adopted pursuant to this chapter, except: (i) a traffic
7 infraction involving standing, stopping, or parking or violations by
8 pedestrians or bicyclists; and (ii) an adjudication of liability of an
9 owner for a violation of subdivision (d) of section eleven hundred elev-
10 en of this chapter imposed pursuant to 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 and operation of traffic-control signal photo violation-monitoring
14 systems, in accordance with article twenty-four of this chapter; and
15 (iii) an adjudication of liability of an owner for a violation of subdivi-
16 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of
17 this chapter imposed pursuant to a demonstration program imposing mone-
18 tary liability on the owner of a vehicle for failure of an operator
19 thereof to comply with such posted maximum speed limits through the
20 installation and operation of photo speed violation monitoring systems,
21 in accordance with article thirty of this chapter; and (iv) an adjudi-
22 cation of liability of an owner for a violation of bus lane restrictions
23 as defined by article twenty-four of this chapter imposed pursuant to a
24 bus rapid transit program imposing monetary liability on the owner of a
25 vehicle for failure of an operator thereof to comply with such bus lane
26 restrictions through the installation and operation of bus lane photo
27 devices, in accordance with article twenty-four of this chapter; and (v)
28 an adjudication of liability of an owner for a violation of toll
29 collection regulations imposed by certain public authorities pursuant to
30 the law authorizing such public authorities to impose monetary liability
31 on the owner of a vehicle for failure of an operator thereof to comply
32 with toll collection regulations of such public authorities through the
33 installation and operation of photo-monitoring systems, in accordance
34 with section two thousand nine hundred eighty-five of the public author-
35 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
36 seven hundred seventy-four of the laws of nineteen hundred fifty; and
37 (vi) an adjudication of liability of an owner for a violation of section
38 eleven hundred seventy-four of this chapter when meeting a school bus
39 marked and equipped as provided in subdivisions twenty and twenty-one-c
40 of section three hundred seventy-five of this chapter imposed pursuant
41 to a local law or ordinance imposing monetary liability on the owner of
42 a vehicle for failure of an operator thereof to comply with school bus
43 red visual signals through the installation and operation of school bus
44 photo violation monitoring systems, in accordance with article twenty-
45 nine of this chapter; and (vii) an adjudication of liability of an owner
46 for a violation of section three hundred eighty-five of this chapter and
47 the rules of the department of transportation of the city of New York in
48 relation to gross vehicle weight and/or axle weight violations imposed
49 pursuant to a weigh in motion demonstration program imposing monetary
50 liability on the owner of a vehicle for failure of an operator thereof
51 to comply with such gross vehicle weight and/or axle weight restrictions
52 through the installation and operation of weigh in motion violation
53 monitoring systems, in accordance with article ten of this chapter; and
54 (viii) an adjudication of liability of an owner for a violation of
55 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
56 this chapter imposed pursuant to a demonstration program imposing mone-

1 tary liability on the owner of a vehicle for failure of an operator
2 thereof to comply with such posted maximum speed limits within a highway
3 construction or maintenance work area through the installation and oper-
4 ation of photo speed violation monitoring systems, in accordance with
5 article thirty of this chapter; and (ix) an adjudication of liability of
6 an owner for a violation of bus operation-related traffic regulations as
7 defined by article twenty-four of this chapter imposed pursuant to a
8 demonstration program imposing monetary liability on the owner of a
9 vehicle for failure of an operator thereof to comply with such bus oper-
10 ation-related traffic regulations through the installation and operation
11 of bus operation-related photo devices, in accordance with article twen-
12 ty-four of this chapter; and (x) an adjudication of liability of an
13 owner for a violation of street cleaning-related traffic regulations as
14 defined by article twenty-four of this chapter imposed pursuant to a
15 demonstration program imposing monetary liability on the owner of a
16 vehicle for failure of an operator thereof to comply with such street
17 cleaning-related traffic regulations through the installation and opera-
18 tion of street cleaning-related photo devices, in accordance with arti-
19 cle twenty-four of this chapter, there shall be levied in addition to
20 any sentence, penalty or other surcharge required or permitted by law,
21 an additional surcharge of twenty-eight dollars.

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

24 (u) are photographs, microphotographs, videotape or other recorded
25 images prepared under authority of section eleven hundred eleven-h of
26 the vehicle and traffic law.

27 § 14. This act shall take effect one year after it shall have become a
28 law; provided, however, that sections one and thirteen of this act shall
29 expire on July 1, 2029, when upon such date the provisions of such
30 sections shall be deemed repealed; provided further, however, that:

31 (a) the amendments to subdivision 1 of section 1809-a of the vehicle
32 and traffic law made by section ten of this act shall not affect the
33 repeal of such subdivision and shall be deemed repealed therewith;

34 (b) if section 2 of part MM of chapter 56 of the laws of 2023 shall
35 not have taken effect on or before such date then section two of this
36 act shall take effect on the same date and in the same manner as such
37 chapter of the laws of 2023, takes effect;

38 (c) if section 3 of part MM of chapter 56 of the laws of 2023 shall
39 not have taken effect on or before such date then section three of this
40 act shall take effect on the same date and in the same manner as such
41 chapter of the laws of 2023, takes effect;

42 (d) if section 4 of part MM of chapter 56 of the laws of 2023 shall
43 not have taken effect on or before such date then section four of this
44 act shall take effect on the same date and in the same manner as such
45 chapter of the laws of 2023, takes effect;

46 (e) if section 5 of part MM of chapter 56 of the laws of 2023 shall
47 not have taken effect on or before such date then section five of this
48 act shall take effect on the same date and in the same manner as such
49 chapter of the laws of 2023, takes effect;

50 (f) if section 6 of part MM of chapter 56 of the laws of 2023 shall
51 not have taken effect on or before such date then section six of this
52 act shall take effect on the same date and in the same manner as such
53 chapter of the laws of 2023, takes effect;

54 (g) if section 7 of part MM of chapter 56 of the laws of 2023 shall
55 not have taken effect on or before such date then section seven of this

1 act shall take effect on the same date and in the same manner as such
2 chapter of the laws of 2023, takes effect;

3 (h) if section 8 of part MM of chapter 56 of the laws of 2023 shall
4 not have taken effect on or before such date then section eight of this
5 act shall take effect on the same date and in the same manner as such
6 chapter of the laws of 2023, takes effect;

7 (i) if section 9 of part MM of chapter 56 of the laws of 2023 shall
8 not have taken effect on or before such date then section nine of this
9 act shall take effect on the same date and in the same manner as such
10 chapter of the laws of 2023, takes effect;

11 (j) if section 10 of part MM of chapter 56 of the laws of 2023 shall
12 not have taken effect on or before such date then section ten of this
13 act shall take effect on the same date and in the same manner as such
14 chapter of the laws of 2023, takes effect;

15 (k) if section 11 of part MM of chapter 56 of the laws of 2023 shall
16 not have taken effect on or before such date then section eleven of this
17 act shall take effect on the same date and in the same manner as such
18 chapter of the laws of 2023, takes effect;

19 (l) if section 12 of part MM of chapter 56 of the laws of 2023 shall
20 not have taken effect on or before such date then section twelve of this
21 act shall take effect on the same date and in the same manner as such
22 chapter of the laws of 2023, takes effect.

23 Effective immediately, the addition, amendment and/or repeal of any
24 rule or regulation necessary for the implementation of section one of
25 this act on its effective date are authorized to be made and completed
26 on or before such effective date.