

STATE OF NEW YORK

8902--C

IN ASSEMBLY

January 26, 2024

Introduced by M. of A. CUNNINGHAM, BICHOTTE HERMELYN, LEE, DAVILA, TAPIA, GONZALEZ-ROJAS, HYNDMAN, TAYLOR, BORES -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to owner liability for failure of an operator to comply with street cleaning parking rules; to amend the public officers law, in relation to access to records prepared pursuant to street cleaning parking rules; 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 an operator to comply with
4 street cleaning parking rules. (a) 1. Notwithstanding any other
5 provision of law, the city of New York is hereby authorized to establish
6 a demonstration program imposing monetary liability on the owner of a
7 vehicle for failure of an operator thereof to comply with posted street
8 cleaning parking rules in such city in accordance with the provisions of
9 this section. Such demonstration program shall empower the New York
10 city department of sanitation to install street cleaning vehicle photo
11 devices on street cleaning vehicles along street cleaning routes at
12 locations determined by such department in such city and to administer
13 such program in consultation with the New York city department of trans-
14 portation.

15 2. Any photographs, microphotographs, videotape or other recorded
16 images captured by street cleaning vehicle photo devices shall be inad-
17 missible in any disciplinary proceeding convened by the department and
18 any proceeding initiated by the department involving licensure privi-

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

LBD13521-11-4

leges of street cleaning vehicle operators. Any street cleaning vehicle photo device mounted on a street cleaning vehicle shall be directed outwardly from such vehicle to capture images of vehicles operated in violation of street cleaning parking rules, 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. No street cleaning vehicle photo device shall be used unless on the day it is to be used it has successfully passed a self-test of its functions.

4. (i) Such demonstration program shall utilize necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such street cleaning vehicle photo device 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 vehicles where the city shows that it made reasonable efforts to comply with the provisions of this paragraph in such case.

(ii) Photographs, microphotographs, videotape or any other recorded image from a street cleaning vehicle photo device shall be for the exclusive use of the city 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 the 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 vehicle 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 devices:

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

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

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

5. Every street cleaning vehicle upon which a street cleaning vehicle photo device is installed and operated pursuant to a demonstration program authorized pursuant to this section shall be equipped with signs, placards or other displays giving notice to approaching motor vehicle operators that street cleaning vehicle photo devices are used to enforce street cleaning parking rules.

6. Warning notices of violation shall be issued during the first sixty days that street cleaning vehicle photo devices pursuant to a demonstration program authorized by this section are active and in operation.

7. The city of New York shall adopt and enforce measures:

(i) to upgrade signage at regular intervals within street cleaning routes stating that street cleaning vehicle photo devices are used to enforce street cleaning parking rules along such routes; and

(ii) to prohibit the use or dissemination of vehicles' license plate information and other information and images captured by street cleaning vehicle photo devices except: (A) as required to establish liability under this section or collect payment of penalties; (B) as required by court order; or (C) as otherwise required by law.

(b) If the city of New York has established a program pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was parked in violation of any street cleaning parking rule of such city and such violation is evidenced by information obtained from a street cleaning vehicle photo device.

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

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

2. "Owner" shall have the meaning provided in article two-B of this chapter.

3. "Street cleaning routes" shall mean street cleaning routes designated by the New York city department of sanitation that include upgraded signage stating that street cleaning vehicle photo devices are used to enforce street cleaning parking rules.

4. "Street cleaning parking rules" shall mean the prohibited parking of any vehicle on one side of the street to allow for cleaning by the New York city department of sanitation during designated time periods as

1 posted by sign pursuant to the rules of the New York city department of
2 transportation.

3 5. "Street cleaning vehicle" shall mean any vehicle operated by the
4 New York city department of sanitation that is designed to wash dirt and
5 grime, and remove litter and debris, from the street surface.

6 6. "Street cleaning vehicle photo device" shall mean a device that is
7 mounted on a street cleaning vehicle, is capable of operating independ-
8 ently of an enforcement officer and produces one or more images of each
9 vehicle at the time it is in violation of street cleaning parking rules.

10 (d) A certificate, sworn to or affirmed by a technician employed by
11 the city of New York in which the charged violation occurred, or a
12 facsimile thereof, based upon inspection of photographs, microphoto-
13 graphs, videotape or other recorded images produced by a street cleaning
14 vehicle photo device, shall be prima facie evidence of the facts
15 contained therein. Any photographs, microphotographs, videotape or other
16 recorded images evidencing such a violation shall be available for
17 inspection in any proceeding to adjudicate the liability for such
18 violation pursuant to this section.

19 (e) An owner liable for a violation of a street cleaning parking rule
20 imposed on any route shall be liable for monetary penalties in accord-
21 ance with a schedule of fines and penalties promulgated by the parking
22 violations bureau of the city of New York; provided, however, that the
23 monetary penalty for violating a street cleaning parking rule shall not
24 exceed fifty dollars for each violation; provided, further, that an
25 owner shall be liable for an additional penalty not to exceed twenty-
26 five dollars for each violation for the failure to respond to a notice
27 of liability within the prescribed time period.

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

33 (g) 1. A notice of liability shall be sent by first class mail to each
34 person alleged to be liable as an owner for a violation of a street
35 cleaning parking rule. Personal delivery on the owner shall not be
36 required. A manual or automatic record of mailing prepared in the ordi-
37 nary course of business shall be prima facie evidence of the facts
38 contained therein.

39 2. A notice of liability shall contain the name and address of the
40 person alleged to be liable as an owner for violation of a street clean-
41 ing parking rule, the registration number of the vehicle involved in
42 such violation, the location where such violation took place including
43 the street or cross streets, one or more images identifying the
44 violation, the date and time of such violation and the identification
45 number of the street cleaning vehicle photo device that recorded the
46 violation or other document locator number.

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

53 4. The notice of liability shall be prepared and mailed by the agency
54 or agencies designated by the city of New York, or any other entity
55 authorized by such city to prepare and mail such notification of
56 violation.

1 5. Adjudication of the liability imposed upon owners by this section
2 shall be by the New York city parking violations bureau.

3 (h) If an owner of a vehicle receives a notice of liability pursuant
4 to this section for any time period during which the vehicle was
5 reported to the police department as having been stolen, it shall be a
6 valid defense to an allegation of liability for violation of a street
7 cleaning parking rule of such city, that the vehicle had been reported
8 to the police as stolen prior to the time the violation occurred and had
9 not been recovered by such time. For purposes of asserting the defense
10 provided by this subdivision it shall be sufficient that a certified
11 copy of the police report on the stolen vehicle be sent by first class
12 mail to the parking violations bureau.

13 (i) 1. An owner who is a lessor of a vehicle to which a notice of
14 liability was issued pursuant to subdivision (g) of this section shall
15 not be liable for the violation of the street cleaning parking rule,
16 provided that:

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

20 (ii) within thirty-seven days after receiving notice from such bureau
21 of the date and time of such liability, together with the other informa-
22 tion contained in the original notice of liability, the lessor submits
23 to such bureau the correct name and address of the lessee of the vehicle
24 identified in the notice of liability at the time of such violation,
25 together with such other additional information contained in the rental,
26 lease or other contract document, as may be reasonably required by such
27 bureau pursuant to regulations that may be promulgated for such purpose.

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

31 3. Where the lessor complies with the provisions of paragraph one of
32 this subdivision, the lessee of such vehicle on the date of such
33 violation shall be deemed to be the owner of such vehicle for purposes
34 of this section, shall be subject to liability for such violation pursu-
35 ant to this section, and shall be sent a notice of liability pursuant to
36 subdivision (g) of this section.

37 (j) 1. If the owner liable for a violation of a street cleaning park-
38 ing rule pursuant to this section was not the operator of the vehicle
39 at the time of such violation, the owner may maintain an action for
40 indemnification against the operator.

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

49 (k) Nothing in this section shall be construed to limit the liability
50 of an operator of a vehicle for any violation of a street cleaning park-
51 ing rule.

52 (l) If the city of New York adopts a demonstration program pursuant to
53 subdivision (a) of this section, such city's department of sanitation
54 shall submit a report on the results of the use of street cleaning park-
55 ing rule-related photo devices to the governor, the temporary president
56 of the senate, and the speaker of the assembly by April first, two thou-

sand twenty-six and every two years thereafter. The department of sanitation of the city of New York shall also make such reports available on their public-facing websites, provided that they may provide aggregate data from paragraph one of this subdivision if the city finds that publishing specific location data would jeopardize public safety. Such report shall include, but not be limited to:

1. a description of the locations and/or vehicles where street cleaning vehicle photo devices were used;

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

3. the total number of notices of liability issued;

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

5. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made;

6. the total amount of revenue realized by such city and department and an itemized list of expenditures made by the city and department with these revenues;

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

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

9. the total cost to such city; and

10. a report on the number of miles of street cleaning routes cleaned before and after implementation of the demonstration program.

(m) It shall be a defense to any prosecution for a violation of a street cleaning parking rule pursuant to a demonstration program adopted pursuant to this section that such street cleaning vehicle 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 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 (h) 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 (i) 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 (j) to adjudicate the liability of owners for violations of street cleaning parking rules as defined by article twenty-four of this chapter imposed pursuant to a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning parking rules through the installation and operation of street cleaning vehicle photo devices, in accordance with article twenty-four of this chapter, such tribunal and the rules and regulations pertaining thereto shall be constituted in substantial conformance with the following sections.

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

1. Creation. In any city as hereinbefore or hereafter authorized such tribunal when created shall be known as the parking violations bureau and shall have jurisdiction of traffic infractions which constitute a parking violation and, where authorized: (a) to adjudicate the liability of owners for violations of subdivision (d) of section eleven hundred

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

1 thereof to comply with such bus operation-related traffic regulations
2 through the installation and operation of bus operation-related photo
3 devices, in accordance with article twenty-four of this chapter, or (i)
4 to adjudicate the liability of owners for violations of street cleaning
5 parking rules as defined by article twenty-four of this chapter
6 imposed pursuant to a program imposing monetary liability on the owner
7 of a vehicle for failure of an operator thereof to comply with
8 such street cleaning parking rules through the installation and opera-
9 tion of street cleaning vehicle photo devices, in accordance with arti-
10 cle twenty-four of this chapter. Such tribunal, except in a city with a
11 population of one million or more, shall also have jurisdiction of aban-
12 doned vehicle violations. For the purposes of this article, a parking
13 violation is the violation of any law, rule or regulation providing for
14 or regulating the parking, stopping or standing of a vehicle. In addi-
15 tion for purposes of this article, "commissioner" shall mean and include
16 the commissioner of traffic of the city or an official possessing
17 authority as such a commissioner.

18 § 4. Paragraph f of subdivision 1 of section 239 of the vehicle and
19 traffic law, as amended by section 4 of part MM of chapter 56 of the
20 laws of 2023, is amended to read as follows:

21 f. "Notice of violation" means a notice of violation as defined in
22 subdivision nine of section two hundred thirty-seven of this article,
23 but shall not be deemed to include a notice of liability issued pursuant
24 to authorization set forth in articles ten, twenty-four, twenty-nine and
25 thirty of this chapter, section two thousand nine hundred eighty-five of
26 the public authorities law and sections sixteen-a, sixteen-b and
27 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
28 hundred fifty to impose monetary liability on the owner of a vehicle for
29 failure of an operator thereof: to comply with traffic-control indi-
30 cations in violation of subdivision (d) of section eleven hundred eleven
31 of this chapter through the installation and operation of traffic-con-
32 trol signal photo violation-monitoring systems, in accordance with arti-
33 cle twenty-four of this chapter; or to comply with certain posted maxi-
34 mum speed limits in violation of subdivision (b), (c), (d), (f) or (g)
35 of section eleven hundred eighty of this chapter through the installa-
36 tion and operation of photo speed violation monitoring systems, in
37 accordance with article thirty of this chapter; or to comply with bus
38 lane restrictions as defined by article twenty-four of this chapter
39 through the installation and operation of bus lane photo devices, in
40 accordance with article twenty-four of this chapter; or to comply with
41 toll collection regulations of certain public authorities through the
42 installation and operation of photo-monitoring systems, in accordance
43 with the provisions of section two thousand nine hundred eighty-five of
44 the public authorities law and sections sixteen-a, sixteen-b and
45 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
46 hundred fifty; or to stop for a school bus displaying a red visual
47 signal in violation of section eleven hundred seventy-four of this chap-
48 ter through the installation and operation of school bus photo violation
49 monitoring systems, in accordance with article twenty-nine of this chap-
50 ter; or to comply with certain posted maximum speed limits in violation
51 of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
52 this chapter within a highway construction or maintenance work area
53 through the installation and operation of photo speed violation monitor-
54 ing systems, in accordance with article thirty of this chapter; or to
55 comply with gross vehicle weight and/or axle weight restrictions in
56 violation of section three hundred eighty-five of this chapter and the

1 rules of the department of transportation of the city of New York
2 through the installation and operation of weigh in motion violation
3 monitoring systems, in accordance with article ten of this chapter; or
4 to comply with bus operation-related traffic regulations as defined by
5 article twenty-four of this chapter in violation of the rules of the
6 department of transportation of the city of New York through the instal-
7 lation and operation of bus operation-related photo devices, in accord-
8 ance with article twenty-four of this chapter; or to comply with street
9 cleaning parking rules as defined by article twenty-four of this chapter
10 through the installation and operation of street cleaning vehicle photo
11 devices, in accordance with article twenty-four of this chapter.

12 § 5. Subdivisions 1, 1-a and the opening paragraph of paragraph (a) of
13 subdivision 1-b of section 240 of the vehicle and traffic law, as
14 amended by section 5 of part MM of chapter 56 of the laws of 2023, are
15 amended to read as follows:

16 1. Notice of hearing. Whenever a person charged with a parking
17 violation enters a plea of not guilty; or a person alleged to be liable
18 in accordance with any provisions of law specifically authorizing the
19 imposition of monetary liability on the owner of a vehicle for failure
20 of an operator thereof: to comply with traffic-control indications in
21 violation of subdivision (d) of section eleven hundred eleven of this
22 chapter through the installation and operation of traffic-control signal
23 photo violation-monitoring systems, in accordance with article twenty-
24 four of this chapter; or to comply with certain posted maximum speed
25 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
26 eleven hundred eighty of this chapter through the installation and oper-
27 ation of photo speed violation monitoring systems, in accordance with
28 article thirty of this chapter; or to comply with bus lane restrictions
29 as defined by article twenty-four of this chapter through the installa-
30 tion and operation of bus lane photo devices, in accordance with article
31 twenty-four of this chapter; or to comply with toll collection regu-
32 lations of certain public authorities through the installation and oper-
33 ation of photo-monitoring systems, in accordance with the provisions of
34 section two thousand nine hundred eighty-five of the public authorities
35 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
36 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
37 for a school bus displaying a red visual signal in violation of section
38 eleven hundred seventy-four of this chapter through the installation and
39 operation of school bus photo violation monitoring systems, in accord-
40 ance with article twenty-nine of this chapter; or to comply with certain
41 posted maximum speed limits in violation of subdivision (b), (d), (f) or
42 (g) of section eleven hundred eighty of this chapter within a highway
43 construction or maintenance work area through the installation and oper-
44 ation of photo speed violation monitoring systems, in accordance with
45 article thirty of this chapter; or to comply with gross vehicle weight
46 and/or axle weight restrictions in violation of section three hundred
47 eighty-five of this chapter and the rules of the department of transpor-
48 tation of the city of New York through the installation and operation of
49 weigh in motion violation monitoring systems, in accordance with article
50 ten of this chapter; or to comply with bus operation-related traffic
51 regulations as defined by article twenty-four of this chapter in
52 violation of the rules of the department of transportation of the city
53 of New York through the installation and operation of bus operation-re-
54 lated photo devices, in accordance with article twenty-four of this
55 chapter; or to comply with street cleaning parking rules as defined by
56 article twenty-four of this chapter through the installation and opera-

tion of street cleaning vehicle photo devices, in accordance with article twenty-four of this chapter, contests such allegation, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which ~~he or she~~ such person must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading or contesting that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

1-a. Fines and penalties. Whenever a plea of not guilty has been entered, or the bureau has been notified that an allegation of liability in accordance with provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications 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 parking rules as defined by article twenty-four of this chapter through the installation and operation of street cleaning vehicle photo devices, in accordance with article twenty-four of this chapter, is being contested, by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the bureau shall not issue any notice of fine or penalty to that person prior to the date of the hearing.

1 In a city having a population of one million or more, at every hearing
2 for the adjudication of a notice of liability, as provided by this arti-
3 cle, there shall be a rebuttable presumption that the owner of a first-
4 response emergency vehicle alleged to be liable in accordance with any
5 provisions of law specifically authorizing the imposition of monetary
6 liability on the owner of a vehicle for failure of an operator thereof:
7 to comply with traffic-control indications in violation of subdivision
8 (d) of section eleven hundred eleven of this chapter through the instal-
9 lation and operation of traffic-control signal photo violation-monitor-
10 ing systems, in accordance with article twenty-four of this chapter; or
11 to comply with certain posted maximum speed limits in violation of
12 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
13 of this chapter through the installation and operation of photo speed
14 violation monitoring systems, in accordance with article thirty of this
15 chapter; or to comply with bus lane restrictions as defined by article
16 twenty-four of this chapter through the installation and operation of
17 bus lane photo devices, in accordance with article twenty-four of this
18 chapter; or to comply with bus operation-related traffic regulations as
19 defined by article twenty-four of this chapter in violation of the rules
20 of the department of transportation of the city of New York through the
21 installation and operation of bus operation-related photo devices, in
22 accordance with article twenty-four of this chapter; or to comply with
23 street cleaning parking rules as defined by article twenty-four of this
24 chapter through the installation and operation of street cleaning
25 vehicle photo devices, in accordance with article twenty-four of this
26 chapter is not liable for such alleged violation if such owner of the
27 first-response emergency vehicle provides the hearing officer with:

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

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

toring 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 an allegation of liability of an owner for a violation 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 an 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 parking rules as defined by article twenty-four of this chapter imposed pursuant to a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning parking rules through the installation and operation of street cleaning vehicle 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

1 this chapter through the installation and operation of bus lane photo
2 devices, in accordance with article twenty-four of this chapter; to
3 comply with toll collection regulations of certain public authorities
4 through the installation and operation of photo-monitoring systems, in
5 accordance with the provisions of section two thousand nine hundred
6 eighty-five of the public authorities law and sections sixteen-a,
7 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
8 laws of nineteen hundred fifty; to stop for a school bus displaying a
9 red visual signal in violation of section eleven hundred seventy-four of
10 this chapter through the installation and operation of school bus photo
11 violation monitoring systems, in accordance with article twenty-nine of
12 this chapter; to comply with certain posted maximum speed limits in
13 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
14 eighty of this chapter within a highway construction or maintenance work
15 area through the installation and operation of photo speed violation
16 monitoring systems, in accordance with article thirty of this chapter;
17 to comply with gross vehicle weight and/or axle weight restrictions in
18 violation of section three hundred eighty-five of this chapter and the
19 rules of the department of transportation of the city of New York
20 through the installation and operation of weigh in motion violation
21 monitoring systems, in accordance with article ten of this chapter; or
22 to comply with bus operation-related traffic regulations as defined by
23 article twenty-four of this chapter in violation of the rules of the
24 department of transportation of the city of New York through the instal-
25 lation and operation of bus operation-related photo devices, in accord-
26 ance with article twenty-four of this chapter; or to comply with street
27 cleaning parking rules as defined by article twenty-four of this chapter
28 through the installation and operation of street cleaning vehicle photo
29 devices, in accordance with article twenty-four of this chapter, is
30 contested. Recording devices may be used for the making of the record.

31 § 7. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
32 law, as amended by section 7 of part MM of chapter 56 of the laws of
33 2023, are amended to read as follows:

34 1. The hearing examiner shall make a determination on the charges,
35 either sustaining or dismissing them. Where the hearing examiner deter-
36 mines that the charges have been sustained [~~he or she~~] such examiner may
37 examine either the prior parking violations record or the record of
38 liabilities incurred in accordance with any provisions of law specif-
39 ically authorizing the imposition of monetary liability on the owner of
40 a vehicle for failure of an operator thereof: to comply with traffic-
41 control indications in violation of subdivision (d) of section eleven
42 hundred eleven of this chapter through the installation and operation of
43 traffic-control signal photo violation-monitoring systems, in accordance
44 with article twenty-four of this chapter; to comply with certain posted
45 maximum speed limits in violation of subdivision (b), (c), (d), (f) or
46 (g) of section eleven hundred eighty of this chapter through the instal-
47 lation and operation of photo speed violation monitoring systems, in
48 accordance with article thirty of this chapter; to comply with bus lane
49 restrictions as defined by article twenty-four of this chapter through
50 the installation and operation of bus lane photo devices, in accordance
51 with article twenty-four of this chapter; to comply with toll collection
52 regulations of certain public authorities through the installation and
53 operation of photo-monitoring systems, in accordance with the provisions
54 of section two thousand nine hundred eighty-five of the public authori-
55 ties law and sections sixteen-a, sixteen-b and sixteen-c of chapter
56 seven hundred seventy-four of the laws of nineteen hundred fifty; to

1 stop for a school bus displaying a red visual signal in violation of
2 section eleven hundred seventy-four of this chapter through the instal-
3 lation and operation of school bus photo violation monitoring systems,
4 in accordance with article twenty-nine of this chapter; to comply with
5 certain posted maximum speed limits in violation of subdivision (b),
6 (d), (f) or (g) of section eleven hundred eighty of this chapter within
7 a highway construction or maintenance work area through the installation
8 and operation of photo speed violation monitoring systems, in accordance
9 with article thirty of this chapter; to comply with gross vehicle weight
10 and/or axle weight restrictions in violation of section three hundred
11 eighty-five of this chapter and the rules of the department of transpor-
12 tation of the city of New York through the installation and operation of
13 weigh in motion violation monitoring systems, in accordance with article
14 ten of this chapter; ~~[or]~~ to comply with bus operation-related traffic
15 regulations as defined by article twenty-four of this chapter in
16 violation of the rules of the department of transportation of the city
17 of New York through the installation and operation of bus operation-re-
18 lated photo devices, in accordance with article twenty-four of this
19 chapter; or to comply with street cleaning parking rules as defined by
20 article twenty-four of this chapter through the installation and opera-
21 tion of street cleaning vehicle photo devices, in accordance with arti-
22 cle twenty-four of this chapter, of the person charged, as applicable
23 prior to rendering a final determination. Final determinations sustain-
24 ing or dismissing charges shall be entered on a final determination roll
25 maintained by the bureau together with records showing payment and
26 nonpayment of penalties.

27 2. Where an operator or owner fails to enter a plea to a charge of a
28 parking violation or contest an allegation of liability in accordance
29 with any provisions of law specifically authorizing the imposition of
30 monetary liability on the owner of a vehicle for failure of an operator
31 thereof: to comply with traffic-control indications in violation of
32 subdivision (d) of section eleven hundred eleven of this chapter through
33 the installation and operation of traffic-control signal photo viola-
34 tion-monitoring systems, in accordance with article twenty-four of this
35 chapter; to comply with certain posted maximum speed limits in violation
36 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
37 eighty of this chapter through the installation and operation of photo
38 speed violation monitoring systems, in accordance with article thirty of
39 this chapter; to comply with bus lane restrictions as defined by article
40 twenty-four of this chapter through the installation and operation of
41 bus lane photo devices, in accordance with article twenty-four of this
42 chapter; to comply with toll collection regulations of certain public
43 authorities through the installation and operation of photo-monitoring
44 systems, in accordance with the provisions of section two thousand nine
45 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; to stop for a school bus display-
48 ing a red visual signal in violation of section eleven hundred seventy-
49 four of this chapter through the installation and operation of school
50 bus photo violation monitoring systems, in accordance with article twen-
51 ty-nine of this chapter; to comply with certain posted maximum speed
52 limits in violation of subdivision (b), (d), (f) or (g) of section elev-
53 en hundred eighty of this chapter within a highway construction or main-
54 tenance work area through the installation and operation of photo speed
55 violation monitoring systems, in accordance with article thirty of this
56 chapter; to comply with gross vehicle weight and/or axle weight

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

1 ten of this chapter; ~~or~~ to comply with bus operation-related traffic
2 regulations as defined by article twenty-four of this chapter in
3 violation of the rules of the department of transportation of the city
4 of New York through the installation and operation of bus operation-re-
5 lated photo devices, in accordance with article twenty-four of this
6 chapter; or to comply with street cleaning parking rules as defined by
7 article twenty-four of this chapter through the installation and opera-
8 tion of street cleaning vehicle photo devices, in accordance with arti-
9 cle twenty-four of this chapter, (2) of the impending default judgment,
10 (3) that such judgment will be entered in the Civil Court of the city in
11 which the bureau has been established, or other court of civil jurisdic-
12 tion or any other place provided for the entry of civil judgments within
13 the state of New York, and (4) that a default may be avoided by entering
14 a plea or contesting an allegation of liability in accordance with any
15 provisions of law specifically authorizing the imposition of monetary
16 liability on the owner of a vehicle for failure of an operator thereof:
17 to comply with traffic-control indications in violation of subdivision
18 (d) of section eleven hundred eleven of this chapter through the instal-
19 lation and operation of traffic-control signal photo violation-monitor-
20 ing systems, in accordance with article twenty-four of this chapter; to
21 comply with certain posted maximum speed limits in violation of subdivi-
22 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
23 chapter through the installation and operation of photo speed violation
24 monitoring systems, in accordance with article thirty of this chapter;
25 to comply with bus lane restrictions as defined by article twenty-four
26 of this chapter through the installation and operation of bus lane photo
27 devices, in accordance with article twenty-four of this chapter; to
28 comply with toll collection regulations of certain public authorities
29 through the installation and operation of photo-monitoring systems, in
30 accordance with the provisions of section two thousand nine hundred
31 eighty-five of the public authorities law and sections sixteen-a,
32 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
33 laws of nineteen hundred fifty; to stop for a school bus displaying a
34 red visual signal in violation of section eleven hundred seventy-four of
35 this chapter through the installation and operation of school bus photo
36 violation monitoring systems, in accordance with article twenty-nine of
37 this chapter; to comply with certain posted maximum speed limits in
38 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
39 eighty of this chapter within a highway construction or maintenance work
40 area through the installation and operation of photo speed violation
41 monitoring systems, in accordance with article thirty of this chapter;
42 to comply with gross vehicle weight and/or axle weight restrictions in
43 violation of section three hundred eighty-five of this chapter and the
44 rules of the department of transportation of the city of New York
45 through the installation and operation of weigh in motion violation
46 monitoring systems, in accordance with article ten of this chapter; ~~or~~
47 to comply with bus operation-related traffic regulations as defined by
48 article twenty-four of this chapter in violation of the rules of the
49 department of transportation of the city of New York through the instal-
50 lation and operation of bus operation-related photo devices, in accord-
51 ance with article twenty-four of this chapter; or to comply with street
52 cleaning parking rules as defined by article twenty-four of this chapter
53 through the installation and operation of street cleaning vehicle photo
54 devices, in accordance with article twenty-four of this chapter; or
55 making an appearance within thirty days of the sending of such notice.
56 Pleas entered and allegations contested within that period shall be in

1 the manner prescribed in the notice and not subject to additional penal-
2 ty or fee. Such notice of impending default judgment shall not be
3 required prior to the rendering and entry thereof in the case of opera-
4 tors or owners who are non-residents of the state of New York. In no
5 case shall a default judgment be rendered or, where required, a notice
6 of impending default judgment be sent, more than two years after the
7 expiration of the time prescribed for entering a plea or contesting an
8 allegation. When a person has demanded a hearing, no fine or penalty
9 shall be imposed for any reason, prior to the holding of the hearing. If
10 the hearing examiner shall make a determination on the charges, sustain-
11 ing them, ~~[he or she]~~ such examiner shall impose no greater penalty or
12 fine than those upon which the person was originally charged.

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

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

1 nine of this chapter; or (vi) the registrant was liable for a violation
2 of section three hundred eighty-five of this chapter and the rules of
3 the department of transportation of the city of New York in relation to
4 gross vehicle weight and/or axle weight violations imposed pursuant to a
5 weigh in motion demonstration program imposing monetary liability on the
6 owner of a vehicle for failure of an operator thereof to comply with
7 such gross vehicle weight and/or axle weight restrictions through the
8 installation and operation of weigh in motion violation monitoring
9 systems, in accordance with article ten of this chapter; or (vii) the
10 registrant was liable for a violation of subdivision (b), (d), (f) or
11 (g) of section eleven hundred eighty of this chapter imposed pursuant to
12 a demonstration program imposing monetary liability on the owner of a
13 vehicle for failure of an operator thereof to comply with such posted
14 maximum speed limits within a highway construction or maintenance work
15 area through the installation and operation of photo speed violation
16 monitoring systems, in accordance with article thirty of this
17 chapter[7]; or (viii) the registrant was liable for a violation of bus
18 operation-related traffic regulations as defined by article twenty-four
19 of this chapter imposed pursuant to a demonstration program imposing
20 monetary liability on the owner of a vehicle for failure of an operator
21 thereof to comply with such bus operation-related traffic regulations
22 through the installation and operation of bus operation-related photo
23 devices, in accordance with article twenty-four of this chapter[7]; or
24 (ix) the registrant was liable for a violation of street cleaning park-
25 ing rules as defined by article twenty-four of this chapter imposed
26 pursuant to a program imposing monetary liability on the owner of a
27 vehicle for failure of an operator thereof to comply with such street
28 cleaning parking rules through the installation and operation of street
29 cleaning vehicle photo devices, in accordance with article twenty-four
30 of this chapter, the commissioner or [~~his or her~~] their agent shall deny
31 the registration or renewal application until the applicant provides
32 proof from the court, traffic and parking violations agency or adminis-
33 trative tribunal wherein the charges are pending that an appearance or
34 answer has been made or in the case of an administrative tribunal that
35 [~~he or she~~] such applicant has complied with the rules and regulations
36 of said tribunal following entry of a final decision. Where an applica-
37 tion is denied pursuant to this section, the commissioner may, in [~~his~~
38 ~~or her~~] their discretion, deny a registration or renewal application to
39 any other person for the same vehicle and may deny a registration or
40 renewal application for any other motor vehicle registered in the name
41 of the applicant where the commissioner has determined that such regis-
42 trant's intent has been to evade the purposes of this subdivision and
43 where the commissioner has reasonable grounds to believe that such
44 registration or renewal will have the effect of defeating the purposes
45 of this subdivision. Such denial shall only remain in effect as long as
46 the summonses remain unanswered, or in the case of an administrative
47 tribunal, the registrant fails to comply with the rules and regulations
48 following entry of a final decision.

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

52 1-a. Notwithstanding the provisions of subdivision one of this
53 section, the provisions of subdivision one of this section shall not
54 apply to an adjudication of liability of owners: (a) for violations of
55 subdivision (d) of section eleven hundred eleven of this chapter imposed
56 pursuant to a local law or ordinance imposing monetary liability on the

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

vehicle for failure of an operator thereof to comply with such street cleaning parking rules through the installation and operation of street cleaning vehicle photo devices, in 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 parking rules as defined by article twenty-four of this chapter imposed pursuant to a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning parking rules through the installation and operation of street cleaning vehicle 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 parking rules as defined by article twenty-four of this chapter imposed pursuant to a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning parking rules through the installation and operation of street cleaning vehicle 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:

a. Notwithstanding any other provision of law, whenever proceedings in a court or an administrative tribunal of this state result in a conviction for an offense under this chapter, except a conviction pursuant to section eleven hundred ninety-two of this chapter, or for a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, except: (i) a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists; and (ii) an adjudication of liability of an owner for a violation 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; and (iii) an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter 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; and (iv) an adjudication of liability of an owner for a violation 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; and (v) an adjudication of liability of an owner for a violation 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 section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; and (vi) an adjudication of liability of an owner for a violation 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; and (vii) an adjudication 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; and

(viii) an adjudication of liability of an owner for a violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter 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; and (ix) 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; and (x) an adjudication of liability of an owner for a violation of street cleaning parking rules as defined by article twenty-four of this chapter imposed pursuant to a program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with such street cleaning parking rules through the installation and operation of street cleaning vehicle photo devices, in accordance with article twenty-four of this chapter, there shall be levied in addition to any sentence, penalty or other surcharge required or permitted by law, an additional surcharge of twenty-eight dollars.

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

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

§ 14. The purchase or lease of equipment for a demonstration program established pursuant to section 1111-h of the vehicle and traffic law, as added by section one of this act, shall be subject to the provisions of section 103 of the general municipal law.

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

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

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