

STATE OF NEW YORK

8756--A

Cal. No. 1511

IN SENATE

March 7, 2024

Introduced by Sens. JACKSON, SEPULVEDA, PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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-
19 leges of street cleaning vehicle operators. Any street cleaning vehicle
20 photo device mounted on a street cleaning vehicle shall be directed
21 outwardly from such vehicle to capture images of vehicles operated in
22 violation of street cleaning parking rules, and images produced by such

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

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1 device shall not be used for any other purpose in the absence of a court
2 order requiring such images to be produced.

3 3. No street cleaning vehicle photo device shall be used unless on the
4 day it is to be used it has successfully passed a self-test of its func-
5 tions.

6 4. (i) Such demonstration program shall utilize necessary technologies
7 to ensure, to the extent practicable, that photographs, microphoto-
8 graphs, videotape or other recorded images produced by such street
9 cleaning vehicle photo device shall not include images that identify the
10 driver, the passengers, or the contents of the vehicle. Provided,
11 however, that no notice of liability issued pursuant to this section
12 shall be dismissed solely because such a photograph, microphotograph,
13 videotape or other recorded image allows for the identification of the
14 driver, the passengers, or the contents of vehicles where the city shows
15 that it made reasonable efforts to comply with the provisions of this
16 paragraph in such case.

17 (ii) Photographs, microphotographs, videotape or any other recorded
18 image from a street cleaning vehicle photo device shall be for the
19 exclusive use of the city for the purpose of the adjudication of liabil-
20 ity imposed pursuant to this section and of the owner receiving a notice
21 of liability pursuant to this section, and shall be destroyed by the
22 city upon the final resolution of the notice of liability to which such
23 photographs, microphotographs, videotape or other recorded images
24 relate, or one year following the date of issuance of such notice of
25 liability, whichever is later. Notwithstanding the provisions of any
26 other law, rule or regulation to the contrary, photographs, microphoto-
27 graphs, videotape or any other recorded image from a street
28 cleaning vehicle photo device shall not be open to the public, nor
29 subject to civil or criminal process or discovery, nor used by any
30 court or administrative or adjudicatory body in any action or proceed-
31 ing therein except that which is necessary for the adjudication of a
32 notice of liability issued pursuant to this section, and no
33 public entity or employee, officer or agent thereof shall disclose
34 such information, except that such photographs, microphotographs,
35 videotape or any other recorded images from such devices:

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

40 (B) (1) shall be furnished when described in a search warrant issued
41 by a court authorized to issue such a search warrant pursuant to article
42 six hundred ninety of the criminal procedure law or a federal court
43 authorized to issue such a search warrant under federal law, where such
44 search warrant states that there is reasonable cause to believe such
45 information constitutes evidence of, or tends to demonstrate that, a
46 misdemeanor or felony offense was committed in this state or another
47 state, or that a particular person participated in the commission of a
48 misdemeanor or felony offense in this state or another state, provided,
49 however, that if such offense was against the laws of another state, the
50 court shall only issue a warrant if the conduct comprising such offense
51 would, if occurring in this state, constitute a misdemeanor or felony
52 against the laws of this state; and

53 (2) shall be furnished in response to a subpoena duces tecum signed by
54 a judge of competent jurisdiction and issued pursuant to article six
55 hundred ten of the criminal procedure law or a judge or magistrate of a
56 federal court authorized to issue such a subpoena duces tecum under

1 federal law, where the judge finds and the subpoena states that there is
2 reasonable cause to believe such information is relevant and material to
3 the prosecution, or the defense, or the investigation by an authorized
4 law enforcement official, of the alleged commission of a misdemeanor or
5 felony in this state or another state, provided, however, that if such
6 offense was against the laws of another state, such judge or magistrate
7 shall only issue such subpoena if the conduct comprising such offense
8 would, if occurring in this state, constitute a misdemeanor or felony in
9 this state; and

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

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

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

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

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

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

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

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

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

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

45 3. "Street cleaning routes" shall mean street cleaning routes desig-
46 nated by the New York city department of sanitation that include
47 upgraded signage stating that street cleaning vehicle photo devices are
48 used to enforce street cleaning parking rules.

49 4. "Street cleaning parking rules" shall mean the prohibited parking
50 of any vehicle on one side of the street to allow for cleaning by the
51 New York city department of sanitation during designated time periods as
52 posted by sign pursuant to the rules of the New York city department of
53 transportation.

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

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

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

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

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

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

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

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

48 4. The notice of liability shall be prepared and mailed by the agency
49 or agencies designated by the city of New York, or any other entity
50 authorized by such city to prepare and mail such notification of
51 violation.

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

54 (h) If an owner of a vehicle receives a notice of liability pursuant
55 to this section for any time period during which the vehicle was
56 reported to the police department as having been stolen, it shall be a

1 valid defense to an allegation of liability for violation of a street
2 cleaning parking rule of such city, that the vehicle had been reported
3 to the police as stolen prior to the time the violation occurred and had
4 not been recovered by such time. For purposes of asserting the defense
5 provided by this subdivision it shall be sufficient that a certified
6 copy of the police report on the stolen vehicle be sent by first class
7 mail to the parking violations bureau.

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

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

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

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

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

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

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

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

47 (l) If the city of New York adopts a demonstration program pursuant to
48 subdivision (a) of this section, such city's department of sanitation
49 shall submit a report on the results of the use of street cleaning park-
50 ing rule-related photo devices to the governor, the temporary president
51 of the senate, and the speaker of the assembly by April first, two thou-
52 sand twenty-six and every two years thereafter. The department of sani-
53 tation of the city of New York shall also make such reports available on
54 their public-facing websites, provided that they may provide aggregate
55 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 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-

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

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

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

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

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

7 1-a. Fines and penalties. Whenever a plea of not guilty has been
8 entered, or the bureau has been notified that an allegation of liability
9 in accordance with provisions of law specifically authorizing the im-
10 position of monetary liability on the owner of a vehicle for failure of an
11 operator thereof: to comply with traffic-control indications in
12 violation of subdivision (d) of section eleven hundred eleven of this
13 chapter through the installation and operation of traffic-control signal
14 photo violation-monitoring systems, in accordance with article twenty-
15 four of this chapter; or to comply with certain posted maximum speed
16 limits in violation of subdivision (b), (c), (d), (f) or (g) of section
17 eleven hundred eighty of this chapter through the installation and oper-
18 ation of photo speed violation monitoring systems, in accordance with
19 article thirty of this chapter; or to comply with bus lane restrictions
20 as defined by article twenty-four of this chapter through the installa-
21 tion and operation of bus lane photo devices, in accordance with article
22 twenty-four of this chapter; or to comply with toll collection regu-
23 lations of certain public authorities through the installation and oper-
24 ation of photo-monitoring systems, in accordance with the provisions of
25 section two thousand nine hundred eighty-five of the public authorities
26 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
27 hundred seventy-four of the laws of nineteen hundred fifty; or to stop
28 for a school bus displaying a red visual signal in violation of section
29 eleven hundred seventy-four of this chapter through the installation and
30 operation of school bus photo violation monitoring systems, in accord-
31 ance with article twenty-nine of this chapter; or to comply with certain
32 posted maximum speed limits in violation of subdivision (b), (d), (f) or
33 (g) of section eleven hundred eighty of this chapter within a highway
34 construction or maintenance work area through the installation and oper-
35 ation of photo speed violation monitoring systems, in accordance with
36 article thirty of this chapter; or to comply with gross vehicle weight
37 and/or axle weight restrictions in violation 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 through the installation and operation of
40 weigh in motion violation monitoring systems, in accordance with article
41 ten of this chapter; or to comply with bus operation-related traffic
42 regulations as defined by article twenty-four of this chapter in
43 violation of the rules of the department of transportation of the city
44 of New York through the installation and operation of bus operation-re-
45 lated photo devices, in accordance with article twenty-four of this
46 chapter; or to comply with street cleaning parking rules as defined by
47 article twenty-four of this chapter through the installation and opera-
48 tion of street cleaning vehicle photo devices, in accordance with arti-
49 cle twenty-four of this chapter, is being contested, by a person in a
50 timely fashion and a hearing upon the merits has been demanded, but has
51 not yet been held, the bureau shall not issue any notice of fine or
52 penalty to that person prior to the date of the hearing.

53 In a city having a population of one million or more, at every hearing
54 for the adjudication of a notice of liability, as provided by this arti-
55 cle, there shall be a rebuttable presumption that the owner of a first-
56 response emergency vehicle alleged to be liable in accordance with any

provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with 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 not liable for such alleged violation if such owner of the first-response emergency vehicle provides the hearing officer with:

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

a. Every hearing for the adjudication of a charge of parking violation or an allegation 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, or an allegation 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 certain posted maximum speed limits 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 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 an allegation 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 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

1 an owner for a violation of section eleven hundred seventy-four of this
2 chapter when meeting a school bus marked and equipped as provided in
3 subdivisions twenty and twenty-one-c of section three hundred seventy-
4 five of this chapter imposed pursuant to a local law or ordinance impos-
5 ing monetary liability on the owner of a vehicle for failure of an oper-
6 ator thereof to comply with school bus red visual signals through the
7 installation and operation of school bus photo violation monitoring
8 systems, in accordance with article twenty-nine of this chapter, or an
9 allegation of liability of an owner for a violation of subdivision (b),
10 (d), (f) or (g) of section eleven hundred eighty of this chapter imposed
11 pursuant to a demonstration program imposing monetary liability on the
12 owner of a vehicle for failure of an operator thereof to comply with
13 certain posted maximum speed limits within a highway construction or
14 maintenance work area through the installation and operation of photo
15 speed violation monitoring systems, in accordance with article thirty of
16 this chapter, or an allegation of liability of an owner for a violation
17 of section three hundred eighty-five of this chapter and the rules of
18 the department of transportation of the city of New York in relation to
19 gross vehicle weight and/or axle weight violations imposed pursuant to a
20 weigh in motion demonstration program imposing monetary liability on the
21 owner of a vehicle for failure of an operator thereof to comply with
22 such gross vehicle weight and/or axle weight restrictions through the
23 installation and operation of weigh in motion violation monitoring
24 systems, in accordance with article ten of this chapter, or an allega-
25 tion of liability of an owner for a violation of bus operation-related
26 traffic regulations as defined by article twenty-four of this chapter
27 imposed pursuant to a demonstration program imposing monetary liability
28 on the owner of a vehicle for failure of an operator thereof to comply
29 with such bus operation-related traffic regulations through the instal-
30 lation and operation of bus operation-related photo devices, in accord-
31 ance with article twenty-four of this chapter, or an allegation of
32 liability of an owner for a violation of street cleaning parking rules
33 as defined by article twenty-four of this chapter imposed pursuant to a
34 program imposing monetary liability on the owner of a vehicle for fail-
35 ure of an operator thereof to comply with such street cleaning parking
36 rules through the installation and operation of street cleaning vehicle
37 photo devices, in accordance with article twenty-four of this chapter,
38 shall be held before a hearing examiner in accordance with rules and
39 regulations promulgated by the bureau.

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

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

27 § 7. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
28 law, as amended by section 7 of part MM of chapter 56 of the laws of
29 2023, are amended to read as follows:

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

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

23 2. Where an operator or owner fails to enter a plea to a charge of a
24 parking violation or contest an allegation of liability in accordance
25 with any provisions of law specifically authorizing the imposition of
26 monetary liability on the owner of a vehicle for failure of an operator
27 thereof: to comply with traffic-control indications in violation of
28 subdivision (d) of section eleven hundred eleven of this chapter through
29 the installation and operation of traffic-control signal photo viola-
30 tion-monitoring systems, in accordance with article twenty-four of this
31 chapter; to comply with certain posted maximum speed limits in violation
32 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
33 eighty of this chapter through the installation and operation of photo
34 speed violation monitoring systems, in accordance with article thirty of
35 this chapter; to comply with bus lane restrictions as defined by article
36 twenty-four of this chapter through the installation and operation of
37 bus lane photo devices, in accordance with article twenty-four of this
38 chapter; to comply with toll collection regulations of certain public
39 authorities through the installation and operation of photo-monitoring
40 systems, in accordance with the provisions of section two thousand nine
41 hundred eighty-five of the public authorities law and sections
42 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
43 of the laws of nineteen hundred fifty; to stop for a school bus display-
44 ing a red visual signal in violation of section eleven hundred seventy-
45 four of this chapter through the installation and operation of school
46 bus photo violation monitoring systems, in accordance with article twen-
47 ty-nine of this chapter; to comply with certain posted maximum speed
48 limits in violation of subdivision (b), (d), (f) or (g) of section elev-
49 en hundred eighty of this chapter within a highway construction or main-
50 tenance work area through the installation and operation of photo speed
51 violation monitoring systems, in accordance with article thirty of this
52 chapter; to comply with gross vehicle weight and/or axle weight
53 restrictions in violation of section three hundred eighty-five of this
54 chapter and the rules of the department of transportation of the city of
55 New York through the installation and operation of weigh in motion
56 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, or fails to appear on a designated hearing date or subsequent adjourned date or fails after a hearing to comply with the determination of a hearing examiner, as prescribed by this article or by rule or regulation of the bureau, such failure to plead or contest, appear or comply shall be deemed, for all purposes, an admission of liability and shall be grounds for rendering and entering a default judgment in an amount provided by the rules and regulations of the bureau. However, after the expiration of the original date prescribed for entering a plea and before a default judgment may be rendered, in such case the bureau shall pursuant to the applicable provisions of law notify such operator or owner, by such form of first class mail as the commission may direct; (1) of the violation charged, or liability alleged in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance 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-re-

lated 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, (2) of the impending default judgment, (3) that such judgment will be entered in the Civil Court of the city in which the bureau has been established, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York, and (4) that a default may be avoided by entering a plea or contesting an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications 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 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; or making an appearance within thirty days of the sending of such notice. Pleas entered and allegations contested within that period shall be in the manner prescribed in the notice and not subject to additional penalty or fee. Such notice of impending default judgment shall not be required prior to the rendering and entry thereof in the case of operators or owners who are non-residents of the state of New York. In no

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

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

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

§ 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

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

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

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

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

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

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

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

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