STATE OF NEW YORK

7953

2025-2026 Regular Sessions

IN SENATE

May 14, 2025

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

AN ACT to amend the vehicle and traffic law, in relation to school bus stop-arm cameras; and to amend the general municipal law, in relation to the establishment of traffic violations bureaus

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

Section 1. Subdivision (h) of section 1174-a of the vehicle and traffic law, as added by chapter 145 of the laws of 2019, is amended to read as follows:

(h) [~~Adjudication of the liability imposed upon owners by this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal.~~] **Notwithstanding any other provision of law, adjudication of the liability imposed upon owners by this section who have submitted a request to contest liability shall be by the administrative tribunal designated by the county, city, town or village which has established the demonstration program.**

(i) Within thirty-seven days of receipt of a timely request to contest liability, the county, city, town, or village imposing liability shall provide a copy of the notice of liability and the request to contest liability, including the manner for contesting liability selected by the owner to the applicable administrative tribunal which shall thereafter have jurisdiction over the matter. If an in-person hearing is requested, the administrative tribunal shall set a date for such hearing, and, in its sole discretion, may provide options for the hearing to

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

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be held via online video conference. The administrative tribunal or its designee, which may be any other entity authorized by such county, city, town or village, shall mail a notice of hearing to the owner, which shall include the date and time of the hearing. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. In lieu of an in-person or hearing by online video conference, the administrative tribunal may, in its discretion, provide the owner an option to challenge liability through submission of a written explanation.

(ii) In all manners in which the owner challenges the liability, due process shall govern the proceedings except that the rules of evidence shall not apply. The decision of the hearing officer shall be based upon a preponderance of the evidence. During the hearing, or in preparation thereof, the hearing officer shall access and review photographs, microphotographs, videotapes, other recorded images and data produced by school bus photo violation monitoring systems in the custody of the county, city, town or village in which the violation occurred, or any other entity authorized by such county, city, town or village. The hearing officer shall also review documentation which may refute the liability submitted by the owner contesting the liability.

(iii) Within fourteen business days after the hearing officer has rendered a decision, a notice of decision shall be prepared and sent by first class mail to the owner by the administrative tribunal or its designee. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein. If the owner is deemed liable, such owner shall be notified of the civil penalty imposed pursuant to subdivision (e) of this section and methods of payment. Failure to pay within thirty days of the posted date of the notice shall be deemed a default and shall subject the owner to additional penalties and actions as prescribed in subdivisions (d) and (e) of this section.

§ 2. Subdivision (h) of section 1180-e of the vehicle and traffic law, as added by chapter 421 of the laws of 2021, is amended to read as follows:

(h) Adjudication of the liability imposed upon owners of this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law where the violation occurred or, if there be none, by the court having jurisdiction over traffic infractions where the violation occurred, except that if a city has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations such city may, by local law, authorize such adjudication by such tribunal. For courts having jurisdiction over traffic infractions where the violation occurred that adjudicate liability imposed upon owners by this section, a notice of liability validly imposed in accordance with subdivision (g) of this section shall be valid for purposes of such court adjudicating such liability as if it was a uniform traffic ticket or simplified traffic information, and such court shall adjudicate such liability in a manner not inconsistent with sections two hundred forty and two hundred forty-one of this chapter, provided that subsequent judicial review may be sought pursuant to article seventy-eight of the civil practice law and rules. Notwithstanding any inconsistent provision of law, such courts may adjudicate such liability remotely.

§ 3. Subdivision 1 of section 370 of the general municipal law, as added by chapter 496 of the laws of 1990, is amended to read as follows:

1. The legislative body of a city, village or town, may by ordinance or local law authorize the court having jurisdiction of traffic cases to establish a traffic violations bureau to assist the court in the disposition of infractions in relation to traffic violations. **Provided, additionally, that any legislative body that has established or establishes a traffic violations bureau pursuant to this subdivision shall notify the state comptroller within ninety days of the effective date of a chapter of the laws of two thousand twenty-five that amended this subdivision of the existence of such bureau, and that any legislative body that eliminates or repeals a traffic violations bureau shall notify the state comptroller of such elimination or repeal.**

§ 4. Within 180 days of the effective date of this act, the commissioner of motor vehicles, in consultation with the chief administrative judge, shall provide each court and traffic violations bureau within the state, to the extent such information is available, with a notification advising such court or bureau of their municipality's obligation to notify the office of the state comptroller of the existence or continued operation of a traffic violations bureau, and if such bureau no longer ceases to operate, pursuant to section 370 of the general municipal law.

§ 5. This act shall take effect immediately, provided that:

(a) the amendments to subdivision (h) of section 1174-a of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and

(b) the amendments to subdivision (h) of section 1180-e of the vehicle and traffic law made by section two of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.