§ 1220-a. Liability for violation of a local law prohibiting unlawful dumping in a city having a population of one million or more. 1. In a city having a population of one million or more which has adopted a local law prohibiting unlawful dumping by any person, his or her agent, employee or any person under his or her control, the owner, operator or owner-operator of a vehicle used in violation of such local law who is found in violation of such local law where the environmental control board of such city has determined that such violation involved a substantial amount of materials or matter shall be subject to the suspension of his or her driver's license, resident or non-resident privilege to operate, or registration pursuant to subdivision two of this section in addition to any civil and criminal penalties set forth in such local law. For the purposes of this section, the following terms shall have the following meanings: (a) "substantial amount" shall mean a volume of at least two cubic yards; (b) "unlawful dumping" shall mean suffering or permitting any dirt, sand, gravel, clay, loam, stone, rocks, rubble, building rubbish, sawdust, shavings or trade or household waste, refuse, ashes, manure, garbage, rubbish or debris of any sort or any other organic or inorganic material or thing or other offensive matter being transported in a dump truck or other vehicle to be dumped, deposited or otherwise disposed of in or upon any street, lot, part, public place or other area whether publicly or privately owned in a city with a population of one million or more, except in a manner prescribed by law, rule or regulation; (c) "owner" shall mean an owner as defined in section one hundred twenty-eight and in subdivision three of section three hundred eighty-eight of this chapter, provided, however, that owner shall include any lessee or bailee of a vehicle having the exclusive use thereof, under a lease or otherwise, for any period of time; (d) "operator" shall mean any person who uses or operates a motor vehicle with or without the express or implied consent of the owner; (e) "owner-operator" shall mean any owner who uses or operates a motor vehicle where such owner-operator is the owner of such motor vehicle; and (f) "environmental control board" or "board" shall mean the environmental control board of a city with a population of one million or more.

2. Upon certification pursuant to the provisions of this section from

the environmental control board that there remains unpaid a civil penalty imposed for a violation of a local law prohibiting unlawful dumping, the commissioner shall suspend the driver's license, or resident or non-resident privilege to operate, of an operator or owner-operator found to be in violation of such local law and who has failed to pay such civil penalty, and the registration of all vehicles owned by an owner or owner-operator found to be in violation of such local law and who has failed to pay such civil penalty. Such suspension shall remain in effect until such board notifies the commissioner pursuant to subdivision four of this section that such suspension shall be terminated. Such certification and notice of termination shall be made in the form and manner agreed upon between such environmental control board and the commissioner.

3. Whenever an owner, operator or owner-operator has been found by the environmental control board to be in violation of a local law prohibiting unlawful dumping, and such owner, operator or owner-operator has failed to make payment on a civil penalty imposed for such violation within one hundred days of the date such civil penalty was imposed, such board may certify such fact to the commissioner. Provided, however, that prior to making such certification, notification shall be provided to each such owner, operator or owner-operator pursuant to subdivision four of this section. No such certification shall be made unless (a) such civil penalty has remained unpaid one hundred days from the date such civil penalty was imposed, either in full or in accordance with the terms of any written payment schedule established by such board with the consent of the person found in violation, and (b) such city with a population of one million or more has complied with the notice requirements pursuant to this section.

4. (a) A city with a population of one million or more which has adopted a local law prohibiting unlawful dumping shall provide an owner, operator, or owner-operator found to be in violation of such local law with a minimum of two written notices stating that failure to make payment on a civil penalty within one hundred days of the date such civil penalty was imposed for such violation may result in certification to the department to suspend the driver's license, privilege to operate,

or vehicle registration, as the case may be, unless, by such date, such owner, operator or owner-operator makes full payment of such civil penalty or enters into a written payment schedule established by such board with the consent of such owner, operator or owner-operator and continues to comply with the terms of such schedule. Such city shall include one such written notice in the notice of violation served upon such owner, operator or owner-operator for a violation of a local law prohibiting unlawful dumping, and the environmental control board shall send the second such written notice by first class mail to such owner, operator or owner-operator not less than thirty days but in no event more than sixty days prior to the date such board makes a certification to the commissioner pursuant to this section.

(b) Upon the compliance of the owner, operator, or owner-operator with the provisions of paragraph (c) of this subdivision, the board shall notify the commissioner, within five business days of such compliance, that the suspension imposed pursuant to subdivision two of this section shall be terminated.

(c) An owner, operator or owner-operator who has received a notice that his or her driver's license, privilege to operate a motor vehicle, or vehicle registration, as the case may be, shall be suspended, may avoid such suspension by: (i) making full payment of the civil penalty to the board by the specified date; or (ii) entering into a written payment schedule established by such board with the consent of such owner, operator, or owner-operator by the specified date and complying with the terms of such schedule.

5. Notwithstanding section one hundred fifty-five of this chapter or any other provision of law, where a person has been adjudicated by such environmental control board to be in violation of a local law described in subdivision one of this section, such adjudication shall not have the force and effect of a conviction of a traffic infraction, or a violation of any provision of this chapter.