§ 1690. Authority of the Nassau county and Suffolk county district court judicial hearing officers and the city of Buffalo judicial hearing officers and the city of Rochester judicial hearing officers. 1. Notwithstanding any other provision of law, where the trial of a traffic or parking infraction is authorized or required to be tried before the Nassau county district court or Suffolk county district court, and such traffic and parking infraction does not constitute a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision five of section eleven hundred ninety-two, section three hundred ninety-seven-a, or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, or any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as such a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision two of section eleven hundred ninety-two, section three hundred ninety-seven-a or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph d of subdivision two of section one hundred forty of the transportation law, the administrative judge of the county in which the trial court is located, may assign judicial hearing officers to conduct such a trial. Such judicial hearing officers shall be village court justices or retired judges either of which shall have at least two years of experience conducting trials of traffic and parking violations cases and shall be admitted to practice law in this state. Where such assignment is made, the judicial hearing officer shall entertain the case in the same manner as a court and shall:

(a) determine all questions of law;

(b) act as the exclusive trier of all issues of fact;

(c) render a verdict;

(d) impose sentence; or

(e) dispose of the case in any manner provided by law.

1-a. Notwithstanding any other provision of law, where the trial of a

traffic infraction is authorized or required to be tried before the Buffalo city court, and such traffic infraction does not constitute a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision five of section eleven hundred ninety-two, section three hundred ninety-seven-a, or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, or any parking, stopping, standing or pedestrian offense, or any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as such a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision two of section eleven hundred ninety-two, section three hundred ninety-seven-a or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph d of subdivision two of section one hundred forty of the transportation law, or any parking, stopping, standing or pedestrian offense, the administrative judge of the eighth judicial district may assign judicial hearing officers to conduct such a trial. Such judicial hearing officers shall: (i) be residents of the city of Buffalo; and (ii) be village or town court justices, city court judges or retired judges or justices all of which shall have at least two years of experience conducting trials of traffic violations cases; and (iii) be admitted to practice law in this state; and (iv) be selected from a list of recommendations of the mayor of the city of Buffalo provided that the mayor shall give at least three recommendations for each judicial hearing officer assignment. Where such assignment is made, the judicial hearing officer shall entertain the case in the same manner as a court and shall:

(a) determine all questions of law;

(b) act as the exclusive trier of all issues of fact;

(c) render a verdict;

(d) impose sentence; or

(e) dispose of the case in any manner provided by law.

1-b. Notwithstanding any other provision of law, where the trial of a traffic infraction is authorized or required to be tried before the Rochester city court, and such traffic infraction does not constitute a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision five of section eleven hundred ninety-two, section three hundred ninety-seven-a, or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, or any parking, stopping, standing or pedestrian offense, or any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as such a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision two of section eleven hundred ninety-two, section three hundred ninety-seven-a or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph d of subdivision two of section one hundred forty of the transportation law, or any parking, stopping, standing or pedestrian offense, the administrative judge of the seventh judicial district may assign judicial hearing officers to conduct such a trial. Such judicial hearing officers shall: (i) be residents of the county of Monroe; and (ii) be village or town court justices, city court judges or retired judges or justices or a current or former administrative law judge, referee or administrative hearing officer with at least one year experience conducting trials or hearings for any governmental agency of the state of New York or a political subdivision of the state, or a licensed attorney who has at least five years of relevant experience appearing in trials or hearings before courts or governmental agencies within the state; and (iii) be admitted to practice law in this state; and (iv) be selected from a list of recommendations of the mayor of the city of Rochester provided that the mayor shall give at least three recommendations for each judicial hearing officer assignment. Where such assignment is made, the judicial hearing officer shall entertain the case in the same manner as a court and shall:

(a) determine all questions of law;

(b) act as the exclusive trier of all issues of fact;
(c) render a verdict;
(d) impose sentence; or
(e) dispose of the case in any manner provided by law.

2. In the discharge of this responsibility, the judicial hearing officer shall have the same powers as a judge of the court in which the proceeding is pending. The rules of evidence and reasonable doubt burden of proof shall be applicable at a trial conducted by a judicial hearing officer.

3. Any action taken by a judicial hearing officer in the conduct of a trial or other disposition thereof shall be deemed the action of the court in which the proceeding is pending.

4. Judicial hearing officers are prohibited from appearing in any capacity other than as a judicial hearing officer in any part of the Nassau county or Suffolk county district court on any matter relating to traffic or parking violations and are further prohibited from appearing in any capacity other than as a judicial hearing officer in any other court or administrative tribunal on any matter relating to traffic or parking violations.

4-a. Judicial hearing officers are prohibited from appearing in any capacity other than as a judicial hearing officer in any part of Buffalo city court on any matter relating to traffic violations and are further prohibited from appearing in any capacity other than as a judicial hearing officer in any other court or administrative tribunal on any matter relating to traffic violations.

4-b. Judicial hearing officers are prohibited from appearing in any capacity other than as a judicial hearing officer in any part of Rochester city court on any matter relating to traffic violations and are further prohibited from appearing in any capacity other than as a judicial hearing officer in any other court or administrative tribunal on any matter relating to traffic violations.