§ 239. Ownership and operation of vehicles; liability. 1. Definitions. Whenever used in this article, the following terms shall have the following meanings:

a. "Owner" means any person, corporation, partnership, firm, agency, association, lessor, or organization who at the time of the issuance of a notice of violation in any city in which a vehicle is operated:

(1) is the beneficial or equitable owner of such vehicle; or

(2) has title to such vehicle; or

(3) is the registrant or co-registrant of such vehicle which is registered with the department of motor vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or

(4) uses such vehicle in its vehicle renting and/or leasing business; or

(5) is an owner of such vehicle as defined by section one hundred twenty-eight of this chapter or subdivision (a) of section twenty-one hundred one of this chapter.

b. "Lessor" means any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee or bailee under a rental agreement, lease or otherwise, wherein the said lessee or bailee has the exclusive use of said vehicle for any period of time.

c. "Lessee" means any person, corporation, firm, partnership, agency, association or organization that rents, bails, leases or contracts for the use of one or more vehicles and has the exclusive use thereof for any period of time.

d. "Vehicle" means a vehicle as defined in section one hundred fifty-nine of this chapter.

e. "Operator" means any person, corporation, firm, partnership, agency, association, organization or lessee that uses or operates a vehicle with or without the permission of the owner, and an owner who operates his own vehicle.

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 applicable covered agency or covered authority as such terms are defined in article ten of this chapter 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.

g. "Fiscal year" means a period of one year commencing on the first day of July and terminating on the thirtieth day of June.

h. "Primary filing" means the initial filing of registration plate numbers by a lessor prior to the commencement of each fiscal year.

2. Liability. a. The operator of a vehicle shall be liable for the fines or penalties imposed pursuant to this article. Except as otherwise provided in paragraphs b and e of this subdivision, the owner of the vehicle, even if not the operator thereof, shall be jointly and severally liable with the operator thereof, if such vehicle was used or operated with the permission of the owner, express or implied, but in such case the owner may recover any fine or penalties paid by him from the operator.

b. The lessor of a motor vehicle shall not be liable for fines or penalties imposed pursuant to this article if:

(1) prior to the infraction, the lessor has filed with the bureau the registration plate number, plate type, and place of registration of the vehicle to which the notice of violation was issued and paid the required filing fee provided in paragraph f of this subdivision and,

(2) within thirty-seven days after receiving notice from the bureau of the date and time of a violation, together with the other information contained in the original notice of violation, the lessor submits to the bureau the correct name and address of the lessee of the vehicle identified in the notice of violation at the time of such violation, together with such other additional information contained in the rental,

lease or other contract document, as may be reasonably required by the bureau pursuant to regulations that may be promulgated for such purpose.

c. If the lessor has complied with subparagraph one of paragraph b of this subdivision such lessor shall not be liable for any penalties in excess of the scheduled fine unless such lessor fails to appear within thirty-seven days of actual receipt of a notice of violation pursuant to paragraph e of this subdivision.

d. If the lessor who has complied with subparagraph one of paragraph b of this subdivision has paid any fine or penalty for which he is liable and the bureau subsequently collects from the operator or lessee the amount of the scheduled fine and penalty owed by such person, or any portion thereof, the lessor shall be entitled to reimbursement from the bureau of the amount of the fine and penalty paid by the lessor, less the bureau's costs of collection.

e. The lessor shall not be liable for any fines or penalties in connection with a notice of violation for a vehicle whose registration plate number is filed and the fee therefor paid prior to the time of the issuance of notice of violation, unless the lessor shall receive notice from the bureau of the date and time of such violation, together with the other information contained in the original notice of violation, within ninety days after service of the notice of violation, in accordance with subdivision two of section two hundred thirty-eight of this article.

f. The annual fee for filing a registration plate number with the bureau by lessors under this section shall be twelve dollars per fiscal year. Lessors shall also provide the bureau with such other additional information in such format as the bureau by regulation may reasonably require. The registration plate number shall not be considered filed with the bureau unless the annual filing fee provided for in this subdivision shall have been paid. Lessors shall not be entitled to a refund, reduction, credit or other consideration in connection with such annual filing fee in the event that such registration plate number is withdrawn from service, destroyed or surrendered during the fiscal year

for which such registration plate number shall have been filed. In the event that a lessor files with the bureau registration plate numbers during the fiscal year, the annual filing fee for same shall be prorated on a monthly basis, in accordance with a schedule that the bureau shall promulgate by regulation for such purpose. The primary filing by each lessor for each fiscal year shall be made at least thirty days prior to the commencement of the fiscal year.

g. Where the United States postal authorities return to the bureau a delinquency notice forwarded by the bureau to a name and address of a lessee furnished by a lessor in accordance with provisions of this section, such return notice shall be presumptive evidence of the furnishing of an incorrect name and address by the lessor. The lessor may, however, conclusively rebut such presumption if within sixty days after receiving notification from the bureau of such returned mail notice, the lessor shall provide to the bureau a copy of the rental agreement or lease agreement for such lessee containing the name and address previously furnished to the bureau. In the event that a lessor shall fail to rebut the presumption established by this subdivision, the lessor shall be liable for the fines imposed pursuant to this article and in accordance with the rules and regulations promulgated by the bureau.

h. The bureau shall by rules and regulations prescribe the manner and method of giving notice of outstanding violations to the lessees, except that notices of impending default judgment shall be forwarded by first class mail, in accordance with subdivision two of section two hundred forty-one of this article. All notices to lessors under this section shall be by first class mail to the address on file with the bureau or by such other means as shall be provided for in the rules and regulations of the bureau.

i. A lessor shall cooperate with the bureau in the enforcement of judgments rendered against lessees or providing the bureau, or its designated agents, with such other additional information as shall be contained in such lessor's rental or lease agreements with their lessees as shall be available to them.

3. Stolen vehicles. If any owner of a motor vehicle receives a notice of violation for a period during which the illegally parked vehicle was reported to any police department as having been stolen, it shall be a valid defense to any charge of a parking violation that the motor vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For the purposes of asserting the defense provided by this subdivision, it shall be sufficient that a certified copy of the police report of the stolen vehicle be mailed to the bureau.

* 4. Applicability. The provisions of paragraph b of subdivision two and subdivision three of this section shall not be applicable to determinations of owner liability for the failure of an operator to comply with subdivision (d) of section eleven hundred eleven of this chapter and shall not be applicable to determinations of owner liability imposed pursuant to 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 and shall not be applicable to determinations of owner liability for the failure of an operator to comply with subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter.

* NB Effective until July 1, 2030

* 4. Applicability. The provisions of paragraph b of subdivision two and subdivision three of this section shall not be applicable to determinations of owner liability for the failure of an operator to comply with subdivision (d) of section eleven hundred eleven of this chapter and shall not be applicable to determinations of owner liability imposed pursuant to 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.

* NB Effective July 1, 2030