§ 240. Hearings, notice and conduct. 1. Notice of hearing. Whenever a person charged with a parking violation enters a plea of not guilty; or a person 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 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, contests such allegation, the parking violations bureau or the traffic camera violations bureau, as applicable, shall advise such person personally by such form of first class mail as the director may direct of the date on which such person must appear to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain a warning to advise the person so pleading or contesting that failure to appear on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon.

1-a. Fines and penalties. Whenever a plea of not guilty has been entered, or the parking violations bureau or the traffic camera violations bureau, as applicable, has been notified that an allegation of liability in accordance with 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 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, is being contested, by a person in a timely fashion and a hearing upon the merits has been demanded, but has not yet been held, the applicable bureau shall not issue any notice of fine or penalty to that person prior to the date of the hearing.

1-b. (a) In a city having a population of one million or more, at every hearing for the adjudication of a notice of liability, as provided by this article, there shall be a rebuttable presumption that the owner of a first-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 is not liable for such alleged violation if such owner of the first-response emergency vehicle provides the hearing officer with:

(i) a signed and affirmed affidavit attesting that the operator of the first-response emergency vehicle at the time of the alleged violation is a medically-trained first responder and that the alleged violation occurred while the operator of the first-response emergency vehicle was involved in an emergency operation in such vehicle in response to a medical emergency call; and

(ii) documentation supporting the dispatch of the medical emergency call and the dispatch of the operator and the first-response emergency vehicle to the scene of the medical emergency.

(b) As used in this subdivision, "first-response emergency vehicle" shall mean ambulances as defined in section one hundred-b of this chapter and emergency ambulance service vehicles as defined in section one hundred fifteen-c of this chapter.

2. Conduct of hearings. 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 an owner for a violation 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 an allegation of liability of an owner 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 certain 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 an allegation of liability of an

owner for a 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 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 an allegation 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, shall be held before a hearing examiner in accordance with rules and regulations promulgated by the parking violations bureau or the traffic camera violations bureau, as applicable.

b. No charge may be established except upon proof by substantial evidence.

c. The hearing examiner shall not be bound by the rules of evidence in the conduct of the hearing, except rules relating to privileged communications.

d. The hearing examiner shall at the request of the person charged on a showing of good cause and need therefor, or in his own discretion, issue a subpoena to compel the appearance at a hearing of the officer who served the notice of violation or of other persons to give testimony, and may issue a subpoena duces tecum to compel the production for examination or introduction into evidence, of any book, paper or other thing relevant to the charges.

e. In the case of a refusal to obey a subpoena, the parking violations bureau or the traffic camera violations bureau, as applicable, may make

application to the Supreme Court pursuant to section twenty-three hundred eight of the civil practice law and rules, for an order requiring such appearance, testimony or production of evidence.

f. The hearing examiner shall not examine the prior violation record of a person charged before making a determination.

g. A record shall be made of a hearing on a plea of not guilty or of a hearing at which 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 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, is contested. Recording devices may be used for the making of the record.