

## STATE OF NEW YORK

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## IN SENATE

March 24, 2008

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to establishing a congestion pricing program in the city of New York; to amend the public authorities law, in relation to establishing a metropolitan transportation authority traffic congestion mitigation fund; to amend the tax law, in relation to eliminating an exemption from the parking tax for certain residents of the city of New York; to amend the vehicle and traffic law, in relation to establishing residential parking systems in the city of New York; to amend the public officers law, in relation to confidentiality of certain public records; to amend the New York city charter and the administrative code of the city of New York, in relation to a transit enhancement fund; to amend the tax law, in relation to the congestion pricing fee credit; and providing for the repeal of certain provisions upon expiration thereof

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new  
2 article 44-B to read as follows:  
3 ARTICLE 44-B  
4 TRAFFIC MITIGATION  
5 Section 1700. Legislative findings and declaration.  
6 1701. Short title.  
7 1702. Definitions.  
8 1703. Establishment of congestion pricing program.  
9 1704. Congestion pricing fees.  
10 1705. Congestion pricing fee collection program.  
11 1706. Agreement between the city and the metropolitan transpor-  
12 tation authority.  
13 1707. Violations and enforcement.

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

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1           1708. Disposition of revenue and penalties.

2           1709. Environmental study and mitigation.

3           1710. Rulemaking authority.

4       § 1700. Legislative findings and declaration. The legislature hereby  
5 finds and declares that: (a) traffic congestion in New York city's busi-  
6 ness district has a severe adverse impact on public health, the environ-  
7 ment of New York city and adjoining areas, and overall employment and  
8 job development; (b) such adverse health impacts are exacerbated by  
9 other sources of environmental pollution in and around New York city,  
10 including pollution from commercial and residential buildings; (c)  
11 action must be taken to address these problems as soon as possible; (d)  
12 the federal government has committed funding to finance a solution to  
13 such congestion; (e) the New York city traffic congestion mitigation  
14 commission, created by this legislature, has recommended a worthy and  
15 viable plan to address traffic congestion in New York city's business  
16 district; and (f) in order to reduce congestion, additional revenue is  
17 needed to fund the metropolitan transportation authority capital  
18 program. The legislature therefore finds and declares that there should  
19 be a traffic congestion mitigation plan within the city of New York as  
20 recommended by the New York city traffic congestion mitigation commis-  
21 sion.

22       § 1701. Short title. This article shall be known and may be cited as  
23 the "traffic mitigation act".

24       § 1702. Definitions. For the purposes of this article, unless the  
25 context otherwise requires:

26       1. "Authorized emergency vehicles" shall have the meaning as provided  
27 in section one hundred one of this chapter.

28       2. "Bus" means a motor vehicle having a seating capacity of sixteen or  
29 more passengers in addition to the driver and used for the transporta-  
30 tion of persons, but shall not include any motor vehicles, regardless of  
31 seating, that are transit vehicles or school vehicles.

32       3. "Congestion pricing fee" means the fee charged for traveling into  
33 the congestion pricing zone as described in section seventeen hundred  
34 four of this article.

35       4. "Congestion pricing program" means the program for charging vehi-  
36 cles that enter the congestion pricing zone a fee.

37       5. "Congestion pricing zone" means the area as described in section  
38 seventeen hundred three of this article for which a vehicle shall be  
39 charged a congestion pricing fee for entry to such zone.

40       6. "City" means the city of New York.

41       7. "Department of finance" means the department of finance of the city  
42 of New York.

43       8. "Electronic fee collection system" means a system of collecting  
44 fees which is the E-ZPass system or is interoperable with the E-ZPass  
45 system and which is capable of charging an account holder the appropri-  
46 ate fee by transmission of information from an electronic device in or  
47 on a vehicle to a device sensor, which information is used to charge the  
48 appropriate fee.

49       9. "E-ZPass" shall mean the electronic toll collection system used by  
50 the Triborough bridge and tunnel authority.

51       10. "Livery vehicle" means any for-hire vehicle regulated by the New  
52 York city taxi and limousine commission other than a taxi.

53       11. "New York city traffic congestion mitigation commission" shall  
54 mean the commission established by chapter three hundred eighty-four of  
55 the laws of two thousand seven.

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1 12. "Operation date" means the date determined by the city, pursuant  
2 to an agreement with the metropolitan transportation authority as  
3 provided in section seventeen hundred six of this article, for the  
4 beginning of the operation and enforcement of the congestion pricing  
5 program.

6 13. "Owner" shall have the meaning provided in article two-B of this  
7 chapter.

8 14. "Parking violations bureau" means the parking violations bureau  
9 created in the department of finance pursuant to section 19-201 of the  
10 administrative code of the city of New York.

11 15. "Passenger vehicles" means motor vehicles designed and used for  
12 conveying not more than fifteen people and shall include cars rented for  
13 hire, excluding buses, taxis and livery vehicles subject to the  
14 surcharge, and shall include motorcycles.

15 16. "Photo-monitoring system" means a system of vehicle sensors  
16 installed within the congestion pricing zone to work in conjunction with  
17 photographic equipment which automatically produces one or more photo-  
18 graphs, one or more microphotographs, a videotape, a digital recording  
19 or other recorded images of a vehicle entering the congestion pricing  
20 zone.

21 17. "Safety, traffic and parking control, and inspection vehicles"  
22 means vehicles operated by the city, the state, the metropolitan trans-  
23 portation authority and its affiliates and subsidiaries, the New York  
24 city transit authority and its affiliates and subsidiaries, the Tribor-  
25 ough bridge and tunnel authority and its affiliates and subsidiaries,  
26 the port authority of New York and New Jersey and the federal government  
27 as part of official public safety, traffic and parking control, and  
28 roadway-, transit- or transportation-related construction, maintenance,  
29 repair, or supervisory and inspection duties.

30 18. "Sanitation vehicles" means vehicles operated by the city as part  
31 of official refuse collection, street cleaning, snow removal, or sand  
32 spreading duties.

33 19. "School vehicle" means a vehicle that is owned or operated by a  
34 public or governmental agency or private school and is being operated  
35 for the transportation of pupils, teachers and other persons acting in a  
36 supervisory capacity, to or from school or school activities or private-  
37 ly owned and being operated on a regular basis for compensation for the  
38 transportation of pupils, teachers and other persons acting in a super-  
39 visory capacity to or from school or school activities.

40 20. "Taxi" means a motor vehicle displaying a valid taxi medallion  
41 issued by the New York city taxi and limousine commission.

42 21. "Traffic congestion mitigation fund" means the designated fund of  
43 the metropolitan transportation authority created by section twelve  
44 hundred seventy-g of the public authorities law.

45 22. "Transit vehicle" means any bus or other passenger vehicle owned  
46 or operated directly or under contract by the metropolitan transporta-  
47 tion authority or any other public authority or governmental agency for  
48 the purpose of transporting passengers as well as other non-revenue  
49 vehicles owned and operated by the metropolitan transportation authority  
50 or its affiliates or subsidiaries, or the New York city transit authori-  
51 ty and or its affiliates or subsidiaries and shall further mean all  
52 para-transit vehicles operating directly or under contract with the  
53 metropolitan transportation authority or its affiliates or subsidiaries,  
54 or the New York city transit authority and or its affiliates or subsid-  
55 aries.

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1     23. "Truck" means any vehicle or combination of vehicles designed  
2 primarily for the transportation of property.

3     24. "Urban partnership agreement" shall mean the agreement executed on  
4 August eighth, two thousand seven between the United States department  
5 of transportation and the state of New York, the city of New York and  
6 the metropolitan transportation authority.

7     § 1703. Establishment of congestion pricing program. 1. The city,  
8 pursuant to the agreement with the metropolitan transportation authority  
9 as provided in section seventeen hundred six of this article, shall  
10 establish a congestion pricing program as described in this article.

11     2. The congestion pricing program shall operate within the congestion  
12 pricing zone, which shall include any roadways, bridges, tunnels or  
13 ramps that are located within, or enter into, the geographic area in the  
14 borough of Manhattan south of and inclusive of 60th street to the extent  
15 practicable but shall not include any roadways north of the southern  
16 side of 61st street. The city department of transportation shall, by  
17 rule, fix the northern boundary of the congestion pricing zone, consist-  
18 ent with this subdivision.

19     3. Notwithstanding the provisions of subdivision five of section  
20 seventeen hundred four of this article, the city, pursuant to agreement  
21 with the metropolitan transportation authority and under rules and regu-  
22 lations established by the city's taxi and limousine commission, shall  
23 be authorized to impose and collect a surcharge of one dollar per trip  
24 on taxis and livery vehicles picking up or discharging passengers within  
25 the congestion pricing zone between 6:00 a.m. and 6:00 p.m., Monday  
26 through Friday, except for holidays as established by rules of the  
27 department of transportation of the city of New York.

28     4. Notwithstanding any other provision of law, the city, pursuant to  
29 the agreement with the metropolitan transportation authority provided in  
30 section seventeen hundred six of this article, shall install and operate  
31 an electronic fee collection system and a photo-monitoring system at  
32 points of motor vehicle ingress to the congestion pricing zone.

33     § 1704. Congestion pricing fees. 1. Upon the operation date, the  
34 city, as agent of the metropolitan transportation authority, pursuant to  
35 the agreement with the metropolitan transportation authority provided in  
36 section seventeen hundred six of this article, shall charge and collect  
37 a single congestion pricing fee per day from the owner of any vehicle  
38 entering the congestion pricing zone between 6:00 a.m. and 6:00 p.m.,  
39 Monday through Friday, except for holidays as established by rules of  
40 the department of transportation of the city of New York, according to  
41 the following rate schedule:

42     (a) For trucks with a maximum gross weight equal to or greater than  
43 seven thousand pounds, except for buses: twenty-one dollars for entering  
44 the congestion pricing zone. Provided, however, that the fee for enter-  
45 ing the congestion pricing zone shall not exceed seven dollars for  
46 trucks with a maximum gross weight equal to or greater than seven thou-  
47 sand pounds utilizing reduced emissions technologies as determined by  
48 the department of transportation of the city of New York. A chart of  
49 vehicle heights and lengths which correspond to these or other weight-  
50 based classifications will be used for video enforcement purposes.

51     (b) For motorcycles that are equipped with an electronic device that  
52 participates in the electronic fee collection system, the fee for enter-  
53 ing the congestion pricing zone shall be four dollars.

54     (c) For all other vehicles, including passenger vehicles and trucks  
55 with a gross weight of less than seven thousand pounds: eight dollars  
56 for entering the congestion pricing zone.

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1     2. A vehicle shall be charged each day for no more than one entry into  
2     the congestion pricing zone.

3     3. (a) For vehicles that are equipped with an electronic device that  
4     participates in the electronic fee collection system, the city, as agent  
5     for the metropolitan transportation authority, pursuant to the agreement  
6     with the metropolitan transportation authority provided in section  
7     seventeen hundred six of this article, shall automatically deduct from  
8     the congestion pricing fee charged to the owner of a vehicle entering  
9     the congestion pricing zone an amount equal to the cumulative amount of  
10    tolls or other charges that the owner of the vehicle paid on the same  
11    day to cross the following bridges and tunnels: the George Washington  
12    Bridge, the Henry Hudson bridge, the Triborough bridge, the Bronx-White-  
13    stone bridge, the Throgs Neck bridge, the Verrazano-Narrows bridge, the  
14    Marine Parkway-Gil Hodges Memorial bridge, the Cross Bay Veterans Memo-  
15    rial bridge, Goethals bridge, Outerbridge crossing, Bayonne bridge, the  
16    Lincoln tunnel, the Holland tunnel, the Brooklyn-Battery tunnel, the  
17    Queens-Midtown tunnel, and any other bridge, tunnel, or crossing into  
18    the borough of Manhattan that charges a toll or other charge on or after  
19    the effective date of this article. Owners shall not be entitled to a  
20    credit to the extent such deduction results in a negative amount. Vehi-  
21    cles not equipped with an electronic device that participates in the  
22    electronic fee collection system shall not receive the deductions in the  
23    congestion pricing fee described in this subdivision.

24    (b) Notwithstanding any other provision of law, the port authority of  
25    New York and New Jersey, on or before fifteen days prior to the opera-  
26    tion date shall enter into an agreement with the metropolitan transpor-  
27    tation authority to finance one billion dollars in capital improvements  
28    in the metropolitan transportation authority capital plan, as approved  
29    by the capital program review board. Projects funded by this agreement  
30    shall be subject to all conditions imposed on the uses of revenue depos-  
31    ited in the traffic congestion mitigation fund. If the port authority of  
32    New York and New Jersey fails to enter into such agreement, or fails to  
33    fulfill any obligation under such agreement, then notwithstanding para-  
34    graph (a) of this subdivision, during any year following such failure  
35    beginning with the operation date or the anniversary of the operation  
36    date, for any owner of a vehicle equipped with an electronic device that  
37    participates in the electronic fee collection system who crosses the  
38    George Washington Bridge, the Lincoln tunnel or the Holland tunnel and  
39    enters the congestion pricing zone between 6 am and 6 pm Monday through  
40    Friday, the deduction from the congestion pricing fee charged to such  
41    owner for such crossing shall be as follows: for passenger vehicles, an  
42    amount equal to the toll such owner would have paid for making such  
43    crossing on or before March first, two thousand eight; for trucks, an  
44    amount equal to the toll paid by such owner for such crossing, less four  
45    dollars. Deductions for tolls paid for crossings by such owner of other  
46    bridges and tunnels listed in paragraph (a) of this subdivision shall be  
47    based on the actual tolls charged to such owner for such crossings.

48    4. For vehicles that are not equipped with an electronic device that  
49    participates in the electronic fee collection system, the city, as agent  
50    for the metropolitan transportation authority, pursuant to the agreement  
51    with the metropolitan transportation authority provided in section  
52    seventeen hundred six of this article, shall automatically add to the  
53    congestion pricing fee charged to the owner of a vehicle entering the  
54    congestion pricing zone in an amount equal to one dollar.

55    5. The following vehicles shall be exempt from any congestion pricing  
56    fees provided they are equipped with an electronic device that partic-

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1 ipates in the electronic fee collection system, or are pre-registered by  
2 agreement with the city: authorized emergency vehicles, safety, traffic  
3 and parking control, and inspection vehicles, sanitation vehicles,  
4 school vehicles, taxis and livery vehicles subject to the charge  
5 described in subdivision three of section seventeen hundred three of  
6 this article, transit vehicles, buses, vehicles with license plates  
7 issued by the commissioner pursuant to section four hundred four-a of  
8 this chapter, and vehicles owned or operated by any foreign government  
9 or international organization or its representatives, officers or  
10 employees if the United States department of state notifies the city  
11 that such vehicles are exempt. Individuals who hold a New York city  
12 parking permit for people with disabilities issued by the department of  
13 transportation of the city of New York shall be exempt from any  
14 congestion pricing fees provided they are holders of an electronic  
15 device that participates in the electronic fee collection system. The  
16 department of transportation of the city of New York shall promulgate  
17 rules governing the administration of this exemption.

18 6. (a) If the owner of any vehicle subject to a congestion pricing fee  
19 pursuant to this article, who does not actually pay such a fee pursuant  
20 to the electronic fee collection system, fails to pay the city, as agent  
21 for the metropolitan transportation authority pursuant to the agreement  
22 with the metropolitan transportation authority provided in section  
23 seventeen hundred six of this article, within ninety-six hours after the  
24 end of the calendar day in which the vehicle has incurred a congestion  
25 pricing fee pursuant to this section, the city shall issue to such owner  
26 a billing statement for an amount, inclusive of the congestion pricing  
27 fee, not to exceed sixty-five dollars.

28 (b) Any owner receiving a first billing statement pursuant to this  
29 subdivision shall have thirty days from the issuance of such statement  
30 to dispute the charge or pay the charge. If an owner disputes such  
31 charge, the thirty day time period shall be tolled for any day during  
32 which the department of transportation of the city of New York is  
33 reviewing the dispute. If such department determines that such charge is  
34 valid, it shall issue a final determination to such owner and specify  
35 the date by which the owner must pay such charge, which shall be set by  
36 adding any tolled days to the original thirty day time period. Any owner  
37 that fails to dispute the charge or pay the charge within thirty days  
38 after the issuance of the first billing statement, or for owners that  
39 dispute the charge, by the date specified in the final determination  
40 issued to such owner, shall be issued a second billing statement for an  
41 additional charge of fifty dollars for a total amount of one hundred  
42 fifteen dollars.

43 (c) Any owner receiving a second billing statement pursuant to this  
44 subdivision shall have thirty-five days from the issuance of such state-  
45 ment to dispute the charge or pay the charge. If an owner disputes such  
46 charge, the thirty-five day time period shall be tolled for any day  
47 during which the department of transportation of the city of New York is  
48 reviewing the dispute. If such department determines that such charge is  
49 valid, it shall issue a final determination to such owner and specify  
50 the date by which the owner must pay such charge, which shall be set by  
51 adding any tolled days to the original thirty-five day time period. Any  
52 owner that fails to dispute the charge or pay the charge within thirty-  
53 five days after the issuance of the second billing statement, or for  
54 owners that dispute the charge, by the date specified in the final  
55 determination issued to such owner, shall be liable for an additional

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1 charge of twenty-five dollars for a total amount of one hundred forty  
2 dollars.

3 (d) Any owner receiving a third billing statement pursuant to this  
4 subdivision shall have thirty-five days from the issuance of such state-  
5 ment to dispute the charge or pay the charge. If the owner disputes such  
6 charge, the thirty-five day time period shall be tolled for any day  
7 during which the department of transportation of the city of New York is  
8 reviewing the dispute. If such department determines that such charge is  
9 valid, it shall issue a final determination to such owner and specify  
10 the date by which the owner must pay such charge, which shall be set by  
11 adding any tolled days to the original thirty-five day time period. Any  
12 owner that fails to dispute the charge or pay the charge within thirty-  
13 five days after the issuance of the third billing statement, or for  
14 owners that dispute the charge, by the date specified in the final  
15 determination issued to such owner, shall be liable for a violation as  
16 described in subdivision seven of this section.

17 (e) The department of transportation of the city of New York shall  
18 promulgate rules governing such charges, including, but not limited to,  
19 rules establishing a schedule of charges, notification requirements, and  
20 procedures for the resolution of disputes over the congestion pricing  
21 fee and charges imposed.

22 7. It shall be a violation of this section for the owner of any vehi-  
23 cle subject to a congestion pricing fee pursuant to this article, when  
24 not actually paying such a fee pursuant to the electronic fee collection  
25 system, to fail to pay such fee and any charges imposed pursuant to  
26 subdivision six of this section to the city, as agent for the metropol-  
27 itan transportation authority pursuant to the agreement with the metro-  
28 politan transportation authority provided in section seventeen hundred  
29 six of this article, within the time period specified in subdivision six  
30 of this section, as applicable to any owner.

31 8. The city shall: (a) take appropriate steps to address privacy  
32 concerns of drivers entering the congestion pricing zone and to mitigate  
33 such concerns by establishing controls on storage and sharing of vehicle  
34 data. These steps shall include complying with privacy standards of the  
35 E-ZPass Interagency Group, E-ZPass customer service centers, applicable  
36 city and state laws regarding sharing of vehicle and private information  
37 with third parties and additional measures to protect privacy, including  
38 deletion of vehicle data no longer required for billing inquiries or  
39 non-payment enforcement, removal of vehicle information from data main-  
40 tained for research purposes and development of an anonymous payment  
41 option; (b) prior to the operation date, submit to the governor and the  
42 legislature a plan detailing how it shall increase, in coordination with  
43 the congestion pricing program, the enforcement of existing state and  
44 local vehicle and traffic laws, rules and regulations and reduce the  
45 abuse of government-issued parking placards; and (c) increase fees for  
46 on-street parking in parking meter zones that are within the congestion  
47 pricing zone.

48 § 1705. Congestion pricing fee collection program. 1. Notwithstanding  
49 any other provision of law, the city, as agent for the metropolitan  
50 transportation authority, pursuant to the agreement with the metropol-  
51 itan transportation authority provided in section seventeen hundred six  
52 of this article, shall: (a) establish a congestion pricing fee  
53 collection program; (b) collect congestion pricing fees automatically  
54 from the owner of a vehicle holding an account through an electronic fee  
55 collection system; (c) create a mechanism for the owner of a vehicle not  
56 participating in the electronic fee collection system to pay congestion

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1 pricing fees directly to the city as agent for the metropolitan trans-  
2 portation authority, both before and within ninety-six hours after a  
3 vehicle travels into the congestion pricing zone, and such mechanism  
4 shall include a wide range of payment options, such as payment in person  
5 at designated locations, on the internet or via phone.

6 2. All congestion pricing fees collected by the city, as agent for the  
7 metropolitan transportation authority, shall at all times be the proper-  
8 ty of the metropolitan transportation authority.

9 3. Notwithstanding anything in this section to the contrary, a portion  
10 of the congestion pricing fee collected by the city pursuant to the  
11 agreement with the metropolitan transportation authority provided in  
12 section seventeen hundred six of this article shall be retained by the  
13 city for purposes of reimbursing the state of New York an amount equal  
14 to the dollar value of the total congestion pricing fee credits received  
15 by taxpayers pursuant to subsection (gg) of section six hundred six of  
16 the tax law.

17 § 1706. Agreement between the city and the metropolitan transportation  
18 authority. 1. The city and the metropolitan transportation authority  
19 shall enter into an agreement, and shall be authorized to alter such  
20 agreement from time to time, that provides for the design, construction,  
21 operation, maintenance, and financing of the congestion pricing program  
22 and the systems by which congestion pricing fees are collected. Such an  
23 agreement shall provide that the city shall be responsible for the  
24 construction, operation, and maintenance of the congestion pricing  
25 program and the systems by which congestion pricing fees are collected,  
26 except as otherwise provided by this article and section one thousand  
27 two hundred seventy-g of the public authorities law, and that the metro-  
28 politan transportation authority shall reimburse the city for the costs  
29 of planning, design, construction, operation, and maintenance of the  
30 congestion pricing program and the congestion pricing fee collection  
31 program, less any federal money received for such purposes, as provided  
32 in such agreement from the fees collected. Such an agreement shall  
33 further provide that the city shall collect congestion pricing fees as  
34 agent for the metropolitan transportation authority, and that such fees  
35 shall at all times be the property of the metropolitan transportation  
36 authority. The city shall not act as an agent of the authority for any  
37 purpose other than the collection of such fees. Such agreement shall  
38 further provide that the department of transportation of the city of New  
39 York shall handle the resolution of disputes over charges described in  
40 subdivision six of section seventeen hundred four of this article and  
41 that the department of finance or the parking violations bureau shall  
42 adjudicate all violations of this article as provided in this article,  
43 and that all charges, fines and penalties collected pursuant to this  
44 article by the department of transportation of the city of New York, the  
45 department of finance or the parking violations bureau shall be the  
46 property at all times of the metropolitan transportation authority;  
47 provided, however, that the metropolitan transportation authority and  
48 the city shall enter into an agreement providing for the reimbursement  
49 to the department of transportation of the city of New York for the  
50 costs of resolving disputes over charges described in subdivision six of  
51 section seventeen hundred four of this article, in an amount not to  
52 exceed charges collected pursuant to this article, and the reimbursement  
53 to the department of finance or the parking violations bureau for the  
54 costs of adjudications of violations described in subdivision seven of  
55 section seventeen hundred four of this article, in an amount not to  
56 exceed fines and penalties collected pursuant to this article. Until



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1 such time as the aforementioned agreement between the metropolitan  
2 transportation authority and the city is completed, the city shall place  
3 in escrow the charges collected pursuant to this article. The city and  
4 the metropolitan transportation authority are authorized to enter into  
5 third-party agreements with any parties the city and the metropolitan  
6 transportation authority determine are necessary or convenient for the  
7 design, construction, operation, and maintenance of the congestion pric-  
8 ing program and congestion pricing fee collection program.

9 2. The city may procure contracts to design, construct, operate, main-  
10 tain, and implement the congestion pricing program and the congestion  
11 pricing fee collection program through the award of one or more  
12 contracts pursuant to a competitive process in accordance with the rules  
13 of the city's procurement policy board in effect on the effective date  
14 of this subdivision.

15 3. Notwithstanding any provisions of this section, the city may enter  
16 into a contract, either directly or through the metropolitan transporta-  
17 tion authority, with the authority's E-ZPass services contractor for the  
18 provision of E-ZPass and related services.

19 § 1707. Violations and enforcement. 1. Notwithstanding any other  
20 provision of law, violations of this article shall be adjudicated pursu-  
21 ant to this section. The owner of a vehicle shall be liable for a penal-  
22 ty imposed pursuant to this section if such vehicle was used or operated  
23 with the permission of the owner, expressed or implied, in violation of  
24 subdivision seven of section seventeen hundred four of this article, and  
25 such violation is evidenced by information obtained from a photo-moni-  
26 toring system or other credible evidence.

27 2. A certificate, sworn to or affirmed by a technician employed or  
28 contracted by the city, or a facsimile thereof, based upon inspection of  
29 photographs, microphotographs, videotape, digital recording or other  
30 recorded images produced by a photo-monitoring system shall be prima  
31 facie evidence of the facts contained therein. Any photographs, micro-  
32 photographs, videotape, digital recording or other recorded images  
33 evidencing such a violation shall be available for inspection in any  
34 proceeding to adjudicate the liability for such violation pursuant to  
35 this section.

36 3. Notwithstanding any other provision of law, an owner liable for a  
37 violation as described in subdivision seven of section seventeen hundred  
38 four of this article shall be liable for a monetary penalty not to  
39 exceed one hundred forty dollars; inclusive of any charge imposed pursu-  
40 ant to subdivision six of section seventeen hundred four of its article.  
41 Any owner that fails to respond to a notice of liability for a violation  
42 within thirty-five days of the issuance of such notice shall be liable  
43 for a default judgment, subject to rules promulgated by the department  
44 of finance. The department of finance or the parking violations bureau  
45 shall adjudicate liability imposed by this section.

46 4. An imposition of liability pursuant to this section or pursuant to  
47 subdivision six of section seventeen hundred four of this article shall  
48 not be deemed a conviction as an operator and shall not be made part of  
49 the operating record of the person upon whom such liability is imposed  
50 nor shall it be used for insurance purposes in the provision of motor  
51 vehicle insurance coverage.

52 5. A notice of liability for a violation shall be sent by first class  
53 mail to each person alleged to be liable as an owner for a violation as  
54 described in subdivision seven of section seventeen hundred four of this  
55 article. Personal service on the owner shall not be required. A manual  
56 or automatic record of mailing prepared in the ordinary course of busi-

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1 ness shall be prima facie evidence of the facts contained therein. The  
2 notice of liability for a violation shall contain the following informa-  
3 tion:

4 (a) the name and address of the person alleged to be liable as an  
5 owner for a violation described in subdivision seven of section seven-  
6 teen hundred four of this article;

7 (b) the registration number of the vehicle involved in such violation;

8 (c) the date, time, and location or locations where such violation  
9 took place;

10 (d) the identification number of the photo-monitoring system or other  
11 document locator number;

12 (e) information advising the person charged of the manner and time in  
13 which he or she may contest the liability alleged in the notice; and

14 (f) a warning to advise the persons charged that failure to contest in  
15 the manner and time provided shall be deemed an admission of liability,  
16 may subject the person to additional penalties, and that a default judg-  
17 ment may be issued thereon.

18 6. If the evidence of the violation is derived from an official source  
19 other than the photo-monitoring system, such as from an employee of the  
20 police department of the city of New York, the notice shall contain  
21 sufficient information detailing the name and title of the city employee  
22 who observed the violation in addition to the information described in  
23 subdivision five of this section.

24 7. If an owner receives a notice of liability pursuant to this section  
25 for any time period during which the vehicle or the vehicle's license  
26 plate or plates was reported to the police department as having been  
27 stolen, it shall be a valid defense to an allegation of liability for a  
28 violation as described in subdivision seven of section seventeen hundred  
29 four of this article that the vehicle or the vehicle's license plate or  
30 plates had been reported to the police as stolen and had not been recov-  
31 ered by the time the violation occurred. For purposes of asserting the  
32 defense provided by this subdivision it shall be sufficient that a  
33 certified copy of the police report on the stolen vehicle be sent by  
34 first class mail to the department of finance or parking violations  
35 bureau.

36 8. (a) An owner who is a lessor of a vehicle to which a notice of  
37 liability was issued pursuant to subdivision five of this section shall  
38 not be liable for the violation as described in subdivision seven of  
39 section seventeen hundred four of this article provided that:

40 (i) prior to the violation the lessor has filed with the department of  
41 finance or the parking violations bureau and paid the required filing  
42 fee in accordance with the provisions of section two hundred thirty-nine  
43 of this chapter; and

44 (ii) within thirty-seven days after receiving notice from the depart-  
45 ment of finance or the parking violations bureau of the date and time of  
46 a liability, together with the other information contained in the  
47 original notice of liability, the lessor submits to the department of  
48 finance or the parking violations bureau the correct name and address of  
49 the lessee of the vehicle identified in the notice of liability at the  
50 time of such violation, together with such other additional information  
51 contained in the rental lease or other contract document, as may be  
52 reasonably required by the department of finance or the parking  
53 violations bureau pursuant to regulations that may be promulgated for  
54 such purpose.

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1 (b) Failure to comply with subparagraph (ii) of paragraph (a) of this  
2 subdivision shall render the owner liable for the penalty prescribed in  
3 this section.

4 (c) Where the lessor complies with the provisions of this subdivision,  
5 the lessee of such vehicle on the date of such violation shall be deemed  
6 to be the owner of such vehicle for purposes of this article, shall be  
7 subject to liability pursuant to subdivision seven of section seventeen  
8 hundred four of this article and shall be sent a notice of liability  
9 pursuant to subdivision five of this section.

10 9. If the owner liable for a violation as described in subdivision  
11 seven of section seventeen hundred four of this article was not the  
12 operator of the vehicle at the time of the violation, the owner may  
13 maintain an action for indemnification against the operator.

14 10. Notwithstanding any other provision of this section, no owner of a  
15 vehicle shall be subject to a penalty imposed pursuant to this section  
16 if the operator of such vehicle was operating such vehicle without the  
17 consent of the owner, express or implied, at the time such operator  
18 committed a violation as described in subdivision seven of section  
19 seventeen hundred four of this article. For the purposes of this subdivi-  
20 sion, there shall be a presumption that the operator of such vehicle  
21 was operating such vehicle with the consent of the owner at the time  
22 such operator committed a violation as described in subdivision seven of  
23 section seventeen hundred four of this article.

24 11. Nothing in this section shall be construed to limit the liability  
25 of an operator of a vehicle for any violation of subdivision seven of  
26 section seventeen hundred four of this article.

27 § 1708. Disposition of revenue and penalties. 1. All congestion pric-  
28 ing fees and taxi and livery surcharge revenue collected by the city  
29 pursuant to this article as agent for the metropolitan transportation  
30 authority pursuant to the agreement with the metropolitan transportation  
31 authority provided in section seventeen hundred six of this article,  
32 shall at all times be the property of the metropolitan transportation  
33 authority and shall be paid to the traffic congestion mitigation fund of  
34 the metropolitan transportation authority.

35 2. Notwithstanding any law to the contrary, all charges collected by  
36 the department of transportation of the city of New York as described in  
37 subdivision six of section seventeen hundred four of this article or  
38 fines and penalties collected by the department of finance or the park-  
39 ing violations bureau for a violation as described in subdivision seven  
40 of section seventeen hundred four of this article pursuant to the  
41 provisions of section seventeen hundred seven of this article shall at  
42 all times be the property of the metropolitan transportation authority  
43 and shall be paid to the traffic congestion mitigation fund of the  
44 metropolitan transportation authority; provided, however, that the  
45 metropolitan transportation authority shall reimburse the department of  
46 transportation of the city of New York for the costs of resolving  
47 disputes over charges described in subdivision six of section seventeen  
48 hundred four of this article and reimburse the department of finance or  
49 the parking violations bureau for the costs of adjudication as provided  
50 in the agreement between the metropolitan transportation authority and  
51 the city described in section seventeen hundred six of this article.  
52 The office of the state comptroller shall, at its discretion, period-  
53 ically audit such costs of adjudication.

54 § 1709. Environmental study and mitigation. The legislature hereby  
55 declares that the congestion pricing program described in this article  
56 is designed to improve the environment, including air quality, and miti-

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1 gate traffic in the state. Notwithstanding this section or any other  
2 provision of law to the contrary, the environmental review process shall  
3 be structured to enable the city to meet the deadline of March thirty-  
4 first, two thousand nine established in the urban partnership agreement  
5 executed between the United States department of transportation and the  
6 state, the city of New York, and the authority.

7 1. The fourteen public hearings held by the New York city traffic  
8 congestion mitigation commission shall serve as the initial public  
9 comment phase for the environmental review process. The interim report  
10 to such commission of January tenth, two thousand eight, shall serve as  
11 the alternative analysis for the environmental review process.

12 2. The congestion pricing program described in this article shall  
13 serve as the preferred alternative for the environmental review process.

14 3. The city shall hold public hearings to solicit comments on the  
15 scope of the environmental review, potentially significant adverse  
16 impacts of the project and mitigation measures to address those impacts,  
17 if any. The city shall release a scoping document identifying any  
18 potentially significant adverse impacts, if any, for further analysis  
19 and review.

20 4. To the extent any potentially significant adverse impacts are iden-  
21 tified, the city shall conduct an analysis of such impacts, develop  
22 possible mitigation measures, and outline a detailed monitoring plan for  
23 each potential impact.

24 5. The city shall release a draft environmental impact statement  
25 summarizing the potentially significant adverse environmental impacts  
26 and the possible mitigation measures and monitoring plan. The city shall  
27 release the draft environmental impact statement and hold a public hear-  
28 ing on the statement prior to the operation date.

29 6. The city, after incorporating public comments, shall release a  
30 final environmental impact statement prior to the operation date. The  
31 city, within ten days after the public release of the final environ-  
32 mental impact statement, shall release a findings statement regarding  
33 the city's decision on an appropriate monitoring plan and potential  
34 mitigation measures.

35 7. The city shall establish and implement a monitoring program prior  
36 to the operation date to monitor the traffic, air quality, noise, park-  
37 ing and other environmental impacts of the congestion pricing program  
38 and release annual reports on these impacts. The city shall make a  
39 preliminary report on such impacts within six months from the operation  
40 date and make such report available to the public on the internet.

41 8. The city shall implement mitigation measures for significant  
42 adverse impacts, if any, identified by the monitoring program and shall  
43 solicit public comment on proposed mitigation plans. The city shall  
44 initiate mitigation plans, if necessary, within six months from the  
45 operation date. The city shall also identify, if any, neighborhood park-  
46 ing impacts. Mitigation measures that the city shall consider if neigh-  
47 borhood parking impacts are identified include, but are not necessarily  
48 limited to, traffic improvements, expanded use of muni-meters, changes  
49 to parking regulations and a residential parking permit program.

50 9. The city shall complete the community planning process already  
51 underway with respect to a citywide parking policy and a residential  
52 parking permit program prior to the operation date. The city shall  
53 ensure that neighborhoods adjacent to the congestion pricing zone are  
54 provided an opportunity to opt into the residential parking permit  
55 program, as provided in section sixteen hundred forty-m of this title,  
56 prior to the operation date.

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1     10. The authority shall provide for transit projects designed to miti-  
2 gate projected immediate effects on ridership occasioned by the imposi-  
3 tion of congestion pricing fees prior to the operation date.

4     § 1710. Rulemaking authority. Any agencies of the city, including the  
5 department of transportation, the department of finance and the parking  
6 violations bureau, are empowered and authorized to promulgate any regu-  
7 lations necessary or in aid of their powers and duties pursuant to this  
8 article. Provided, however, in no event shall any fee, penalty or  
9 surcharge authorized under this article be increased without approval of  
10 the legislature.

11     § 2. The public authorities law is amended by adding a new section  
12 1270-g to read as follows:

13     § 1270-g. Traffic congestion mitigation fund. 1. The authority shall  
14 establish a fund to be known as the "traffic congestion mitigation fund"  
15 which shall be kept separate from and shall not be commingled with any  
16 other moneys of the authority. The fund shall consist of all moneys paid  
17 to the authority by the city of New York pursuant to article  
18 forty-four-B of the vehicle and traffic law.

19     2. Moneys in the fund shall first be paid:

20     (a) to the city of New York to reimburse the city of New York for the  
21 costs of operating and maintaining the congestion pricing program and  
22 the congestion pricing fee collection program described in article  
23 forty-four-B of the vehicle and traffic law.

24     (b) pursuant to an agreement between the city of New York and the  
25 authority as provided in section seventeen hundred six of the vehicle  
26 and traffic law, to the city of New York and the authority to reimburse  
27 the city of New York and the authority for any expenditures made by the  
28 city and the authority after the effective date of this section, as  
29 applicable: (i) for the initial costs of designing, planning, construct-  
30 ing and building the congestion pricing program and the electronic or  
31 other fee collection system described in article forty-four-B of the  
32 vehicle and traffic law; (ii) for the capital costs of the authority of  
33 implementing transit projects designed to mitigate projected immediate  
34 effects on ridership as a result of the implementation of the congestion  
35 pricing program described in article forty-four-B of the vehicle and  
36 traffic law that have not been satisfied from moneys received from an  
37 urban partnership agreement between the United States department of  
38 transportation and the state, the city of New York, or the authority;  
39 and (iii) for the initial operating costs prior to implementing such  
40 transit projects as described in subparagraph (ii) of this paragraph.

41     3. Subject to the provisions of subdivision four of this section, the  
42 remaining moneys in the fund after the payments to the city of New York  
43 and the authority as required by subdivision two of this section may be  
44 pledged by the authority to secure and be applied to the payment of its  
45 bonds, notes or other obligations specified by the authority or other-  
46 wise committed only in connection with capital investments for system  
47 improvements, expansion and state of good repair projects, excluding  
48 normal replacement. Such projects may include, but are not limited to,  
49 new buses and bus facilities, bus rapid transit routes, park-and-ride  
50 facilities, commuter rail improvements and subway expansion and rehabil-  
51 itation. Congestion pricing revenues shall not be used for any other  
52 purpose. Priority in the distribution of funding shall be given to  
53 those areas in need of additional transit investments. Funds shall be  
54 used for both new capital expenditures and for debt service associated  
55 with those expenditures.

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1     4. The use of congestion pricing revenues for transit capital expendi-  
2 tures shall be subject to approval by the authority's capital program  
3 review board, as provided by law. Provided, however, that only for the  
4 approval of the plan submitted pursuant to chapter three hundred eight-  
5 y-four of the laws of two thousand seven for the period July first, two  
6 thousand eight through December thirty-first, two thousand thirteen by  
7 the authority for this fund only, a representative of the New York city  
8 council speaker shall be provided with the same rights and privileges of  
9 the board members appointed by the governor upon the recommendation of  
10 the minority leader of the senate and the minority leader of the assem-  
11 bly. The funds in the traffic congestion mitigation fund shall not be  
12 used to offset any funding obligations to the authority by any govern-  
13 mental entity. Notwithstanding any inconsistent provision of any gener-  
14 al, special or local law, any construction, reconstruction, alteration,  
15 demolition, rehabilitation, improvement or repair agreements for  
16 projects to be reimbursed in whole or in part by the traffic congestion  
17 mitigation fund that require the employment of laborers, workmen or  
18 mechanics, not including employees of the city or of the authority or  
19 subsidiaries or affiliates of the authority, shall be carried out as  
20 contracts to which the city or the authority or subsidiaries or affil-  
21 iates of the authority, or other state or municipal entities, are  
22 parties or as subcontracts entered into pursuant to such contracts. Such  
23 contracts shall be subject to and enforceable under all applicable state  
24 laws, and such projects shall be deemed public works projects for the  
25 purposes of article eight of the labor law. In addition, the authority  
26 shall continue to be responsive to local government and community  
27 concerns and to conduct all public hearings as provided in law.

28     5. The authority shall report annually on all receipts and expendi-  
29 tures of the funds, including taxi surcharge revenues. The report shall  
30 detail operating expenses of the program, enhancement plans, and all  
31 fund expenditures, including capital projects. The report and all capi-  
32 tal plan amendments relating to the fund shall be readily available to  
33 the public, and shall be posted on the authority's website and be  
34 submitted to the governor, state legislature, the mayor and council of  
35 the city of New York, and the authority's capital program review board.

36     § 3. The vehicle and traffic law is amended by adding a new section  
37 1640-m to read as follows:

38     § 1640-m. Residential parking permit system in the city of New York.

39     1. Notwithstanding the provisions of any law to the contrary, the  
40 department of transportation of the city of New York is authorized to  
41 promulgate rules to provide for a residential parking permit system in  
42 the city of New York in accordance with the provisions of this section.

43     2. The residential parking permit system shall provide for the estab-  
44 lishment of permit-only parking zones. It shall further provide for  
45 periods of at least ninety minutes each weekday during which only resi-  
46 dents who have obtained an annual permit for curbside parking in any  
47 permit-only parking zone shall be permitted to park their vehicles in  
48 such permit-only parking zone. During such periods, approximately fifty  
49 percent of the total block face area in any permit-only parking zone may  
50 be allocated for parking by residents with annual permits. Residents in  
51 permit-only parking zones may obtain annual permits for residential  
52 parking by providing proof to the department of transportation of the  
53 city of New York of vehicle registration at a residence within the  
54 particular permit-only parking zone. Such department shall charge no fee  
55 to residents for applying for and using annual permits for residential  
56 parking in permit-only parking zones.

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1     3. Procedures for establishing a permit-only parking zone shall be as  
2 follows: (a) Any person may submit a written request for the establish-  
3 ment of a permit-only parking zone to the community board, using a stan-  
4 dard request form provided by the department of transportation of the  
5 city of New York. Such form shall allow for the addition of petition  
6 signatures in support of the request and shall require that petitioners  
7 identify the need for and the proposed area of the permit-only parking  
8 zone.

9     (b) The community board receiving a request for the establishment of a  
10 permit-only parking zone may hold a public meeting during which the  
11 request may be considered. The community board may adjust the request to  
12 meet community needs and to comply with any rules promulgated by the  
13 department of transportation of the city of New York. The community  
14 board shall not approve a request for a permit-only parking zone unless  
15 it has held a public meeting on the request.

16     (c) If the community board approves the request, it shall submit a  
17 proposal to the city councilmember or councilmembers and members of the  
18 state legislature in whose district or districts the permit-only park-  
19 ing zone has been proposed for review and approval.

20     (d) Proposals for permit-only parking zones approved by the relevant  
21 city councilmember or councilmembers shall be submitted to the depart-  
22 ment of transportation of the city of New York for review and approval  
23 based on criteria that shall include the residential nature, size and  
24 geographic integrity of the zone, the degree of surveyed demand for  
25 on-street parking and the presence of destinations generating signif-  
26 icant demand for on-street parking.

27     (e) Proposals for permit-only parking zones approved by the department  
28 of transportation of the city of New York shall be submitted to the  
29 borough president for final approval. No permit-only parking zone shall  
30 be established absent final approval by the borough president.

31     § 4. The opening paragraph of paragraph 1 of subdivision (a) of  
32 section 1212-A of the tax law, as amended by chapter 196 of the laws of  
33 1995, is amended to read as follows:

34     a tax on receipts from every sale of the service of providing parking,  
35 garaging or storing for motor vehicles by persons operating a garage  
36 (other than a garage which is part of premises occupied solely as a  
37 private one or two family dwelling), parking lot or other place of busi-  
38 ness engaged in providing parking, garaging or storing for motor vehi-  
39 cles, in any county within such city with a population density in excess  
40 of fifty thousand persons per square mile, at the rate of eight per  
41 centum, on receipts from every sale of such services, except receipts  
42 from the sale of such services, other than those services provided at  
43 locations wholly within the geographic area of the congestion pricing  
44 zone as such term is described in article forty-four-B of the vehicle  
45 and traffic law, to an individual resident of such county when such  
46 services are rendered on a monthly or longer-term basis at the principal  
47 location for the parking, garaging or storing of a motor vehicle owned  
48 or leased (but only in the case of a lease for a term of one year or  
49 more) by such individual resident. The population of a county shall be  
50 determined by reference to the latest federal census.

51     § 5. Subdivision (c) of section 1261 of the tax law is amended by  
52 adding a new paragraph 5-a to read as follows:

53     (5-a) However, beginning on September first, two thousand eight, the  
54 commissioner or the commissioner's delegate shall certify to the comp-  
55 troller the net collections from the additional rate of tax which the  
56 city of New York is authorized to impose pursuant to paragraph one of

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1 subdivision (a) of section twelve hundred twelve-A of this article. The  
2 commissioner or the commissioner's delegate shall not be held liable for  
3 any inaccuracy in such certificate. Provided, that any certification  
4 made by the commissioner or the commissioner's delegate may be based on  
5 such information as may be available to the commissioner at the time  
6 such certificate must be made under this paragraph, may be estimated on  
7 the basis of percentages or other indices calculated from distributions  
8 for prior periods, and shall be subject to the adjustment provisions  
9 concerning overpayment or underpayment in paragraph six of this subdivi-  
10 sion. Beginning on September first, two thousand eight, the comptroller  
11 shall pay a certain percentage of these net collections to the appropri-  
12 ate fiscal officer of the city of New York for deposit into the fund  
13 established in paragraph four of subdivision d of section two thousand  
14 nine hundred three of the charter of the city of New York, using a  
15 percentage to be certified by the appropriate fiscal officer to the  
16 comptroller no later than August fifteenth, two thousand eight. The  
17 appropriate fiscal officer may update the percentage and certify this  
18 updated percentage to the comptroller on an annual basis. Such percent-  
19 age shall be calculated by the appropriate fiscal officer of the city of  
20 New York based on taxes, penalties and interest imposed pursuant to  
21 paragraph one of subdivision (a) of section twelve hundred twelve-A of  
22 this article in the geographic area of the congestion pricing zone as  
23 such term is described in article forty-four-B of the vehicle and traf-  
24 fic law and on individual residents of the borough of Manhattan.

25 § 6. Subdivision 1 of section 235 of the vehicle and traffic law, as  
26 amended by chapter 379 of the laws of 1992, is amended to read as  
27 follows:

28 1. Notwithstanding any inconsistent provision of any general, special  
29 or local law or administrative code to the contrary, in any city which  
30 heretofore or hereafter is authorized to establish an administrative  
31 tribunal to hear and determine complaints of traffic infractions consti-  
32 tuting parking, standing or stopping violations, or to adjudicate the  
33 liability of owners for violations of subdivision (d) of section eleven  
34 hundred eleven of this chapter in accordance with section eleven hundred  
35 eleven-a of this chapter, ~~[or]~~ to adjudicate the liability of owners for  
36 violations of toll collection regulations as defined in and in accord-  
37 ance with the provisions of section two thousand nine hundred eighty-  
38 five of the public authorities law and sections sixteen-a, sixteen-b and  
39 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
40 hundred fifty, or to adjudicate the liability of owners for violations  
41 of the congestion pricing program in the city of New York as defined in  
42 and in accordance with the provisions of article forty-four-B of this  
43 chapter, such tribunal and the rules and regulations pertaining thereto  
44 shall be constituted in substantial conformance with the following  
45 sections.

46 § 7. Subdivision 1 of section 236 of the vehicle and traffic law, as  
47 amended by chapter 379 of the laws of 1992, is amended to read as  
48 follows:

49 1. Creation. In any city as hereinbefore or hereafter authorized such  
50 tribunal when created shall be known as the parking violations bureau  
51 and shall have jurisdiction of traffic infractions which constitute a  
52 parking violation and, where authorized by local law adopted pursuant to  
53 subdivision (a) of section eleven hundred eleven-a of this chapter,  
54 shall adjudicate the liability of owners for violations of subdivision  
55 (d) of section eleven hundred eleven of this chapter in accordance with  
56 such section eleven hundred eleven-a, and shall adjudicate the liability



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1 of owners for violations of toll collection regulations as defined in  
2 and in accordance with the provisions of section two thousand nine  
3 hundred eighty-five of the public authorities law and sections  
4 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four  
5 of the laws of nineteen hundred fifty, and shall adjudicate the liabil-  
6 ity of owners for violations of the congestion pricing program in the  
7 city of New York as defined in and in accordance with the provisions of  
8 article forty-four-B of this chapter. Such tribunal, except in a city  
9 with a population of one million or more, shall also have jurisdiction  
10 of abandoned vehicle violations. For the purposes of this article, a  
11 parking violation is the violation of any law, rule or regulation  
12 providing for or regulating the parking, stopping or standing of a vehi-  
13 cle. In addition for purposes of this article, "commissioner" shall mean  
14 and include the commissioner of traffic of the city or an official  
15 possessing authority as such a commissioner.

16 § 8. Subdivision 11 of section 237 of the vehicle and traffic law, as  
17 added by chapter 379 of the laws of 1992, is amended and a new subdivi-  
18 sion 12 is added to read as follows:

19 11. To adjudicate the liability of owners for violations of toll  
20 collection regulations as defined in and in accordance with the  
21 provisions of section two thousand nine hundred eighty-five of the  
22 public authorities law and sections sixteen-a, sixteen-b and sixteen-c  
23 of chapter seven hundred seventy-four of the laws of nineteen hundred  
24 fifty[-];

25 12. To adjudicate the liability of owners for violations of the  
26 congestion pricing program in the city of New York as defined in and in  
27 accordance with the provisions of article forty-four-B of this chapter.

28 § 9. Paragraph f of subdivision 1 of section 239 of the vehicle and  
29 traffic law, as amended by chapter 379 of the laws of 1992, is amended  
30 to read as follows:

31 f. "Notice of violation" means a notice of violation as defined in  
32 subdivision nine of section two hundred thirty-seven of this article,  
33 but shall not be deemed to include a notice of liability issued pursuant  
34 to authorization set forth in section eleven hundred eleven-a of this  
35 chapter and shall not be deemed to include a notice of liability issued  
36 pursuant to section two thousand nine hundred eighty-five of the public  
37 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-  
38 ter seven hundred seventy-four of the laws of nineteen hundred fifty and  
39 shall not be deemed to include a notice of liability issued pursuant to  
40 section seventeen hundred seven of this chapter.

41 § 10. Subdivision 4 of section 239 of the vehicle and traffic law, as  
42 amended by chapter 379 of the laws of 1992, is amended to read as  
43 follows:

44 4. Applicability. The provisions of paragraph b of subdivision two and  
45 subdivision three of this section shall not be applicable to determi-  
46 nations of owner liability for the failure of an operator to comply with  
47 subdivision (d) of section eleven hundred eleven of this chapter and  
48 shall not be applicable to determinations of owner liability imposed  
49 pursuant to section two thousand nine hundred eighty-five of the public  
50 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-  
51 ter seven hundred seventy-four of the laws of nineteen hundred fifty and  
52 shall not be applicable to determinations of owner liability for  
53 violations of article forty-four-B of this chapter.

54 § 11. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic  
55 law, as amended by chapter 379 of the laws of 1992, are amended to read  
56 as follows:

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1 1. Notice of hearing. Whenever a person charged with a parking  
2 violation enters a plea of not guilty or a person alleged to be liable  
3 in accordance with section eleven hundred eleven-a of this chapter for a  
4 violation of subdivision (d) of section eleven hundred eleven of this  
5 chapter contests such allegation, or a person alleged to be liable in  
6 accordance with the provisions of section two thousand nine hundred  
7 eighty-five of the public authorities law ~~(or)~~, of sections sixteen-a,  
8 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
9 laws of nineteen hundred fifty, or of article forty-four-B of this chap-  
10 ter, the bureau shall advise such person personally by such form of  
11 first class mail as the director may direct of the date on which he must  
12 appear to answer the charge at a hearing. The form and content of such  
13 notice of hearing shall be prescribed by the director, and shall contain  
14 a warning to advise the person so pleading or contesting that failure to  
15 appear on the date designated, or on any subsequent adjourned date,  
16 shall be deemed an admission of liability, and that a default judgment  
17 may be entered thereon.

18 1-a. Fines and penalties. Whenever a plea of not guilty has been  
19 entered, or the bureau has been notified that an allegation of liability  
20 in accordance with section eleven hundred eleven-a of this chapter or an  
21 allegation of liability in accordance with section two thousand nine  
22 hundred eighty-five of the public authorities law or sections sixteen-a,  
23 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
24 laws of nineteen hundred fifty or an allegation of liability in accord-  
25 ance with section seventeen hundred seven of this chapter, is being  
26 contested, by a person in a timely fashion and a hearing upon the merits  
27 has been demanded, but has not yet been held, the bureau shall not issue  
28 any notice of fine or penalty to that person prior to the date of the  
29 hearing.

30 § 12. Paragraphs a and g of subdivision 2 of section 240 of the vehi-  
31 cle and traffic law, as amended by chapter 379 of the laws of 1992, are  
32 amended to read as follows:

33 a. Every hearing for the adjudication of a charge of parking violation  
34 or an allegation of liability in accordance with section eleven hundred  
35 eleven-a of this chapter or an allegation of liability in accordance  
36 with section two thousand nine hundred eighty-five of the public author-  
37 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter  
38 seven hundred seventy-four of the laws of nineteen hundred fifty or an  
39 allegation of liability in accordance with section seventeen hundred  
40 seven of this chapter, shall be held before a hearing examiner in  
41 accordance with rules and regulations promulgated by the bureau.

42 g. A record shall be made of a hearing on a plea of not guilty or of a  
43 hearing at which liability in accordance with section eleven hundred  
44 eleven-a of this chapter is contested or of a hearing at which liability  
45 in accordance with section two thousand nine hundred eighty-five of the  
46 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of  
47 chapter seven hundred seventy-four of the laws of nineteen hundred fifty  
48 is contested or a hearing at which liability in accordance with section  
49 seventeen hundred seven of this chapter is contested. Recording devices  
50 may be used for the making of the record.

51 § 13. Subdivisions 1 and 2 of section 241 of the vehicle and traffic  
52 law, as amended by chapter 379 of the laws of 1992, are amended to read  
53 as follows:

54 1. The hearing examiner shall make a determination on the charges,  
55 either sustaining or dismissing them. Where the hearing examiner deter-  
56 mines that the charges have been sustained he may examine either the

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1 prior parking violations record or the record of liabilities incurred in  
2 accordance with section eleven hundred eleven-a of this chapter or the  
3 record of liabilities incurred in accordance with section two thousand  
4 nine hundred eighty-five of the public authorities law or sections  
5 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four  
6 of the laws of nineteen hundred fifty of the person charged or the  
7 record of liabilities incurred in accordance with section seventeen  
8 hundred seven of this chapter, as applicable prior to rendering a final  
9 determination. Final determinations sustaining or dismissing charges  
10 shall be entered on a final determination roll maintained by the bureau  
11 together with records showing payment and nonpayment of penalties.

12 2. Where an operator or owner fails to enter a plea to a charge of a  
13 parking violation or contest an allegation of liability in accordance  
14 with section eleven hundred eleven-a of this chapter or fails to contest  
15 an allegation of liability in accordance with section two thousand nine  
16 hundred eighty-five of the public authorities law or sections sixteen-a,  
17 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
18 laws of nineteen hundred fifty or fails to contest an allegation of  
19 liability in accordance with section seventeen hundred seven of this  
20 chapter, or fails to appear on a designated hearing date or subsequent  
21 adjourned date or fails after a hearing to comply with the determination  
22 of a hearing examiner, as prescribed by this article or by rule or regu-  
23 lation of the bureau, such failure to plead or contest, appear or comply  
24 shall be deemed, for all purposes, an admission of liability and shall  
25 be grounds for rendering and entering a default judgment in an amount  
26 provided by the rules and regulations of the bureau. However, after the  
27 expiration of the original date prescribed for entering a plea and  
28 before a default judgment may be rendered, in such case the bureau shall  
29 pursuant to the applicable provisions of law notify such operator or  
30 owner, by such form of first class mail as the commission may direct;  
31 (1) of the violation charged, or liability in accordance with section  
32 eleven hundred eleven-a of this chapter alleged or liability in accord-  
33 ance with section two thousand nine hundred eighty-five of the public  
34 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-  
35 ter seven hundred seventy-four of the laws of nineteen hundred fifty  
36 alleged or liability in accordance with section seventeen hundred seven  
37 of this chapter, (2) of the impending default judgment, (3) that such  
38 judgment will be entered in the Civil Court of the city in which the  
39 bureau has been established, or other court of civil jurisdiction or any  
40 other place provided for the entry of civil judgments within the state  
41 of New York, and (4) that a default may be avoided by entering a plea or  
42 contesting an allegation of liability in accordance with section eleven  
43 hundred eleven-a of this chapter or contesting an allegation of liabil-  
44 ity in accordance with section two thousand nine hundred eighty-five of  
45 the public authorities law or sections sixteen-a, sixteen-b and  
46 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen  
47 hundred fifty or contesting an allegation of liability in accordance  
48 with section seventeen hundred seven of this chapter, as appropriate, or  
49 making an appearance within thirty days of the sending of such notice.  
50 Pleas entered and allegations contested within that period shall be in  
51 the manner prescribed in the notice and not subject to additional penal-  
52 ty or fee. Such notice of impending default judgment shall not be  
53 required prior to the rendering and entry thereof in the case of opera-  
54 tors or owners who are non-residents of the state of New York. In no  
55 case shall a default judgment be rendered or, where required, a notice  
56 of impending default judgment be sent, more than two years after the

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1 expiration of the time prescribed for entering a plea or contesting an  
2 allegation. When a person has demanded a hearing, no fine or penalty  
3 shall be imposed for any reason, prior to the holding of the hearing. If  
4 the hearing examiner shall make a determination on the charges, sustain-  
5 ing them, he shall impose no greater penalty or fine than those upon  
6 which the person was originally charged.

7 § 14. Subparagraph (i) of paragraph a of subdivision 5-a of section  
8 401 of the vehicle and traffic law, as amended by chapter 496 of the  
9 laws of 1990 and as designated by chapter 373 of the laws of 1994, is  
10 amended to read as follows:

11 (i) If at the time of application for a registration or renewal there-  
12 of there is a certification from a court, parking violations bureau,  
13 traffic and parking violations agency or administrative tribunal of  
14 appropriate jurisdiction or administrative tribunal of appropriate  
15 jurisdiction that the registrant or his representative failed to appear  
16 on the return date or any subsequent adjourned date or failed to comply  
17 with the rules and regulations of an administrative tribunal following  
18 entry of a final decision in response to a total of three or more  
19 summonses or other process in the aggregate, issued within an eighteen  
20 month period, charging either that (i) such motor vehicle was parked,  
21 stopped or standing, or that such motor vehicle was operated for hire by  
22 the registrant or his agent without being licensed as a motor vehicle  
23 for hire by the appropriate local authority, in violation of any of the  
24 provisions of this chapter or of any law, ordinance, rule or regulation  
25 made by a local authority or (ii) the registrant was liable in accord-  
26 ance with section eleven hundred eleven-a of this chapter for a  
27 violation of subdivision (d) of section eleven hundred eleven of this  
28 chapter or (iii) the registrant was liable in accordance with section  
29 seventeen hundred seven of this chapter, the commissioner or his agent  
30 shall deny the registration or renewal application until the applicant  
31 provides proof from the court, traffic and parking violations agency or  
32 administrative tribunal wherein the charges are pending that an appear-  
33 ance or answer has been made or in the case of an administrative tribu-  
34 nal that he has complied with the rules and regulations of said tribunal  
35 following entry of a final decision. Where an application is denied  
36 pursuant to this section, the commissioner may, in his discretion, deny  
37 a registration or renewal application to any other person for the same  
38 vehicle and may deny a registration or renewal application for any other  
39 motor vehicle registered in the name of the applicant where the commis-  
40 sioner has determined that such registrant's intent has been to evade  
41 the purposes of this subdivision and where the commissioner has reason-  
42 able grounds to believe that such registration or renewal will have the  
43 effect of defeating the purposes of this subdivision. Such denial shall  
44 only remain in effect as long as the summonses remain unanswered, or in  
45 the case of an administrative tribunal, the registrant fails to comply  
46 with the rules and regulations following entry of a final decision.

47 § 15. The opening paragraph of subdivision 1 of section 1809 of the  
48 vehicle and traffic law, as amended by section 2 of part M of chapter 62  
49 of the laws of 2003, is amended to read as follows:

50 Whenever proceedings in an administrative tribunal or a court of this  
51 state result in a conviction for an offense under this chapter or a  
52 traffic infraction under this chapter, or a local law, ordinance, rule  
53 or regulation adopted pursuant to this chapter, other than a traffic  
54 infraction involving standing, stopping, or parking or violations by  
55 pedestrians or bicyclists, or other than an adjudication of liability of  
56 an owner for a violation of subdivision (d) of section eleven hundred

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1 eleven of this chapter in accordance with section eleven hundred  
2 eleven-a of this chapter, or other than an adjudication in accordance  
3 with section seventeen hundred seven of this chapter, there shall be  
4 levied a crime victim assistance fee and a mandatory surcharge, in addi-  
5 tion to any sentence required or permitted by law, in accordance with  
6 the following schedule:

7 § 16. Paragraph (c) of subdivision 1 of section 1809 of the vehicle  
8 and traffic law, as amended by section 2 of part M of chapter 62 of the  
9 laws of 2003, is amended to read as follows:

10 (c) Whenever proceedings in an administrative tribunal or a court of  
11 this state result in a conviction for an offense under this chapter  
12 other than a crime pursuant to section eleven hundred ninety-two of this  
13 chapter, or a traffic infraction under this chapter, or a local law,  
14 ordinance, rule or regulation adopted pursuant to this chapter, other  
15 than a traffic infraction involving standing, stopping, or parking or  
16 violations by pedestrians or bicyclists, or other than an adjudication  
17 of liability of an owner for a violation of subdivision (d) of section  
18 eleven hundred eleven of this chapter in accordance with section eleven  
19 hundred eleven-a of this chapter or other than an infraction pursuant to  
20 article nine of this chapter or other than an adjudication of liability  
21 of an owner for a violation of toll collection regulations pursuant to  
22 section two thousand nine hundred eighty-five of the public authorities  
23 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
24 hundred seventy-four of the laws of nineteen hundred fifty, or other  
25 than an adjudication in accordance with section seventeen hundred seven  
26 of this chapter, there shall be levied a crime victim assistance fee in  
27 the amount of five dollars and a mandatory surcharge, in addition to any  
28 sentence required or permitted by law, in the amount of forty-five  
29 dollars.

30 § 17. Subdivision 2 of section 87 of the public officers law is  
31 amended by adding a new paragraph (k) to read as follows:

32 (k) identify motor vehicle travel, including but not limited to photo-  
33 graphs, microphotographs or videotape, produced under authority of arti-  
34 cle forty-four-B of the vehicle and traffic law.

35 § 18. Subdivision d of section 2903 of the New York city charter, as  
36 amended by vote of the electors of such city at a general election held  
37 on November 8, 1988, paragraph 1 as amended by local law number 14 of  
38 the city of New York for the year 1989, is amended to read as follows:

39 d. Mass transportation facilities. The commissioner shall:

40 (1) prepare or review plans and recommendations with respect to the  
41 nature, location, construction, operation and financing of roads, high-  
42 ways, bridges, tunnels, subways or other facilities for mass transporta-  
43 tion other than aviation facilities for use in whole or in part within  
44 the city whether or not the funds provided for such facilities are  
45 derived from the city treasury;

46 (2) develop and coordinate planning and programming for all forms of  
47 mass transportation within the city of New York whether or not said  
48 transportation is within the sole operating jurisdiction of the city of  
49 New York; ~~and~~

50 (3) make recommendations to the mayor, the metropolitan transportation  
51 authority, the New York city transit authority, the port authority of  
52 New York and New Jersey and other city, state and federal authorities  
53 and agencies concerning the mass transit needs of the city of New York;  
54 and

55 (4) manage the use of funds in the transit enhancement fund. There is  
56 hereby established a special fund to be known as the "transit enhance-

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1 ment fund". After July first, two thousand eight, if the commissioner  
2 increases fees for parking in parking meter zones in the geographic area  
3 south of and inclusive of 60th street, the difference between the fees  
4 charged in such zones prior to September first, two thousand eight and  
5 the fees charged in such zones after such date shall be paid into the  
6 transit enhancement fund. Such fund shall also include such revenue as  
7 provided by state law. The revenues of such fund, derived as specified  
8 in this paragraph or pursuant to other provisions of law, upon authori-  
9 zation of the council, shall be used solely to provide additional trans-  
10 it, pedestrian, bicycle and parking management improvements, including,  
11 but not limited to, expanded ferry service, bus signalization, bus rapid  
12 transit investments, bicycle facilities and pedestrian enhancements.

13 § 19. Subdivision (d) of section 11-2051 of the administrative code of  
14 the city of New York, as amended by local law number 74 of the city of  
15 New York for the year 1996, is amended to read as follows:

16 (d) The tax imposed by this subchapter shall not apply to any sale of  
17 services, other than those services provided at locations wholly within  
18 the geographic area of the congestion pricing zone as such term is  
19 described in article forty-four-B of the vehicle and traffic law, to an  
20 individual resident of the county in which such tax is imposed when such  
21 services are rendered on a monthly or longer-term basis at the principal  
22 location for the parking, garaging or storing of a motor vehicle owned  
23 or leased (but only in the case of a lease for a term of one year or  
24 more) by such individual resident. For purposes of this subdivision, the  
25 term "individual resident" means a natural person who maintains in such  
26 county a permanent place of abode which is such person's primary resi-  
27 dence; the term "motor vehicle" means a motor vehicle which is regis-  
28 tered pursuant to the vehicle and traffic law at the address of the  
29 primary residence referred to in this subdivision, or which is regis-  
30 tered pursuant to the vehicle and traffic law and leased to an individ-  
31 ual resident at the address of the primary residence referred to in this  
32 subdivision, and which is not used in carrying on any trade, business or  
33 commercial activity; and the term "lease for a term of one year or more"  
34 shall not include any lease the term of which is less than one year,  
35 irrespective of the fact that the cumulative period for which such lease  
36 may be in effect is one year or more as the result of the right to exer-  
37 cise an option to renew or other like provision.

38 § 20. Subdivision (b) of section 11-2053 of the administrative code of  
39 the city of New York is amended to read as follows:

40 (b) [All] Except as provided in paragraph five-a of subdivision (c)  
41 of section twelve hundred sixty-one of the tax law, all payments to the  
42 commissioner of finance pursuant to subdivision (a) of this section  
43 shall be credited to and deposited in the general fund of this city.

44 § 21. Section 606 of the tax law is amended by adding a new subsection  
45 (qq) to read as follows:

46 (qq) Congestion pricing fee credit. (1) A taxpayer who is eligible for  
47 the earned income tax credit under subsection (d) of this section or the  
48 enhanced earned income tax credit under subsection (d-1) of this section  
49 is allowed a credit against the taxes imposed by this article. The  
50 amount of the credit is the excess of the amount of unreimbursed  
51 congestion pricing fees as defined in article forty-four-B of the vehi-  
52 cle and traffic law paid during the federal taxable year by the taxpay-  
53 er, or, in the case of a joint return, by the taxpayer or the taxpayer's  
54 spouse, over the basic cost of commuting by transit, which means the  
55 unreduced amount of a thirty-day unlimited ride metrocard issued by the  
56 metropolitan transit authority of the state of New York multiplied by

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1 twelve. The credit allowed by this subsection cannot exceed the amount  
2 of the maximum congestion pricing fee that can be incurred by a single  
3 vehicle, as defined in article forty-four-B of the vehicle and traffic  
4 law operated every day the congestion pricing system is in operation in  
5 the tax year, over the basic cost of commuting by transit as defined in  
6 this section.

7 (2) The congestion pricing fee paid by the taxpayer, or, in the case  
8 of a joint return, by the taxpayer or the taxpayer's spouse, must be  
9 demonstrated by records relating to the taxpayer's or his or her  
10 spouse's use of an electronic device used in connection with the elec-  
11 tronic fee collection system defined in article forty-four-B of the  
12 vehicle and traffic law, that is registered in the name of the taxpayer  
13 or the taxpayer's spouse and assigned to a passenger vehicle registered  
14 in the name of the taxpayer or the taxpayer's spouse. The taxpayer must  
15 provide these records to the department upon request.

16 (3) The taxpayer or his or her spouse must maintain records that  
17 demonstrate that the congestion pricing fees were incurred by the  
18 taxpayer or the taxpayer's spouse in connection with the taxpayer's or  
19 spouse's travel into the congestion pricing zone, as defined in article  
20 forty-four-B of the vehicle and traffic law, relating to the taxpayer's  
21 or his or her spouse's employment, and were neither reimbursed by another  
22 party nor incurred by a non-passenger vehicle. The taxpayer must  
23 provide such records to the department upon request.

24 (4) In the case of a resident taxpayer, the credit under this  
25 subsection shall be allowed against the taxes imposed by this article  
26 for the taxable year reduced by the credits permitted by this article.  
27 If the credit exceeds the tax as so reduced, the taxpayer may receive,  
28 and the comptroller, subject to a certificate of the commissioner, shall  
29 pay as an overpayment without interest, the amount of such excess.

30 (5) In the case of a nonresident taxpayer, the credit under this  
31 subsection shall be allowed against the tax determined under subsections  
32 (a) through (d) of section six hundred one of this part. The amount of  
33 the credit shall not exceed the tax determined under such subsections  
34 for the taxable year reduced by the credits permitted under subsections  
35 (b), (c) and (m) of this section.

36 (6) In the case of a part-year resident taxpayer, the credit under  
37 this subsection shall be allowed against the tax determined under  
38 subsections (a) through (d) of section six hundred one of this part  
39 reduced by the credits permitted under subsections (b), (c) and (m) of  
40 this section, and any excess credit after such application shall be  
41 allowed against the taxes imposed by sections six hundred two and six  
42 hundred three of this part. Any remaining excess, after such applica-  
43 tion, shall be refunded as provided in paragraph four of this  
44 subsection, provided, however, that any overpayment under such paragraph  
45 will be limited to the amount of the remaining excess multiplied by a  
46 fraction, the numerator of which is the federal adjusted gross income  
47 for the period of residence, computed as if the taxable year for federal  
48 income tax purposes were limited to the period of residence, and the  
49 denominator of which is federal adjusted gross income for the taxable  
50 year.

51 (7) In the case of a husband and wife who file a joint federal return  
52 but who are required to determine their New York taxes separately, the  
53 credit allowed pursuant to this subsection may be applied against the  
54 tax of either or divided between them as they elect.

55 § 22. Severability clause. If any clause, sentence, paragraph, subdi-  
56 vision, section or part of this act shall be adjudged by any court of

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1 competent jurisdiction to be invalid, such judgment shall not affect,  
2 impair, or invalidate the remainder thereof, but shall be confined in  
3 its operation to the clause, sentence, paragraph, subdivision, section  
4 or part thereof directly involved in the controversy in which such judg-  
5 ment shall have been rendered. It is hereby declared to be the intent of  
6 the legislature that this act would have been enacted even if such  
7 invalid provisions had not been included herein.

8 § 23. This act shall take effect immediately; provided, however,  
9 that:

10 (a) sections four and nineteen of this act shall take effect September  
11 first, two thousand eight, except that any actions necessary to imple-  
12 ment the provisions of such sections, including the promulgation or  
13 amendment of any rules necessary, may be taken prior to such effective  
14 date;

15 (b) sections five and twenty of this act shall take effect on the same  
16 date and in the same manner as a chapter of the laws of 2008 amending  
17 the tax law and other laws relating to imposing sales and compensating  
18 use taxes in a city of one million or more, as proposed in legislative  
19 bill numbers S.6810 and A.9810, as amended, takes effect;

20 (c) the amendments to section 235 of the vehicle and traffic law made  
21 by section six of this act shall not affect the expiration of such  
22 section and shall expire therewith; the amendments to subdivision 1 of  
23 section 236 of the vehicle and traffic law made by section seven of this  
24 act shall not affect the expiration of such subdivision and shall expire  
25 therewith; the amendments to paragraph f of subdivision 1 of section 239  
26 of the vehicle and traffic law made by section nine of this act shall  
27 not affect the expiration of such paragraph and shall expire therewith;  
28 the amendments to subdivision 4 of section 239 of the vehicle and traf-  
29 fic law made by section ten of this act shall not affect the repeal of  
30 such subdivision and shall be deemed repealed therewith; the amendments  
31 to subdivisions 1 and 1-a of section 240 of the vehicle and traffic law  
32 made by section eleven of this act shall not affect the expiration of  
33 such subdivisions and shall expire therewith; the amendments to para-  
34 graphs a and g of subdivision 2 of section 240 of the vehicle and traf-  
35 fic law made by section twelve of this act shall not affect the expira-  
36 tion of such paragraphs and shall expire therewith; the amendments to  
37 subdivisions 1 and 2 of section 241 of the vehicle and traffic law made  
38 by section thirteen of this act shall not affect the expiration of such  
39 subdivisions and shall expire therewith; and the amendments to paragraph  
40 a of subdivision 5-a of section 401 of the vehicle and traffic law made  
41 by section fourteen of this act shall not affect the expiration of such  
42 paragraph and shall expire therewith; the amendments to subdivision 1 of  
43 section 1809 of the vehicle and traffic law made by sections fifteen and  
44 sixteen of this act shall not affect the expiration of such subdivision  
45 and shall expire therewith;

46 (d) section twenty-one of this act shall apply to taxable years begin-  
47 ning on or after January 1, 2009; and

48 (e) article 44-B of the vehicle and traffic law, as added by section  
49 one of this act, establishing the congestion pricing program and  
50 congestion pricing fees shall expire and be deemed repealed 36 months  
51 after the city of New York begins implementation of such program and  
52 begins to collect such fees; provided, however that such article shall  
53 be extended upon approval by the capital program review board of the  
54 capital plan required by chapter 384 of the laws of 2007 by the metro-  
55 politan transportation authority, for the period July 1, 2008 through  
56 December 31, 2013. The capital program review board shall notify the



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1 legislative bill drafting commission upon the extension of such program  
2 in order that the commission may maintain an accurate and timely effec-  
3 tive data base of the official text of the laws of the state of New York  
4 in furtherance of effectuating the provisions of section 44 of the  
5 legislative law and section 70-b of the public officers law.

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