

STATE OF NEW YORK

4459--A

2013-2014 Regular Sessions

IN SENATE

April 3, 2013

Introduced by Sens. KLEIN, DILAN, ESPAILLAT, PERALTA, SQUADRON -- 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

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
 2 law, as amended by section 1 of part II of chapter 59 of the laws of
 3 2010, is amended to read as follows:
 4 1. Notwithstanding any inconsistent provision of any general, special
 5 or local law or administrative code to the contrary, in any city which
 6 heretofore or hereafter is authorized to establish an administrative
 7 tribunal to hear and determine complaints of traffic infractions consti-
 8 tuting parking, standing or stopping violations, or to adjudicate the
 9 liability of owners for violations of subdivision (d) of section eleven
 10 hundred eleven of this chapter in accordance with section eleven hundred
 11 eleven-a of this chapter, or to adjudicate the liability of owners for
 12 violations of subdivision (d) of section eleven hundred eleven of this
 13 chapter in accordance with sections eleven hundred eleven-b of this
 14 chapter as added by sections sixteen of chapters twenty, twenty-one, and
 15 twenty-two of the laws of two thousand nine, or to adjudicate the
 16 liability of owners for violations of toll collection regulations as
 17 defined in and in accordance with the provisions of section two thousand
 18 nine hundred eighty-five of the public authorities law and sections
 19 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
 20 of the laws of nineteen hundred fifty, or to adjudicate liability of

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

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1 owners in accordance with section eleven hundred eleven-c of this chap-
2 ter for violations of bus lane restrictions as defined in subdivision
3 (b), (c), (d), (f) or (g) of such section, or to adjudicate the liabil-
4 ity of owners for violations of section eleven hundred eighty of this
5 chapter in accordance with section eleven hundred eighty-b of this chap-
6 ter, such tribunal and the rules and regulations pertaining thereto
7 shall be constituted in substantial conformance with the following
8 sections.

9 § 1-a. Section 235 of the vehicle and traffic law, as amended by
10 section 1-a of part II of chapter 59 of the laws of 2010, is amended to
11 read as follows:

12 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
13 general, special or local law or administrative code to the contrary, in
14 any city which heretofore or hereafter is authorized to establish an
15 administrative tribunal to hear and determine complaints of traffic
16 infractions constituting parking, standing or stopping violations, or to
17 adjudicate the liability of owners for violations of subdivision (d) of
18 section eleven hundred eleven of this chapter in accordance with section
19 eleven hundred eleven-a of this chapter, or to adjudicate the liability
20 of owners for violations of subdivision (d) of section eleven hundred
21 eleven of this chapter in accordance with sections eleven hundred
22 eleven-b of this chapter as added by sections sixteen of chapters twen-
23 ty, twenty-one, and twenty-two of the laws of two thousand nine, or to
24 adjudicate the liability of owners for violations of toll collection
25 regulations as defined in and in accordance with the provisions of
26 section two thousand nine hundred eighty-five of the public authorities
27 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
28 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
29 dicate liability of owners in accordance with section eleven hundred
30 eleven-c of this chapter for violations of bus lane restrictions as
31 defined in such section, or to adjudicate the liability of owners for
32 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
33 hundred eighty of this chapter in accordance with section eleven hundred
34 eighty-b of this chapter, such tribunal and the rules and regulations
35 pertaining thereto shall be constituted in substantial conformance with
36 the following sections.

37 § 1-b. Section 235 of the vehicle and traffic law, as amended by
38 section 1-b of part II of chapter 59 of the laws of 2010, is amended to
39 read as follows:

40 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
41 general, special or local law or administrative code to the contrary, in
42 any city which heretofore or hereafter is authorized to establish an
43 administrative tribunal to hear and determine complaints of traffic
44 infractions constituting parking, standing or stopping violations, or to
45 adjudicate the liability of owners for violations of subdivision (d) of
46 section eleven hundred eleven of this chapter in accordance with
47 sections eleven hundred eleven-b of this chapter as added by sections
48 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
49 two thousand nine, or to adjudicate the liability of owners for
50 violations of toll collection regulations as defined in and in accord-
51 ance with the provisions of section two thousand nine hundred eighty-
52 five of the public authorities law and sections sixteen-a, sixteen-b and
53 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
54 hundred fifty, or to adjudicate liability of owners in accordance with
55 section eleven hundred eleven-c of this chapter for violations of bus
56 lane restrictions as defined in such section, or to adjudicate the

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1 liability of owners for violations of subdivision (b), (c), (d), (f) or
 2 (g) of section eleven hundred eighty of this chapter in accordance with
 3 section eleven hundred eighty-b of this chapter, such tribunal and the
 4 rules and regulations pertaining thereto shall be constituted in
 5 substantial conformance with the following sections.

6 § 1-c. Section 235 of the vehicle and traffic law, as amended by
 7 section 1-c of part II of chapter 59 of the laws of 2010, is amended to
 8 read as follows:

9 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
 10 general, special or local law or administrative code to the contrary, in
 11 any city which heretofore or hereafter is authorized to establish an
 12 administrative tribunal to hear and determine complaints of traffic
 13 infractions constituting parking, standing or stopping violations, or to
 14 adjudicate the liability of owners for violations of toll collection
 15 regulations as defined in and in accordance with the provisions of
 16 section two thousand nine hundred eighty-five of the public authorities
 17 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
 18 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
 19 dicate liability of owners in accordance with section eleven hundred
 20 eleven-c of this chapter for violations of bus lane restrictions as
 21 defined in such section, or to adjudicate the liability of owners for
 22 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
 23 hundred eighty of this chapter in accordance with section eleven hundred
 24 eighty-b of this chapter, such tribunal and the rules and regulations
 25 pertaining thereto shall be constituted in substantial conformance with
 26 the following sections.

27 § 1-d. Section 235 of the vehicle and traffic law, as separately
 28 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
 29 of 1992, is amended to read as follows:

30 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
 31 general, special or local law or administrative code to the contrary, in
 32 any city which heretofore or hereafter is authorized to establish an
 33 administrative tribunal to hear and determine complaints of traffic
 34 infractions constituting parking, standing or stopping violations, or to
 35 adjudicate the liability of owners for violations of toll collection
 36 regulations as defined in and in accordance with the provisions of
 37 section two thousand nine hundred eighty-five of the public authorities
 38 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
 39 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
 40 dicate liability of owners for violations of subdivisions (c) and (d) of
 41 section eleven hundred eighty of this chapter in accordance with section
 42 eleven hundred eighty-b of this chapter, such tribunal and the rules and
 43 regulations pertaining thereto shall be constituted in substantial
 44 conformance with the following sections.

45 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
 46 amended by section 2 of part II of chapter 59 of the laws of 2010, is
 47 amended to read as follows:

48 1. Creation. In any city as hereinbefore or hereafter authorized such
 49 tribunal when created shall be known as the parking violations bureau
 50 and shall have jurisdiction of traffic infractions which constitute a
 51 parking violation and, where authorized by local law adopted pursuant to
 52 subdivision (a) of section eleven hundred eleven-a of this chapter or
 53 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
 54 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
 55 of the laws of two thousand nine, shall adjudicate the liability of
 56 owners for violations of subdivision (d) of section eleven hundred elev-

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1 en of this chapter in accordance with such section eleven hundred
2 eleven-a or such sections eleven hundred eleven-b as added by sections
3 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
4 two thousand nine and shall adjudicate the liability of owners for
5 violations of toll collection regulations as defined in and in accord-
6 ance with the provisions of section two thousand nine hundred eighty-
7 five of the public authorities law and sections sixteen-a, sixteen-b and
8 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
9 hundred fifty and shall adjudicate liability of owners in accordance
10 with section eleven hundred eleven-c of this chapter for violations of
11 bus lane restrictions as defined in such section and shall adjudicate
12 the liability of owners for violations of subdivision (b), (c), (d), (f)
13 or (g) of section eleven hundred eighty of this chapter in accordance
14 with section eleven hundred eighty-b of this chapter. Such tribunal,
15 except in a city with a population of one million or more, shall also
16 have jurisdiction of abandoned vehicle violations. For the purposes of
17 this article, a parking violation is the violation of any law, rule or
18 regulation providing for or regulating the parking, stopping or standing
19 of a vehicle. In addition for purposes of this article, "commissioner"
20 shall mean and include the commissioner of traffic of the city or an
21 official possessing authority as such a commissioner.

22 § 2-a. Subdivision 1 of section 236 of the vehicle and traffic law, as
23 amended by section 2-a of part II of chapter 59 of the laws of 2010, is
24 amended to read as follows:

25 1. Creation. In any city as hereinbefore or hereafter authorized such
26 tribunal when created shall be known as the parking violations bureau
27 and shall have jurisdiction of traffic infractions which constitute a
28 parking violation and, where authorized by local law adopted pursuant to
29 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
30 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
31 of the laws of two thousand nine, shall adjudicate the liability of
32 owners for violations of subdivision (d) of section eleven hundred elev-
33 en of this chapter in accordance with such sections eleven hundred
34 eleven-b as added by sections sixteen of chapters twenty, twenty-one,
35 and twenty-two of the laws of two thousand nine; and shall adjudicate
36 liability of owners in accordance with section eleven hundred eleven-c
37 of this chapter for violations of bus lane restrictions as defined in
38 such section and shall adjudicate liability of owners for violations of
39 subdivisions (c) and (d) of section eleven hundred eighty of this chap-
40 ter in accordance with section eleven hundred eighty-b of this chapter.
41 For the purposes of this article, a parking violation is the violation
42 of any law, rule or regulation providing for or regulating the parking,
43 stopping or standing of a vehicle. In addition for purposes of this
44 article, "commissioner" shall mean and include the commissioner of traf-
45 fic of the city or an official possessing authority as such a commis-
46 sioner.

47 § 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as
48 amended by section 2-b of part II of chapter 59 of the laws of 2010, is
49 amended to read as follows:

50 1. Creation. In any city as hereinbefore or hereafter authorized such
51 tribunal when created shall be known as the parking violations bureau
52 and shall have jurisdiction of traffic infractions which constitute a
53 parking violation and shall adjudicate liability of owners in accordance
54 with section eleven hundred eleven-c of this chapter for violations of
55 bus lane restrictions as defined in such section; and shall adjudicate
56 the liability of owners for violations of subdivision (b), (c), (d), (f)

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1 or (g) of section eleven hundred eighty of this chapter in accordance
2 with section eleven hundred eighty-b of this chapter. For the purposes
3 of this article, a parking violation is the violation of any law, rule
4 or regulation providing for or regulating the parking, stopping or
5 standing of a vehicle. In addition for purposes of this article,
6 "commissioner" shall mean and include the commissioner of traffic of the
7 city or an official possessing authority as such a commissioner.

8 § 2-c. Subdivision 1 of section 236 of the vehicle and traffic law, as
9 added by chapter 715 of the laws of 1972, is amended to read as follows:

10 1. Creation. In any city as hereinbefore or hereafter authorized such
11 tribunal when created shall be known as the parking violations bureau
12 and shall have jurisdiction of traffic infractions which constitute a
13 parking violation and shall adjudicate the liability of owners for
14 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
15 hundred eighty of this chapter in accordance with section eleven hundred
16 eighty-b of this chapter. For the purposes of this article, a parking
17 violation is the violation of any law, rule or regulation providing for
18 or regulating the parking, stopping or standing of a vehicle. In addi-
19 tion for purposes of this article, "commissioner" shall mean and include
20 the commissioner of traffic of the city or an official possessing
21 authority as such a commissioner.

22 § 3. Subdivision 12 of section 237 of the vehicle and traffic law, as
23 added by section 3 of part II of chapter 59 of the laws of 2010, is
24 amended and a new subdivision 13 is added to read as follows:

25 12. To adjudicate liability of owners in accordance with section elev-
26 en hundred eleven-c of this chapter for violations of bus lane
27 restrictions as defined in such section[-];

28 13. To adjudicate the liability of owners for violations of subdivi-
29 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
30 chapter in accordance with section eleven hundred eighty-b of this chap-
31 ter.

32 § 3-a. Subdivision 11 of section 237 of the vehicle and traffic law,
33 as added by chapter 379 of the laws of 1992, is amended and a new subdivi-
34 sion 12 is added to read as follows:

35 11. To adjudicate the liability of owners for violations of toll
36 collection regulations as defined in and in accordance with the
37 provisions of section two thousand nine hundred eighty-five of the
38 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
39 of chapter seven hundred seventy-four of the laws of nineteen hundred
40 fifty[-];

41 12. To adjudicate the liability of owners for violations of subdivi-
42 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
43 chapter in accordance with section eleven hundred eighty-b of this chap-
44 ter.

45 § 4. Paragraph f of subdivision 1 of section 239 of the vehicle and
46 traffic law, as amended by section 4 of part II of chapter 59 of the
47 laws of 2010, is amended to read as follows:

48 f. "Notice of violation" means a notice of violation as defined in
49 subdivision nine of section two hundred thirty-seven of this article,
50 but shall not be deemed to include a notice of liability issued pursuant
51 to authorization set forth in section eleven hundred eleven-a of this
52 chapter or sections eleven hundred eleven-b of this chapter as added by
53 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
54 laws of two thousand nine, and shall not be deemed to include a notice
55 of liability issued pursuant to section two thousand nine hundred eight-
56 y-five of the public authorities law and sections sixteen-a, sixteen-b

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1 and sixteen-c of chapter seven hundred seventy-four of the laws of nine-
 2 teen hundred fifty and shall not be deemed to include a notice of
 3 liability issued pursuant to section eleven hundred eleven-c of this
 4 chapter and shall not be deemed to include a notice of liability issued
 5 pursuant to section eleven hundred eighty-b of this chapter.

6 § 4-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
 7 traffic law, as amended by section 4-a of part II of chapter 59 of the
 8 laws of 2010, is amended to read as follows:

9 f. "Notice of violation" means a notice of violation as defined in
 10 subdivision nine of section two hundred thirty-seven of this article but
 11 shall not be deemed to include a notice of liability issued pursuant to
 12 authorization set forth in sections eleven hundred eleven-b of this
 13 chapter as added by sections sixteen of chapters twenty, twenty-one, and
 14 twenty-two of the laws of two thousand nine and shall not be deemed to
 15 include a notice of liability issued pursuant to section eleven hundred
 16 eleven-c of this chapter and shall not be deemed to include a notice of
 17 liability issued pursuant to section eleven hundred eighty-b of this
 18 chapter.

19 § 4-b. Paragraph f of subdivision 1 of section 239 of the vehicle and
 20 traffic law, as amended by section 4-b of part II of chapter 59 of the
 21 laws of 2010, is amended to read as follows:

22 f. "Notice of violation" means a notice of violation as defined in
 23 subdivision nine of section two hundred thirty-seven of this article and
 24 shall not be deemed to include a notice of liability issued pursuant to
 25 section eleven hundred eleven-c of this chapter and shall not be deemed
 26 to include a notice of liability issued pursuant to section eleven
 27 hundred eighty-b of this chapter.

28 § 4-c. Paragraph f of subdivision 1 of section 239 of the vehicle and
 29 traffic law, as added by chapter 180 of the laws of 1980, is amended to
 30 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 and
 33 shall not be deemed to include a notice of liability issued pursuant to
 34 section eleven hundred eighty-b of this chapter.

35 § 5. Subdivision 4 of section 239 of the vehicle and traffic law, as
 36 amended by chapter 379 of the laws of 1992, is amended to read as
 37 follows:

38 4. Applicability. The provisions of paragraph b of subdivision two and
 39 subdivision three of this section shall not be applicable to determi-
 40 nations of owner liability for the failure of an operator to comply with
 41 subdivision (d) of section eleven hundred eleven of this chapter and
 42 shall not be applicable to determinations of owner liability imposed
 43 pursuant to section two thousand nine hundred eighty-five of the public
 44 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-
 45 ter seven hundred seventy-four of the laws of nineteen hundred fifty and
 46 shall not be applicable to determinations of owner liability for the
 47 failure of an operator to comply with subdivision (b), (c), (d), (f) or
 48 (g) of section eleven hundred eighty of this chapter.

49 § 5-a. Section 239 of the vehicle and traffic law is amended by adding
 50 a new subdivision 4 to read as follows:

51 4. Applicability. The provisions of paragraph b of subdivision two and
 52 subdivision three of this section shall not be applicable to determi-
 53 nations of owner liability for the failure of an operator to comply with
 54 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
 55 of this chapter.

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1 § 6. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
2 law, as amended by section 5 of part II of chapter 59 of the laws of
3 2010, are amended to read as follows:

4 1. Notice of hearing. Whenever a person charged with a parking
5 violation enters a plea of not guilty or a person alleged to be liable
6 in accordance with section eleven hundred eleven-a of this chapter or
7 sections eleven hundred eleven-b of this chapter as added by sections
8 sixteen of chapters twenty, twenty-one, and ~~twenty-two~~ twenty-two of
9 the laws of two thousand nine, for a violation of subdivision (d) of
10 section eleven hundred eleven of this chapter contests such allegation,
11 or a person alleged to be liable in accordance with the provisions of
12 section two thousand nine hundred eighty-five of the public authorities
13 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
14 hundred seventy-four of the laws of nineteen hundred fifty, or a person
15 alleged to be liable in accordance with the provisions of section eleven
16 hundred eleven-c of this chapter for a violation of a bus lane
17 restriction as defined in such section contests such allegation, or a
18 person alleged to be liable in accordance with the provisions of section
19 eleven hundred eighty-b of this chapter for a violation of subdivision
20 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
21 ter contests such allegation, the bureau shall advise such person
22 personally by such form of first class mail as the director may direct
23 of the date on which he or she must appear to answer the charge at a
24 hearing. The form and content of such notice of hearing shall be
25 prescribed by the director, and shall contain a warning to advise the
26 person so pleading or contesting that failure to appear on the date
27 designated, or on any subsequent adjourned date, shall be deemed an
28 admission of liability, and that a default judgment may be entered ther-
29 eon.

30 1-a. Fines and penalties. Whenever a plea of not guilty has been
31 entered, or the bureau has been notified that an allegation of liability
32 in accordance with section eleven hundred eleven-a of this chapter or
33 sections eleven hundred eleven-b of this chapter as added by sections
34 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
35 two thousand nine or an allegation of liability in accordance with
36 section two thousand nine hundred eighty-five of the public authorities
37 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
38 hundred seventy-four of the laws of nineteen hundred fifty or an allega-
39 tion of liability in accordance with section eleven hundred eleven-c of
40 this chapter or an allegation of liability in accordance with section
41 eleven hundred eighty-b of this chapter, is being contested, by a person
42 in a timely fashion and a hearing upon the merits has been demanded, but
43 has not yet been held, the bureau shall not issue any notice of fine or
44 penalty to that person prior to the date of the hearing.

45 § 6-a. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
46 fic law, as amended by section 5-a of part II of chapter 59 of the laws
47 of 2010, are amended to read as follows:

48 1. Notice of hearing. Whenever a person charged with a parking
49 violation enters a plea of not guilty or a person alleged to be liable
50 in accordance with sections eleven hundred eleven-b of this chapter as
51 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
52 of the laws of two thousand nine for a violation of subdivision (d) of
53 section eleven hundred eleven of this chapter, or a person alleged to be
54 liable in accordance with the provisions of section eleven hundred
55 eleven-c of this chapter for a violation of a bus lane restriction as
56 defined in such section contests such allegation, or a person alleged to

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1 be liable in accordance with the provisions of section eleven hundred
2 eighty-b of this chapter for violations of subdivision (b), (c), (d),
3 (f) or (g) of section eleven hundred eighty of this chapter contests
4 such allegation, the bureau shall advise such person personally by such
5 form of first class mail as the director may direct of the date on which
6 he or she must appear to answer the charge at a hearing. The form and
7 content of such notice of hearing shall be prescribed by the director,
8 and shall contain a warning to advise the person so pleading or contest-
9 ing that failure to appear on the date designated, or on any subsequent
10 adjourned date, shall be deemed an admission of liability, and that a
11 default judgment may be entered thereon.

12 1-a. Fines and penalties. Whenever a plea of not guilty has been
13 entered, or the bureau has been notified that an allegation of liability
14 in accordance with sections eleven hundred eleven-b of this chapter, as
15 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
16 of the laws of two thousand nine, or an allegation of liability in
17 accordance with section eleven hundred eleven-c of this chapter or an
18 allegation of liability in accordance with section eleven hundred eight-
19 y-b of this chapter is being contested, by a person in a timely fashion
20 and a hearing upon the merits has been demanded, but has not yet been
21 held, the bureau shall not issue any notice of fine or penalty to that
22 person prior to the date of the hearing.

23 § 6-b. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
24 fic law, as amended by section 5-b of part II of chapter 59 of the laws
25 of 2010, are amended to read as follows:

26 1. Notice of hearing. Whenever a person charged with a parking
27 violation enters a plea of not guilty or a person alleged to be liable
28 in accordance with the provisions of section eleven hundred eleven-c of
29 this chapter for a violation of a bus lane restriction as defined in
30 such section, contests such allegation, or a person alleged to be liable
31 in accordance with the provisions of section eleven hundred eighty-b of
32 this chapter for violations of subdivision (b), (c), (d), (f) or (g) of
33 section eleven hundred eighty of this chapter contests such allegation,
34 the bureau shall advise such person personally by such form of first
35 class mail as the director may direct of the date on which he or she
36 must appear to answer the charge at a hearing. The form and content of
37 such notice of hearing shall be prescribed by the director, and shall
38 contain a warning to advise the person so pleading that failure to
39 appear on the date designated, or on any subsequent adjourned date,
40 shall be deemed an admission of liability, and that a default judgment
41 may be entered thereon.

42 1-a. Fines and penalties. Whenever a plea of not guilty has been
43 entered, or the bureau has been notified that an allegation of liability
44 in accordance with section eleven hundred eleven-c of this chapter or an
45 allegation of liability in accordance with section eleven hundred eight-
46 y-b of this chapter is being contested, by a person in a timely fashion
47 and a hearing upon the merits has been demanded, but has not yet been
48 held, the bureau shall not issue any notice of fine or penalty to that
49 person prior to the date of the hearing.

50 § 6-c. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
51 fic law, subdivision 1 as added by chapter 715 of the laws of 1972 and
52 subdivision 1-a as added by chapter 365 of the laws of 1978, are amended
53 to read as follows:

54 1. Notice of hearing. Whenever a person charged with a parking
55 violation enters a plea of not guilty, or a person alleged to be liable
56 in accordance with the provisions of section eleven hundred eighty-b of

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1 this chapter for violations of subdivision (b), (c), (d), (f) or (g) of
2 section eleven hundred eighty of this chapter contests such allegation.
3 the bureau shall advise such person personally by such form of first
4 class mail as the director may direct of the date on which he or she
5 must appear to answer the charge at a hearing. The form and content of
6 such notice of hearing shall be prescribed by the director, and shall
7 contain a warning to advise the person so pleading that failure to
8 appear on the date designated, or on any subsequent adjourned date,
9 shall be deemed an admission of liability, and that a default judgment
10 may be entered thereon.

11 1-a. Fines and penalties. Whenever a plea of not guilty has been
12 entered, or the bureau has been notified that an allegation of liability
13 in accordance with section eleven hundred eighty-b of this chapter, is
14 being contested, by a person in a timely fashion and a hearing upon the
15 merits has been demanded, but has not yet been held, the bureau shall
16 not issue any notice of fine or penalty to that person prior to the date
17 of the hearing.

18 § 7. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
19 and traffic law, as amended by section 6 of part II of chapter 59 of the
20 laws of 2010, are amended to read as follows:

21 a. Every hearing for the adjudication of a charge of parking violation
22 or an allegation of liability in accordance with section eleven hundred
23 eleven-a of this chapter or in accordance with sections eleven hundred
24 eleven-b of this chapter as added by sections sixteen of chapters twen-
25 ty, twenty-one, and twenty-two of the laws of two thousand nine or an
26 allegation of liability in accordance with section two thousand nine
27 hundred eighty-five of the public authorities law or sections sixteen-a,
28 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
29 laws of nineteen hundred fifty or an allegation of liability in accord-
30 ance with section eleven hundred eleven-c of this chapter or an allega-
31 tion of liability in accordance with section eleven hundred eighty-b of
32 this chapter, shall be held before a hearing examiner in accordance with
33 rules and regulations promulgated by the bureau.

34 g. A record shall be made of a hearing on a plea of not guilty or of a
35 hearing at which liability in accordance with section eleven hundred
36 eleven-a of this chapter or in accordance with sections eleven hundred
37 eleven-b of this chapter as added by sections sixteen of chapters twen-
38 ty, twenty-one, and twenty-two of the laws of two thousand nine is
39 contested or of a hearing at which liability in accordance with section
40 two thousand nine hundred eighty-five of the public authorities law or
41 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
42 seventy-four of the laws of nineteen hundred fifty is contested or of a
43 hearing at which liability in accordance with section eleven hundred
44 eleven-c of this chapter or a hearing at which liability in accordance
45 with section eleven hundred eighty-b of this chapter is contested.
46 Recording devices may be used for the making of the record.

47 § 7-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
48 cle and traffic law, as amended by section 6-a of part II of chapter 59
49 of the laws of 2010, are amended to read as follows:

50 a. Every hearing for the adjudication of a charge of parking violation
51 or an allegation of liability in accordance with sections eleven hundred
52 eleven-b of this chapter, as added by sections sixteen of chapters twen-
53 ty, twenty-one, and twenty-two of the laws of two thousand nine or an
54 allegation of liability in accordance with section eleven hundred
55 eleven-c of this chapter or an allegation of liability in accordance
56 with section eleven hundred eighty-b of this chapter, shall be held

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1 before a hearing examiner in accordance with rules and regulations
2 promulgated by the bureau.

3 g. A record shall be made of a hearing on a plea of not guilty or of a
4 hearing at which liability in accordance with sections eleven hundred
5 eleven-b of this chapter, as added by sections sixteen of chapters twen-
6 ty, twenty-one, and twenty-two of the laws of two thousand nine or of a
7 hearing at which liability in accordance with section eleven hundred
8 eleven-c of this chapter or a hearing at which liability in accordance
9 with section eleven hundred eighty-b of this chapter is contested.
10 Recording devices may be used for the making of the record.

11 § 7-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
12 cle and traffic law, as amended by section 6-b of part II of chapter 59
13 of the laws of 2010, are amended to read as follows:

14 a. Every hearing for the adjudication of a charge of parking violation
15 or an allegation of liability in accordance with section eleven hundred
16 eleven-c of this chapter or an allegation of liability in accordance
17 with section eleven hundred eighty-b of this chapter shall be held
18 before a hearing examiner in accordance with rules and regulations
19 promulgated by the bureau.

20 g. A record shall be made of a hearing on a plea of not guilty or of a
21 hearing at which liability in accordance with section eleven hundred
22 eleven-c of this chapter or a hearing at which liability in accordance
23 with section eleven hundred eighty-b of this chapter is contested.
24 Recording devices may be used for the making of the record.

25 § 7-c. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
26 cle and traffic law, as added by chapter 715 of the laws of 1972, are
27 amended to read as follows:

28 a. Every hearing for the adjudication of a charge of parking violation
29 or an allegation of liability in accordance with section eleven hundred
30 eighty-b of this chapter shall be held before a hearing examiner in
31 accordance with rules and regulations promulgated by the bureau.

32 g. A record shall be made of a hearing on a plea of not guilty or a
33 hearing at which liability in accordance with section eleven hundred
34 eighty-b of this chapter is contested. Recording devices may be used
35 for the making of the record.

36 § 8. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
37 law, as amended by section 7 of part II of chapter 59 of the laws of
38 2010, are amended to read as follows:

39 1. The hearing examiner shall make a determination on the charges,
40 either sustaining or dismissing them. Where the hearing examiner deter-
41 mines that the charges have been sustained he or she may examine either
42 the prior parking violations record or the record of liabilities
43 incurred in accordance with section eleven hundred eleven-a of this
44 chapter or in accordance with sections eleven hundred eleven-b of this
45 chapter as added by sections sixteen of chapters twenty, twenty-one, and
46 twenty-two of the laws of two thousand nine or the record of liabilities
47 incurred in accordance with section two thousand nine hundred eighty-
48 five of the public authorities law or sections sixteen-a, sixteen-b and
49 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
50 hundred fifty of the person charged, or the record of liabilities
51 incurred in accordance with section eleven hundred eleven-c of this
52 chapter, or the record of liabilities incurred in accordance with
53 section eleven hundred eighty-b of this chapter, as applicable prior to
54 rendering a final determination. Final determinations sustaining or
55 dismissing charges shall be entered on a final determination roll main-

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1 tained by the bureau together with records showing payment and nonpay-
2 ment of penalties.

3 2. Where an operator or owner fails to enter a plea to a charge of a
4 parking violation or contest an allegation of liability in accordance
5 with section eleven hundred eleven-a of this chapter or in accordance
6 with sections eleven hundred eleven-b of this chapter as added by
7 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
8 laws of two thousand nine or fails to contest an allegation of liability
9 in accordance with section two thousand nine hundred eighty-five of the
10 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
11 chapter seven hundred seventy-four of the laws of nineteen hundred
12 fifty, or fails to contest an allegation of liability in accordance with
13 section eleven hundred eleven-c of this chapter or fails to contest an
14 allegation of liability in accordance with section eleven hundred eight-
15 y-b of this chapter or fails to appear on a designated hearing date or
16 subsequent adjourned date or fails after a hearing to comply with the
17 determination of a hearing examiner, as prescribed by this article or by
18 rule or regulation of the bureau, such failure to plead or contest,
19 appear or comply shall be deemed, for all purposes, an admission of
20 liability and shall be grounds for rendering and entering a default
21 judgment in an amount provided by the rules and regulations of the
22 bureau. However, after the expiration of the original date prescribed
23 for entering a plea and before a default judgment may be rendered, in
24 such case the bureau shall pursuant to the applicable provisions of law
25 notify such operator or owner, by such form of first class mail as the
26 commission may direct; (1) of the violation charged, or liability in
27 accordance with section eleven hundred eleven-a of this chapter or in
28 accordance with sections eleven hundred eleven-b of this chapter as
29 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
30 of the laws of two thousand nine alleged or liability in accordance with
31 section two thousand nine hundred eighty-five of the public authorities
32 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
33 hundred seventy-four of the laws of nineteen hundred fifty alleged or
34 liability in accordance with section eleven hundred eleven-c of this
35 chapter or liability in accordance with section eleven hundred eighty-b
36 of this chapter alleged, (2) of the impending default judgment, (3) that
37 such judgment will be entered in the Civil Court of the city in which
38 the bureau has been established, or other court of civil jurisdiction or
39 any other place provided for the entry of civil judgments within the
40 state of New York, and (4) that a default may be avoided by entering a
41 plea or contesting an allegation of liability in accordance with section
42 eleven hundred eleven-a of this chapter or in accordance with sections
43 eleven hundred eleven-b of this chapter as added by sections sixteen of
44 chapters twenty, twenty-one, and twenty-two of the laws of two thousand
45 nine or contesting an allegation of liability in accordance with section
46 two thousand nine hundred eighty-five of the public authorities law or
47 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
48 seventy-four of the laws of nineteen hundred fifty or contesting an
49 allegation of liability in accordance with section eleven hundred
50 eleven-c of this chapter or contesting an allegation of liability in
51 accordance with section eleven hundred eighty-b of this chapter, as
52 appropriate, or making an appearance within thirty days of the sending
53 of such notice. Pleas entered and allegations contested within that
54 period shall be in the manner prescribed in the notice and not subject
55 to additional penalty or fee. Such notice of impending default judgment
56 shall not be required prior to the rendering and entry thereof in the

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1 case of operators or owners who are non-residents of the state of New
2 York. In no case shall a default judgment be rendered or, where
3 required, a notice of impending default judgment be sent, more than two
4 years after the expiration of the time prescribed for entering a plea or
5 contesting an allegation. When a person has demanded a hearing, no fine
6 or penalty shall be imposed for any reason, prior to the holding of the
7 hearing. If the hearing examiner shall make a determination on the
8 charges, sustaining them, he or she shall impose no greater penalty or
9 fine than those upon which the person was originally charged.

10 § 8-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
11 law, as amended by section 7-a of part II of chapter 59 of the laws of
12 2010, are amended to read as follows:

13 1. The hearing examiner shall make a determination on the charges,
14 either sustaining or dismissing them. Where the hearing examiner deter-
15 mines that the charges have been sustained he or she may examine either
16 the prior parking violations record or the record of liabilities
17 incurred in accordance with sections eleven hundred eleven-b of this
18 chapter as added by sections sixteen of chapters twenty, twenty-one, and
19 twenty-two of the laws of two thousand nine of the person charged, or
20 the record of liabilities incurred in accordance with section eleven
21 hundred eleven-c of this chapter, or the record of liabilities incurred
22 in accordance with section eleven hundred eighty-b of this chapter, as
23 applicable prior to rendering a final determination. Final determi-
24 nations sustaining or dismissing charges shall be entered on a final
25 determination roll maintained by the bureau together with records show-
26 ing payment and nonpayment of penalties.

27 2. Where an operator or owner fails to enter a plea to a charge of a
28 parking violation or contest an allegation of liability in accordance
29 with sections eleven hundred eleven-b of this chapter as added by
30 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
31 laws of two thousand nine or fails to contest an allegation of liability
32 in accordance with section eleven hundred eleven-c of this chapter, or
33 fails to contest an allegation of liability incurred in accordance with
34 section eleven hundred eighty-b of this chapter, or fails to appear on a
35 designated hearing date or subsequent adjourned date or fails after a
36 hearing to comply with the determination of a hearing examiner, as
37 prescribed by this article or by rule or regulation of the bureau, such
38 failure to plead, contest, appear or comply shall be deemed, for all
39 purposes, an admission of liability and shall be grounds for rendering
40 and entering a default judgment in an amount provided by the rules and
41 regulations of the bureau. However, after the expiration of the original
42 date prescribed for entering a plea and before a default judgment may be
43 rendered, in such case the bureau shall pursuant to the applicable
44 provisions of law notify such operator or owner, by such form of first
45 class mail as the commission may direct; (1) of the violation charged,
46 or liability in accordance with sections eleven hundred eleven-b of this
47 chapter, as added by sections sixteen of chapters twenty, twenty-one,
48 and twenty-two of the laws of two thousand nine, or liability in accord-
49 ance with section eleven hundred eleven-c of this chapter or liability
50 in accordance with section eleven hundred eighty-b of this chapter
51 alleged, (2) of the impending default judgment, (3) that such judgment
52 will be entered in the Civil Court of the city in which the bureau has
53 been established, or other court of civil jurisdiction or any other
54 place provided for the entry of civil judgments within the state of New
55 York, and (4) that a default may be avoided by entering a plea or
56 contesting an allegation of liability in accordance with sections eleven

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1 hundred eleven-b of this chapter as added by sections sixteen of chap-
2 ters twenty, twenty-one, and twenty-two of the laws of two thousand
3 nine, or contesting an allegation of liability in accordance with
4 section eleven hundred eleven-c of this chapter or contesting an allega-
5 tion of liability in accordance with section eleven hundred eighty-b of
6 this chapter as appropriate, or making an appearance within thirty days
7 of the sending of such notice. Pleas entered and allegations contested
8 within that period shall be in the manner prescribed in the notice and
9 not subject to additional penalty or fee. Such notice of impending
10 default judgment shall not be required prior to the rendering and entry
11 thereof in the case of operators or owners who are non-residents of the
12 state of New York. In no case shall a default judgment be rendered or,
13 where required, a notice of impending default judgment be sent, more
14 than two years after the expiration of the time prescribed for entering
15 a plea or contesting an allegation. When a person has demanded a hear-
16 ing, no fine or penalty shall be imposed for any reason, prior to the
17 holding of the hearing. If the hearing examiner shall make a determi-
18 nation on the charges, sustaining them, he or she shall impose no great-
19 er penalty or fine than those upon which the person was originally
20 charged.

21 § 8-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
22 law, as amended by section 7-b of part II of chapter 59 of the laws of
23 2010, are amended to read as follows:

24 1. The hearing examiner shall make a determination on the charges,
25 either sustaining or dismissing them. Where the hearing examiner deter-
26 mines that the charges have been sustained he or she may examine the
27 prior parking violations record of the person charged, or the record of
28 liabilities incurred in accordance with section eleven hundred eleven-c
29 of this chapter, or the record of liabilities incurred in accordance
30 with section eleven hundred eighty-b of this chapter, as applicable,
31 prior to rendering a final determination. Final determinations sustain-
32 ing or dismissing charges shall be entered on a final determination roll
33 maintained by the bureau together with records showing payment and
34 nonpayment of penalties.

35 2. Where an operator or owner fails to enter a plea to a charge of a
36 parking violation, or fails to contest an allegation of liability in
37 accordance with section eleven hundred eleven-c of this chapter, or
38 fails to contest an allegation of liability incurred in accordance with
39 section eleven hundred eighty-b of this chapter, or fails to appear on a
40 designated hearing date or subsequent adjourned date or fails after a
41 hearing to comply with the determination of a hearing examiner, as
42 prescribed by this article or by rule or regulation of the bureau, such
43 failure to plead, appear or comply shall be deemed, for all purposes, an
44 admission of liability and shall be grounds for rendering and entering a
45 default judgment in an amount provided by the rules and regulations of
46 the bureau. However, after the expiration of the original date
47 prescribed for entering a plea and before a default judgment may be
48 rendered, in such case the bureau shall pursuant to the applicable
49 provisions of law notify such operator or owner, by such form of first
50 class mail as the commission may direct; (1) of the violation charged or
51 alleged liability in accordance with section eleven hundred eleven-c of
52 this chapter or alleged liability in accordance with section eleven
53 hundred eighty-b of this chapter, (2) of the impending default judgment,
54 (3) that such judgment will be entered in the Civil Court of the city in
55 which the bureau has been established, or other court of civil jurisdic-
56 tion or any other place provided for the entry of civil judgments within

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1 the state of New York, and (4) that a default may be avoided by entering
2 a plea or contesting an allegation of liability in accordance with
3 section eleven hundred eleven-c of this chapter or contesting an allega-
4 tion of liability in accordance with section eleven hundred eighty-b of
5 this chapter or making an appearance within thirty days of the sending
6 of such notice. Pleas entered within that period shall be in the manner
7 prescribed in the notice and not subject to additional penalty or fee.
8 Such notice of impending default judgment shall not be required prior to
9 the rendering and entry thereof in the case of operators or owners who
10 are non-residents of the state of New York. In no case shall a default
11 judgment be rendered or, where required, a notice of impending default
12 judgment be sent, more than two years after the expiration of the time
13 prescribed for entering a plea. When a person has demanded a hearing, no
14 fine or penalty shall be imposed for any reason, prior to the holding of
15 the hearing. If the hearing examiner shall make a determination on the
16 charges, sustaining them, he or she shall impose no greater penalty or
17 fine than those upon which the person was originally charged.

18 § 8-c. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
19 law, subdivision 1 as added by chapter 715 of the laws of 1972 and
20 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended
21 to read as follows:

22 1. The hearing examiner shall make a determination on the charges,
23 either sustaining or dismissing them. Where the hearing examiner deter-
24 mines that the charges have been sustained he may examine the prior
25 parking violations record of the person charged, or the record of
26 liabilities incurred in accordance with section eleven hundred eighty-b
27 of this chapter, as applicable, prior to rendering a final determi-
28 nation. Final determinations sustaining or dismissing charges shall be
29 entered on a final determination roll maintained by the bureau together
30 with records showing payment and nonpayment of penalties.

31 2. Where an operator or owner fails to enter a plea to a charge of a
32 parking violation or fails to contest an allegation of liability
33 incurred in accordance with section eleven hundred eighty-b of this
34 chapter or fails to appear on a designated hearing date or subsequent
35 adjourned date or fails after a hearing to comply with the determination
36 of a hearing examiner, as prescribed by this article or by rule or regu-
37 lation of the bureau, such failure to plead, appear or comply shall be
38 deemed, for all purposes, an admission of liability and shall be grounds
39 for rendering and entering a default judgment in an amount provided by
40 the rules and regulations of the bureau. However, after the expiration
41 of the original date prescribed for entering a plea and before a default
42 judgment may be rendered, in such case the bureau shall pursuant to the
43 applicable provisions of law notify such operator or owner, by such form
44 of first class mail as the commission may direct; (1) of the violation
45 charged or liability in accordance with section eleven hundred eighty-b
46 of this chapter alleged, (2) of the impending default judgment, (3) that
47 such judgment will be entered in the Civil Court of the city in which
48 the bureau has been established, or other court of civil jurisdiction or
49 any other place provided for the entry of civil judgments within the
50 state of New York, and (4) that a default may be avoided by entering a
51 plea or contesting an allegation of liability in accordance with section
52 eleven hundred eighty-b of this chapter or making an appearance within
53 thirty days of the sending of such notice. Pleas entered within that
54 period shall be in the manner prescribed in the notice and not subject
55 to additional penalty or fee. Such notice of impending default judgment
56 shall not be required prior to the rendering and entry thereof in the

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1 case of operators or owners who are non-residents of the state of New
2 York. In no case shall a default judgment be rendered or, where
3 required, a notice of impending default judgment be sent, more than two
4 years after the expiration of the time prescribed for entering a plea.
5 When a person has demanded a hearing, no fine or penalty shall be
6 imposed for any reason, prior to the holding of the hearing. If the
7 hearing examiner shall make a determination on the charges, sustaining
8 them, he shall impose no greater penalty or fine than those upon which
9 the person was originally charged.

10 § 9. Subparagraph (i) of paragraph a of subdivision 5-a of section 401
11 of the vehicle and traffic law, as amended by section 1 of part SS of
12 chapter 57 of the laws of 2010, is amended to read as follows:

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

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1 § 9-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
2 and traffic law, as amended by section 8-a of part II of chapter 59 of
3 the laws of 2010, is amended to read as follows:

4 a. If at the time of application for a registration or renewal thereof
5 there is a certification from a court or administrative tribunal of
6 appropriate jurisdiction that the registrant or his or her represen-
7 tative failed to appear on the return date or any subsequent adjourned
8 date or failed to comply with the rules and regulations of an adminis-
9 trative tribunal following entry of a final decision in response to a
10 total of three or more summonses or other process in the aggregate,
11 issued within an eighteen month period, charging either that: (i) such
12 motor vehicle was parked, stopped or standing, or that such motor vehi-
13 cle was operated for hire by the registrant or his or her agent without
14 being licensed as a motor vehicle for hire by the appropriate local
15 authority, in violation of any of the provisions of this chapter or of
16 any law, ordinance, rule or regulation made by a local authority; or
17 (ii) the registrant was liable in accordance with section eleven hundred
18 eleven-b of this chapter for a violation of subdivision (d) of section
19 eleven hundred eleven of this chapter; or (iii) the registrant was
20 liable in accordance with section eleven hundred eleven-c of this chap-
21 ter for a violation of a bus lane restriction as defined in such
22 section; or (iv) the registrant was liable in accordance with section
23 eleven hundred eighty-b of this chapter for a violation of subdivision
24 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
25 ter, the commissioner or his or her agent shall deny the registration or
26 renewal application until the applicant provides proof from the court or
27 administrative tribunal wherein the charges are pending that an appear-
28 ance or answer has been made or in the case of an administrative tribu-
29 nal that he or she has complied with the rules and regulations of said
30 tribunal following entry of a final decision. Where an application is
31 denied pursuant to this section, the commissioner may, in his or her
32 discretion, deny a registration or renewal application to any other
33 person for the same vehicle and may deny a registration or renewal
34 application for any other motor vehicle registered in the name of the
35 applicant where the commissioner has determined that such registrant's
36 intent has been to evade the purposes of this subdivision and where the
37 commissioner has reasonable grounds to believe that such registration or
38 renewal will have the effect of defeating the purposes of this subdivi-
39 sion. Such denial shall only remain in effect as long as the summonses
40 remain unanswered, or in the case of an administrative tribunal, the
41 registrant fails to comply with the rules and regulations following
42 entry of a final decision.

43 § 9-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
44 and traffic law, as amended by section 8-b of part II of chapter 59 of
45 the laws of 2010, is amended to read as follows:

46 a. If at the time of application for a registration or renewal thereof
47 there is a certification from a court or administrative tribunal of
48 appropriate jurisdiction that the registrant or his or her represen-
49 tative failed to appear on the return date or any subsequent adjourned
50 date or failed to comply with the rules and regulations of an adminis-
51 trative tribunal following entry of a final decision in response to
52 three or more summonses or other process, issued within an eighteen
53 month period, charging that such motor vehicle was parked, stopped or
54 standing, or that such motor vehicle was operated for hire by the regis-
55 trant or his or her agent without being licensed as a motor vehicle for
56 hire by the appropriate local authority, in violation of any of the

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1 provisions of this chapter or of any law, ordinance, rule or regulation
2 made by a local authority or the registrant was liable in accordance
3 with section eleven hundred eleven-c of this chapter for a violation of
4 a bus lane restriction as defined in such section, or the registrant was
5 liable in accordance with section eleven hundred eighty-b of this chap-
6 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
7 eleven hundred eighty of this chapter, the commissioner or his or her
8 agent shall deny the registration or renewal application until the
9 applicant provides proof from the court or administrative tribunal wher-
10 ein the charges are pending that an appearance or answer has been made
11 or in the case of an administrative tribunal that he or she has complied
12 with the rules and regulations of said tribunal following entry of a
13 final decision. Where an application is denied pursuant to this section,
14 the commissioner may, in his or her discretion, deny a registration or
15 renewal application to any other person for the same vehicle and may
16 deny a registration or renewal application for any other motor vehicle
17 registered in the name of the applicant where the commissioner has
18 determined that such registrant's intent has been to evade the purposes
19 of this subdivision and where the commissioner has reasonable grounds to
20 believe that such registration or renewal will have the effect of
21 defeating the purposes of this subdivision. Such denial shall only
22 remain in effect as long as the summonses remain unanswered, or in the
23 case of an administrative tribunal, the registrant fails to comply with
24 the rules and regulations following entry of a final decision.

25 § 9-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
26 and traffic law, as separately amended by chapters 339 and 592 of the
27 laws of 1987, is amended to read as follows:

28 a. If at the time of application for a registration or renewal thereof
29 there is a certification from a court or administrative tribunal of
30 appropriate jurisdiction that the registrant or his representative
31 failed to appear on the return date or any subsequent adjourned date or
32 failed to comply with the rules and regulations of an administrative
33 tribunal following entry of a final decision in response to three or
34 more summonses or other process, issued within an eighteen month period,
35 charging that such motor vehicle was parked, stopped or standing, or
36 that such motor vehicle was operated for hire by the registrant or his
37 agent without being licensed as a motor vehicle for hire by the appro-
38 priate local authority, in violation of any of the provisions of this
39 chapter or of any law, ordinance, rule or regulation made by a local
40 authority, or the registrant was liable in accordance with section elev-
41 en hundred eighty-b of this chapter for violations of subdivision (b),
42 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
43 the commissioner or his agent shall deny the registration or renewal
44 application until the applicant provides proof from the court or admin-
45 istrative tribunal wherein the charges are pending that an appearance or
46 answer has been made or in the case of an administrative tribunal that
47 he has complied with the rules and regulations of said tribunal follow-
48 ing entry of a final decision. Where an application is denied pursuant
49 to this section, the commissioner may, in his discretion, deny a regis-
50 tration or renewal application to any other person for the same vehicle
51 and may deny a registration or renewal application for any other motor
52 vehicle registered in the name of the applicant where the commissioner
53 has determined that such registrant's intent has been to evade the
54 purposes of this subdivision and where the commissioner has reasonable
55 grounds to believe that such registration or renewal will have the
56 effect of defeating the purposes of this subdivision. Such denial shall

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1 only remain in effect as long as the summonses remain unanswered, or in
2 the case of an administrative tribunal, the registrant fails to comply
3 with the rules and regulations following entry of a final decision.

4 § 10. The vehicle and traffic law is amended by adding a new section
5 1180-b to read as follows:

6 § 1180-b. Owner liability for failure of operator to comply with
7 certain posted maximum speed limits. (a) 1. Notwithstanding any other
8 provision of law, the city of New York is hereby authorized to establish
9 a demonstration program imposing monetary liability on the owner of a
10 vehicle for failure of an operator thereof to comply with posted maximum
11 speed limits in a school speed zone within the city (i) when a school
12 speed limit is in effect as provided in paragraphs one and two of subdivi-
13 vision (c) of section eleven hundred eighty of this article or (ii) when
14 other speed limits are in effect as provided in subdivision (b), (d),
15 (f) or (g) of section eleven hundred eighty of this article during the
16 following times: (A) on school days during school hours and one hour
17 before and one hour after the school day, and (B) a period during
18 student activities at the school and up to thirty minutes immediately
19 before and up to thirty minutes immediately after such student activ-
20 ities. Such demonstration program shall empower the city to install
21 photo speed violation monitoring systems within no more than twenty
22 school speed zones within the city at any one time and to operate such
23 systems within such zones (iii) when a school speed limit is in effect
24 as provided in paragraphs one and two of subdivision (c) of section
25 eleven hundred eighty of this article or (iv) when other speed limits
26 are in effect as provided in subdivision (b), (d), (f) or (g) of section
27 eleven hundred eighty of this article during the following times: (A) on
28 school days during school hours and one hour before and one hour after
29 the school day, and (B) a period during student activities at the school
30 and up to thirty minutes immediately before and up to thirty minutes
31 immediately after such student activities. In selecting a school speed
32 zone in which to install and operate a photo speed violation monitoring
33 system, the city shall consider criteria including, but not limited to
34 the speed data, crash history, and the roadway geometry applicable to
35 such school speed zone.

36 2. No photo speed violation monitoring system shall be used in a
37 school speed zone unless (i) on the day it is to be used it has success-
38 fully passed a self-test of its functions; and (ii) it has undergone an
39 annual calibration check performed pursuant to paragraph four of this
40 subdivision. The city may install signs giving notice that a photo speed
41 violation monitoring system is in use to be mounted on advance warning
42 signs notifying motor vehicle operators of such upcoming school speed
43 zone and/or on speed limit signs applicable within such school speed
44 zone, in conformance with standards established in the MUTCD.

45 3. Operators of photo speed violation monitoring systems shall have
46 completed training in the procedures for setting up, testing, and oper-
47 ating such systems. Each such operator shall complete and sign a daily
48 set-up log for each such system that he or she operates that (i) states
49 the date and time when, and the location where, the system was set up
50 that day, and (ii) states that such operator successfully performed, and
51 the system passed, the self-tests of such system before producing a
52 recorded image that day. The city shall retain each such daily log until
53 the later of the date on which the photo speed violation monitoring
54 system to which it applies has been permanently removed from use or the
55 final resolution of all cases involving notices of liability issued

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1 based on photographs, microphotographs, video or other recorded images
2 produced by such system.

3 4. Each photo speed violation monitoring system shall undergo an annu-
4 al calibration check performed by an independent calibration laboratory
5 which shall issue a signed certificate of calibration. The city shall
6 keep each such annual certificate of calibration on file until the final
7 resolution of all cases involving a notice of liability issued during
8 such year which were based on photographs, microphotographs, videotape
9 or other recorded images produced by such photo speed violation monitor-
10 ing system.

11 5. (i) Such demonstration program shall utilize necessary technologies
12 to ensure, to the extent practicable, that photographs, microphoto-
13 graphs, videotape or other recorded images produced by such photo speed
14 violation monitoring systems shall not include images that identify the
15 driver, the passengers, or the contents of the vehicle. Provided, howev-
16 er, that no notice of liability issued pursuant to this section shall be
17 dismissed solely because such a photograph, microphotograph, videotape
18 or other recorded image allows for the identification of the driver, the
19 passengers, or the contents of vehicles where the city shows that it
20 made reasonable efforts to comply with the provisions of this paragraph
21 in such case.

22 (ii) Photographs, microphotographs, videotape or any other recorded
23 image from a photo speed violation monitoring system shall be for the
24 exclusive use of the city for the purpose of the adjudication of liabil-
25 ity imposed pursuant to this section and of the owner receiving a notice
26 of liability pursuant to this section, and shall be destroyed by the
27 city upon the final resolution of the notice of liability to which such
28 photographs, microphotographs, videotape or other recorded images
29 relate, or one year following the date of issuance of such notice of
30 liability, whichever is later. Notwithstanding the provisions of any
31 other law, rule or regulation to the contrary, photographs, microphoto-
32 graphs, videotape or any other recorded image from a photo speed
33 violation monitoring system shall not be open to the public, nor subject
34 to civil or criminal process or discovery, nor used by any court or
35 administrative or adjudicatory body in any action or proceeding therein
36 except that which is necessary for the adjudication of a notice of
37 liability issued pursuant to this section, and no public entity or
38 employee, officer or agent thereof shall disclose such information,
39 except that such photographs, microphotographs, videotape or any other
40 recorded images from such systems:

41 (A) shall be available for inspection and copying and use by the motor
42 vehicle owner and operator for so long as such photographs, microphoto-
43 graphs, videotape or other recorded images are required to be maintained
44 or are maintained by such public entity, employee, officer or agent; and

45 (B) (1) shall be furnished when described in a search warrant issued
46 by a court authorized to issue such a search warrant pursuant to article
47 six hundred ninety of the criminal procedure law or a federal court
48 authorized to issue such a search warrant under federal law, where such
49 search warrant states that there is reasonable cause to believe such
50 information constitutes evidence of, or tends to demonstrate that, a
51 misdemeanor or felony offense was committed in this state or another
52 state, or that a particular person participated in the commission of a
53 misdemeanor or felony offense in this state or another state, provided,
54 however, that if such offense was against the laws of another state, the
55 court shall only issue a warrant if the conduct comprising such offense

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1 would, if occurring in this state, constitute a misdemeanor or felony
2 against the laws of this state; and

3 (2) shall be furnished in response to a subpoena duces tecum signed by
4 a judge of competent jurisdiction and issued pursuant to article six
5 hundred ten of the criminal procedure law or a judge or magistrate of a
6 federal court authorized to issue such a subpoena duces tecum under
7 federal law, where the judge finds and the subpoena states that there is
8 reasonable cause to believe such information is relevant and material to
9 the prosecution, or the defense, or the investigation by an authorized
10 law enforcement official, of the alleged commission of a misdemeanor or
11 felony in this state or another state, provided, however, that if such
12 offense was against the laws of another state, such judge or magistrate
13 shall only issue such subpoena if the conduct comprising such offense
14 would, if occurring in this state, constitute a misdemeanor or felony in
15 this state; and

16 (3) may, if lawfully obtained pursuant to this clause and clause (A)
17 of this subparagraph and otherwise admissible, be used in such criminal
18 action or proceeding.

19 (b) If the city of New York establishes a demonstration program pursu-
20 ant to subdivision (a) of this section, the owner of a vehicle shall be
21 liable for a penalty imposed pursuant to this section if such vehicle
22 was used or operated with the permission of the owner, express or
23 implied, within a school speed zone in violation of subdivision (c) or
24 during the times authorized pursuant to subdivision (a) of this section
25 in violation of subdivision (b), (d), (f) or (g) of section eleven
26 hundred eighty of this article, such vehicle was traveling at a speed of
27 more than ten miles per hour above the posted speed limit in effect
28 within such school speed zone, and such violation is evidenced by infor-
29 mation obtained from a photo speed violation monitoring system; provided
30 however that no owner of a vehicle shall be liable for a penalty imposed
31 pursuant to this section where the operator of such vehicle has been
32 convicted of the underlying violation of subdivision (b), (c), (d), (f)
33 or (g) of section eleven hundred eighty of this article.

34 (c) For purposes of this section, the following terms shall have the
35 following meanings:

36 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
37 the manual and specifications for a uniform system of traffic control
38 devices maintained by the commissioner of transportation pursuant to
39 section sixteen hundred eighty of this chapter;

40 2. "owner" shall have the meaning provided in article two-B of this
41 chapter.

42 3. "photo speed violation monitoring system" shall mean a vehicle
43 sensor installed to work in conjunction with a speed measuring device
44 which automatically produces two or more photographs, two or more micro-
45 photographs, a videotape or other recorded images of each vehicle at the
46 time it is used or operated in a school speed zone in violation of
47 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
48 of this article in accordance with the provisions of this section; and

49 4. "school speed zone" shall mean a distance not to exceed one thou-
50 sand three hundred twenty feet on a highway passing a school building,
51 entrance or exit of a school abutting on the highway.

52 (d) A certificate, sworn to or affirmed by a technician employed by
53 the city of New York, or a facsimile thereof, based upon inspection of
54 photographs, microphotographs, videotape or other recorded images
55 produced by a photo speed violation monitoring system, shall be prima
56 facie evidence of the facts contained therein. Any photographs, micro-

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1 photographs, videotape or other recorded images evidencing such a
2 violation shall include at least two date and time stamped images of the
3 rear of the motor vehicle that include the same stationary object near
4 the motor vehicle and shall be available for inspection reasonably in
5 advance of and at any proceeding to adjudicate the liability for such
6 violation pursuant to this section.

7 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
8 or (g) of section eleven hundred eighty of this article pursuant to a
9 demonstration program established pursuant to this section shall be
10 liable for monetary penalties in accordance with a schedule of fines and
11 penalties to be promulgated by the parking violations bureau of the city
12 of New York. The liability of the owner pursuant to this section shall
13 not exceed fifty dollars for each violation; provided, however, that
14 such parking violations bureau may provide for an additional penalty not
15 in excess of twenty-five dollars for each violation for the failure to
16 respond to a notice of liability within the prescribed time period.

17 (f) An imposition of liability under the demonstration program estab-
18 lished pursuant to this section shall not be deemed a conviction as an
19 operator and shall not be made part of the operating record of the
20 person upon whom such liability is imposed nor shall it be used for
21 insurance purposes in the provision of motor vehicle insurance coverage.

22 (g) 1. A notice of liability shall be sent by first class mail to each
23 person alleged to be liable as an owner for a violation of subdivision
24 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
25 cle pursuant to this section, within fourteen business days if such
26 owner is a resident of this state and within forty-five business days if
27 such owner is a non-resident. Personal delivery on the owner shall not
28 be required. A manual or automatic record of mailing prepared in the
29 ordinary course of business shall be prima facie evidence of the facts
30 contained therein.

31 2. A notice of liability shall contain the name and address of the
32 person alleged to be liable as an owner for a violation of subdivision
33 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
34 cle pursuant to this section, the registration number of the vehicle
35 involved in such violation, the location where such violation took
36 place, the date and time of such violation, the identification number of
37 the camera which recorded the violation or other document locator
38 number, at least two date and time stamped images of the rear of the
39 motor vehicle that include the same stationary object near the motor
40 vehicle, and the certificate charging the liability.

41 3. The notice of liability shall contain information advising the
42 person charged of the manner and the time in which he or she may contest
43 the liability alleged in the notice. Such notice of liability shall
44 also contain a prominent warning to advise the person charged that fail-
45 ure to contest in the manner and time provided shall be deemed an admis-
46 sion of liability and that a default judgment may be entered thereon.

47 4. The notice of liability shall be prepared and mailed by the city of
48 New York, or by any other entity authorized by the city to prepare and
49 mail such notice of liability.

50 (h) Adjudication of the liability imposed upon owners of this section
51 shall be by the New York city parking violations bureau.

52 (i) If an owner receives a notice of liability pursuant to this
53 section for any time period during which the vehicle or the number plate
54 or plates of such vehicle was reported to the police department as
55 having been stolen, it shall be a valid defense to an allegation of
56 liability for a violation of subdivision (b), (c), (d), (f) or (g) of

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1 section eleven hundred eighty of this article pursuant to this section
2 that the vehicle or the number plate or plates of such vehicle had been
3 reported to the police as stolen prior to the time the violation
4 occurred and had not been recovered by such time. For purposes of
5 asserting the defense provided by this subdivision, it shall be suffi-
6 cient that a certified copy of the police report on the stolen vehicle
7 or number plate or plates of such vehicle be sent by first class mail to
8 the New York city parking violations bureau, or by any other entity
9 authorized by the city to prepare and mail such notice of liability.

10 (j) Adjudication of the liability imposed upon owners of this section
11 shall be by the New York city parking violations bureau.

12 (k) 1. An owner who is a lessor of a vehicle to which a notice of
13 liability was issued pursuant to subdivision (g) of this section shall
14 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)
15 of section eleven hundred eighty of this article pursuant to this
16 section, provided that:

17 (i) prior to the violation, the lessor has filed with such parking
18 violations bureau in accordance with the provisions of section two
19 hundred thirty-nine of this chapter; and

20 (ii) within thirty-seven days after receiving notice from such bureau
21 of the date and time of a liability, together with the other information
22 contained in the original notice of liability, the lessor submits to
23 such bureau the correct name and address of the lessee of the vehicle
24 identified in the notice of liability at the time of such violation,
25 together with such other additional information contained in the rental,
26 lease or other contract document, as may be reasonably required by such
27 bureau pursuant to regulations that may be promulgated for such purpose.

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

31 3. Where the lessor complies with the provisions of paragraph (a) of
32 this subdivision, the lessee of such vehicle on the date of such
33 violation shall be deemed to be the owner of such vehicle for purposes
34 of this section, shall be subject to liability for such violation pursu-
35 ant to this section and shall be sent a notice of liability pursuant to
36 subdivision nine of this section.

37 (l) 1. If the owner liable for a violation of subdivision (c) or (d)
38 of section eleven hundred eighty of this article pursuant to this
39 section was not the operator of the vehicle at the time of the
40 violation, the owner may maintain an action for indemnification against
41 the operator.

42 2. Notwithstanding any other provision of this section, no owner of a
43 vehicle shall be subject to a monetary fine imposed pursuant to this
44 section if the operator of such vehicle was operating such vehicle with-
45 out the consent of the owner at the time such operator operated such
46 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
47 eleven hundred eighty of this article. For purposes of this subdivision
48 there shall be a presumption that the operator of such vehicle was oper-
49 ating such vehicle with the consent of the owner at the time of such
50 operator operated such vehicle in violation of subdivision (b), (c),
51 (d), (f) or (g) of section eleven hundred eighty of this article.

52 (m) Nothing in this section shall be construed to limit the liability
53 of an operator of a vehicle for any violation of subdivision (c) or (d)
54 of section eleven hundred eighty of this article.

55 (n) If the city adopts a demonstration program pursuant to subdivision
56 one of this section it shall conduct a study and submit a report on the

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- 1 results of the use of photo devices to the governor, the temporary pres-
2 ident of the senate and the speaker of the assembly. Such report shall
3 include:
- 4 1. the locations where and dates when photo speed violation monitoring
5 systems were used;
 - 6 2. the aggregate number, type and severity of crashes, fatalities,
7 injuries and property damage reported within all school speed zones
8 within the city, to the extent the information is maintained by the
9 department of motor vehicles of this state;
 - 10 3. the aggregate number, type and severity of crashes, fatalities,
11 injuries and property damage reported within school speed zones where
12 photo speed violation monitoring systems were used, to the extent the
13 information is maintained by the department of motor vehicles of this
14 state;
 - 15 4. the number of violations recorded within all school speed zones
16 within the city, in the aggregate on a daily, weekly and monthly basis;
 - 17 5. the number of violations recorded within each school speed zone
18 where a photo speed violation monitoring system is used, in the aggre-
19 gate on a daily, weekly and monthly basis;
 - 20 6. the number of violations recorded within all school speed zones
21 within the city that were:
 - 22 (i) more than ten but not more than twenty miles per hour over the
23 posted speed limit;
 - 24 (ii) more than twenty but not more than thirty miles per hour over the
25 posted speed limit;
 - 26 (iii) more than thirty but not more than forty miles per hour over the
27 posted speed limit; and
 - 28 (iv) more than forty miles per hour over the posted speed limit;
 - 29 7. the number of violations recorded within each school speed zone
30 where a photo speed violation monitoring system is used that were:
 - 31 (i) more than ten but not more than twenty miles per hour over the
32 posted speed limit;
 - 33 (ii) more than twenty but not more than thirty miles per hour over the
34 posted speed limit;
 - 35 (iii) more than thirty but not more than forty miles per hour over the
36 posted speed limit; and
 - 37 (iv) more than forty miles per hour over the posted speed limit;
 - 38 8. the total number of notices of liability issued for violations
39 recorded by such systems;
 - 40 9. the number of fines and total amount of fines paid after the first
41 notice of liability issued for violations recorded by such systems;
 - 42 10. the number of violations adjudicated and the results of such adju-
43 dications including breakdowns of dispositions made for violations
44 recorded by such systems;
 - 45 11. the total amount of revenue realized by the city in connection
46 with the program;
 - 47 12. the expenses incurred by the city in connection with the program;
48 and
 - 49 13. the quality of the adjudication process and its results.
 - 50 (o) It shall be a defense to any prosecution for a violation of subdi-
51 vision (b), (c), (d), (e) or (g) of section eleven hundred eighty of
52 this article pursuant to this section that such photo speed violation
53 monitoring system was malfunctioning at the time of the alleged
54 violation.
 - 55 § 11. The opening paragraph and paragraph (c) of subdivision 1 of
56 section 1809 of the vehicle and traffic law, as amended by section 10 of

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1 part II of chapter 59 of the laws of 2010, are amended to read as
2 follows:

3 Whenever proceedings in an administrative tribunal or a court of this
4 state result in a conviction for an offense under this chapter or a
5 traffic infraction under this chapter, or a local law, ordinance, rule
6 or regulation adopted pursuant to this chapter, other than a traffic
7 infraction involving standing, stopping, or parking or violations by
8 pedestrians or bicyclists, or other than an adjudication of liability of
9 an owner for a violation of subdivision (d) of section eleven hundred
10 eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, or other than an adjudication of liability of
12 an owner for a violation of subdivision (d) of section eleven hundred
13 eleven of this chapter in accordance with section eleven hundred
14 eleven-b of this chapter, or other than an adjudication in accordance
15 with section eleven hundred eleven-c of this chapter for a violation of
16 a bus lane restriction as defined in such section, or other than an
17 adjudication of liability of an owner for a violation of subdivision
18 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
19 ter in accordance with section eleven hundred eighty-b of this chapter,
20 there shall be levied a crime victim assistance fee and a mandatory
21 surcharge, in addition to any sentence required or permitted by law, in
22 accordance with the following schedule:

23 (c) Whenever proceedings in an administrative tribunal or a court of
24 this state result in a conviction for an offense under this chapter
25 other than a crime pursuant to section eleven hundred ninety-two of this
26 chapter, or a traffic infraction under this chapter, or a local law,
27 ordinance, rule or regulation adopted pursuant to this chapter, other
28 than a traffic infraction involving standing, stopping, or parking or
29 violations by pedestrians or bicyclists, or other than an adjudication
30 of liability of an owner for a violation of subdivision (d) of section
31 eleven hundred eleven of this chapter in accordance with section eleven
32 hundred eleven-a of this chapter, or other than an adjudication of
33 liability of an owner for a violation of subdivision (d) of section
34 eleven hundred eleven of this chapter in accordance with section eleven
35 hundred eleven-b of this chapter, or other than an infraction pursuant
36 to article nine of this chapter or other than an adjudication of liabil-
37 ity of an owner for a violation of toll collection regulations pursuant
38 to section two thousand nine hundred eighty-five of the public authori-
39 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
40 hundred seventy-four of the laws of nineteen hundred fifty or other than
41 an adjudication in accordance with section eleven hundred eleven-c of
42 this chapter for a violation of a bus lane restriction as defined in
43 such section, or other than an adjudication of liability of an owner for
44 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
45 hundred eighty of this chapter in accordance with section eleven hundred
46 eighty-b of this chapter, there shall be levied a crime victim assist-
47 ance fee in the amount of five dollars and a mandatory surcharge, in
48 addition to any sentence required or permitted by law, in the amount of
49 fifty-five dollars.

50 § 11-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
51 as amended by section 10-a of part II of chapter 59 of the laws of 2010,
52 is amended to read as follows:

53 1. Whenever proceedings in an administrative tribunal or a court of
54 this state result in a conviction for a crime under this chapter or a
55 traffic infraction under this chapter, or a local law, ordinance, rule
56 or regulation adopted pursuant to this chapter, other than a traffic

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1 infraction involving standing, stopping, parking or motor vehicle equip-
2 ment or violations by pedestrians or bicyclists, or other than an adju-
3 dication of liability of an owner for a violation of subdivision (d) of
4 section eleven hundred eleven of this chapter in accordance with section
5 eleven hundred eleven-a of this chapter, or other than an adjudication
6 of liability of an owner for a violation of subdivision (d) of section
7 eleven hundred eleven of this chapter in accordance with section eleven
8 hundred eleven-b of this chapter, or other than an adjudication in
9 accordance with section eleven hundred eleven-c of this chapter for a
10 violation of a bus lane restriction as defined in such section, or other
11 than an adjudication of liability of an owner for a violation of subdivi-
12 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
13 this chapter in accordance with section eleven hundred eighty-b of this
14 chapter, there shall be levied a mandatory surcharge, in addition to any
15 sentence required or permitted by law, in the amount of twenty-five
16 dollars.

17 § 11-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
18 as amended by section 10-b of part II of chapter 59 of the laws of 2010,
19 is amended to read as follows:

20 1. Whenever proceedings in an administrative tribunal or a court of
21 this state result in a conviction for a crime under this chapter or a
22 traffic infraction under this chapter other than a traffic infraction
23 involving standing, stopping, parking or motor vehicle equipment or
24 violations by pedestrians or bicyclists, or other than an adjudication
25 in accordance with section eleven hundred eleven-c of this chapter for a
26 violation of a bus lane restriction as defined in such section, or other
27 than an adjudication of liability of an owner for a violation of subdivi-
28 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
29 this chapter in accordance with section eleven hundred eighty-b of this
30 chapter, there shall be levied a mandatory surcharge, in addition to any
31 sentence required or permitted by law, in the amount of seventeen
32 dollars.

33 § 11-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
34 as separately amended by chapter 16 of the laws of 1983 and chapter 62
35 of the laws of 1989, is amended to read as follows:

36 1. Whenever proceedings in an administrative tribunal or a court of
37 this state result in a conviction for a crime under this chapter or a
38 traffic infraction under this chapter other than a traffic infraction
39 involving standing, stopping, parking or motor vehicle equipment or
40 violations by pedestrians or bicyclists, or other than an adjudication
41 of liability of an owner for a violation of subdivision (b), (c), (d),
42 (f) or (g) of section eleven hundred eighty of this chapter in accord-
43 ance with section eleven hundred eighty-b of this chapter, there shall
44 be levied a mandatory surcharge, in addition to any sentence required or
45 permitted by law, in the amount of seventeen dollars.

46 § 12. Paragraph a of subdivision 1 of section 1809-e of the vehicle
47 and traffic law, as amended by section 11 of part II of chapter 59 of
48 the laws of 2010, is amended to read as follows:

49 a. Notwithstanding any other provision of law, whenever proceedings in
50 a court or an administrative tribunal of this state result in a
51 conviction for an offense under this chapter, except a conviction pursu-
52 ant to section eleven hundred ninety-two of this chapter, or for a traf-
53 fic infraction under this chapter, or a local law, ordinance, rule or
54 regulation adopted pursuant to this chapter, except a traffic infraction
55 involving standing, stopping, or parking or violations by pedestrians or
56 bicyclists, and except an adjudication of liability of an owner for a

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1 violation of subdivision (d) of section eleven hundred eleven of this
2 chapter in accordance with section eleven hundred eleven-a of this chap-
3 ter, and except an adjudication of liability of an owner for a violation
4 of subdivision (d) of section eleven hundred eleven of this chapter in
5 accordance with section eleven hundred eleven-b of this chapter, and
6 except an adjudication in accordance with section eleven hundred
7 eleven-c of this chapter of a violation of a bus lane restriction as
8 defined in such section, and except an adjudication of liability of an
9 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
10 section eleven hundred eighty of this chapter in accordance with section
11 eleven hundred eighty-b of this chapter, and except an adjudication of
12 liability of an owner for a violation of toll collection regulations
13 pursuant to section two thousand nine hundred eighty-five of the public
14 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
15 ter seven hundred seventy-four of the laws of nineteen hundred fifty,
16 there shall be levied in addition to any sentence, penalty or other
17 surcharge required or permitted by law, an additional surcharge of twen-
18 ty dollars.

19 § 12-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
20 and traffic law, as amended by section 3 of part C of chapter 55 of the
21 laws of 2013, is amended to read as follows:

22 a. Notwithstanding any other provision of law, whenever proceedings in
23 a court or an administrative tribunal of this state result in a
24 conviction for an offense under this chapter, except a conviction pursu-
25 ant to section eleven hundred ninety-two of this chapter, or for a traf-
26 fic infraction under this chapter, or a local law, ordinance, rule or
27 regulation adopted pursuant to this chapter, except a traffic infraction
28 involving standing, stopping, or parking or violations by pedestrians or
29 bicyclists, and except an adjudication of liability of an owner for a
30 violation of subdivision (d) of section eleven hundred eleven of this
31 chapter in accordance with section eleven hundred eleven-a of this chap-
32 ter, and except an adjudication of liability of an owner for a violation
33 of subdivision (d) of section eleven hundred eleven of this chapter in
34 accordance with section eleven hundred eleven-b of this chapter, and
35 except an adjudication in accordance with section eleven hundred
36 eleven-c of this chapter of a violation of a bus lane restriction as
37 defined in such section, and expect an adjudication of liability of an
38 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
39 section eleven hundred eighty of this chapter in accordance with section
40 eleven hundred eighty-b of this chapter, and except an adjudication of
41 liability of an owner for a violation of toll collection regulations
42 pursuant to section two thousand nine hundred eighty-five of the public
43 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
44 ter seven hundred seventy-four of the laws of nineteen hundred fifty,
45 there shall be levied in addition to any sentence, penalty or other
46 surcharge required or permitted by law, an additional surcharge of twen-
47 ty-eight dollars.

48 § 12-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle
49 and traffic law, as amended by section 4 of part C of chapter 55 of the
50 laws of 2013, is amended to read as follows:

51 a. Notwithstanding any other provision of law, whenever proceedings in
52 a court or an administrative tribunal of this state result in a
53 conviction for an offense under this chapter, except a conviction pursu-
54 ant to section eleven hundred ninety-two of this chapter, or for a traf-
55 fic infraction under this chapter, or a local law, ordinance, rule or
56 regulation adopted pursuant to this chapter, except a traffic infraction

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1 involving standing, stopping, or parking or violations by pedestrians or
2 bicyclists, and except an adjudication of liability of an owner for a
3 violation of subdivision (d) of section eleven hundred eleven of this
4 chapter in accordance with section eleven hundred eleven-a of this chap-
5 ter, and except an adjudication in accordance with section eleven
6 hundred eleven-c of this chapter of a violation of a bus lane
7 restriction as defined in such section, and except an adjudication of
8 liability of an owner for a violation of subdivision (b), (c), (d), (f)
9 or (g) of section eleven hundred eighty of this chapter in accordance
10 with section eleven hundred eighty-b of this chapter, and except an
11 adjudication of liability of an owner for a violation of toll collection
12 regulations pursuant to section two thousand nine hundred eighty-five of
13 the public authorities law or sections sixteen-a, sixteen-b and
14 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
15 hundred fifty, there shall be levied in addition to any sentence, penal-
16 ty or other surcharge required or permitted by law, an additional
17 surcharge of twenty-eight dollars.

18 § 12-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle
19 and traffic law, as added by section 5 of part C of chapter 55 of the
20 laws of 2013, is amended to read as follows:

21 a. Notwithstanding any other provision of law, whenever proceedings in
22 a court or an administrative tribunal of this state result in a
23 conviction for an offense under this chapter, except a conviction pursu-
24 ant to section eleven hundred ninety-two of this chapter, or for a traf-
25 fic infraction under this chapter, or a local law, ordinance, rule or
26 regulation adopted pursuant to this chapter, except a traffic infraction
27 involving standing, stopping, or parking or violations by pedestrians or
28 bicyclists, and except an adjudication of liability of an owner for a
29 violation of subdivision (d) of section eleven hundred eleven of this
30 chapter in accordance with section eleven hundred eleven-a of this chap-
31 ter, and except an adjudication of liability of an owner for a violation
32 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
33 eighty of this chapter in accordance with section eleven hundred eight-
34 y-b of this chapter, and except an adjudication of liability of an owner
35 for a violation of toll collection regulations pursuant to section two
36 thousand nine hundred eighty-five of the public authorities law or
37 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
38 seventy-four of the laws of nineteen hundred fifty, there shall be
39 levied in addition to any sentence, penalty or other surcharge required
40 or permitted by law, an additional surcharge of twenty-eight dollars.

41 § 13. Subdivision 2 of section 87 of the public officers law is
42 amended by adding a new paragraph (m) to read as follows:

43 (m) are photographs, microphotographs, videotape or other recorded
44 images prepared under the authority of section eleven hundred eighty-b
45 of the vehicle and traffic law.

46 § 14. The purchase or lease of equipment for a demonstration program
47 pursuant to section 1180-b of the vehicle and traffic law shall be
48 subject to the provisions of section 103 of the general municipal law.

49 § 15. This act shall take effect on the thirtieth day after it shall
50 have become a law and shall expire 5 years after such effective date
51 when upon such date the provisions of this act shall be deemed repealed;
52 and provided further that any rules necessary for the implementation of
53 this act on its effective date shall be promulgated on or before such
54 effective date, provided that:

55 (a) the amendments to subdivision 1 of section 235 of the vehicle and
56 traffic law made by section one of this act shall not affect the expira-

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1 tion of such subdivision and shall be deemed to expire therewith, when
2 upon such date the provisions of section one-a of this act shall take
3 effect;

4 (b) the amendments to section 235 of the vehicle and traffic law made
5 by section one-a of this act shall not affect the expiration of such
6 section and shall be deemed to expire therewith, when upon such date the
7 provisions of section one-b of this act shall take effect;

8 (c) the amendments to section 235 of the vehicle and traffic law made
9 by section one-b of this act shall not affect the expiration of such
10 section and shall be deemed to expire therewith, when upon such date the
11 provisions of section one-c of this act shall take effect;

12 (d) the amendments to section 235 of the vehicle and traffic law made
13 by section one-c of this act shall not affect the expiration of such
14 section and shall be deemed to expire therewith, when upon such date the
15 provisions of section one-d of this act shall take effect;

16 (e) the amendments to subdivision 1 of section 236 of the vehicle and
17 traffic law made by section two of this act shall not affect the expira-
18 tion of such subdivision and shall be deemed to expire therewith, when
19 upon such date the provisions of section two-a of this act shall take
20 effect;

21 (f) the amendments to subdivision 1 of section 236 of the vehicle and
22 traffic law made by section two-a of this act shall not affect the expi-
23 ration of such subdivision and shall be deemed to expire therewith, when
24 upon such date the provisions of section two-b of this act shall take
25 effect;

26 (g) the amendments to subdivision 1 of section 236 of the vehicle and
27 traffic law made by section two-b of this act shall not affect the expi-
28 ration of such subdivision and shall be deemed to expire therewith, when
29 upon such date the provisions of section two-c of this act shall take
30 effect;

31 (h) the amendments to subdivision 12 of section 237 of the vehicle and
32 traffic law made by section three of this act shall not affect the
33 repeal of such subdivision and shall be deemed to be repealed therewith,
34 when upon such date the provisions of section three-a of this act shall
35 take effect;

36 (h-1) the amendments to subdivision 11 of section 237 of the vehicle
37 and traffic law made by section three-a of this act shall not affect the
38 expiration and reversion of such subdivision and shall be deemed
39 repealed therewith;

40 (i) the amendments to paragraph f of subdivision 1 of section 239 of
41 the vehicle and traffic law made by section four of this act shall not
42 affect the expiration of such paragraph and shall be deemed to expire
43 therewith, when upon such date the provisions of section four-a of this
44 act shall take effect;

45 (j) the amendments to paragraph f of subdivision 1 of section 239 of
46 the vehicle and traffic law made by section four-a of this act shall not
47 affect the expiration of such paragraph and shall be deemed to expire
48 therewith, when upon such date the provisions of section four-b of this
49 act shall take effect;

50 (k) the amendments to paragraph f of subdivision 1 of section 239 of
51 the vehicle and traffic law made by section four-b of this act shall not
52 affect the expiration of such paragraph and shall be deemed to expire
53 therewith, when upon such date the provisions of section four-c of this
54 act shall take effect;

55 (l) the amendments to subdivision 4 of section 239 of the vehicle and
56 traffic law made by section five of this act shall not affect the repeal

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1 of such subdivision and shall be deemed to be repealed therewith, when
2 upon such date the provisions of section five-a of this act shall take
3 effect;

4 (m) the amendments to subdivisions 1 and 1-a of section 240 of the
5 vehicle and traffic law made by section six of this act shall not affect
6 the expiration of such subdivisions and shall be deemed to expire there-
7 with, when upon such date the provisions of section six-a of this act
8 shall take effect;

9 (n) the amendments to subdivisions 1 and 1-a of section 240 of the
10 vehicle and traffic law made by section six-a of this act shall not
11 affect the expiration of such subdivisions and shall be deemed to expire
12 therewith, when upon such date the provisions of section six-b of this
13 act shall take effect;

14 (o) the amendments to subdivisions 1 and 1-a of section 240 of the
15 vehicle and traffic law made by section six-b of this act shall not
16 affect the expiration of such subdivisions and shall be deemed to expire
17 therewith, when upon such date the provisions of section six-c of this
18 act shall take effect;

19 (p) the amendments to paragraphs a and g of subdivision 2 of section
20 240 of the vehicle and traffic law made by section seven of this act
21 shall not affect the expiration of such paragraphs and shall be deemed
22 to expire therewith, when upon such date the provisions of section
23 seven-a of this act shall take effect;

24 (q) the amendments to paragraphs a and g of subdivision 2 of section
25 240 of the vehicle and traffic law made by section seven-a of this act
26 shall not affect the expiration of such paragraphs and shall be deemed
27 to expire therewith, when upon such date the provisions of section
28 seven-b of this act shall take effect;

29 (r) the amendments to paragraphs a and g of subdivision 2 of section
30 240 of the vehicle and traffic law made by section seven-b of this act
31 shall not affect the expiration of such paragraphs and shall be deemed
32 to expire therewith, when upon such date the provisions of section
33 seven-c of this act shall take effect;

34 (s) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
35 cle and traffic law made by section eight of this act shall not affect
36 the expiration of such subdivisions and shall be deemed to expire there-
37 with, when upon such date the provisions of section eight-a of this act
38 shall take effect;

39 (t) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
40 cle and traffic law made by section eight-a of this act shall not affect
41 the expiration of such subdivisions and shall be deemed to expire there-
42 with, when upon such date the provisions of section eight-b of this act
43 shall take effect;

44 (u) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
45 cle and traffic law made by section eight-b of this act shall not affect
46 the expiration of such subdivisions and shall be deemed to expire there-
47 with, when upon such date the provisions of section eight-c of this act
48 shall take effect;

49 (v) the amendments to subparagraph (i) of paragraph a of subdivision
50 5-a of section 401 of the vehicle and traffic law made by section nine
51 of this act shall not affect the expiration of such paragraph and shall
52 be deemed to expire therewith, when upon such date the provisions of
53 section nine-a of this act shall take effect;

54 (w) the amendments to paragraph a of subdivision 5-a of section 401 of
55 the vehicle and traffic law made by section nine-a of this act shall not
56 affect the expiration of such paragraph and shall be deemed to expire

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1 therewith, when upon such date the provisions of section nine-b of this
2 act shall take effect;

3 (x) the amendments to paragraph a of subdivision 5-a of section 401 of
4 the vehicle and traffic law made by section nine-b of this act shall not
5 affect the expiration of such paragraph and shall be deemed to expire
6 therewith, when upon such date the provisions of section nine-c of this
7 act shall take effect;

8 (y) the amendments to subdivision 1 of section 1809 of the vehicle and
9 traffic law made by section eleven of this act shall not affect the
10 expiration of such subdivision and shall be deemed to expire therewith,
11 when upon such date the provisions of section eleven-a of this act shall
12 take effect;

13 (z) the amendments to subdivision 1 of section 1809 of the vehicle and
14 traffic law made by section eleven-a of this act shall not affect the
15 expiration of such subdivision and shall be deemed to expire therewith,
16 when upon such date the provisions of section eleven-b of this act shall
17 take effect;

18 (aa) the amendments to subdivision 1 of section 1809 of the vehicle
19 and traffic law made by section eleven-b of this act shall not affect
20 the expiration of such subdivision and shall be deemed to expire there-
21 with, when upon such date the provisions of section eleven-c of this act
22 shall take effect;

23 (bb) the amendments to paragraph a of subdivision 1 of section 1809-e
24 of the vehicle and traffic law made by section twelve of this act shall
25 not affect the expiration of such paragraph and shall be deemed to
26 expire therewith, when upon such date the provisions of section twelve-a
27 of this act shall take effect; and

28 (cc) the amendments to paragraph a of subdivision 1 of section 1809-e
29 of the vehicle and traffic law made by section twelve-a of this act
30 shall not affect the expiration of such paragraph and shall be deemed to
31 expire therewith, when upon such date the provisions of section twelve-b
32 of this act shall take effect; and

33 (dd) the amendments to paragraph a of subdivision 1 of section 1809-e
34 of the vehicle and traffic law made by section twelve-b of this act
35 shall not affect the expiration of such paragraph and shall be deemed to
36 expire therewith, when upon such date the provisions of section twelve-c
37 of this act shall take effect.

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S4459A

SPONSOR: KLEIN

TITLE OF BILL: An act to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof

SUMMARY OF SPECIFIC PROVISIONS: The subject bill amends the Vehicle and Traffic Law and the Public Officers Law to authorize the City of New York to establish a demonstration program imposing liability on the owners of motor vehicles found to be in violation of the maximum school speed limit in the City through the use of a speed limit photo device which combines speed sensing technology which determines the speed of a vehicle and captures/records that data by photographic, micro-graphic, video tape or other recording system and produces an image of a motor vehicle at the moment that it exceeds the speed limit. The City will be authorized to operate from twenty to forty speed cameras at any one time during any year of the program. Such speed limit photo devices may be stationary or mobile and shall be activated at locations selected by such city.

JUSTIFICATION: Speeding motorists are a pervasive problem in some areas of the City of New York. The New York City Police Department issues more than 118,000 summonses each year for speeding violations. These violations are often a significant factor in accidents which result in death or injury to motorists and pedestrians. Children and the elderly are often the victims. Under the present provisions of law, a police officer must be present at the scene of a speeding violation to observe the violation and serve the operator of the vehicle with a summons. There are of course not a sufficient number of police officers to observe every speeding violation. In fact, a motorist can rely on the odds that a speeding violation will not be detected.

The purpose of this legislation is to develop a system which will supplement the police effort by using recent technology to record speeding violations on film or other recording devices. The program will operate in the same manner as the Red Light Camera Program which has successfully reduced the incidence of red light violations in the City, ultimately preventing accidents and saving lives.

Technology presently exists which will photographically capture vehicles which exceed the maximum speed limit without the presence of a police officer. This technology combines speed sensing technology that determines the speed of a vehicle and captures/records that data by photographic, micro-graphic, video tape or other recording system and produces an image of a motor vehicle at the moment that it exceeds the speed limit. This image can then be used as evidence in a proceeding to impose

liability on the owner of the vehicle for the speeding violation. This technology is presently in use in Utah, California, Arizona, and British Columbia, Canada. The equipment consists of mobile units which can be moved from neighborhood to neighborhood as the need arises.

The enactment of this legislation which is modeled after the enabling legislation which authorized the Red Light Camera Program, will enable the City to continue to explore the use of new technology as a means of improving the quality of life in the City.

PRIOR LEGISLATIVE HISTORY: 2011-'12: A7737 -Referred to Transportation! 2009-'10: A.7744 -referred to Transportation2007-'08: A.7142-referred to Transportation; 2005-'06: A.5747-a - referred to Transportation; 2003-'04: A.4111-a-referred to Transportation; 2001-'02: A.7355 - referred to Transportation.

FISCAL IMPLICATIONS: To be determined

EFFECTIVE DATE: This act shall take effect on the thirtieth day after it shall have become a law and shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that any rules necessary for the implementation of this act on its effective date shall be promulgated on or before such date.

STATE OF NEW YORK

4327--A

2013-2014 Regular Sessions

IN ASSEMBLY

February 4, 2013

Introduced by M. of A. GLICK, MILLMAN, COOK, GOTTFRIED, WEPRIN, TITONE, ROSENTHAL, ORTIZ, BROOK-KRASNY, HEVESI, MARKEY, MAISEL, MOYA, CLARK, QUART, GJONAJ, KELLNER, SKOUFIS, GABRYSZAK, MILLER, AUBRY, HENNESSEY -- Multi-Sponsored by -- M. of A. ARROYO, BENEDETTO, BOYLAND, BRENNAN, CAMARA, COLTON, CRESPO, CYMBROWITZ, DenDEKKER, DINOWITZ, GIBSON, KIM, LUPARDO, O'DONNELL, ROBINSON, SCHIMEL, SEPULVEDA, STEVENSON, THIELE, TITUS, WEISENBERG -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
2 law, as amended by section 1 of part II of chapter 59 of the laws of
3 2010, is amended to read as follows:

4 1. Notwithstanding any inconsistent provision of any general, special
5 or local law or administrative code to the contrary, in any city which
6 heretofore or hereafter is authorized to establish an administrative
7 tribunal to hear and determine complaints of traffic infractions consti-
8 tuting parking, standing or stopping violations, or to adjudicate the
9 liability of owners for violations of subdivision (d) of section eleven
10 hundred eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, or to adjudicate the liability of owners for
12 violations of subdivision (d) of section eleven hundred eleven of this
13 chapter in accordance with sections eleven hundred eleven-b of this
14 chapter as added by sections sixteen of chapters twenty, twenty-one, and
15 twenty-two of the laws of two thousand nine, or to adjudicate the

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

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1 liability of owners for violations of toll collection regulations as
2 defined in and in accordance with the provisions of section two thousand
3 nine 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, or to adjudicate liability of
6 owners in accordance with section eleven hundred eleven-c of this chap-
7 ter for violations of bus lane restrictions as defined in subdivision
8 (b), (c), (d), (f) or (g) of such section, or to adjudicate the liabil-
9 ity of owners for violations of section eleven hundred eighty of this
10 chapter in accordance with section eleven hundred eighty-b of this chap-
11 ter, such tribunal and the rules and regulations pertaining thereto
12 shall be constituted in substantial conformance with the following
13 sections.

14 § 1-a. Section 235 of the vehicle and traffic law, as amended by
15 section 1-a of part II of chapter 59 of the laws of 2010, is amended to
16 read as follows:

17 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
18 general, special or local law or administrative code to the contrary, in
19 any city which heretofore or hereafter is authorized to establish an
20 administrative tribunal to hear and determine complaints of traffic
21 infractions constituting parking, standing or stopping violations, or to
22 adjudicate the liability of owners for violations of subdivision (d) of
23 section eleven hundred eleven of this chapter in accordance with section
24 eleven hundred eleven-a of this chapter, or to adjudicate the liability
25 of owners for violations of subdivision (d) of section eleven hundred
26 eleven of this chapter in accordance with sections eleven hundred
27 eleven-b of this chapter as added by sections sixteen of chapters twen-
28 ty, twenty-one, and twenty-two of the laws of two thousand nine, or to
29 adjudicate the liability of owners for violations of toll collection
30 regulations as defined in and in accordance with the provisions of
31 section two thousand nine hundred eighty-five of the public authorities
32 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
33 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
34 dicate liability of owners in accordance with section eleven hundred
35 eleven-c of this chapter for violations of bus lane restrictions as
36 defined in such section, or to adjudicate the liability of owners for
37 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
38 hundred eighty of this chapter in accordance with section eleven hundred
39 eighty-b of this chapter, such tribunal and the rules and regulations
40 pertaining thereto shall be constituted in substantial conformance with
41 the following sections.

42 § 1-b. Section 235 of the vehicle and traffic law, as amended by
43 section 1-b of part II of chapter 59 of the laws of 2010, is amended to
44 read as follows:

45 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
46 general, special or local law or administrative code to the contrary, in
47 any city which heretofore or hereafter is authorized to establish an
48 administrative tribunal to hear and determine complaints of traffic
49 infractions constituting parking, standing or stopping violations, or to
50 adjudicate the liability of owners for violations of subdivision (d) of
51 section eleven hundred eleven of this chapter in accordance with
52 sections eleven hundred eleven-b of this chapter as added by sections
53 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
54 two thousand nine, or to adjudicate the liability of owners for
55 violations of toll collection regulations as defined in and in accord-
56 ance with the provisions of section two thousand nine hundred eighty-

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1 five of the public authorities law and sections sixteen-a, sixteen-b and
2 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
3 hundred fifty, or to adjudicate liability of owners in accordance with
4 section eleven hundred eleven-c of this chapter for violations of bus
5 lane restrictions as defined in such section, or to adjudicate the
6 liability of owners for violations of subdivision (b), (c), (d), (f) or
7 (g) of section eleven hundred eighty of this chapter in accordance with
8 section eleven hundred eighty-b of this chapter, such tribunal and the
9 rules and regulations pertaining thereto shall be constituted in
10 substantial conformance with the following sections.

11 § 1-c. Section 235 of the vehicle and traffic law, as amended by
12 section 1-c of part II of chapter 59 of the laws of 2010, is amended to
13 read as follows:

14 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
15 general, special or local law or administrative code to the contrary, in
16 any city which heretofore or hereafter is authorized to establish an
17 administrative tribunal to hear and determine complaints of traffic
18 infractions constituting parking, standing or stopping violations, or to
19 adjudicate the liability of owners for violations of toll collection
20 regulations as defined in and in accordance with the provisions of
21 section two thousand nine hundred eighty-five of the public authorities
22 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
23 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
24 dicate liability of owners in accordance with section eleven hundred
25 eleven-c of this chapter for violations of bus lane restrictions as
26 defined in such section, or to adjudicate the liability of owners for
27 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
28 hundred eighty of this chapter in accordance with section eleven hundred
29 eighty-b of this chapter, such tribunal and the rules and regulations
30 pertaining thereto shall be constituted in substantial conformance with
31 the following sections.

32 § 1-d. Section 235 of the vehicle and traffic law, as separately
33 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
34 of 1992, is amended to read as follows:

35 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
36 general, special or local law or administrative code to the contrary, in
37 any city which heretofore or hereafter is authorized to establish an
38 administrative tribunal to hear and determine complaints of traffic
39 infractions constituting parking, standing or stopping violations, or to
40 adjudicate the liability of owners for violations of toll collection
41 regulations as defined in and in accordance with the provisions of
42 section two thousand nine hundred eighty-five of the public authorities
43 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
44 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
45 dicate liability of owners for violations of subdivisions (c) and (d) of
46 section eleven hundred eighty of this chapter in accordance with section
47 eleven hundred eighty-b of this chapter, such tribunal and the rules and
48 regulations pertaining thereto shall be constituted in substantial
49 conformance with the following sections.

50 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
51 amended by section 2 of part II of chapter 59 of the laws of 2010, is
52 amended to read as follows:

53 1. Creation. In any city as hereinbefore or hereafter authorized such
54 tribunal when created shall be known as the parking violations bureau
55 and shall have jurisdiction of traffic infractions which constitute a
56 parking violation and, where authorized by local law adopted pursuant to

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1 subdivision (a) of section eleven hundred eleven-a of this chapter or
2 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
3 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
4 of the laws of two thousand nine, shall adjudicate the liability of
5 owners for violations of subdivision (d) of section eleven hundred elev-
6 en of this chapter in accordance with such section eleven hundred
7 eleven-a or such sections eleven hundred eleven-b as added by sections
8 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
9 two thousand nine and shall adjudicate the liability of owners for
10 violations of toll collection regulations as defined in and in accord-
11 ance with the provisions of section two thousand nine hundred eighty-
12 five of the public authorities law and sections sixteen-a, sixteen-b and
13 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
14 hundred fifty and shall adjudicate liability of owners in accordance
15 with section eleven hundred eleven-c of this chapter for violations of
16 bus lane restrictions as defined in such section and shall adjudicate
17 the liability of owners for violations of subdivision (b), (c), (d), (f)
18 or (g) of section eleven hundred eighty of this chapter in accordance
19 with section eleven hundred eighty-b of this chapter. Such tribunal,
20 except in a city with a population of one million or more, shall also
21 have jurisdiction of abandoned vehicle violations. For the purposes of
22 this article, a parking violation is the violation of any law, rule or
23 regulation providing for or regulating the parking, stopping or standing
24 of a vehicle. In addition for purposes of this article, "commissioner"
25 shall mean and include the commissioner of traffic of the city or an
26 official possessing authority as such a commissioner.

27 § 2-a. Subdivision 1 of section 236 of the vehicle and traffic law, as
28 amended by section 2-a of part II of chapter 59 of the laws of 2010, is
29 amended to read as follows:

30 1. Creation. In any city as hereinbefore or hereafter authorized such
31 tribunal when created shall be known as the parking violations bureau
32 and shall have jurisdiction of traffic infractions which constitute a
33 parking violation and, where authorized by local law adopted pursuant to
34 subdivisions (a) of sections eleven hundred eleven-b of this chapter as
35 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
36 of the laws of two thousand nine, shall adjudicate the liability of
37 owners for violations of subdivision (d) of section eleven hundred elev-
38 en of this chapter in accordance with such sections eleven hundred
39 eleven-b as added by sections sixteen of chapters twenty, twenty-one,
40 and twenty-two of the laws of two thousand nine; and shall adjudicate
41 liability of owners in accordance with section eleven hundred eleven-c
42 of this chapter for violations of bus lane restrictions as defined in
43 such section and shall adjudicate liability of owners for violations of
44 subdivisions (c) and (d) of section eleven hundred eighty of this chap-
45 ter in accordance with section eleven hundred eighty-b of this chapter.
46 For the purposes of this article, a parking violation is the violation
47 of any law, rule or regulation providing for or regulating the parking,
48 stopping or standing of a vehicle. In addition for purposes of this
49 article, "commissioner" shall mean and include the commissioner of traf-
50 fic of the city or an official possessing authority as such a commis-
51 sioner.

52 § 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as
53 amended by section 2-b of part II of chapter 59 of the laws of 2010, is
54 amended to read as follows:

55 1. Creation. In any city as hereinbefore or hereafter authorized such
56 tribunal when created shall be known as the parking violations bureau

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1 and shall have jurisdiction of traffic infractions which constitute a
2 parking violation and shall adjudicate liability of owners in accordance
3 with section eleven hundred eleven-c of this chapter for violations of
4 bus lane restrictions as defined in such section; and shall adjudicate
5 the liability of owners for violations of subdivision (b), (c), (d), (f)
6 or (g) of section eleven hundred eighty of this chapter in accordance
7 with section eleven hundred eighty-b of this chapter. For the purposes
8 of this article, a parking violation is the violation of any law, rule
9 or regulation providing for or regulating the parking, stopping or
10 standing of a vehicle. In addition for purposes of this article,
11 "commissioner" shall mean and include the commissioner of traffic of the
12 city or an official possessing authority as such a commissioner.

13 § 2-c. Subdivision 1 of section 236 of the vehicle and traffic law, as
14 added by chapter 715 of the laws of 1972, is amended to read as follows:

15 1. Creation. In any city as hereinbefore or hereafter authorized such
16 tribunal when created shall be known as the parking violations bureau
17 and shall have jurisdiction of traffic infractions which constitute a
18 parking violation and shall adjudicate the liability of owners for
19 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
20 hundred eighty of this chapter in accordance with section eleven hundred
21 eighty-b of this chapter. For the purposes of this article, a parking
22 violation is the violation of any law, rule or regulation providing for
23 or regulating the parking, stopping or standing of a vehicle. In addi-
24 tion for purposes of this article, "commissioner" shall mean and include
25 the commissioner of traffic of the city or an official possessing
26 authority as such a commissioner.

27 § 3. Subdivision 12 of section 237 of the vehicle and traffic law, as
28 added by section 3 of part II of chapter 59 of the laws of 2010, is
29 amended and a new subdivision 13 is added to read as follows:

30 12. To adjudicate liability of owners in accordance with section elev-
31 en hundred eleven-c of this chapter for violations of bus lane
32 restrictions as defined in such section[-];

33 13. To adjudicate the liability of owners for violations of subdivi-
34 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
35 chapter in accordance with section eleven hundred eighty-b of this chap-
36 ter.

37 § 3-a. Subdivision 11 of section 237 of the vehicle and traffic law,
38 as added by chapter 379 of the laws of 1992, is amended and a new subdivi-
39 sion 12 is added to read as follows:

40 11. To adjudicate the liability of owners for violations of toll
41 collection regulations as defined in and in accordance with the
42 provisions of section two thousand nine hundred eighty-five of the
43 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
44 of chapter seven hundred seventy-four of the laws of nineteen hundred
45 fifty[-];

46 12. To adjudicate the liability of owners for violations of subdivi-
47 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
48 chapter in accordance with section eleven hundred eighty-b of this chap-
49 ter.

50 § 4. Paragraph f of subdivision 1 of section 239 of the vehicle and
51 traffic law, as amended by section 4 of part II of chapter 59 of the
52 laws of 2010, is amended to read as follows:

53 f. "Notice of violation" means a notice of violation as defined in
54 subdivision nine of section two hundred thirty-seven of this article,
55 but shall not be deemed to include a notice of liability issued pursuant
56 to authorization set forth in section eleven hundred eleven-a of this

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1 chapter or sections eleven hundred eleven-b of this chapter as added by
2 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
3 laws of two thousand nine, and shall not be deemed to include a notice
4 of liability issued pursuant to section two thousand nine hundred eight-
5 y-five of the public authorities law and sections sixteen-a, sixteen-b
6 and sixteen-c of chapter seven hundred seventy-four of the laws of nine-
7 teen hundred fifty and shall not be deemed to include a notice of
8 liability issued pursuant to section eleven hundred eleven-c of this
9 chapter and shall not be deemed to include a notice of liability issued
10 pursuant to section eleven hundred eighty-b of this chapter.

11 § 4-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
12 traffic law, as amended by section 4-a of part II of chapter 59 of the
13 laws of 2010, is amended to read as follows:

14 f. "Notice of violation" means a notice of violation as defined in
15 subdivision nine of section two hundred thirty-seven of this article but
16 shall not be deemed to include a notice of liability issued pursuant to
17 authorization set forth in sections eleven hundred eleven-b of this
18 chapter as added by sections sixteen of chapters twenty, twenty-one, and
19 twenty-two of the laws of two thousand nine and shall not be deemed to
20 include a notice of liability issued pursuant to section eleven hundred
21 eleven-c of this chapter and shall not be deemed to include a notice of
22 liability issued pursuant to section eleven hundred eighty-b of this
23 chapter.

24 § 4-b. Paragraph f of subdivision 1 of section 239 of the vehicle and
25 traffic law, as amended by section 4-b of part II of chapter 59 of the
26 laws of 2010, is amended to read as follows:

27 f. "Notice of violation" means a notice of violation as defined in
28 subdivision nine of section two hundred thirty-seven of this article and
29 shall not be deemed to include a notice of liability issued pursuant to
30 section eleven hundred eleven-c of this chapter and shall not be deemed
31 to include a notice of liability issued pursuant to section eleven
32 hundred eighty-b of this chapter.

33 § 4-c. Paragraph f of subdivision 1 of section 239 of the vehicle and
34 traffic law, as added by chapter 180 of the laws of 1980, is amended to
35 read as follows:

36 f. "Notice of violation" means a notice of violation as defined in
37 subdivision nine of section two hundred thirty-seven of this article and
38 shall not be deemed to include a notice of liability issued pursuant to
39 section eleven hundred eighty-b of this chapter.

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

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

54 § 5-a. Section 239 of the vehicle and traffic law is amended by adding
55 a new subdivision 4 to read as follows:

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1 4. Applicability. The provisions of paragraph b of subdivision two and
2 subdivision three of this section shall not be applicable to determi-
3 nations of owner liability for the failure of an operator to comply with
4 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
5 of this chapter.

6 § 6. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
7 law, as amended by section 5 of part II of chapter 59 of the laws of
8 2010, are amended to read as follows:

9 1. Notice of hearing. Whenever a person charged with a parking
10 violation enters a plea of not guilty or a person alleged to be liable
11 in accordance with section eleven hundred eleven-a of this chapter or
12 sections eleven hundred eleven-b of this chapter as added by sections
13 sixteen of chapters twenty, twenty-one, and [~~twenty-two~~] twenty-two of
14 the laws of two thousand nine, for a violation of subdivision (d) of
15 section eleven hundred eleven of this chapter contests such allegation,
16 or a person alleged to be liable in accordance with the provisions of
17 section two thousand nine hundred eighty-five of the public authorities
18 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
19 hundred seventy-four of the laws of nineteen hundred fifty, or a person
20 alleged to be liable in accordance with the provisions of section eleven
21 hundred eleven-c of this chapter for a violation of a bus lane
22 restriction as defined in such section contests such allegation, or a
23 person alleged to be liable in accordance with the provisions of section
24 eleven hundred eighty-b of this chapter for a violation of subdivision
25 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
26 ter contests such allegation, the bureau shall advise such person
27 personally by such form of first class mail as the director may direct
28 of the date on which he or she must appear to answer the charge at a
29 hearing. The form and content of such notice of hearing shall be
30 prescribed by the director, and shall contain a warning to advise the
31 person so pleading or contesting that failure to appear on the date
32 designated, or on any subsequent adjourned date, shall be deemed an
33 admission of liability, and that a default judgment may be entered ther-
34 eon.

35 1-a. Fines and penalties. Whenever a plea of not guilty has been
36 entered, or the bureau has been notified that an allegation of liability
37 in accordance with section eleven hundred eleven-a of this chapter or
38 sections eleven hundred eleven-b of this chapter as added by sections
39 sixteen of chapters twenty, twenty-one, and twenty-two of the laws of
40 two thousand nine or an allegation of liability in accordance with
41 section two thousand nine hundred eighty-five of the public authorities
42 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
43 hundred seventy-four of the laws of nineteen hundred fifty or an allega-
44 tion of liability in accordance with section eleven hundred eleven-c of
45 this chapter or an allegation of liability in accordance with section
46 eleven hundred eighty-b of this chapter, is being contested, by a person
47 in a timely fashion and a hearing upon the merits has been demanded, but
48 has not yet been held, the bureau shall not issue any notice of fine or
49 penalty to that person prior to the date of the hearing.

50 § 6-a. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
51 fic law, as amended by section 5-a of part II of chapter 59 of the laws
52 of 2010, are amended to read as follows:

53 1. Notice of hearing. Whenever a person charged with a parking
54 violation enters a plea of not guilty or a person alleged to be liable
55 in accordance with sections eleven hundred eleven-b of this chapter as
56 added by sections sixteen of chapters twenty, twenty-one, and twenty-two

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1 of the laws of two thousand nine for a violation of subdivision (d) of
2 section eleven hundred eleven of this chapter, or a person alleged to be
3 liable in accordance with the provisions of section eleven hundred
4 eleven-c of this chapter for a violation of a bus lane restriction as
5 defined in such section contests such allegation, or a person alleged to
6 be liable in accordance with the provisions of section eleven hundred
7 eighty-b of this chapter for violations of subdivision (b), (c), (d),
8 (f) or (g) of section eleven hundred eighty of this chapter contests
9 such allegation, the bureau shall advise such person personally by such
10 form of first class mail as the director may direct of the date on which
11 he or she must appear to answer the charge at a hearing. The form and
12 content of such notice of hearing shall be prescribed by the director,
13 and shall contain a warning to advise the person so pleading or contest-
14 ing that failure to appear on the date designated, or on any subsequent
15 adjourned date, shall be deemed an admission of liability, and that a
16 default judgment may be entered thereon.

17 1-a. Fines and penalties. Whenever a plea of not guilty has been
18 entered, or the bureau has been notified that an allegation of liability
19 in accordance with sections eleven hundred eleven-b of this chapter, as
20 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
21 of the laws of two thousand nine, or an allegation of liability in
22 accordance with section eleven hundred eleven-c of this chapter or an
23 allegation of liability in accordance with section eleven hundred eight-
24 y-b of this chapter is being contested, by a person in a timely fashion
25 and a hearing upon the merits has been demanded, but has not yet been
26 held, the bureau shall not issue any notice of fine or penalty to that
27 person prior to the date of the hearing.

28 § 6-b. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
29 fic law, as amended by section 5-b of part II of chapter 59 of the laws
30 of 2010, are amended to read as follows:

31 1. Notice of hearing. Whenever a person charged with a parking
32 violation enters a plea of not guilty or a person alleged to be liable
33 in accordance with the provisions of section eleven hundred eleven-c of
34 this chapter for a violation of a bus lane restriction as defined in
35 such section, contests such allegation, or a person alleged to be liable
36 in accordance with the provisions of section eleven hundred eighty-b of
37 this chapter for violations of subdivision (b), (c), (d), (f) or (g) of
38 section eleven hundred eighty of this chapter contests such allegation,
39 the bureau shall advise such person personally by such form of first
40 class mail as the director may direct of the date on which he or she
41 must appear to answer the charge at a hearing. The form and content of
42 such notice of hearing shall be prescribed by the director, and shall
43 contain a warning to advise the person so pleading that failure to
44 appear on the date designated, or on any subsequent adjourned date,
45 shall be deemed an admission of liability, and that a default judgment
46 may be entered thereon.

47 1-a. Fines and penalties. Whenever a plea of not guilty has been
48 entered, or the bureau has been notified that an allegation of liability
49 in accordance with section eleven hundred eleven-c of this chapter or an
50 allegation of liability in accordance with section eleven hundred eight-
51 y-b of this chapter is being contested, by a person in a timely fashion
52 and a hearing upon the merits has been demanded, but has not yet been
53 held, the bureau shall not issue any notice of fine or penalty to that
54 person prior to the date of the hearing.

55 § 6-c. Subdivisions 1 and 1-a of section 240 of the vehicle and traf-
56 fic law, subdivision 1 as added by chapter 715 of the laws of 1972 and

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1 subdivision 1-a as added by chapter 365 of the laws of 1978, are amended
2 to read as follows:

3 1. Notice of hearing. Whenever a person charged with a parking
4 violation enters a plea of not guilty, or a person alleged to be liable
5 in accordance with the provisions of section eleven hundred eighty-b of
6 this chapter for violations of subdivision (b), (c), (d), (f) or (g) of
7 section eleven hundred eighty of this chapter contests such allegation,
8 the bureau shall advise such person personally by such form of first
9 class mail as the director may direct of the date on which he or she
10 must appear to answer the charge at a hearing. The form and content of
11 such notice of hearing shall be prescribed by the director, and shall
12 contain a warning to advise the person so pleading that failure to
13 appear on the date designated, or on any subsequent adjourned date,
14 shall be deemed an admission of liability, and that a default judgment
15 may be entered thereon.

16 1-a. Fines and penalties. Whenever a plea of not guilty has been
17 entered, or the bureau has been notified that an allegation of liability
18 in accordance with section eleven hundred eighty-b of this chapter, is
19 being contested, by a person in a timely fashion and a hearing upon the
20 merits has been demanded, but has not yet been held, the bureau shall
21 not issue any notice of fine or penalty to that person prior to the date
22 of the hearing.

23 § 7. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
24 and traffic law, as amended by section 6 of part II of chapter 59 of the
25 laws of 2010, are amended to read as follows:

26 a. Every hearing for the adjudication of a charge of parking violation
27 or an allegation of liability in accordance with section eleven hundred
28 eleven-a of this chapter or in accordance with sections eleven hundred
29 eleven-b of this chapter as added by sections sixteen of chapters twen-
30 ty, twenty-one, and twenty-two of the laws of two thousand nine or an
31 allegation of liability in accordance with section two thousand nine
32 hundred eighty-five of the public authorities law or sections sixteen-a,
33 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
34 laws of nineteen hundred fifty or an allegation of liability in accord-
35 ance with section eleven hundred eleven-c of this chapter or an allega-
36 tion of liability in accordance with section eleven hundred eighty-b of
37 this chapter, shall be held before a hearing examiner in accordance with
38 rules and regulations promulgated by the bureau.

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

52 § 7-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
53 cle and traffic law, as amended by section 6-a of part II of chapter 59
54 of the laws of 2010, are amended to read as follows:

55 a. Every hearing for the adjudication of a charge of parking violation
56 or an allegation of liability in accordance with sections eleven hundred

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1 eleven-b of this chapter, as added by sections sixteen of chapters twen-
2 ty, twenty-one, and twenty-two of the laws of two thousand nine or an
3 allegation of liability in accordance with section eleven hundred
4 eleven-c of this chapter or an allegation of liability in accordance
5 with section eleven hundred eighty-b of this chapter, shall be held
6 before a hearing examiner in accordance with rules and regulations
7 promulgated by the bureau.

8 g. A record shall be made of a hearing on a plea of not guilty or of a
9 hearing at which liability in accordance with sections eleven hundred
10 eleven-b of this chapter, as added by sections sixteen of chapters twen-
11 ty, twenty-one, and twenty-two of the laws of two thousand nine or of a
12 hearing at which liability in accordance with section eleven hundred
13 eleven-c of this chapter or a hearing at which liability in accordance
14 with section eleven hundred eighty-b of this chapter is contested.
15 Recording devices may be used for the making of the record.

16 § 7-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
17 cle and traffic law, as amended by section 6-b of part II of chapter 59
18 of the laws of 2010, are amended to read as follows:

19 a. Every hearing for the adjudication of a charge of parking violation
20 or an allegation of liability in accordance with section eleven hundred
21 eleven-c of this chapter or an allegation of liability in accordance
22 with section eleven hundred eighty-b of this chapter shall be held
23 before a hearing examiner in accordance with rules and regulations
24 promulgated by the bureau.

25 g. A record shall be made of a hearing on a plea of not guilty or of a
26 hearing at which liability in accordance with section eleven hundred
27 eleven-c of this chapter or a hearing at which liability in accordance
28 with section eleven hundred eighty-b of this chapter is contested.
29 Recording devices may be used for the making of the record.

30 § 7-c. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
31 cle and traffic law, as added by chapter 715 of the laws of 1972, 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 eighty-b of this chapter shall be held before a hearing examiner in
36 accordance with rules and regulations promulgated by the bureau.

37 g. A record shall be made of a hearing on a plea of not guilty or a
38 hearing at which liability in accordance with section eleven hundred
39 eighty-b of this chapter is contested. Recording devices may be used
40 for the making of the record.

41 § 8. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
42 law, as amended by section 7 of part II of chapter 59 of the laws of
43 2010, are amended to read as follows:

44 1. The hearing examiner shall make a determination on the charges,
45 either sustaining or dismissing them. Where the hearing examiner deter-
46 mines that the charges have been sustained he or she may examine either
47 the prior parking violations record or the record of liabilities
48 incurred in accordance with section eleven hundred eleven-a of this
49 chapter or in accordance with sections eleven hundred eleven-b of this
50 chapter as added by sections sixteen of chapters twenty, twenty-one, and
51 twenty-two of the laws of two thousand nine or the record of liabilities
52 incurred in accordance with section two thousand nine hundred eighty-
53 five of the public authorities law or sections sixteen-a, sixteen-b and
54 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
55 hundred fifty of the person charged, or the record of liabilities
56 incurred in accordance with section eleven hundred eleven-c of this

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1 chapter, or the record of liabilities incurred in accordance with
2 section eleven hundred eighty-b of this chapter, as applicable prior to
3 rendering a final determination. Final determinations sustaining or
4 dismissing charges shall be entered on a final determination roll main-
5 tained by the bureau together with records showing payment and nonpay-
6 ment of penalties.

7 2. Where an operator or owner fails to enter a plea to a charge of a
8 parking violation or contest an allegation of liability in accordance
9 with section eleven hundred eleven-a of this chapter or in accordance
10 with sections eleven hundred eleven-b of this chapter as added by
11 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
12 laws of two thousand nine or fails to contest an allegation of liability
13 in accordance with section two thousand nine hundred eighty-five of the
14 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
15 chapter seven hundred seventy-four of the laws of nineteen hundred
16 fifty, or fails to contest an allegation of liability in accordance with
17 section eleven hundred eleven-c of this chapter or fails to contest an
18 allegation of liability in accordance with section eleven hundred eight-
19 y-b of this chapter or fails to appear on a designated hearing date or
20 subsequent adjourned date or fails after a hearing to comply with the
21 determination of a hearing examiner, as prescribed by this article or by
22 rule or regulation of the bureau, such failure to plead or contest,
23 appear or comply shall be deemed, for all purposes, an admission of
24 liability and shall be grounds for rendering and entering a default
25 judgment in an amount provided by the rules and regulations of the
26 bureau. However, after the expiration of the original date prescribed
27 for entering a plea and before a default judgment may be rendered, in
28 such case the bureau shall pursuant to the applicable provisions of law
29 notify such operator or owner, by such form of first class mail as the
30 commission may direct; (1) of the violation charged, or liability in
31 accordance with section eleven hundred eleven-a of this chapter or in
32 accordance with sections eleven hundred eleven-b of this chapter as
33 added by sections sixteen of chapters twenty, twenty-one, and twenty-two
34 of the laws of two thousand nine alleged or liability in accordance with
35 section two thousand nine hundred eighty-five of the public authorities
36 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
37 hundred seventy-four of the laws of nineteen hundred fifty alleged or
38 liability in accordance with section eleven hundred eleven-c of this
39 chapter or liability in accordance with section eleven hundred eighty-b
40 of this chapter alleged, (2) of the impending default judgment, (3) that
41 such judgment will be entered in the Civil Court of the city in which
42 the bureau has been established, or other court of civil jurisdiction or
43 any other place provided for the entry of civil judgments within the
44 state of New York, and (4) that a default may be avoided by entering a
45 plea or contesting an allegation of liability in accordance with section
46 eleven hundred eleven-a of this chapter or in accordance with sections
47 eleven hundred eleven-b of this chapter as added by sections sixteen of
48 chapters twenty, twenty-one, and twenty-two of the laws of two thousand
49 nine or contesting an allegation of liability in accordance with section
50 two thousand nine hundred eighty-five of the public authorities law or
51 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
52 seventy-four of the laws of nineteen hundred fifty or contesting an
53 allegation of liability in accordance with section eleven hundred
54 eleven-c of this chapter or contesting an allegation of liability in
55 accordance with section eleven hundred eighty-b of this chapter, as
56 appropriate, or making an appearance within thirty days of the sending

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1 of such notice. Pleas entered and allegations contested within that
2 period shall be in the manner prescribed in the notice and not subject
3 to additional penalty or fee. Such notice of impending default judgment
4 shall not be required prior to the rendering and entry thereof in the
5 case of operators or owners who are non-residents of the state of New
6 York. In no case shall a default judgment be rendered or, where
7 required, a notice of impending default judgment be sent, more than two
8 years after the expiration of the time prescribed for entering a plea or
9 contesting an allegation. When a person has demanded a hearing, no fine
10 or penalty shall be imposed for any reason, prior to the holding of the
11 hearing. If the hearing examiner shall make a determination on the
12 charges, sustaining them, he or she shall impose no greater penalty or
13 fine than those upon which the person was originally charged.

14 § 8-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
15 law, as amended by section 7-a of part II of chapter 59 of the laws of
16 2010, are amended to read as follows:

17 1. The hearing examiner shall make a determination on the charges,
18 either sustaining or dismissing them. Where the hearing examiner deter-
19 mines that the charges have been sustained he or she may examine either
20 the prior parking violations record or the record of liabilities
21 incurred in accordance with sections eleven hundred eleven-b of this
22 chapter as added by sections sixteen of chapters twenty, twenty-one, and
23 twenty-two of the laws of two thousand nine of the person charged, or
24 the record of liabilities incurred in accordance with section eleven
25 hundred eleven-c of this chapter, or the record of liabilities incurred
26 in accordance with section eleven hundred eighty-b of this chapter, as
27 applicable prior to rendering a final determination. Final determi-
28 nations sustaining or dismissing charges shall be entered on a final
29 determination roll maintained by the bureau together with records show-
30 ing payment and nonpayment of penalties.

31 2. Where an operator or owner fails to enter a plea to a charge of a
32 parking violation or contest an allegation of liability in accordance
33 with sections eleven hundred eleven-b of this chapter as added by
34 sections sixteen of chapters twenty, twenty-one, and twenty-two of the
35 laws of two thousand nine or fails to contest an allegation of liability
36 in accordance with section eleven hundred eleven-c of this chapter, or
37 fails to contest an allegation of liability incurred in accordance with
38 section eleven hundred eighty-b of this chapter, or fails to appear on a
39 designated hearing date or subsequent adjourned date or fails after a
40 hearing to comply with the determination of a hearing examiner, as
41 prescribed by this article or by rule or regulation of the bureau, such
42 failure to plead, contest, appear or comply shall be deemed, for all
43 purposes, an admission of liability and shall be grounds for rendering
44 and entering a default judgment in an amount provided by the rules and
45 regulations of the bureau. However, after the expiration of the original
46 date prescribed for entering a plea and before a default judgment may be
47 rendered, in such case the bureau shall pursuant to the applicable
48 provisions of law notify such operator or owner, by such form of first
49 class mail as the commission may direct; (1) of the violation charged,
50 or liability in accordance with sections eleven hundred eleven-b of this
51 chapter, as added by sections sixteen of chapters twenty, twenty-one,
52 and twenty-two of the laws of two thousand nine, or liability in accord-
53 ance with section eleven hundred eleven-c of this chapter or liability
54 in accordance with section eleven hundred eighty-b of this chapter
55 alleged, (2) of the impending default judgment, (3) that such judgment
56 will be entered in the Civil Court of the city in which the bureau has

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1 been established, or other court of civil jurisdiction or any other
2 place provided for the entry of civil judgments within the state of New
3 York, and (4) that a default may be avoided by entering a plea or
4 contesting an allegation of liability in accordance with sections eleven
5 hundred eleven-b of this chapter as added by sections sixteen of chap-
6 ters twenty, twenty-one, and twenty-two of the laws of two thousand
7 nine, or contesting an allegation of liability in accordance with
8 section eleven hundred eleven-c of this chapter or contesting an allega-
9 tion of liability in accordance with section eleven hundred eighty-b of
10 this chapter as appropriate, or making an appearance within thirty days
11 of the sending of such notice. Pleas entered and allegations contested
12 within that period shall be in the manner prescribed in the notice and
13 not subject to additional penalty or fee. Such notice of impending
14 default judgment shall not be required prior to the rendering and entry
15 thereof in the case of operators or owners who are non-residents of the
16 state of New York. In no case shall a default judgment be rendered or,
17 where required, a notice of impending default judgment be sent, more
18 than two years after the expiration of the time prescribed for entering
19 a plea or contesting an allegation. When a person has demanded a hear-
20 ing, no fine or penalty shall be imposed for any reason, prior to the
21 holding of the hearing. If the hearing examiner shall make a determi-
22 nation on the charges, sustaining them, he or she shall impose no great-
23 er penalty or fine than those upon which the person was originally
24 charged.

25 § 8-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
26 law, as amended by section 7-b of part II of chapter 59 of the laws of
27 2010, are amended to read as follows:

28 1. The hearing examiner shall make a determination on the charges,
29 either sustaining or dismissing them. Where the hearing examiner deter-
30 mines that the charges have been sustained he or she may examine the
31 prior parking violations record of the person charged, or the record of
32 liabilities incurred in accordance with section eleven hundred eleven-c
33 of this chapter, or the record of liabilities incurred in accordance
34 with section eleven hundred eighty-b of this chapter, as applicable,
35 prior to rendering a final determination. Final determinations sustain-
36 ing or dismissing charges shall be entered on a final determination roll
37 maintained by the bureau together with records showing payment and
38 nonpayment of penalties.

39 2. Where an operator or owner fails to enter a plea to a charge of a
40 parking violation, or fails to contest an allegation of liability in
41 accordance with section eleven hundred eleven-c of this chapter, or
42 fails to contest an allegation of liability incurred in accordance with
43 section eleven hundred eighty-b of this chapter, or fails to appear on a
44 designated hearing date or subsequent adjourned date or fails after a
45 hearing to comply with the determination of a hearing examiner, as
46 prescribed by this article or by rule or regulation of the bureau, such
47 failure to plead, appear or comply shall be deemed, for all purposes, an
48 admission of liability and shall be grounds for rendering and entering a
49 default judgment in an amount provided by the rules and regulations of
50 the bureau. However, after the expiration of the original date
51 prescribed for entering a plea and before a default judgment may be
52 rendered, in such case the bureau shall pursuant to the applicable
53 provisions of law notify such operator or owner, by such form of first
54 class mail as the commission may direct; (1) of the violation charged or
55 alleged liability in accordance with section eleven hundred eleven-c of
56 this chapter or alleged liability in accordance with section eleven

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1 hundred eighty-b of this chapter, (2) of the impending default judgment,
2 (3) that such judgment will be entered in the Civil Court of the city in
3 which the bureau has been established, or other court of civil jurisdic-
4 tion or any other place provided for the entry of civil judgments within
5 the state of New York, and (4) that a default may be avoided by entering
6 a plea or contesting an allegation of liability in accordance with
7 section eleven hundred eleven-c of this chapter or contesting an allega-
8 tion of liability in accordance with section eleven hundred eighty-b of
9 this chapter or making an appearance within thirty days of the sending
10 of such notice. Pleas entered within that period shall be in the manner
11 prescribed in the notice and not subject to additional penalty or fee.
12 Such notice of impending default judgment shall not be required prior to
13 the rendering and entry thereof in the case of operators or owners who
14 are non-residents of the state of New York. In no case shall a default
15 judgment be rendered or, where required, a notice of impending default
16 judgment be sent, more than two years after the expiration of the time
17 prescribed for entering a plea. When a person has demanded a hearing, no
18 fine or penalty shall be imposed for any reason, prior to the holding of
19 the hearing. If the hearing examiner shall make a determination on the
20 charges, sustaining them, he or she shall impose no greater penalty or
21 fine than those upon which the person was originally charged.

22 § 8-c. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
23 law, subdivision 1 as added by chapter 715 of the laws of 1972 and
24 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended
25 to read as follows:

26 1. The hearing examiner shall make a determination on the charges,
27 either sustaining or dismissing them. Where the hearing examiner deter-
28 mines that the charges have been sustained he may examine the prior
29 parking violations record of the person charged, or the record of
30 liabilities incurred in accordance with section eleven hundred eighty-b
31 of this chapter, as applicable, prior to rendering a final determi-
32 nation. Final determinations sustaining or dismissing charges shall be
33 entered on a final determination roll maintained by the bureau together
34 with records showing payment and nonpayment of penalties.

35 2. Where an operator or owner fails to enter a plea to a charge of a
36 parking violation or fails to contest an allegation of liability
37 incurred in accordance with section eleven hundred eighty-b of this
38 chapter or fails to appear on a designated hearing date or subsequent
39 adjourned date or fails after a hearing to comply with the determination
40 of a hearing examiner, as prescribed by this article or by rule or regu-
41 lation of the bureau, such failure to plead, appear or comply shall be
42 deemed, for all purposes, an admission of liability and shall be grounds
43 for rendering and entering a default judgment in an amount provided by
44 the rules and regulations of the bureau. However, after the expiration
45 of the original date prescribed for entering a plea and before a default
46 judgment may be rendered, in such case the bureau shall pursuant to the
47 applicable provisions of law notify such operator or owner, by such form
48 of first class mail as the commission may direct; (1) of the violation
49 charged or liability in accordance with section eleven hundred eighty-b
50 of this chapter alleged, (2) of the impending default judgment, (3) that
51 such judgment will be entered in the Civil Court of the city in which
52 the bureau has been established, or other court of civil jurisdiction or
53 any other place provided for the entry of civil judgments within the
54 state of New York, and (4) that a default may be avoided by entering a
55 plea or contesting an allegation of liability in accordance with section
56 eleven hundred eighty-b of this chapter or making an appearance within

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1 thirty days of the sending of such notice. Pleas entered within that
2 period shall be in the manner prescribed in the notice and not subject
3 to additional penalty or fee. Such notice of impending default judgment
4 shall not be required prior to the rendering and entry thereof in the
5 case of operators or owners who are non-residents of the state of New
6 York. In no case shall a default judgment be rendered or, where
7 required, a notice of impending default judgment be sent, more than two
8 years after the expiration of the time prescribed for entering a plea.
9 When a person has demanded a hearing, no fine or penalty shall be
10 imposed for any reason, prior to the holding of the hearing. If the
11 hearing examiner shall make a determination on the charges, sustaining
12 them, he shall impose no greater penalty or fine than those upon which
13 the person was originally charged.

14 § 9. Subparagraph (i) of paragraph a of subdivision 5-a of section 401
15 of the vehicle and traffic law, as amended by section 1 of part SS of
16 chapter 57 of the laws of 2010, is amended to read as follows:

17 (i) If at the time of application for a registration or renewal there-
18 of there is a certification from a court, parking violations bureau,
19 traffic and parking violations agency or administrative tribunal of
20 appropriate jurisdiction or administrative tribunal of appropriate
21 jurisdiction that the registrant or his or her representative failed to
22 appear on the return date or any subsequent adjourned date or failed to
23 comply with the rules and regulations of an administrative tribunal
24 following entry of a final decision in response to a total of three or
25 more summonses or other process in the aggregate, issued within an eigh-
26 teen month period, charging either that: (i) such motor vehicle was
27 parked, stopped or standing, or that such motor vehicle was operated for
28 hire by the registrant or his or her agent without being licensed as a
29 motor vehicle for hire by the appropriate local authority, in violation
30 of any of the provisions of this chapter or of any law, ordinance, rule
31 or regulation made by a local authority; or (ii) the registrant was
32 liable in accordance with section eleven hundred eleven-a of this chap-
33 ter or section eleven hundred eleven-b of this chapter for a violation
34 of subdivision (d) of section eleven hundred eleven of this chapter; or
35 (iii) the registrant was liable in accordance with section eleven
36 hundred eleven-c of this chapter for a violation of a bus lane
37 restriction as defined in such section, or (iv) the registrant was
38 liable in accordance with section eleven hundred eighty-b of this chap-
39 ter for a violation of subdivision (c) or (d) of section eleven hundred
40 eighty of this chapter, the commissioner or his or her agent shall deny
41 the registration or renewal application until the applicant provides
42 proof from the court, traffic and parking violations agency or adminis-
43 trative tribunal wherein the charges are pending that an appearance or
44 answer has been made or in the case of an administrative tribunal that
45 he or she has complied with the rules and regulations of said tribunal
46 following entry of a final decision. Where an application is denied
47 pursuant to this section, the commissioner may, in his or her
48 discretion, deny a registration or renewal application to any other
49 person for the same vehicle and may deny a registration or renewal
50 application for any other motor vehicle registered in the name of the
51 applicant where the commissioner has determined that such registrant's
52 intent has been to evade the purposes of this subdivision and where the
53 commissioner has reasonable grounds to believe that such registration or
54 renewal will have the effect of defeating the purposes of this subdivi-
55 sion. Such denial shall only remain in effect as long as the summonses
56 remain unanswered, or in the case of an administrative tribunal, the

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1 registrant fails to comply with the rules and regulations following
2 entry of a final decision.

3 § 9-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
4 and traffic law, as amended by section 8-a of part II of chapter 59 of
5 the laws of 2010, is amended to read as follows:

6 a. If at the time of application for a registration or renewal thereof
7 there is a certification from a court or administrative tribunal of
8 appropriate jurisdiction that the registrant or his or her represen-
9 tative failed to appear on the return date or any subsequent adjourned
10 date or failed to comply with the rules and regulations of an adminis-
11 trative tribunal following entry of a final decision in response to a
12 total of three or more summonses or other process in the aggregate,
13 issued within an eighteen month period, charging either that: (i) such
14 motor vehicle was parked, stopped or standing, or that such motor vehi-
15 cle was operated for hire by the registrant or his or her agent without
16 being licensed as a motor vehicle for hire by the appropriate local
17 authority, in violation of any of the provisions of this chapter or of
18 any law, ordinance, rule or regulation made by a local authority; or
19 (ii) the registrant was liable in accordance with section eleven hundred
20 eleven-b of this chapter for a violation of subdivision (d) of section
21 eleven hundred eleven of this chapter; or (iii) the registrant was
22 liable in accordance with section eleven hundred eleven-c of this chap-
23 ter for a violation of a bus lane restriction as defined in such
24 section; or (iv) the registrant was liable in accordance with section
25 eleven hundred eighty-b of this chapter for a violation of subdivision
26 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
27 ter, the commissioner or his or her agent shall deny the registration or
28 renewal application until the applicant provides proof from the court or
29 administrative tribunal wherein the charges are pending that an appear-
30 ance or answer has been made or in the case of an administrative tribu-
31 nal that he or she has complied with the rules and regulations of said
32 tribunal following entry of a final decision. Where an application is
33 denied pursuant to this section, the commissioner may, in his or her
34 discretion, deny a registration or renewal application to any other
35 person for the same vehicle and may deny a registration or renewal
36 application for any other motor vehicle registered in the name of the
37 applicant where the commissioner has determined that such registrant's
38 intent has been to evade the purposes of this subdivision and where the
39 commissioner has reasonable grounds to believe that such registration or
40 renewal will have the effect of defeating the purposes of this subdivi-
41 sion. Such denial shall only remain in effect as long as the summonses
42 remain unanswered, or in the case of an administrative tribunal, the
43 registrant fails to comply with the rules and regulations following
44 entry of a final decision.

45 § 9-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
46 and traffic law, as amended by section 8-b of part II of chapter 59 of
47 the laws of 2010, is amended to read as follows:

48 a. If at the time of application for a registration or renewal thereof
49 there is a certification from a court or administrative tribunal of
50 appropriate jurisdiction that the registrant or his or her represen-
51 tative failed to appear on the return date or any subsequent adjourned
52 date or failed to comply with the rules and regulations of an adminis-
53 trative tribunal following entry of a final decision in response to
54 three or more summonses or other process, issued within an eighteen
55 month period, charging that such motor vehicle was parked, stopped or
56 standing, or that such motor vehicle was operated for hire by the regis-

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1 trant or his or her agent without being licensed as a motor vehicle for
2 hire by the appropriate local authority, in violation of any of the
3 provisions of this chapter or of any law, ordinance, rule or regulation
4 made by a local authority or the registrant was liable in accordance
5 with section eleven hundred eleven-c of this chapter for a violation of
6 a bus lane restriction as defined in such section, or the registrant was
7 liable in accordance with section eleven hundred eighty-b of this chap-
8 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
9 eleven hundred eighty of this chapter, the commissioner or his or her
10 agent shall deny the registration or renewal application until the
11 applicant provides proof from the court or administrative tribunal wher-
12 ein the charges are pending that an appearance or answer has been made
13 or in the case of an administrative tribunal that he or she has complied
14 with the rules and regulations of said tribunal following entry of a
15 final decision. Where an application is denied pursuant to this section,
16 the commissioner may, in his or her discretion, deny a registration or
17 renewal application to any other person for the same vehicle and may
18 deny a registration or renewal application for any other motor vehicle
19 registered in the name of the applicant where the commissioner has
20 determined that such registrant's intent has been to evade the purposes
21 of this subdivision and where the commissioner has reasonable grounds to
22 believe that such registration or renewal will have the effect of
23 defeating the purposes of this subdivision. Such denial shall only
24 remain in effect as long as the summonses remain unanswered, or in the
25 case of an administrative tribunal, the registrant fails to comply with
26 the rules and regulations following entry of a final decision.

27 § 9-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
28 and traffic law, as separately amended by chapters 339 and 592 of the
29 laws of 1987, is amended to read as follows:

30 a. If at the time of application for a registration or renewal thereof
31 there is a certification from a court or administrative tribunal of
32 appropriate jurisdiction that the registrant or his representative
33 failed to appear on the return date or any subsequent adjourned date or
34 failed to comply with the rules and regulations of an administrative
35 tribunal following entry of a final decision in response to three or
36 more summonses or other process, issued within an eighteen month period,
37 charging that such motor vehicle was parked, stopped or standing, or
38 that such motor vehicle was operated for hire by the registrant or his
39 agent without being licensed as a motor vehicle for hire by the appro-
40 priate local authority, in violation of any of the provisions of this
41 chapter or of any law, ordinance, rule or regulation made by a local
42 authority, or the registrant was liable in accordance with section elev-
43 en hundred eighty-b of this chapter for violations of subdivision (b),
44 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
45 the commissioner or his agent shall deny the registration or renewal
46 application until the applicant provides proof from the court or admin-
47 istrative tribunal wherein the charges are pending that an appearance or
48 answer has been made or in the case of an administrative tribunal that
49 he has complied with the rules and regulations of said tribunal follow-
50 ing entry of a final decision. Where an application is denied pursuant
51 to this section, the commissioner may, in his discretion, deny a regis-
52 tration or renewal application to any other person for the same vehicle
53 and may deny a registration or renewal application for any other motor
54 vehicle registered in the name of the applicant where the commissioner
55 has determined that such registrant's intent has been to evade the
56 purposes of this subdivision and where the commissioner has reasonable

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1 grounds to believe that such registration or renewal will have the
2 effect of defeating the purposes of this subdivision. Such denial shall
3 only remain in effect as long as the summonses remain unanswered, or in
4 the case of an administrative tribunal, the registrant fails to comply
5 with the rules and regulations following entry of a final decision.

6 § 10. The vehicle and traffic law is amended by adding a new section
7 1180-b to read as follows:

8 § 1180-b. Owner liability for failure of operator to comply with
9 certain posted maximum speed limits. (a) 1. Notwithstanding any other
10 provision of law, the city of New York is hereby authorized to establish
11 a demonstration program imposing monetary liability on the owner of a
12 vehicle for failure of an operator thereof to comply with posted maximum
13 speed limits in a school speed zone within the city (i) when a school
14 speed limit is in effect as provided in paragraphs one and two of subdi-
15 vision (c) of section eleven hundred eighty of this article or (ii) when
16 other speed limits are in effect as provided in subdivision (b), (d),
17 (f) or (g) of section eleven hundred eighty of this article during the
18 following times: (A) on school days during school hours and one hour
19 before and one hour after the school day, and (B) a period during
20 student activities at the school and up to thirty minutes immediately
21 before and up to thirty minutes immediately after such student activ-
22 ities. Such demonstration program shall empower the city to install
23 photo speed violation monitoring systems within no more than twenty
24 school speed zones within the city at any one time and to operate such
25 systems within such zones (iii) when a school speed limit is in effect
26 as provided in paragraphs one and two of subdivision (c) of section
27 eleven hundred eighty of this article or (iv) when other speed limits
28 are in effect as provided in subdivision (b), (d), (f) or (g) of section
29 eleven hundred eighty of this article during the following times: (A) on
30 school days during school hours and one hour before and one hour after
31 the school day, and (B) a period during student activities at the school
32 and up to thirty minutes immediately before and up to thirty minutes
33 immediately after such student activities. In selecting a school speed
34 zone in which to install and operate a photo speed violation monitoring
35 system, the city shall consider criteria including, but not limited to
36 the speed data, crash history, and the roadway geometry applicable to
37 such school speed zone.

38 2. No photo speed violation monitoring system shall be used in a
39 school speed zone unless (i) on the day it is to be used it has success-
40 fully passed a self-test of its functions; and (ii) it has undergone an
41 annual calibration check performed pursuant to paragraph four of this
42 subdivision. The city may install signs giving notice that a photo speed
43 violation monitoring system is in use to be mounted on advance warning
44 signs notifying motor vehicle operators of such upcoming school speed
45 zone and/or on speed limit signs applicable within such school speed
46 zone, in conformance with standards established in the MUTCD.

47 3. Operators of photo speed violation monitoring systems shall have
48 completed training in the procedures for setting up, testing, and oper-
49 ating such systems. Each such operator shall complete and sign a daily
50 set-up log for each such system that he or she operates that (i) states
51 the date and time when, and the location where, the system was set up
52 that day, and (ii) states that such operator successfully performed, and
53 the system passed, the self-tests of such system before producing a
54 recorded image that day. The city shall retain each such daily log until
55 the later of the date on which the photo speed violation monitoring
56 system to which it applies has been permanently removed from use or the

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1 final resolution of all cases involving notices of liability issued
2 based on photographs, microphotographs, video or other recorded images
3 produced by such system.

4 4. Each photo speed violation monitoring system shall undergo an annu-
5 al calibration check performed by an independent calibration laboratory
6 which shall issue a signed certificate of calibration. The city shall
7 keep each such annual certificate of calibration on file until the final
8 resolution of all cases involving a notice of liability issued during
9 such year which were based on photographs, microphotographs, videotape
10 or other recorded images produced by such photo speed violation monitor-
11 ing system.

12 5. (i) Such demonstration program shall utilize necessary technologies
13 to ensure, to the extent practicable, that photographs, microphoto-
14 graphs, videotape or other recorded images produced by such photo speed
15 violation monitoring systems shall not include images that identify the
16 driver, the passengers, or the contents of the vehicle. Provided, howev-
17 er, that no notice of liability issued pursuant to this section shall be
18 dismissed solely because such a photograph, microphotograph, videotape
19 or other recorded image allows for the identification of the driver, the
20 passengers, or the contents of vehicles where the city shows that it
21 made reasonable efforts to comply with the provisions of this paragraph
22 in such case.

23 (ii) Photographs, microphotographs, videotape or any other recorded
24 image from a photo speed violation monitoring system shall be for the
25 exclusive use of the city for the purpose of the adjudication of liabil-
26 ity imposed pursuant to this section and of the owner receiving a notice
27 of liability pursuant to this section, and shall be destroyed by the
28 city upon the final resolution of the notice of liability to which such
29 photographs, microphotographs, videotape or other recorded images
30 relate, or one year following the date of issuance of such notice of
31 liability, whichever is later. Notwithstanding the provisions of any
32 other law, rule or regulation to the contrary, photographs, microphoto-
33 graphs, videotape or any other recorded image from a photo speed
34 violation monitoring system shall not be open to the public, nor subject
35 to civil or criminal process or discovery, nor used by any court or
36 administrative or adjudicatory body in any action or proceeding therein
37 except that which is necessary for the adjudication of a notice of
38 liability issued pursuant to this section, and no public entity or
39 employee, officer or agent thereof shall disclose such information,
40 except that such photographs, microphotographs, videotape or any other
41 recorded images from such systems:

42 (A) shall be available for inspection and copying and use by the motor
43 vehicle owner and operator for so long as such photographs, microphoto-
44 graphs, videotape or other recorded images are required to be maintained
45 or are maintained by such public entity, employee, officer or agent; and

46 (B) (1) shall be furnished when described in a search warrant issued
47 by a court authorized to issue such a search warrant pursuant to article
48 six hundred ninety of the criminal procedure law or a federal court
49 authorized to issue such a search warrant under federal law, where such
50 search warrant states that there is reasonable cause to believe such
51 information constitutes evidence of, or tends to demonstrate that, a
52 misdemeanor or felony offense was committed in this state or another
53 state, or that a particular person participated in the commission of a
54 misdemeanor or felony offense in this state or another state, provided,
55 however, that if such offense was against the laws of another state, the
56 court shall only issue a warrant if the conduct comprising such offense

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1 would, if occurring in this state, constitute a misdemeanor or felony
2 against the laws of this state; and

3 (2) shall be furnished in response to a subpoena duces tecum signed by
4 a judge of competent jurisdiction and issued pursuant to article six
5 hundred ten of the criminal procedure law or a judge or magistrate of a
6 federal court authorized to issue such a subpoena duces tecum under
7 federal law, where the judge finds and the subpoena states that there is
8 reasonable cause to believe such information is relevant and material to
9 the prosecution, or the defense, or the investigation by an authorized
10 law enforcement official, of the alleged commission of a misdemeanor or
11 felony in this state or another state, provided, however, that if such
12 offense was against the laws of another state, such judge or magistrate
13 shall only issue such subpoena if the conduct comprising such offense
14 would, if occurring in this state, constitute a misdemeanor or felony in
15 this state; and

16 (3) may, if lawfully obtained pursuant to this clause and clause (A)
17 of this subparagraph and otherwise admissible, be used in such criminal
18 action or proceeding.

19 (b) If the city of New York establishes a demonstration program pursu-
20 ant to subdivision (a) of this section, the owner of a vehicle shall be
21 liable for a penalty imposed pursuant to this section if such vehicle
22 was used or operated with the permission of the owner, express or
23 implied, within a school speed zone in violation of subdivision (c) or
24 during the times authorized pursuant to subdivision (a) of this section
25 in violation of subdivision (b), (d), (f) or (g) of section eleven
26 hundred eighty of this article, such vehicle was traveling at a speed of
27 more than ten miles per hour above the posted speed limit in effect
28 within such school speed zone, and such violation is evidenced by infor-
29 mation obtained from a photo speed violation monitoring system; provided
30 however that no owner of a vehicle shall be liable for a penalty imposed
31 pursuant to this section where the operator of such vehicle has been
32 convicted of the underlying violation of subdivision (b), (c), (d), (f)
33 or (g) of section eleven hundred eighty of this article.

34 (c) For purposes of this section, the following terms shall have the
35 following meanings:

36 1. "manual on uniform traffic control devices" or "MUTCD" shall mean
37 the manual and specifications for a uniform system of traffic control
38 devices maintained by the commissioner of transportation pursuant to
39 section sixteen hundred eighty of this chapter;

40 2. "owner" shall have the meaning provided in article two-B of this
41 chapter.

42 3. "photo speed violation monitoring system" shall mean a vehicle
43 sensor installed to work in conjunction with a speed measuring device
44 which automatically produces two or more photographs, two or more micro-
45 photographs, a videotape or other recorded images of each vehicle at the
46 time it is used or operated in a school speed zone in violation of
47 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
48 of this article in accordance with the provisions of this section; and

49 4. "school speed zone" shall mean a distance not to exceed one thou-
50 sand three hundred twenty feet on a highway passing a school building,
51 entrance or exit of a school abutting on the highway.

52 (d) A certificate, sworn to or affirmed by a technician employed by
53 the city of New York, or a facsimile thereof, based upon inspection of
54 photographs, microphotographs, videotape or other recorded images
55 produced by a photo speed violation monitoring system, shall be prima
56 facie evidence of the facts contained therein. Any photographs, micro-

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1 photographs, videotape or other recorded images evidencing such a
2 violation shall include at least two date and time stamped images of the
3 rear of the motor vehicle that include the same stationary object near
4 the motor vehicle and shall be available for inspection reasonably in
5 advance of and at any proceeding to adjudicate the liability for such
6 violation pursuant to this section.

7 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
8 or (g) of section eleven hundred eighty of this article pursuant to a
9 demonstration program established pursuant to this section shall be
10 liable for monetary penalties in accordance with a schedule of fines and
11 penalties to be promulgated by the parking violations bureau of the city
12 of New York. The liability of the owner pursuant to this section shall
13 not exceed fifty dollars for each violation; provided, however, that
14 such parking violations bureau may provide for an additional penalty not
15 in excess of twenty-five dollars for each violation for the failure to
16 respond to a notice of liability within the prescribed time period.

17 (f) An imposition of liability under the demonstration program estab-
18 lished pursuant to this section shall not be deemed a conviction as an
19 operator and shall not be made part of the operating record of the
20 person upon whom such liability is imposed nor shall it be used for
21 insurance purposes in the provision of motor vehicle insurance coverage.

22 (g) 1. A notice of liability shall be sent by first class mail to each
23 person alleged to be liable as an owner for a violation of subdivision
24 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
25 cle pursuant to this section, within fourteen business days if such
26 owner is a resident of this state and within forty-five business days if
27 such owner is a non-resident. Personal delivery on the owner shall not
28 be required. A manual or automatic record of mailing prepared in the
29 ordinary course of business shall be prima facie evidence of the facts
30 contained therein.

31 2. A notice of liability shall contain the name and address of the
32 person alleged to be liable as an owner for a violation of subdivision
33 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
34 cle pursuant to this section, the registration number of the vehicle
35 involved in such violation, the location where such violation took
36 place, the date and time of such violation, the identification number of
37 the camera which recorded the violation or other document locator
38 number, at least two date and time stamped images of the rear of the
39 motor vehicle that include the same stationary object near the motor
40 vehicle, and the certificate charging the liability.

41 3. The notice of liability shall contain information advising the
42 person charged of the manner and the time in which he or she may contest
43 the liability alleged in the notice. Such notice of liability shall
44 also contain a prominent warning to advise the person charged that fail-
45 ure to contest in the manner and time provided shall be deemed an admis-
46 sion of liability and that a default judgment may be entered thereon.

47 4. The notice of liability shall be prepared and mailed by the city of
48 New York, or by any other entity authorized by the city to prepare and
49 mail such notice of liability.

50 (h) Adjudication of the liability imposed upon owners of this section
51 shall be by the New York city parking violations bureau.

52 (i) If an owner receives a notice of liability pursuant to this
53 section for any time period during which the vehicle or the number plate
54 or plates of such vehicle was reported to the police department as
55 having been stolen, it shall be a valid defense to an allegation of
56 liability for a violation of subdivision (b), (c), (d), (f) or (g) of

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1 section eleven hundred eighty of this article pursuant to this section
2 that the vehicle or the number plate or plates of such vehicle had been
3 reported to the police as stolen prior to the time the violation
4 occurred and had not been recovered by such time. For purposes of
5 asserting the defense provided by this subdivision, it shall be suffi-
6 cient that a certified copy of the police report on the stolen vehicle
7 or number plate or plates of such vehicle be sent by first class mail to
8 the New York city parking violations bureau, or by any other entity
9 authorized by the city to prepare and mail such notice of liability.

10 (j) Adjudication of the liability imposed upon owners of this section
11 shall be by the New York city parking violations bureau.

12 (k) 1. An owner who is a lessor of a vehicle to which a notice of
13 liability was issued pursuant to subdivision (g) of this section shall
14 not be liable for the violation of subdivision (b), (c), (d), (f) or (g)
15 of section eleven hundred eighty of this article pursuant to this
16 section, provided that:

17 (i) prior to the violation, the lessor has filed with such parking
18 violations bureau in accordance with the provisions of section two
19 hundred thirty-nine of this chapter; and

20 (ii) within thirty-seven days after receiving notice from such bureau
21 of the date and time of a liability, together with the other information
22 contained in the original notice of liability, the lessor submits to
23 such bureau the correct name and address of the lessee of the vehicle
24 identified in the notice of liability at the time of such violation,
25 together with such other additional information contained in the rental,
26 lease or other contract document, as may be reasonably required by such
27 bureau pursuant to regulations that may be promulgated for such purpose.

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

31 3. Where the lessor complies with the provisions of paragraph (a) of
32 this subdivision, the lessee of such vehicle on the date of such
33 violation shall be deemed to be the owner of such vehicle for purposes
34 of this section, shall be subject to liability for such violation pursu-
35 ant to this section and shall be sent a notice of liability pursuant to
36 subdivision nine of this section.

37 (l) 1. If the owner liable for a violation of subdivision (c) or (d)
38 of section eleven hundred eighty of this article pursuant to this
39 section was not the operator of the vehicle at the time of the
40 violation, the owner may maintain an action for indemnification against
41 the operator.

42 2. Notwithstanding any other provision of this section, no owner of a
43 vehicle shall be subject to a monetary fine imposed pursuant to this
44 section if the operator of such vehicle was operating such vehicle with-
45 out the consent of the owner at the time such operator operated such
46 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
47 eleven hundred eighty of this article. For purposes of this subdivision
48 there shall be a presumption that the operator of such vehicle was oper-
49 ating such vehicle with the consent of the owner at the time of such
50 operator operated such vehicle in violation of subdivision (b), (c),
51 (d), (f) or (g) of section eleven hundred eighty of this article.

52 (m) Nothing in this section shall be construed to limit the liability
53 of an operator of a vehicle for any violation of subdivision (c) or (d)
54 of section eleven hundred eighty of this article.

55 (n) If the city adopts a demonstration program pursuant to subdivision
56 one of this section it shall conduct a study and submit a report on the

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- 1 results of the use of photo devices to the governor, the temporary pres-
2 ident of the senate and the speaker of the assembly. Such report shall
3 include:
- 4 1. the locations where and dates when photo speed violation monitoring
5 systems were used;
 - 6 2. the aggregate number, type and severity of crashes, fatalities,
7 injuries and property damage reported within all school speed zones
8 within the city, to the extent the information is maintained by the
9 department of motor vehicles of this state;
 - 10 3. the aggregate number, type and severity of crashes, fatalities,
11 injuries and property damage reported within school speed zones where
12 photo speed violation monitoring systems were used, to the extent the
13 information is maintained by the department of motor vehicles of this
14 state;
 - 15 4. the number of violations recorded within all school speed zones
16 within the city, in the aggregate on a daily, weekly and monthly basis;
 - 17 5. the number of violations recorded within each school speed zone
18 where a photo speed violation monitoring system is used, in the aggre-
19 gate on a daily, weekly and monthly basis;
 - 20 6. the number of violations recorded within all school speed zones
21 within the city that were:
 - 22 (i) more than ten but not more than twenty miles per hour over the
23 posted speed limit;
 - 24 (ii) more than twenty but not more than thirty miles per hour over the
25 posted speed limit;
 - 26 (iii) more than thirty but not more than forty miles per hour over the
27 posted speed limit; and
 - 28 (iv) more than forty miles per hour over the posted speed limit;
 - 29 7. the number of violations recorded within each school speed zone
30 where a photo speed violation monitoring system is used that were:
 - 31 (i) more than ten but not more than twenty miles per hour over the
32 posted speed limit;
 - 33 (ii) more than twenty but not more than thirty miles per hour over the
34 posted speed limit;
 - 35 (iii) more than thirty but not more than forty miles per hour over the
36 posted speed limit; and
 - 37 (iv) more than forty miles per hour over the posted speed limit;
 - 38 8. the total number of notices of liability issued for violations
39 recorded by such systems;
 - 40 9. the number of fines and total amount of fines paid after the first
41 notice of liability issued for violations recorded by such systems;
 - 42 10. the number of violations adjudicated and the results of such adju-
43 dications including breakdowns of dispositions made for violations
44 recorded by such systems;
 - 45 11. the total amount of revenue realized by the city in connection
46 with the program;
 - 47 12. the expenses incurred by the city in connection with the program;
48 and
 - 49 13. the quality of the adjudication process and its results.
- 50 (o) It shall be a defense to any prosecution for a violation of subdi-
51 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
52 this article pursuant to this section that such photo speed violation
53 monitoring system was malfunctioning at the time of the alleged
54 violation.
- 55 § 11. The opening paragraph and paragraph (c) of subdivision 1 of
56 section 1809 of the vehicle and traffic law, as amended by section 10 of

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1 part II of chapter 59 of the laws of 2010, are amended to read as
2 follows:

3 Whenever proceedings in an administrative tribunal or a court of this
4 state result in a conviction for an offense under this chapter or a
5 traffic infraction under this chapter, or a local law, ordinance, rule
6 or regulation adopted pursuant to this chapter, other than a traffic
7 infraction involving standing, stopping, or parking or violations by
8 pedestrians or bicyclists, or other than an adjudication of liability of
9 an owner for a violation of subdivision (d) of section eleven hundred
10 eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, or other than an adjudication of liability of
12 an owner for a violation of subdivision (d) of section eleven hundred
13 eleven of this chapter in accordance with section eleven hundred
14 eleven-b of this chapter, or other than an adjudication in accordance
15 with section eleven hundred eleven-c of this chapter for a violation of
16 a bus lane restriction as defined in such section, or other than an
17 adjudication of liability of an owner for a violation of subdivision
18 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
19 ter in accordance with section eleven hundred eighty-b of this chapter,
20 there shall be levied a crime victim assistance fee and a mandatory
21 surcharge, in addition to any sentence required or permitted by law, in
22 accordance with the following schedule:

23 (c) Whenever proceedings in an administrative tribunal or a court of
24 this state result in a conviction for an offense under this chapter
25 other than a crime pursuant to section eleven hundred ninety-two of this
26 chapter, or a traffic infraction under this chapter, or a local law,
27 ordinance, rule or regulation adopted pursuant to this chapter, other
28 than a traffic infraction involving standing, stopping, or parking or
29 violations by pedestrians or bicyclists, or other than an adjudication
30 of liability of an owner for a violation of subdivision (d) of section
31 eleven hundred eleven of this chapter in accordance with section eleven
32 hundred eleven-a of this chapter, or other than an adjudication of
33 liability of an owner for a violation of subdivision (d) of section
34 eleven hundred eleven of this chapter in accordance with section eleven
35 hundred eleven-b of this chapter, or other than an infraction pursuant
36 to article nine of this chapter or other than an adjudication of liabil-
37 ity of an owner for a violation of toll collection regulations pursuant
38 to section two thousand nine hundred eighty-five of the public authori-
39 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
40 hundred seventy-four of the laws of nineteen hundred fifty or other than
41 an adjudication in accordance with section eleven hundred eleven-c of
42 this chapter for a violation of a bus lane restriction as defined in
43 such section, or other than an adjudication of liability of an owner for
44 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
45 hundred eighty of this chapter in accordance with section eleven hundred
46 eighty-b of this chapter, there shall be levied a crime victim assist-
47 ance fee in the amount of five dollars and a mandatory surcharge, in
48 addition to any sentence required or permitted by law, in the amount of
49 fifty-five dollars.

50 § 11-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
51 as amended by section 10-a of part II of chapter 59 of the laws of 2010,
52 is amended to read as follows:

53 1. Whenever proceedings in an administrative tribunal or a court of
54 this state result in a conviction for a crime under this chapter or a
55 traffic infraction under this chapter, or a local law, ordinance, rule
56 or regulation adopted pursuant to this chapter, other than a traffic

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1 infraction involving standing, stopping, parking or motor vehicle equip-
2 ment or violations by pedestrians or bicyclists, or other than an adju-
3 dication of liability of an owner for a violation of subdivision (d) of
4 section eleven hundred eleven of this chapter in accordance with section
5 eleven hundred eleven-a of this chapter, or other than an adjudication
6 of liability of an owner for a violation of subdivision (d) of section
7 eleven hundred eleven of this chapter in accordance with section eleven
8 hundred eleven-b of this chapter, or other than an adjudication in
9 accordance with section eleven hundred eleven-c of this chapter for a
10 violation of a bus lane restriction as defined in such section, or other
11 than an adjudication of liability of an owner for a violation of subdivi-
12 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
13 this chapter in accordance with section eleven hundred eighty-b of this
14 chapter, there shall be levied a mandatory surcharge, in addition to any
15 sentence required or permitted by law, in the amount of twenty-five
16 dollars.

17 § 11-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
18 as amended by section 10-b of part II of chapter 59 of the laws of 2010,
19 is amended to read as follows:

20 1. Whenever proceedings in an administrative tribunal or a court of
21 this state result in a conviction for a crime under this chapter or a
22 traffic infraction under this chapter other than a traffic infraction
23 involving standing, stopping, parking or motor vehicle equipment or
24 violations by pedestrians or bicyclists, or other than an adjudication
25 in accordance with section eleven hundred eleven-c of this chapter for a
26 violation of a bus lane restriction as defined in such section, or other
27 than an adjudication of liability of an owner for a violation of subdivi-
28 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
29 this chapter in accordance with section eleven hundred eighty-b of this
30 chapter, there shall be levied a mandatory surcharge, in addition to any
31 sentence required or permitted by law, in the amount of seventeen
32 dollars.

33 § 11-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
34 as separately amended by chapter 16 of the laws of 1983 and chapter 62
35 of the laws of 1989, is amended to read as follows:

36 1. Whenever proceedings in an administrative tribunal or a court of
37 this state result in a conviction for a crime under this chapter or a
38 traffic infraction under this chapter other than a traffic infraction
39 involving standing, stopping, parking or motor vehicle equipment or
40 violations by pedestrians or bicyclists, or other than an adjudication
41 of liability of an owner for a violation of subdivision (b), (c), (d),
42 (f) or (g) of section eleven hundred eighty of this chapter in accord-
43 ance with section eleven hundred eighty-b of this chapter, there shall
44 be levied a mandatory surcharge, in addition to any sentence required or
45 permitted by law, in the amount of seventeen dollars.

46 § 12. Paragraph a of subdivision 1 of section 1809-e of the vehicle
47 and traffic law, as amended by section 11 of part II of chapter 59 of
48 the laws of 2010, is amended to read as follows:

49 a. Notwithstanding any other provision of law, whenever proceedings in
50 a court or an administrative tribunal of this state result in a
51 conviction for an offense under this chapter, except a conviction pursu-
52 ant to section eleven hundred ninety-two of this chapter, or for a traf-
53 fic infraction under this chapter, or a local law, ordinance, rule or
54 regulation adopted pursuant to this chapter, except a traffic infraction
55 involving standing, stopping, or parking or violations by pedestrians or
56 bicyclists, and except an adjudication of liability of an owner for a

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1 violation of subdivision (d) of section eleven hundred eleven of this
2 chapter in accordance with section eleven hundred eleven-a of this chap-
3 ter, and except an adjudication of liability of an owner for a violation
4 of subdivision (d) of section eleven hundred eleven of this chapter in
5 accordance with section eleven hundred eleven-b of this chapter, and
6 except an adjudication in accordance with section eleven hundred
7 eleven-c of this chapter of a violation of a bus lane restriction as
8 defined in such section, and except an adjudication of liability of an
9 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
10 section eleven hundred eighty of this chapter in accordance with section
11 eleven hundred eighty-b of this chapter, and except an adjudication of
12 liability of an owner for a violation of toll collection regulations
13 pursuant to section two thousand nine hundred eighty-five of the public
14 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
15 ter seven hundred seventy-four of the laws of nineteen hundred fifty,
16 there shall be levied in addition to any sentence, penalty or other
17 surcharge required or permitted by law, an additional surcharge of twen-
18 ty dollars.

19 § 12-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
20 and traffic law, as amended by section 3 of part C of chapter 55 of the
21 laws of 2013, is amended to read as follows:

22 a. Notwithstanding any other provision of law, whenever proceedings in
23 a court or an administrative tribunal of this state result in a
24 conviction for an offense under this chapter, except a conviction pursu-
25 ant to section eleven hundred ninety-two of this chapter, or for a traf-
26 fic infraction under this chapter, or a local law, ordinance, rule or
27 regulation adopted pursuant to this chapter, except a traffic infraction
28 involving standing, stopping, or parking or violations by pedestrians or
29 bicyclists, and except an adjudication of liability of an owner for a
30 violation of subdivision (d) of section eleven hundred eleven of this
31 chapter in accordance with section eleven hundred eleven-a of this chap-
32 ter, and except an adjudication of liability of an owner for a violation
33 of subdivision (d) of section eleven hundred eleven of this chapter in
34 accordance with section eleven hundred eleven-b of this chapter, and
35 except an adjudication in accordance with section eleven hundred
36 eleven-c of this chapter of a violation of a bus lane restriction as
37 defined in such section, and expect an adjudication of liability of an
38 owner for a violation of subdivision (b), (c), (d), (f) or (g) of
39 section eleven hundred eighty of this chapter in accordance with section
40 eleven hundred eighty-b of this chapter, and except an adjudication of
41 liability of an owner for a violation of toll collection regulations
42 pursuant to section two thousand nine hundred eighty-five of the public
43 authorities law or sections sixteen-a, sixteen-b and sixteen-c of chap-
44 ter seven hundred seventy-four of the laws of nineteen hundred fifty,
45 there shall be levied in addition to any sentence, penalty or other
46 surcharge required or permitted by law, an additional surcharge of twen-
47 ty-eight dollars.

48 § 12-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle
49 and traffic law, as amended by section 4 of part C of chapter 55 of the
50 laws of 2013, is amended to read as follows:

51 a. Notwithstanding any other provision of law, whenever proceedings in
52 a court or an administrative tribunal of this state result in a
53 conviction for an offense under this chapter, except a conviction pursu-
54 ant to section eleven hundred ninety-two of this chapter, or for a traf-
55 fic infraction under this chapter, or a local law, ordinance, rule or
56 regulation adopted pursuant to this chapter, except a traffic infraction

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1 involving standing, stopping, or parking or violations by pedestrians or
2 bicyclists, and except an adjudication of liability of an owner for a
3 violation of subdivision (d) of section eleven hundred eleven of this
4 chapter in accordance with section eleven hundred eleven-a of this chap-
5 ter, and except an adjudication in accordance with section eleven
6 hundred eleven-c of this chapter of a violation of a bus lane
7 restriction as defined in such section, and except an adjudication of
8 liability of an owner for a violation of subdivision (b), (c), (d), (f)
9 or (g) of section eleven hundred eighty of this chapter in accordance
10 with section eleven hundred eighty-b of this chapter, and except an
11 adjudication of liability of an owner for a violation of toll collection
12 regulations pursuant to section two thousand nine hundred eighty-five of
13 the public authorities law or sections sixteen-a, sixteen-b and
14 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
15 hundred fifty, there shall be levied in addition to any sentence, penal-
16 ty or other surcharge required or permitted by law, an additional
17 surcharge of twenty-eight dollars.

18 § 12-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle
19 and traffic law, as added by section 5 of part C of chapter 55 of the
20 laws of 2013, is amended to read as follows:

21 a. Notwithstanding any other provision of law, whenever proceedings in
22 a court or an administrative tribunal of this state result in a
23 conviction for an offense under this chapter, except a conviction pursu-
24 ant to section eleven hundred ninety-two of this chapter, or for a traf-
25 fic infraction under this chapter, or a local law, ordinance, rule or
26 regulation adopted pursuant to this chapter, except a traffic infraction
27 involving standing, stopping, or parking or violations by pedestrians or
28 bicyclists, and except an adjudication of liability of an owner for a
29 violation of subdivision (d) of section eleven hundred eleven of this
30 chapter in accordance with section eleven hundred eleven-a of this chap-
31 ter, and except an adjudication of liability of an owner for a violation
32 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
33 eighty of this chapter in accordance with section eleven hundred eight-
34 y-b of this chapter, and except an adjudication of liability of an owner
35 for a violation of toll collection regulations pursuant to section two
36 thousand nine hundred eighty-five of the public authorities law or
37 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
38 seventy-four of the laws of nineteen hundred fifty, there shall be
39 levied in addition to any sentence, penalty or other surcharge required
40 or permitted by law, an additional surcharge of twenty-eight dollars.

41 § 13. Subdivision 2 of section 87 of the public officers law is
42 amended by adding a new paragraph (m) to read as follows:

43 (m) are photographs, microphotographs, videotape or other recorded
44 images prepared under the authority of section eleven hundred eighty-b
45 of the vehicle and traffic law.

46 § 14. The purchase or lease of equipment for a demonstration program
47 pursuant to section 1180-b of the vehicle and traffic law shall be
48 subject to the provisions of section 103 of the general municipal law.

49 § 15. This act shall take effect on the thirtieth day after it shall
50 have become a law and shall expire 5 years after such effective date
51 when upon such date the provisions of this act shall be deemed repealed;
52 and provided further that any rules necessary for the implementation of
53 this act on its effective date shall be promulgated on or before such
54 effective date, provided that:

55 (a) the amendments to subdivision 1 of section 235 of the vehicle and
56 traffic law made by section one of this act shall not affect the expira-

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1 tion of such subdivision and shall be deemed to expire therewith, when
2 upon such date the provisions of section one-a of this act shall take
3 effect;

4 (b) the amendments to section 235 of the vehicle and traffic law made
5 by section one-a of this act shall not affect the expiration of such
6 section and shall be deemed to expire therewith, when upon such date the
7 provisions of section one-b of this act shall take effect;

8 (c) the amendments to section 235 of the vehicle and traffic law made
9 by section one-b of this act shall not affect the expiration of such
10 section and shall be deemed to expire therewith, when upon such date the
11 provisions of section one-c of this act shall take effect;

12 (d) the amendments to section 235 of the vehicle and traffic law made
13 by section one-c of this act shall not affect the expiration of such
14 section and shall be deemed to expire therewith, when upon such date the
15 provisions of section one-d of this act shall take effect;

16 (e) the amendments to subdivision 1 of section 236 of the vehicle and
17 traffic law made by section two of this act shall not affect the expira-
18 tion of such subdivision and shall be deemed to expire therewith, when
19 upon such date the provisions of section two-a of this act shall take
20 effect;

21 (f) the amendments to subdivision 1 of section 236 of the vehicle and
22 traffic law made by section two-a of this act shall not affect the expi-
23 ration of such subdivision and shall be deemed to expire therewith, when
24 upon such date the provisions of section two-b of this act shall take
25 effect;

26 (g) the amendments to subdivision 1 of section 236 of the vehicle and
27 traffic law made by section two-b of this act shall not affect the expi-
28 ration of such subdivision and shall be deemed to expire therewith, when
29 upon such date the provisions of section two-c of this act shall take
30 effect;

31 (h) the amendments to subdivision 12 of section 237 of the vehicle and
32 traffic law made by section three of this act shall not affect the
33 repeal of such subdivision and shall be deemed to be repealed therewith,
34 when upon such date the provisions of section three-a of this act shall
35 take effect;

36 (h-1) the amendments to subdivision 11 of section 237 of the vehicle
37 and traffic law made by section three-a of this act shall not affect the
38 expiration and reversion of such subdivision and shall be deemed
39 repealed therewith;

40 (i) the amendments to paragraph f of subdivision 1 of section 239 of
41 the vehicle and traffic law made by section four of this act shall not
42 affect the expiration of such paragraph and shall be deemed to expire
43 therewith, when upon such date the provisions of section four-a of this
44 act shall take effect;

45 (j) the amendments to paragraph f of subdivision 1 of section 239 of
46 the vehicle and traffic law made by section four-a of this act shall not
47 affect the expiration of such paragraph and shall be deemed to expire
48 therewith, when upon such date the provisions of section four-b of this
49 act shall take effect;

50 (k) the amendments to paragraph f of subdivision 1 of section 239 of
51 the vehicle and traffic law made by section four-b of this act shall not
52 affect the expiration of such paragraph and shall be deemed to expire
53 therewith, when upon such date the provisions of section four-c of this
54 act shall take effect;

55 (l) the amendments to subdivision 4 of section 239 of the vehicle and
56 traffic law made by section five of this act shall not affect the repeal

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1 of such subdivision and shall be deemed to be repealed therewith, when
2 upon such date the provisions of section five-a of this act shall take
3 effect;

4 (m) the amendments to subdivisions 1 and 1-a of section 240 of the
5 vehicle and traffic law made by section six of this act shall not affect
6 the expiration of such subdivisions and shall be deemed to expire there-
7 with, when upon such date the provisions of section six-a of this act
8 shall take effect;

9 (n) the amendments to subdivisions 1 and 1-a of section 240 of the
10 vehicle and traffic law made by section six-a of this act shall not
11 affect the expiration of such subdivisions and shall be deemed to expire
12 therewith, when upon such date the provisions of section six-b of this
13 act shall take effect;

14 (o) the amendments to subdivisions 1 and 1-a of section 240 of the
15 vehicle and traffic law made by section six-b of this act shall not
16 affect the expiration of such subdivisions and shall be deemed to expire
17 therewith, when upon such date the provisions of section six-c of this
18 act shall take effect;

19 (p) the amendments to paragraphs a and g of subdivision 2 of section
20 240 of the vehicle and traffic law made by section seven of this act
21 shall not affect the expiration of such paragraphs and shall be deemed
22 to expire therewith, when upon such date the provisions of section
23 seven-a of this act shall take effect;

24 (q) the amendments to paragraphs a and g of subdivision 2 of section
25 240 of the vehicle and traffic law made by section seven-a of this act
26 shall not affect the expiration of such paragraphs and shall be deemed
27 to expire therewith, when upon such date the provisions of section
28 seven-b of this act shall take effect;

29 (r) the amendments to paragraphs a and g of subdivision 2 of section
30 240 of the vehicle and traffic law made by section seven-b of this act
31 shall not affect the expiration of such paragraphs and shall be deemed
32 to expire therewith, when upon such date the provisions of section
33 seven-c of this act shall take effect;

34 (s) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
35 cle and traffic law made by section eight of this act shall not affect
36 the expiration of such subdivisions and shall be deemed to expire there-
37 with, when upon such date the provisions of section eight-a of this act
38 shall take effect;

39 (t) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
40 cle and traffic law made by section eight-a of this act shall not affect
41 the expiration of such subdivisions and shall be deemed to expire there-
42 with, when upon such date the provisions of section eight-b of this act
43 shall take effect;

44 (u) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
45 cle and traffic law made by section eight-b of this act shall not affect
46 the expiration of such subdivisions and shall be deemed to expire there-
47 with, when upon such date the provisions of section eight-c of this act
48 shall take effect;

49 (v) the amendments to subparagraph (i) of paragraph a of subdivision
50 5-a of section 401 of the vehicle and traffic law made by section nine
51 of this act shall not affect the expiration of such paragraph and shall
52 be deemed to expire therewith, when upon such date the provisions of
53 section nine-a of this act shall take effect;

54 (w) the amendments to paragraph a of subdivision 5-a of section 401 of
55 the vehicle and traffic law made by section nine-a of this act shall not
56 affect the expiration of such paragraph and shall be deemed to expire

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1 therewith, when upon such date the provisions of section nine-b of this
2 act shall take effect;

3 (x) the amendments to paragraph a of subdivision 5-a of section 401 of
4 the vehicle and traffic law made by section nine-b of this act shall not
5 affect the expiration of such paragraph and shall be deemed to expire
6 therewith, when upon such date the provisions of section nine-c of this
7 act shall take effect;

8 (y) the amendments to subdivision 1 of section 1809 of the vehicle and
9 traffic law made by section eleven of this act shall not affect the
10 expiration of such subdivision and shall be deemed to expire therewith,
11 when upon such date the provisions of section eleven-a of this act shall
12 take effect;

13 (z) the amendments to subdivision 1 of section 1809 of the vehicle and
14 traffic law made by section eleven-a of this act shall not affect the
15 expiration of such subdivision and shall be deemed to expire therewith,
16 when upon such date the provisions of section eleven-b of this act shall
17 take effect;

18 (aa) the amendments to subdivision 1 of section 1809 of the vehicle
19 and traffic law made by section eleven-b of this act shall not affect
20 the expiration of such subdivision and shall be deemed to expire there-
21 with, when upon such date the provisions of section eleven-c of this act
22 shall take effect;

23 (bb) the amendments to paragraph a of subdivision 1 of section 1809-e
24 of the vehicle and traffic law made by section twelve of this act shall
25 not affect the expiration of such paragraph and shall be deemed to
26 expire therewith, when upon such date the provisions of section twelve-a
27 of this act shall take effect; and

28 (cc) the amendments to paragraph a of subdivision 1 of section 1809-e
29 of the vehicle and traffic law made by section twelve-a of this act
30 shall not affect the expiration of such paragraph and shall be deemed to
31 expire therewith, when upon such date the provisions of section twelve-b
32 of this act shall take effect; and

33 (dd) the amendments to paragraph a of subdivision 1 of section 1809-e
34 of the vehicle and traffic law made by section twelve-b of this act
35 shall not affect the expiration of such paragraph and shall be deemed to
36 expire therewith, when upon such date the provisions of section twelve-c
37 of this act shall take effect.

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A4327A

SPONSOR: Glick (MS)

TITLE OF BILL: An act to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof

SUMMARY OF SPECIFIC PROVISIONS:

The subject bill amends the Vehicle and Traffic Law and the Public Officers Law to authorize the City of New York to establish a demonstration program imposing liability on the owners of motor vehicles found to be in violation of the maximum school speed limit in the City through the use of a speed limit photo device which combines speed sensing technology which determines the speed of a vehicle and captures/records that data by photographic, micro-graphic, video tape or oilier recording system and produces an image of a motor vehicle at the moment that it exceeds the speed limit. The City will be authorized to operate from twenty to forty speed cameras at any one time during any year of the program. Such speed limit photo devices may he stationary of mobile and shall he activated at locations selected by such city.

JUSTIFICATION:

Speeding motorists are a pervasive problem in some areas of the City of New York. The New York City Police Department issues more than 113,000 summonses each year for speeding violations. These violations are often a significant factor in accidents which result in death or injury to motorists and pedestrians. Children and the elderly are often the victims. Under the present provisions of law, a police officer must be present at the scene of a speeding violation to observe the violation and serve the operator of the vehicle with a summons. There are of course net, 2 sufficient number of police officers to observe every speeding violation. In fact, a motorist can rely on the odds that a speeding violation will not be detected.

The purpose of this legislation is to develop a system which will supplement the police effort by using recent technology to record speeding violations on film or other recording devices. The program will operate in the same manner as the Red Light Camera Program which has successfully reduced the incidence of red light violations in the City, ultimately preventing accidents and saving lives.

Technology presently exists which will photographically capture vehicles which exceed the maximum speed limit without the presence of a police officer. This technology combines speed sensing technology that determines the speed of a vehicle and capturesirecords that data by photo-

graphic, micro-graphic, video tape or other recording system and produces an image of a motor vehicle at the moment that it exceeds the speed limit. This image can then be used as evidence in a proceeding to impose liability on the owner of the vehicle for the speeding violation. This technology is presently in use in Utah, California, Arizona, and British Columbia, Canada. The equipment consists of mobile units which can be moved from neighborhood to neighborhood as the need arises.

The enactment of this legislation which is modeled after the enabling legislation which authorized the Red Light Camera Program, will enable the City to continue to explore the use of new technology as a means of improving the quality of life in the City.

PRIOR LEGISLATIVE HISTORY:

2011-'12: A7737 -Referred to Transportations 2009-'10: A.7744 -referred to Transportation 2007-'03: A.7142-referred to Transportation: 2005-'06: A.5747-a - referred to Transportation; 2003-'04: A.-111 I-a-referred to Transportation: 2001-'02: A.*1355 - referred to Transportation.

FISCAL IMPLICATIONS:

To be determined

EFFECTIVE DATE:

This act shall take effect on the thirtieth day after it shall have become a law and shall expire 5 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided further that any rules necessary for the implementation of this act on its effective date shall be promulgated on or before such date.
