

# STATE OF NEW YORK

6918

## IN SENATE

March 31, 2014

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, the public officers law and the general municipal law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, and in relation to photo speed violation monitoring systems in school speed zones in the city of New York; 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. Subparagraph (i) of paragraph a of subdivision 5-a of  
2 section 401 of the vehicle and traffic law, as amended by section 9 of  
3 chapter 189 of the laws of 2013, is amended to read as follows:  
4 (i) If at the time of application for a registration or renewal there-  
5 of there is a certification from a court, parking violations bureau,  
6 traffic and parking violations agency or administrative tribunal of  
7 appropriate jurisdiction [or administrative tribunal of appropriate  
8 jurisdiction] that the registrant or his or her representative failed to  
9 appear on the return date or any subsequent adjourned date or failed to  
10 comply with the rules and regulations of an administrative tribunal  
11 following entry of a final decision in response to a total of three or  
12 more summonses or other process in the aggregate, issued within an eight-  
13 teen month period, charging either that: (i) such motor vehicle was  
14 parked, stopped or standing, or that such motor vehicle was operated for  
15 hire by the registrant or his or her agent without being licensed as a  
16 motor vehicle for hire by the appropriate local authority, in violation  
17 of any of the provisions of this chapter or of any law, ordinance, rule  
18 or regulation made by a local authority; or (ii) the registrant was  
19 liable in accordance with section eleven hundred eleven-a of this chap-  
20 ter or section eleven hundred eleven-b of this chapter for a violation  
21 of subdivision (d) of section eleven hundred eleven of this chapter; or  
22 (iii) the registrant was liable in accordance with section eleven  
23 hundred eleven-c of this chapter for a violation of a bus lane

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

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1 restriction as defined in such section, or (iv) the registrant was  
2 liable in accordance with section eleven hundred eighty-b of this chap-  
3 ter for a violation of subdivision (c) or (d) of section eleven hundred  
4 eighty of this chapter, or (v) the registrant was liable in accordance  
5 with section eleven hundred eighty-c of this chapter for a violation of  
6 subdivision (c) or (d) of section eleven hundred eighty of this chapter,  
7 the commissioner or his or her agent shall deny the registration or  
8 renewal application until the applicant provides proof from the court,  
9 traffic and parking violations agency or administrative tribunal wherein  
10 the charges are pending that an appearance or answer has been made or in  
11 the case of an administrative tribunal that he or she has complied with  
12 the rules and regulations of said tribunal following entry of a final  
13 decision. Where an application is denied pursuant to this section, the  
14 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 § 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle  
26 and traffic law, as amended by section 9-a of chapter 189 of the laws of  
27 2013, 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 or her represen-  
31 tative failed to appear on the return date or any subsequent adjourned  
32 date or failed to comply with the rules and regulations of an adminis-  
33 trative tribunal following entry of a final decision in response to a  
34 total of three or more summonses or other process in the aggregate,  
35 issued within an eighteen month period, charging either that: (i) such  
36 motor vehicle was parked, stopped or standing, or that such motor vehi-  
37 cle was operated for hire by the registrant or his or her agent without  
38 being licensed as a motor vehicle for hire by the appropriate local  
39 authority, in violation of any of the provisions of this chapter or of  
40 any law, ordinance, rule or regulation made by a local authority; or  
41 (ii) the registrant was liable in accordance with section eleven hundred  
42 eleven-b of this chapter for a violation of subdivision (d) of section  
43 eleven hundred eleven of this chapter; or (iii) the registrant was  
44 liable in accordance with section eleven hundred eleven-c of this chap-  
45 ter for a violation of a bus lane restriction as defined in such  
46 section; or (iv) the registrant was liable in accordance with section  
47 eleven hundred eighty-b of this chapter for a violation of subdivision  
48 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
49 ter; or (v) the registrant was liable in accordance with section eleven  
50 hundred eighty-c of this chapter for a violation of subdivision (b),  
51 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,  
52 the commissioner or his or her agent shall deny the registration or  
53 renewal application until the applicant provides proof from the court or  
54 administrative tribunal wherein the charges are pending that an appear-  
55 ance or answer has been made or in the case of an administrative tribu-  
56 nal that he or she has complied with the rules and regulations of said

1 tribunal following entry of a final decision. Where an application is  
2 denied pursuant to this section, the commissioner may, in his or her  
3 discretion, deny a registration or renewal application to any other  
4 person for the same vehicle and may deny a registration or renewal  
5 application for any other motor vehicle registered in the name of the  
6 applicant where the commissioner has determined that such registrant's  
7 intent has been to evade the purposes of this subdivision and where the  
8 commissioner has reasonable grounds to believe that such registration or  
9 renewal will have the effect of defeating the purposes of this subdivi-  
10 sion. Such denial shall only remain in effect as long as the summonses  
11 remain unanswered, or in the case of an administrative tribunal, the  
12 registrant fails to comply with the rules and regulations following  
13 entry of a final decision.

14 § 1-b. Paragraph a of subdivision 5-a of section 401 of the vehicle  
15 and traffic law, as amended by section 9-b of chapter 189 of the laws of  
16 2013, is amended to read as follows:

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

1 § 1-c. Paragraph a of subdivision 5-a of section 401 of the vehicle  
2 and traffic law, as amended by section 9-c of chapter 189 of the laws of  
3 2013, 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 representative  
7 failed to appear on the return date or any subsequent adjourned date or  
8 failed to comply with the rules and regulations of an administrative  
9 tribunal following entry of a final decision in response to three or  
10 more summonses or other process, issued within an eighteen month period,  
11 charging that such motor vehicle was parked, stopped or standing, or  
12 that such motor vehicle was operated for hire by the registrant or his  
13 agent without being licensed as a motor vehicle for hire by the appro-  
14 priate local authority, in violation of any of the provisions of this  
15 chapter or of any law, ordinance, rule or regulation made by a local  
16 authority, or the registrant was liable in accordance with section elev-  
17 en hundred eighty-b of this chapter for violations of subdivision (b),  
18 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,  
19 or the registrant was liable in accordance with section eleven hundred  
20 eighty-c of this chapter for violations of subdivision (b), (c), (d),  
21 (f) or (g) of section eleven hundred eighty of this chapter, the commis-  
22 sioner or his agent shall deny the registration or renewal application  
23 until the applicant provides proof from the court or administrative  
24 tribunal wherein the charges are pending that an appearance or answer  
25 has been made or in the case of an administrative tribunal that he has  
26 complied with the rules and regulations of said tribunal following entry  
27 of a final decision. Where an application is denied pursuant to this  
28 section, the commissioner may, in his discretion, deny a registration or  
29 renewal application to any other person for the same vehicle and may  
30 deny a registration or renewal application for any other motor vehicle  
31 registered in the name of the applicant where the commissioner has  
32 determined that such registrant's intent has been to evade the purposes  
33 of this subdivision and where the commissioner has reasonable grounds to  
34 believe that such registration or renewal will have the effect of  
35 defeating the purposes of this subdivision. Such denial shall only  
36 remain in effect as long as the summonses remain unanswered, or in the  
37 case of an administrative tribunal, the registrant fails to comply with  
38 the rules and regulations following entry of a final decision.

39 § 1-d. Paragraph a of subdivision 5-a of section 401 of the vehicle  
40 and traffic law, as separately amended by chapters 339 and 592 of the  
41 laws of 1987, is amended to read as follows:

42 a. If at the time of application for a registration or renewal thereof  
43 there is a certification from a court or administrative tribunal of  
44 appropriate jurisdiction that the registrant or his representative  
45 failed to appear on the return date or any subsequent adjourned date or  
46 failed to comply with the rules and regulations of an administrative  
47 tribunal following entry of a final decision in response to three or  
48 more summonses or other process, issued within an eighteen month period,  
49 charging that such motor vehicle was parked, stopped or standing, or  
50 that such motor vehicle was operated for hire by the registrant or his  
51 agent without being licensed as a motor vehicle for hire by the appro-  
52 priate local authority, in violation of any of the provisions of this  
53 chapter or of any law, ordinance, rule or regulation made by a local  
54 authority, or the registrant was liable in accordance with section elev-  
55 en hundred eighty-c of this chapter for violations of subdivision (b),  
56 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,

1 the commissioner or his agent shall deny the registration or renewal  
2 application until the applicant provides proof from the court or admin-  
3 istrative tribunal wherein the charges are pending that an appearance or  
4 answer has been made or in the case of an administrative tribunal that  
5 he has complied with the rules and regulations of said tribunal follow-  
6 ing entry of a final decision. Where an application is denied pursuant  
7 to this section, the commissioner may, in his discretion, deny a regis-  
8 tration or renewal application to any other person for the same vehicle  
9 and may deny a registration or renewal application for any other motor  
10 vehicle registered in the name of the applicant where the commissioner  
11 has determined that such registrant's intent has been to evade the  
12 purposes of this subdivision and where the commissioner has reasonable  
13 grounds to believe that such registration or renewal will have the  
14 effect of defeating the purposes of this subdivision. Such denial shall  
15 only remain in effect as long as the summonses remain unanswered, or in  
16 the case of an administrative tribunal, the registrant fails to comply  
17 with the rules and regulations following entry of a final decision.

18 § 2. The vehicle and traffic law is amended by adding a new section  
19 1180-c to read as follows:

20 § 1180-c. Owner liability for failure of operator to comply with  
21 certain posted maximum speed limits. (a) 1. Notwithstanding any other  
22 provision of law, the counties of Nassau and Suffolk are hereby author-  
23 ized to establish a demonstration program imposing monetary liability on  
24 the owner of a vehicle for failure of an operator thereof to comply with  
25 posted maximum speed limits in a school speed zone within the counties  
26 (i) when a school speed limit is in effect as provided in paragraphs one  
27 and two of subdivision (c) of section eleven hundred eighty of this  
28 article or (ii) when other speed limits are in effect as provided in  
29 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of  
30 this article during the following times: (A) on school days during  
31 school hours and one hour before and one hour after the school day, and  
32 (B) a period during student activities at the school and up to thirty  
33 minutes immediately before and up to thirty minutes immediately after  
34 such student activities. Such demonstration program shall empower the  
35 counties to install photo speed violation monitoring systems within no  
36 more than one school speed zone per school district within each county  
37 at any one time and to operate such systems within such zones (iii) when  
38 a school speed limit is in effect as provided in paragraphs one and two  
39 of subdivision (c) of section eleven hundred eighty of this article or  
40 (iv) when other speed limits are in effect as provided in subdivision  
41 (b), (d), (f) or (g) of section eleven hundred eighty of this article  
42 during the following times: (A) on school days during school hours and  
43 one hour before and one hour after the school day, and (B) a period  
44 during student activities at the school and up to thirty minutes imme-  
45 diately before and up to thirty minutes immediately after such student  
46 activities. In selecting a school speed zone in which to install and  
47 operate a photo speed violation monitoring system, the counties shall  
48 consider criteria including, but not limited to the speed data, crash  
49 history, and the roadway geometry applicable to such school speed zone.

50 2. No photo speed violation monitoring system shall be used in a  
51 school speed zone unless (i) on the day it is to be used it has success-  
52 fully passed a self-test of its functions; and (ii) it has undergone an  
53 annual calibration check performed pursuant to paragraph four of this  
54 subdivision. The counties may install signs giving notice that a photo  
55 speed violation monitoring system is in use to be mounted on advance  
56 warning signs notifying motor vehicle operators of such upcoming school



1 speed zone and/or on speed limit signs applicable within such school  
2 speed zone, in conformance with standards established in the MUTCD.

3 3. Operators of photo speed violation monitoring systems shall have  
4 completed training in the procedures for setting up, testing, and oper-  
5 ating such systems. Each such operator shall complete and sign a daily  
6 set-up log for each such system that he or she operates that (i) states  
7 the date and time when, and the location where, the system was set up  
8 that day, and (ii) states that such operator successfully performed, and  
9 the system passed, the self-tests of such system before producing a  
10 recorded image that day. The counties shall retain each such daily log  
11 until the later of the date on which the photo speed violation monitor-  
12 ing system to which it applies has been permanently removed from use or  
13 the final resolution of all cases involving notices of liability issued  
14 based on photographs, microphotographs, video or other recorded images  
15 produced by such system.

16 4. Each photo speed violation monitoring system shall undergo an annu-  
17 al calibration check performed by an independent calibration laboratory  
18 which shall issue a signed certificate of calibration. The counties  
19 shall keep each such annual certificate of calibration on file until the  
20 final resolution of all cases involving a notice of liability issued  
21 during such year which were based on photographs, microphotographs,  
22 videotape or other recorded images produced by such photo speed  
23 violation monitoring system.

24 5. (i) Such demonstration program shall utilize necessary technologies  
25 to ensure, to the extent practicable, that photographs, microphoto-  
26 graphs, videotape or other recorded images produced by such photo speed  
27 violation monitoring systems shall not include images that identify the  
28 driver, the passengers, or the contents of the vehicle. Provided, howev-  
29 er, that no notice of liability issued pursuant to this section shall be  
30 dismissed solely because such a photograph, microphotograph, videotape  
31 or other recorded image allows for the identification of the driver, the  
32 passengers, or the contents of vehicles where either county, as applica-  
33 ble, shows that it made reasonable efforts to comply with the provisions  
34 of this paragraph in such case.

35 (ii) Photographs, microphotographs, videotape or any other recorded  
36 image from a photo speed violation monitoring system shall be for the  
37 exclusive use of each such county for the purpose of the adjudication of  
38 liability imposed pursuant to this section and of the owner receiving a  
39 notice of liability pursuant to this section, and shall be destroyed by  
40 each such county upon the final resolution of the notice of liability to  
41 which such photographs, microphotographs, videotape or other recorded  
42 images relate, or one year following the date of issuance of such notice  
43 of liability, whichever is later. Notwithstanding the provisions of any  
44 other law, rule or regulation to the contrary, photographs, microphoto-  
45 graphs, videotape or any other recorded image from a photo speed  
46 violation monitoring system shall not be open to the public, nor subject  
47 to civil or criminal process or discovery, nor used by any court or  
48 administrative or adjudicatory body in any action or proceeding therein  
49 except that which is necessary for the adjudication of a notice of  
50 liability issued pursuant to this section, and no public entity or  
51 employee, officer or agent thereof shall disclose such information,  
52 except that such photographs, microphotographs, videotape or any other  
53 recorded images from such systems:

54 (A) shall be available for inspection and copying and use by the motor  
55 vehicle owner and operator for so long as such photographs, microphoto-

1 graphs, videotape or other recorded images are required to be maintained  
2 or are maintained by such public entity, employee, officer or agent; and  
3 (B) (1) shall be furnished when described in a search warrant issued  
4 by a court authorized to issue such a search warrant pursuant to article  
5 six hundred ninety of the criminal procedure law or a federal court  
6 authorized to issue such a search warrant under federal law, where such  
7 search warrant states that there is reasonable cause to believe such  
8 information constitutes evidence of, or tends to demonstrate that, a  
9 misdemeanor or felony offense was committed in this state or another  
10 state, or that a particular person participated in the commission of a  
11 misdemeanor or felony offense in this state or another state, provided,  
12 however, that if such offense was against the laws of another state, the  
13 court shall only issue a warrant if the conduct comprising such offense  
14 would, if occurring in this state, constitute a misdemeanor or felony  
15 against the laws of this state; and

16 (2) shall be furnished in response to a subpoena duces tecum signed by  
17 a judge of competent jurisdiction and issued pursuant to article six  
18 hundred ten of the criminal procedure law or a judge or magistrate of a  
19 federal court authorized to issue such a subpoena duces tecum under  
20 federal law, where the judge finds and the subpoena states that there is  
21 reasonable cause to believe such information is relevant and material to  
22 the prosecution, or the defense, or the investigation by an authorized  
23 law enforcement official, of the alleged commission of a misdemeanor or  
24 felony in this state or another state, provided, however, that if such  
25 offense was against the laws of another state, such judge or magistrate  
26 shall only issue such subpoena if the conduct comprising such offense  
27 would, if occurring in this state, constitute a misdemeanor or felony in  
28 this state; and

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

32 (b) If the counties of Nassau and Suffolk establish a demonstration  
33 program pursuant to subdivision (a) of this section, the owner of a  
34 vehicle shall be liable for a penalty imposed pursuant to this section  
35 if such vehicle was used or operated with the permission of the owner,  
36 express or implied, within a school speed zone in violation of subdivi-  
37 sion (c) of section eleven hundred eighty of this article or during the  
38 times authorized pursuant to subdivision (a) of this section in  
39 violation of subdivision (b), (d), (f) or (g) of section eleven hundred  
40 eighty of this article, such vehicle was traveling at a speed of more  
41 than ten miles per hour above the posted speed limit in effect within  
42 such school speed zone, and such violation is evidenced by information  
43 obtained from a photo speed violation monitoring system; provided howev-  
44 er that no owner of a vehicle shall be liable for a penalty imposed  
45 pursuant to this section where the operator of such vehicle has been  
46 convicted of the underlying violation of subdivision (b), (c), (d), (f)  
47 or (g) of section eleven hundred eighty of this article.

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

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

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

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

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

11 (d) A certificate, sworn to or affirmed by a technician employed by  
12 the counties of Nassau or Suffolk as applicable, or a facsimile thereof,  
13 based upon inspection of photographs, microphotographs, videotape or  
14 other recorded images produced by a photo speed violation monitoring  
15 system, shall be prima facie evidence of the facts contained therein.  
16 Any photographs, microphotographs, videotape or other recorded images  
17 evidencing such a violation shall include at least two date and time  
18 stamped images of the rear of the motor vehicle that include the same  
19 stationary object near the motor vehicle and shall be available for  
20 inspection reasonably in advance of and at any proceeding to adjudicate  
21 the liability for such violation pursuant to this section.

22 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)  
23 or (g) of section eleven hundred eighty of this article pursuant to a  
24 demonstration program established pursuant to this section shall be  
25 liable for monetary penalties in accordance with a schedule of fines and  
26 penalties to be promulgated by the traffic and parking violations agen-  
27 cies of the counties of Nassau and Suffolk. The liability of the owner  
28 pursuant to this section shall not exceed fifty dollars for each  
29 violation; provided, however, that each such traffic and parking  
30 violations agency may provide for an additional penalty not in excess of  
31 twenty-five dollars for each violation for the failure to respond to a  
32 notice of liability within the prescribed time period.

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

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

47 2. A notice of liability shall contain the name and address of the  
48 person alleged to be liable as an owner for a violation of subdivision  
49 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-  
50 cle pursuant to this section, the registration number of the vehicle  
51 involved in such violation, the location where such violation took  
52 place, the date and time of such violation, the identification number of  
53 the camera which recorded the violation or other document locator  
54 number, at least two date and time stamped images of the rear of the  
55 motor vehicle that include the same stationary object near the motor  
56 vehicle, and the certificate charging the liability.



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

7 4. The notice of liability shall be prepared and mailed by the county  
8 of Nassau or Suffolk, as applicable, or by any other entity authorized  
9 by such counties to prepare and mail such notice of liability.

10 (h) Adjudication of the liability imposed upon owners of this section  
11 shall be by the court having jurisdiction over traffic infractions.

12 (i) If an owner receives a notice of liability pursuant to this  
13 section for any time period during which the vehicle or the number plate  
14 or plates of such vehicle was reported to the police department as  
15 having been stolen, it shall be a valid defense to an allegation of  
16 liability for a violation of subdivision (b), (c), (d), (f) or (g) of  
17 section eleven hundred eighty of this article pursuant to this section  
18 that the vehicle or the number plate or plates of such vehicle had been  
19 reported to the police as stolen prior to the time the violation  
20 occurred and had not been recovered by such time. For purposes of  
21 asserting the defense provided by this subdivision, it shall be suffi-  
22 cient that a certified copy of the police report on the stolen vehicle  
23 or number plate or plates of such vehicle be sent by first class mail to  
24 the court having jurisdiction in such counties.

25 (j) An owner who is a lessor of a vehicle to which a notice of liabil-  
26 ity was issued pursuant to subdivision (g) of this section shall not be  
27 liable for the violation of subdivision (b), (c), (d), (f) or (g) of  
28 section eleven hundred eighty of this article, provided that he or she  
29 sends to the court having jurisdiction a copy of the rental, lease or  
30 other such contract document covering such vehicle on the date of the  
31 violation, with the name and address of the lessee clearly legible,  
32 within thirty-seven days after receiving notice from the court of the  
33 date and time of such violation, together with the other information  
34 contained in the original notice of liability. Failure to send such  
35 information within such thirty-seven day time period shall render the  
36 owner liable for the penalty prescribed by this section. Where the  
37 lessor complies with the provisions of this paragraph, the lessee of  
38 such vehicle on the date of such violation shall be deemed to be the  
39 owner of such vehicle for purposes of this section, shall be subject to  
40 liability for the violation of subdivision (b), (c), (d), (f) or (g) of  
41 section eleven hundred eighty of this article pursuant to this section  
42 and shall be sent a notice of liability pursuant to subdivision (g) of  
43 this section.

44 (k) 1. If the owner liable for a violation of subdivision (c) or (d)  
45 of section eleven hundred eighty of this article pursuant to this  
46 section was not the operator of the vehicle at the time of the  
47 violation, the owner may maintain an action for indemnification against  
48 the operator.

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



1 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)  
2 or (g) of section eleven hundred eighty of this article.

3 (1) Nothing in this section shall be construed to limit the liability  
4 of an operator of a vehicle for any violation of subdivision (c) or (d)  
5 of section eleven hundred eighty of this article.

6 (m) Notwithstanding any law to the contrary, the net proceeds of any  
7 penalty after expenses of administration, resulting from a photo speed  
8 violation monitoring system used in the course of this program located  
9 on a village maintained street or highway within the county of Nassau  
10 shall inure to said village.

11 (n) If either county adopts a demonstration program pursuant to this  
12 section it shall conduct a study and submit a report on the results of  
13 the use of photo devices to the governor, the temporary president of the  
14 senate and the speaker of the assembly. Such report shall include:

15 1. the locations where and dates when photo speed violation monitoring  
16 systems were used;

17 2. the aggregate number, type and severity of crashes, fatalities,  
18 injuries and property damage reported within all school speed zones  
19 within such county, to the extent the information is maintained by the  
20 department of motor vehicles of this state;

21 3. the aggregate number, type and severity of crashes, fatalities,  
22 injuries and property damage reported within school speed zones where  
23 photo speed violation monitoring systems were used, to the extent the  
24 information is maintained by the department of motor vehicles of this  
25 state;

26 4. the number of violations recorded within all school speed zones  
27 within such county, in the aggregate on a daily, weekly and monthly  
28 basis;

29 5. the number of violations recorded within each school speed zone  
30 where a photo speed violation monitoring system is used, in the aggre-  
31 gate on a daily, weekly and monthly basis;

32 6. the number of violations recorded within all school speed zones  
33 within such county that were:

34 (i) more than ten but not more than twenty miles per hour over the  
35 posted speed limit;

36 (ii) more than twenty but not more than thirty miles per hour over the  
37 posted speed limit;

38 (iii) more than thirty but not more than forty miles per hour over the  
39 posted speed limit; and

40 (iv) more than forty miles per hour over the posted speed limit;

41 7. the number of violations recorded within each school speed zone  
42 where a photo speed violation monitoring system is used that were:

43 (i) more than ten but not more than twenty miles per hour over the  
44 posted speed limit;

45 (ii) more than twenty but not more than thirty miles per hour over the  
46 posted speed limit;

47 (iii) more than thirty but not more than forty miles per hour over the  
48 posted speed limit; and

49 (iv) more than forty miles per hour over the posted speed limit;

50 8. the total number of notices of liability issued for violations  
51 recorded by such systems;

52 9. the number of fines and total amount of fines paid after the first  
53 notice of liability issued for violations recorded by such systems;

54 10. the number of violations adjudicated and the results of such adju-  
55 dications including breakdowns of dispositions made for violations  
56 recorded by such systems;

1 11. the total amount of revenue realized by such county in connection  
2 with the program;

3 12. the expenses incurred by such county in connection with the  
4 program; and

5 13. the quality of the adjudication process and its results.

6 (o) It shall be a defense to any prosecution for a violation of subdi-  
7 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of  
8 this article pursuant to this section that such photo speed violation  
9 monitoring system was malfunctioning at the time of the alleged  
10 violation.

11 § 3. The opening paragraph and paragraph (c) of subdivision 1 of  
12 section 1809 of the vehicle and traffic law, as amended by section 11 of  
13 chapter 189 of the laws of 2013, are amended to read as follows:

14 Whenever proceedings in an administrative tribunal or a court of this  
15 state result in a conviction for an offense under this chapter or a  
16 traffic infraction under this chapter, or a local law, ordinance, rule  
17 or regulation adopted pursuant to this chapter, other than a traffic  
18 infraction involving standing, stopping, or parking or violations by  
19 pedestrians or bicyclists, or other than an adjudication of liability of  
20 an owner for a violation of subdivision (d) of section eleven hundred  
21 eleven of this chapter in accordance with section eleven hundred  
22 eleven-a of this chapter, or other than an adjudication of liability of  
23 an owner for a violation of subdivision (d) of section eleven hundred  
24 eleven of this chapter in accordance with section eleven hundred  
25 eleven-b of this chapter, or other than an adjudication in accordance  
26 with section eleven hundred eleven-c of this chapter for a violation of  
27 a bus lane restriction as defined in such section, or other than an  
28 adjudication of liability of an owner for a violation of subdivision  
29 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
30 ter in accordance with section eleven hundred eighty-b of this chapter,  
31 or other than an adjudication of liability of an owner for a violation  
32 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eight-  
33 y-c of this chapter, there shall be levied a crime victim assistance fee  
34 and a mandatory surcharge, in addition to any sentence required or  
35 permitted by law, in accordance with the following schedule:

37 (c) Whenever proceedings in an administrative tribunal or a court of  
38 this state result in a conviction for an offense under this chapter  
39 other than a crime pursuant to section eleven hundred ninety-two of this  
40 chapter, or a traffic infraction under this chapter, or a local law,  
41 ordinance, rule or regulation adopted pursuant to this chapter, other  
42 than a traffic infraction involving standing, stopping, or parking or  
43 violations by pedestrians or bicyclists, or other than an adjudication  
44 of liability of an owner for a violation of subdivision (d) of section  
45 eleven hundred eleven of this chapter in accordance with section eleven  
46 hundred eleven-a of this chapter, or other than an adjudication of  
47 liability of an owner for a violation of subdivision (d) of section  
48 eleven hundred eleven of this chapter in accordance with section eleven  
49 hundred eleven-b of this chapter, or other than an infraction pursuant  
50 to article nine of this chapter or other than an adjudication of liabil-  
51 ity of an owner for a violation of toll collection regulations pursuant  
52 to section two thousand nine hundred eighty-five of the public authori-  
53 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
54 hundred seventy-four of the laws of nineteen hundred fifty or other than  
55 an adjudication in accordance with section eleven hundred eleven-c of  
56 this chapter for a violation of a bus lane restriction as defined in

1 such section, or other than an adjudication of liability of an owner for  
2 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven  
3 hundred eighty of this chapter in accordance with section eleven hundred  
4 eighty-b of this chapter, or other than an adjudication of liability of  
5 an owner for a violation of subdivision (b), (c), (d), (f) or (g) of  
6 section eleven hundred eighty of this chapter in accordance with section  
7 eleven hundred eighty-c of this chapter, there shall be levied a crime  
8 victim assistance fee in the amount of five dollars and a mandatory  
9 surcharge, in addition to any sentence required or permitted by law, in  
10 the amount of fifty-five dollars.

11 § 3-a. Subdivision 1 of section 1809 of the vehicle and traffic law,  
12 as amended by section 11-a of chapter 189 of the laws of 2013, is  
13 amended to read as follows:

14 1. Whenever proceedings in an administrative tribunal or a court of  
15 this state result in a conviction for a crime under this chapter or a  
16 traffic infraction under this chapter, or a local law, ordinance, rule  
17 or regulation adopted pursuant to this chapter, other than a traffic  
18 infraction involving standing, stopping, parking or motor vehicle equip-  
19 ment or violations by pedestrians or bicyclists, or other than an adju-  
20 dication of liability of an owner for a violation of subdivision (d) of  
21 section eleven hundred eleven of this chapter in accordance with section  
22 eleven hundred eleven-a of this chapter, or other than an adjudication  
23 of liability of an owner for a violation of subdivision (d) of section  
24 eleven hundred eleven of this chapter in accordance with section eleven  
25 hundred eleven-b of this chapter, or other than an adjudication in  
26 accordance with section eleven hundred eleven-c of this chapter for a  
27 violation of a bus lane restriction as defined in such section, or other  
28 than an adjudication of liability of an owner for a violation of subdi-  
29 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of  
30 this chapter in accordance with section eleven hundred eighty-b of this  
31 chapter, or other than an adjudication of liability of an owner for a  
32 violation 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-c of this chapter, there shall be levied a mandatory surcharge,  
35 in addition to any sentence required or permitted by law, in the amount  
36 of twenty-five dollars.

37 § 3-b. Subdivision 1 of section 1809 of the vehicle and traffic law,  
38 as amended by section 11-b of chapter 189 of the laws of 2013, is  
39 amended to read as follows:

40 1. Whenever proceedings in an administrative tribunal or a court of  
41 this state result in a conviction for a crime under this chapter or a  
42 traffic infraction under this chapter other than a traffic infraction  
43 involving standing, stopping, parking or motor vehicle equipment or  
44 violations by pedestrians or bicyclists, or other than an adjudication  
45 in accordance with section eleven hundred eleven-c of this chapter for a  
46 violation of a bus lane restriction as defined in such section, or other  
47 than an adjudication of liability of an owner for a violation of subdi-  
48 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of  
49 this chapter in accordance with section eleven hundred eighty-b of this  
50 chapter, or other than an adjudication of liability of an owner for a  
51 violation of subdivision (b), (c), (d), (f) or (g) of section eleven  
52 hundred eighty of this chapter in accordance with section eleven hundred  
53 eighty-c of this chapter, there shall be levied a mandatory surcharge,  
54 in addition to any sentence required or permitted by law, in the amount  
55 of seventeen dollars.

1 § 3-c. Subdivision 1 of section 1809 of the vehicle and traffic law,  
2 as amended by section 11-c of chapter 189 of the laws of 2013, is  
3 amended to read as follows:

4 1. Whenever proceedings in an administrative tribunal or a court of  
5 this state result in a conviction for a crime under this chapter or a  
6 traffic infraction under this chapter other than a traffic infraction  
7 involving standing, stopping, parking or motor vehicle equipment or  
8 violations by pedestrians or bicyclists, or other than an adjudication  
9 of liability of an owner for a violation of subdivision (b), (c), (d),  
10 (f) or (g) of section eleven hundred eighty of this chapter in accord-  
11 ance with section eleven hundred eighty-b of this chapter, or other than  
12 an adjudication of liability of an owner for a violation of subdivision  
13 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
14 ter in accordance with section eleven hundred eighty-c of this chapter,  
15 there shall be levied a mandatory surcharge, in addition to any sentence  
16 required or permitted by law, in the amount of seventeen dollars.

17 § 3-d. Subdivision 1 of section 1809 of the vehicle and traffic law,  
18 as separately amended by chapter 16 of the laws of 1983 and chapter 62  
19 of the laws of 1989, 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 of liability of an owner for a violation of subdivision (b), (c), (d),  
26 (f) or (g) of section eleven hundred eighty of this chapter in accord-  
27 ance with section eleven hundred eighty-c of this chapter, there shall  
28 be levied a mandatory surcharge, in addition to any sentence required or  
29 permitted by law, in the amount of seventeen dollars.

30 § 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and  
31 traffic law, as amended by section 12-a of chapter 189 of the laws of  
32 2013, is amended to read as follows:

33 a. Notwithstanding any other provision of law, whenever proceedings in  
34 a court or an administrative tribunal of this state result in a  
35 conviction for an offense under this chapter, except a conviction pursu-  
36 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
37 fic infraction under this chapter, or a local law, ordinance, rule or  
38 regulation adopted pursuant to this chapter, except a traffic infraction  
39 involving standing, stopping, or parking or violations by pedestrians or  
40 bicyclists, and except an adjudication of liability of an owner for a  
41 violation of subdivision (d) of section eleven hundred eleven of this  
42 chapter in accordance with section eleven hundred eleven-a of this chap-  
43 ter, and except an adjudication of liability of an owner for a violation  
44 of subdivision (d) of section eleven hundred eleven of this chapter in  
45 accordance with section eleven hundred eleven-b of this chapter, and  
46 except an adjudication in accordance with section eleven hundred  
47 eleven-c of this chapter of a violation of a bus lane restriction as  
48 defined in such section, and [expect] except an adjudication of liabil-  
49 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)  
50 of section eleven hundred eighty of this chapter in accordance with  
51 section eleven hundred eighty-b of this chapter, and except an adjudi-  
52 cation of liability of an owner for a violation of subdivision (b), (c),  
53 (d), (f) or (g) of section eleven hundred eighty of this chapter in  
54 accordance with section eleven hundred eighty-c of this chapter, and  
55 except an adjudication of liability of an owner for a violation of toll  
56 collection regulations pursuant to section two thousand nine hundred

1 eighty-five of the public authorities law or sections sixteen-a,  
2 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
3 laws of nineteen hundred fifty, there shall be levied in addition to any  
4 sentence, penalty or other surcharge required or permitted by law, an  
5 additional surcharge of twenty-eight dollars.

6 § 4-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
7 and traffic law, as amended by section 12-b of chapter 189 of the laws  
8 of 2013, is amended to read as follows:

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

35 § 4-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
36 and traffic law, as amended by section 12-c of chapter 189 of the laws  
37 of 2013, is amended to read as follows:

38 a. Notwithstanding any other provision of law, whenever proceedings in  
39 a court or an administrative tribunal of this state result in a  
40 conviction for an offense under this chapter, except a conviction pursu-  
41 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
42 fic infraction under this chapter, or a local law, ordinance, rule or  
43 regulation adopted pursuant to this chapter, except a traffic infraction  
44 involving standing, stopping, or parking or violations by pedestrians or  
45 bicyclists, and except an adjudication of liability of an owner for a  
46 violation of subdivision (d) of section eleven hundred eleven of this  
47 chapter in accordance with section eleven hundred eleven-a of this chap-  
48 ter, and except an adjudication of liability of an owner for a violation  
49 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred  
50 eighty of this chapter in accordance with section eleven hundred eight-  
51 y-b of this chapter, and except an adjudication of liability of an owner  
52 for a violation of subdivision (b), (c), (d), (f) or (g) of section  
53 eleven hundred eighty of this chapter in accordance with section eleven  
54 hundred eighty-c of this chapter, and except an adjudication of liabil-  
55 ity of an owner for a violation of toll collection regulations pursuant  
56 to section two thousand nine hundred eighty-five of the public authori-

1 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
2 hundred seventy-four of the laws of nineteen hundred fifty, there shall  
3 be levied in addition to any sentence, penalty or other surcharge  
4 required or permitted by law, an additional surcharge of twenty-eight  
5 dollars.

6 § 4-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
7 and traffic law, as added by section 5 of part C of chapter 55 of the  
8 laws of 2013, is amended to read as follows:

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

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

31 (n) are photographs, microphotographs, videotape or other recorded  
32 images prepared under the authority of section eleven hundred eighty-c  
33 of the vehicle and traffic law.

34 § 6. Subdivision 2 of section 371 of the general municipal law, as  
35 amended by section 21 of part G of chapter 58 of the laws of 2012, is  
36 amended to read as follows:

37 2. The Nassau county traffic and parking violations agency, as estab-  
38 lished, may be authorized to assist the Nassau county district court in  
39 the disposition and administration of infractions of traffic and parking  
40 laws, ordinances, rules and regulations and the liability of owners for  
41 violations of subdivision (d) of section eleven hundred eleven of the  
42 vehicle and traffic law in accordance with section eleven hundred  
43 eleven-b of such law[,] and the liability of owners for violations of  
44 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty  
45 of the vehicle and traffic law in accordance with section eleven hundred  
46 eighty-c of such law, except that such agency shall not have jurisdic-  
47 tion over (a) the traffic infraction defined under subdivision one of  
48 section eleven hundred ninety-two of the vehicle and traffic law; (b)  
49 the traffic infraction defined under subdivision five of section eleven  
50 hundred ninety-two of the vehicle and traffic law; (c) the violation  
51 defined under paragraph (b) of subdivision four of section fourteen-f of  
52 the transportation law and the violation defined under clause (b) of  
53 subparagraph (iii) of paragraph c of subdivision two of section one  
54 hundred forty of the transportation law; (d) the traffic infraction  
55 defined under section three hundred ninety-seven-a of the vehicle and  
56 traffic law and the traffic infraction defined under subdivision (g) of

1 section eleven hundred eighty of the vehicle and traffic law; (e) any  
2 misdemeanor or felony; or (f) any offense that is part of the same crim-  
3 inal transaction, as that term is defined in subdivision two of section  
4 40.10 of the criminal procedure law, as a violation of subdivision one  
5 of section eleven hundred ninety-two of the vehicle and traffic law, a  
6 violation of subdivision five of section eleven hundred ninety-two of  
7 the vehicle and traffic law, a violation of paragraph (b) of subdivision  
8 four of section fourteen-f of the transportation law, a violation of  
9 clause (b) of subparagraph (iii) of paragraph d of subdivision two of  
10 section one hundred forty of the transportation law, a violation of  
11 section three hundred ninety-seven-a of the vehicle and traffic law, a  
12 violation of subdivision (g) of section eleven hundred eighty of the  
13 vehicle and traffic law or any misdemeanor or felony.

14 § 7. Subdivision 2 of section 371 of the general municipal law, as  
15 amended by chapter 388 of the laws of 2012, is amended to read as  
16 follows:

17 2. The Nassau county traffic and parking violations agency, as estab-  
18 lished, may be authorized to assist the Nassau county district court,  
19 and the Suffolk county traffic and parking violations agency, as estab-  
20 lished, may be authorized to assist the Suffolk county district court,  
21 in the disposition and administration of infractions of traffic and  
22 parking laws, ordinances, rules and regulations and the liability of  
23 owners for violations of subdivision (d) of section eleven hundred elev-  
24 en of the vehicle and traffic law in accordance with section eleven  
25 hundred eleven-b of such law[,] and the liability of owners for  
26 violations of subdivision (b), (c), (d), (f) or (g) of section eleven  
27 hundred eighty of the vehicle and traffic law in accordance with section  
28 eleven hundred eighty-c of such law, except that such agencies shall not  
29 have jurisdiction over (a) the traffic infraction defined under subdivi-  
30 sion one of section eleven hundred ninety-two of the vehicle and traffic  
31 law; (b) the traffic infraction defined under subdivision five of  
32 section eleven hundred ninety-two of the vehicle and traffic law; (c)  
33 the violation defined under paragraph (b) of subdivision four of section  
34 fourteen-f of the transportation law and the violation defined under  
35 clause (b) of subparagraph (iii) of paragraph c of subdivision two of  
36 section one hundred forty of the transportation law; (d) the traffic  
37 infraction defined under section three hundred ninety-seven-a of the  
38 vehicle and traffic law and the traffic infraction defined under subdivi-  
39 sion (g) of section eleven hundred eighty of the vehicle and traffic  
40 law; (e) any misdemeanor or felony; or (f) any offense that is part of  
41 the same criminal transaction, as that term is defined in subdivision  
42 two of section 40.10 of the criminal procedure law, as a violation of  
43 subdivision one of section eleven hundred ninety-two of the vehicle and  
44 traffic law, a violation of subdivision five of section eleven hundred  
45 ninety-two of the vehicle and traffic law, a violation of paragraph (b)  
46 of subdivision four of section fourteen-f of the transportation law, a  
47 violation of clause (b) of subparagraph (iii) of paragraph c of subdivi-  
48 sion two of section one hundred forty of the transportation law, a  
49 violation of section three hundred ninety-seven-a of the vehicle and  
50 traffic law, a violation of subdivision (g) of section eleven hundred  
51 eighty of the vehicle and traffic law or any misdemeanor or felony.

52 § 8. Subdivision 3 of section 371 of the general municipal law, as  
53 amended by chapter 496 of the laws of 1990, is amended to read as  
54 follows:

55 3. A person charged with an infraction which shall be disposed of by  
56 either a traffic violations bureau or the Nassau county traffic and



1 parking violations agency, may be permitted to answer, within a speci-  
2 fied time, at the traffic violations bureau, and in Nassau county at the  
3 traffic and parking violations agency, either in person or by written  
4 power of attorney in such form as may be prescribed in the ordinance or  
5 local law creating the bureau or agency, by paying a prescribed fine  
6 and, in writing, waiving a hearing in court, pleading guilty to the  
7 charge or admitting liability as an owner for the violation of subdivi-  
8 sion (d) of section eleven hundred eleven of the vehicle and traffic  
9 law, or admitting liability as an owner for the violation of subdivision  
10 (b), (c), (d), (f) or (g) of section eleven hundred eighty of the vehi-  
11 cle and traffic law, as the case may be, and authorizing the person in  
12 charge of the bureau or agency to enter such a plea or admission and  
13 accept payment of said fine. Acceptance of the prescribed fine and power  
14 of attorney by the bureau or agency shall be deemed complete satisfac-  
15 tion for the violation or of the liability, and the violator or owner  
16 liable for a violation of subdivision (d) of section eleven hundred  
17 eleven of the vehicle and traffic law or owner liable for a violation of  
18 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty  
19 of the vehicle and traffic law shall be given a receipt which so states.  
20 If a person charged with a traffic violation does not answer as  
21 hereinbefore prescribed, within a designated time, the bureau or agency  
22 may cause a complaint to be entered against him forthwith and a warrant  
23 to be issued for his arrest and appearance before the court, such  
24 summons to be predicated upon the personal service of said summons upon  
25 the person charged with the infraction. Any person who shall have been,  
26 within the preceding twelve months, guilty of a number of parking  
27 violations in excess of such maximum number as may be designated by the  
28 court, or of three or more violations other than parking violations,  
29 shall not be permitted to appear and answer to a subsequent violation at  
30 the traffic violations bureau or agency, but must appear in court at a  
31 time specified by the bureau or agency. Such bureau or agency shall not  
32 be authorized to deprive a person of his right to counsel or to prevent  
33 him from exercising his right to appear in court to answer to, explain,  
34 or defend any charge of a violation of any traffic law, ordinance, rule  
35 or regulation.

36 § 9. Subdivision 3 of section 371 of the general municipal law, as  
37 amended by chapter 388 of the laws of 2012, is amended to read as  
38 follows:

39 3. A person charged with an infraction which shall be disposed of by  
40 either a traffic violations bureau, the Nassau county traffic and park-  
41 ing violations agency, or the Suffolk county traffic and parking  
42 violations agency may be permitted to answer, within a specified time,  
43 at the traffic violations bureau, in Nassau county at the traffic and  
44 parking violations agency and in Suffolk county at the traffic and park-  
45 ing violations agency, either in person or by written power of attorney  
46 in such form as may be prescribed in the ordinance or local law creating  
47 the bureau or agency, by paying a prescribed fine and, in writing, waiv-  
48 ing a hearing in court, pleading guilty to the charge or admitting  
49 liability as an owner for the violation of subdivision (d) of section  
50 eleven hundred eleven of the vehicle and traffic law, or admitting  
51 liability as an owner for the violation of subdivision (b), (c), (d),  
52 (f) or (g) of section eleven hundred eighty of the vehicle and traffic  
53 law, as the case may be, and authorizing the person in charge of the  
54 bureau or agency to enter such a plea or admission and accept payment of  
55 said fine. Acceptance of the prescribed fine and power of attorney by  
56 the bureau or agency shall be deemed complete satisfaction for the

1 violation or of the liability, and the violator or owner liable for a  
2 violation of subdivision (d) of section eleven hundred eleven of the  
3 vehicle and traffic law or owner liable for a violation of subdivision  
4 (b), (c), (d), (f) or (g) of section eleven hundred eighty of the vehi-  
5 cle and traffic law shall be given a receipt which so states. If a  
6 person charged with a traffic violation does not answer as hereinbefore  
7 prescribed, within a designated time, the bureau or agency may cause a  
8 complaint to be entered against him forthwith and a warrant to be issued  
9 for his arrest and appearance before the court, such summons to be pred-  
10 icated upon the personal service of said summons upon the person charged  
11 with the infraction. Any person who shall have been, within the preced-  
12 ing twelve months, guilty of a number of parking violations in excess of  
13 such maximum number as may be designated by the court, or of three or  
14 more violations other than parking violations, shall not be permitted to  
15 appear and answer to a subsequent violation at the traffic violations  
16 bureau or agency, but must appear in court at a time specified by the  
17 bureau or agency. Such bureau or agency shall not be authorized to  
18 deprive a person of his right to counsel or to prevent him from exercis-  
19 ing his right to appear in court to answer to, explain, or defend any  
20 charge of a violation of any traffic law, ordinance, rule or regulation.

21 § 10. The purchase or lease of equipment for a demonstration program  
22 pursuant to section 1180-c of the vehicle and traffic law shall be  
23 subject to the provisions of section 103 of the general municipal law.

24 § 11. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle  
25 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
26 to read as follows:

27 1. Notwithstanding any other provision of law, the city of New York is  
28 hereby authorized to establish a demonstration program imposing monetary  
29 liability on the owner of a vehicle for failure of an operator thereof  
30 to comply with posted maximum speed limits in a school speed zone within  
31 the city (i) when a school speed limit is in effect as provided in para-  
32 graphs one and two of subdivision (c) of section eleven hundred eighty  
33 of this article or (ii) when other speed limits are in effect as  
34 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
35 eighty of this article during the following times: (A) on school days  
36 during school hours and one hour before and one hour after the school  
37 day, and (B) a period during student activities at the school and up to  
38 thirty minutes immediately before and up to thirty minutes immediately  
39 after such student activities. Such demonstration program shall empower  
40 the city to install photo speed violation monitoring systems within no  
41 more than [twenty] one hundred forty school speed zones within the city  
42 at any one time and to operate such systems within such zones (iii) when  
43 a school speed limit is in effect as provided in paragraphs one and two  
44 of subdivision (c) of section eleven hundred eighty of this article or  
45 (iv) when other speed limits are in effect as provided in subdivision  
46 (b), (d), (f) or (g) of section eleven hundred eighty of this article  
47 during the following times: (A) on school days during school hours and  
48 one hour before and one hour after the school day, and (B) a period  
49 during student activities at the school and up to thirty minutes imme-  
50 diately before and up to thirty minutes immediately after such student  
51 activities. In selecting a school speed zone in which to install and  
52 operate a photo speed violation monitoring system, the city shall  
53 consider criteria including, but not limited to the speed data, crash  
54 history, and the roadway geometry applicable to such school speed zone.

55 § 12. This act shall take effect on the thirtieth day after it shall  
56 have become a law and shall expire 4 years after such effective date

1 when upon such date the provisions of this act shall be deemed repealed;  
2 and provided further that any rules necessary for the implementation of  
3 ~~this act on its effective date shall be promulgated on or before such~~  
4 effective date, provided that:

5 (a) the amendments to subparagraph (i) of paragraph a of subdivision  
6 5-a of section 401 of the vehicle and traffic law made by section one of  
7 this act shall not affect the expiration of such paragraph and shall be  
8 deemed to expire therewith, when upon such date the provisions of  
9 section one-a of this act shall take effect;

10 (b) the amendments to paragraph a of subdivision 5-a of section 401 of  
11 the vehicle and traffic law made by section one-a of this act shall not  
12 affect the expiration of such paragraph and shall be deemed to expire  
13 therewith, when upon such date the provisions of section one-b of this  
14 act shall take effect;

15 (c) the amendments to paragraph a of subdivision 5-a of section 401 of  
16 the vehicle and traffic law made by section one-b of this act shall not  
17 affect the expiration of such paragraph and shall be deemed to expire  
18 therewith, when upon such date the provisions of section one-c of this  
19 act shall take effect;

20 (d) the amendments to paragraph a of subdivision 5-a of section 401 of  
21 the vehicle and traffic law made by section one-c of this act shall not  
22 affect the expiration of such paragraph and shall be deemed to expire  
23 therewith, when upon such date the provisions of section one-d of this  
24 act shall take effect;

25 (e) the amendments to subdivision 1 of section 1809 of the vehicle and  
26 traffic law made by section three of this act shall not affect the expi-  
27 ration of such subdivision and shall be deemed to expire therewith, when  
28 upon such date the provisions of section three-a of this act shall take  
29 effect;

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

35 (g) the amendments to subdivision 1 of section 1809 of the vehicle and  
36 traffic law made by section three-b of this act shall not affect the  
37 expiration of such subdivision and shall be deemed to expire therewith,  
38 when upon such date the provisions of section three-c of this act shall  
39 take effect;

40 (h) the amendments to subdivision 1 of section 1809 of the vehicle and  
41 traffic law made by section three-c of this act shall not affect the  
42 expiration of such subdivision and shall be deemed to expire therewith,  
43 when upon such date the provisions of section three-d of this act shall  
44 take effect;

45 (i) the amendments to paragraph a of subdivision 1 of section 1809-e  
46 of the vehicle and traffic law made by section four of this act shall  
47 not affect the expiration of such paragraph and shall be deemed to  
48 expire therewith, when upon such date the provisions of section four-a  
49 of this act shall take effect;

50 (j) the amendments to paragraph a of subdivision 1 of section 1809-e  
51 of the vehicle and traffic law made by section four-a of this act shall  
52 not affect the expiration of such paragraph and shall be deemed to  
53 expire therewith, when upon such date the provisions of section four-b  
54 of this act shall take effect;

55 (k) the amendments to paragraph a of subdivision 1 of section 1809-e  
56 of the vehicle and traffic law made by section four-b of this act shall

1 not affect the expiration of such paragraph and shall be deemed to  
2 expire therewith, when upon such date the provisions of section four-c  
3 of this act shall take effect;

4 (l) the amendments to subdivision 2 of section 371 of the general  
5 municipal law made by section seven of this act shall take effect only  
6 in the event that the county of Suffolk shall have by local law estab-  
7 lished a traffic and parking violations agency;

8 (m) the amendments to subdivision 3 of section 371 of the general  
9 municipal law made by section nine of this act shall take effect only in  
10 the event that the county of Suffolk shall have by local law established  
11 a traffic and parking violations agency;

12 (n) the amendments to section 371 of the general municipal law made by  
13 sections six, seven, eight and nine of this act shall not affect the  
14 expiration of such section and shall be deemed to expire therewith; and

15 (o) the amendments to subdivision (a) of section 1180-b of the vehicle  
16 and traffic law made by section eleven of this act shall not affect the  
17 repeal of such section and shall be deemed repealed therewith.



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

BILL NUMBER: S6918

SPONSOR: KLEIN

TITLE OF BILL: An act to amend the vehicle and traffic law, the public officers law and the general municipal law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, and in relation to photo speed violation monitoring systems in school speed zones in the city of New York; and providing for the repeal of such provisions upon expiration thereof

PURPOSE OR GENERAL IDEA OF BILL:

To reduce incidents of speeding in school zones in order to better protect schoolchildren.

SUMMARY OF SPECIFIC PROVISIONS:

The bill would authorize the counties of Nassau and Suffolk to each establish a four-year pilot program to impose monetary liability on vehicle owners for the failure of vehicle operators to comply with maximum posted speed limits in school speed zones during school days and school activities. These counties would be authorized to use photo speed violation monitoring systems within one school speed zone per school district in the counties.

Additionally, the bill would expand the number of school speed zones in which the City of New York would be authorized to use speed cameras in its demonstration program by an additional 120, for a total of 140.

JUSTIFICATION:

The safety of schoolchildren around our schools is of paramount importance. In an effort to assess the effectiveness and impact in New York of automated enforcement systems on deterring drivers from speeding on streets where schools are located and thereby increase the safety of schoolchildren, the Legislature last year authorized the City of New York to implement a pilot program for the use of photo speed enforcement in up to twenty school zones. This bill would expand the size of this pilot program by expanding the number of school speed zones eligible for automated speed enforcement to a total of 140. The bill also would authorize the counties of Nassau and Suffolk to implement pilot programs for the use of photo speed violation monitoring systems in one school speed zone per school district in each county (69 in Suffolk County and 56 in Nassau County). While there have been a variety of studies over the years on automated enforcement, the National Highway Traffic Safety Administration has found that only a few studies were "well-controlled." By authorizing a greater number of cameras in New York City as well as pilot programs in Nassau and Suffolk Counties, this bill is intended to

provide New York-specific information on speed camera performance and to reduce incidents of speeding at locations targeted to protect some of our most vulnerable residents, our schoolchildren.

PRIOR LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None to the State.

EFFECTIVE DATE:

30th day after enactment, to expire and be deemed repealed four years after such date.

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# STATE OF NEW YORK

9206

## IN ASSEMBLY

March 30, 2014

Introduced by M. of A. SILVER, GLICK, HOOPER, WEISENBERG, LAVINE, SCHIMEL, SOLAGES, SWEENEY, ENGLEBRIGHT, RAMOS, THIELE, HENNESSEY, COOK, GOTTFRIED, WEPRIN, TITONE, ROSENTHAL, ORTIZ, MOYA, CLARK, QUART, MILLER, CRESPO, DINOWITZ, TITUS -- Multi-Sponsored by -- M. of A. ARROYO, CAMARA, CYMBROWITZ, DenDEKKER, WEINSTEIN -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, the public officers law and the general municipal law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, and in relation to photo speed violation monitoring systems in school speed zones in the city of New York; 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. Subparagraph (i) of paragraph a of subdivision 5-a of  
2 section 401 of the vehicle and traffic law, as amended by section 9 of  
3 chapter 189 of the laws of 2013, is amended to read as follows:  
4 (i) If at the time of application for a registration or renewal there-  
5 of there is a certification from a court, parking violations bureau,  
6 traffic and parking violations agency or administrative tribunal of  
7 appropriate jurisdiction [or administrative tribunal of appropriate  
8 jurisdiction] that the registrant or his or her representative failed to  
9 appear on the return date or any subsequent adjourned date or failed to  
10 comply with the rules and regulations of an administrative tribunal  
11 following entry of a final decision in response to a total of three or  
12 more summonses or other process in the aggregate, issued within an eigh-  
13 teen month period, charging either that: (i) such motor vehicle was  
14 parked, stopped or standing, or that such motor vehicle was operated for  
15 hire by the registrant or his or her agent without being licensed as a  
16 motor vehicle for hire by the appropriate local authority, in violation  
17 of any of the provisions of this chapter or of any law, ordinance, rule  
18 or regulation made by a local authority; or (ii) the registrant was  
19 liable in accordance with section eleven hundred eleven-a of this chap-

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

LBD14587-01-4

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

29 § 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle  
30 and traffic law, as amended by section 9-a of chapter 189 of the laws of  
31 2013, is amended to read as follows:

32 a. If at the time of application for a registration or renewal thereof  
33 there is a certification from a court or administrative tribunal of  
34 appropriate jurisdiction that the registrant or his or her represen-  
35 tative failed to appear on the return date or any subsequent adjourned  
36 date or failed to comply with the rules and regulations of an adminis-  
37 trative tribunal following entry of a final decision in response to a  
38 total of three or more summonses or other process in the aggregate,  
39 issued within an eighteen month period, charging either that: (i) such  
40 motor vehicle was parked, stopped or standing, or that such motor vehi-  
41 cle was operated for hire by the registrant or his or her agent without  
42 being licensed as a motor vehicle for hire by the appropriate local  
43 authority, in violation of any of the provisions of this chapter or of  
44 any law, ordinance, rule or regulation made by a local authority; or  
45 (ii) the registrant was liable in accordance with section eleven hundred  
46 eleven-b of this chapter for a violation of subdivision (d) of section  
47 eleven hundred eleven of this chapter; or (iii) the registrant was  
48 liable in accordance with section eleven hundred eleven-c of this chap-  
49 ter for a violation of a bus lane restriction as defined in such  
50 section; or (iv) the registrant was liable in accordance with section  
51 eleven hundred eighty-b of this chapter for a violation of subdivision  
52 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
53 ter; or (v) the registrant was liable in accordance with section eleven  
54 hundred eighty-c of this chapter for a violation of subdivision (b),  
55 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,  
56 the commissioner or his or her agent shall deny the registration or



1 renewal application until the applicant provides proof from the court or  
2 administrative tribunal wherein the charges are pending that an appear-  
3 ance or answer has been made or in the case of an administrative tribu-  
4 nal that he or she has complied with the rules and regulations of said  
5 tribunal following entry of a final decision. Where an application is  
6 denied pursuant to this section, the commissioner may, in his or her  
7 discretion, deny a registration or renewal application to any other  
8 person for the same vehicle and may deny a registration or renewal  
9 application for any other motor vehicle registered in the name of the  
10 applicant where the commissioner has determined that such registrant's  
11 intent has been to evade the purposes of this subdivision and where the  
12 commissioner has reasonable grounds to believe that such registration or  
13 renewal will have the effect of defeating the purposes of this subdivi-  
14 sion. Such denial shall only remain in effect as long as the summonses  
15 remain unanswered, or in the case of an administrative tribunal, the  
16 registrant fails to comply with the rules and regulations following  
17 entry of a final decision.

18 § 1-b. Paragraph a of subdivision 5-a of section 401 of the vehicle  
19 and traffic law, as amended by section 9-b of chapter 189 of the laws of  
20 2013, is amended to read as follows:

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



1 case of an administrative tribunal, the registrant fails to comply with  
2 the rules and regulations following entry of a final decision.

3 ~~§ 1-c.~~ Paragraph a of subdivision 5-a of section 401 of the vehicle  
4 and traffic law, as amended by section 9-c of chapter 189 of the laws of  
5 2013, 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 representative  
9 failed to appear on the return date or any subsequent adjourned date or  
10 failed to comply with the rules and regulations of an administrative  
11 tribunal following entry of a final decision in response to three or  
12 more summonses or other process, issued within an eighteen month period,  
13 charging that such motor vehicle was parked, stopped or standing, or  
14 that such motor vehicle was operated for hire by the registrant or his  
15 agent without being licensed as a motor vehicle for hire by the appro-  
16 priate local authority, in violation of any of the provisions of this  
17 chapter or of any law, ordinance, rule or regulation made by a local  
18 authority, or the registrant was liable in accordance with section elev-  
19 en hundred eighty-b of this chapter for violations of subdivision (b),  
20 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,  
21 or the registrant was liable in accordance with section eleven hundred  
22 eighty-c of this chapter for violations of subdivision (b), (c), (d),  
23 (f) or (g) of section eleven hundred eighty of this chapter, the commis-  
24 sioner or his agent shall deny the registration or renewal application  
25 until the applicant provides proof from the court or administrative  
26 tribunal wherein the charges are pending that an appearance or answer  
27 has been made or in the case of an administrative tribunal that he has  
28 complied with the rules and regulations of said tribunal following entry  
29 of a final decision. Where an application is denied pursuant to this  
30 section, the commissioner may, in his discretion, deny a registration or  
31 renewal application to any other person for the same vehicle and may  
32 deny a registration or renewal application for any other motor vehicle  
33 registered in the name of the applicant where the commissioner has  
34 determined that such registrant's intent has been to evade the purposes  
35 of this subdivision and where the commissioner has reasonable grounds to  
36 believe that such registration or renewal will have the effect of  
37 defeating the purposes of this subdivision. Such denial shall only  
38 remain in effect as long as the summonses remain unanswered, or in the  
39 case of an administrative tribunal, the registrant fails to comply with  
40 the rules and regulations following entry of a final decision.

41 § 1-d. Paragraph a of subdivision 5-a of section 401 of the vehicle  
42 and traffic law, as separately amended by chapters 339 and 592 of the  
43 laws of 1987, is amended to read as follows:

44 a. If at the time of application for a registration or renewal thereof  
45 there is a certification from a court or administrative tribunal of  
46 appropriate jurisdiction that the registrant or his representative  
47 failed to appear on the return date or any subsequent adjourned date or  
48 failed to comply with the rules and regulations of an administrative  
49 tribunal following entry of a final decision in response to three or  
50 more summonses or other process, issued within an eighteen month period,  
51 charging that such motor vehicle was parked, stopped or standing, or  
52 that such motor vehicle was operated for hire by the registrant or his  
53 agent without being licensed as a motor vehicle for hire by the appro-  
54 priate local authority, in violation of any of the provisions of this  
55 chapter or of any law, ordinance, rule or regulation made by a local  
56 authority, or the registrant was liable in accordance with section elev-

1 en hundred eighty-c of this chapter for violations of subdivision (b),  
2 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,  
3 the commissioner or his agent shall deny the registration or renewal  
4 application until the applicant provides proof from the court or admin-  
5 istrative tribunal wherein the charges are pending that an appearance or  
6 answer has been made or in the case of an administrative tribunal that  
7 he has complied with the rules and regulations of said tribunal follow-  
8 ing entry of a final decision. Where an application is denied pursuant  
9 to this section, the commissioner may, in his discretion, deny a regis-  
10 tration or renewal application to any other person for the same vehicle  
11 and may deny a registration or renewal application for any other motor  
12 vehicle registered in the name of the applicant where the commissioner  
13 has determined that such registrant's intent has been to evade the  
14 purposes of this subdivision and where the commissioner has reasonable  
15 grounds to believe that such registration or renewal will have the  
16 effect of defeating the purposes of this subdivision. Such denial shall  
17 only remain in effect as long as the summonses remain unanswered, or in  
18 the case of an administrative tribunal, the registrant fails to comply  
19 with the rules and regulations following entry of a final decision.

20 § 2. The vehicle and traffic law is amended by adding a new section  
21 1180-c to read as follows:

22 § 1180-c. Owner liability for failure of operator to comply with  
23 certain posted maximum speed limits. (a) 1. Notwithstanding any other  
24 provision of law, the counties of Nassau and Suffolk are hereby author-  
25 ized to establish a demonstration program imposing monetary liability on  
26 the owner of a vehicle for failure of an operator thereof to comply with  
27 posted maximum speed limits in a school speed zone within the counties  
28 (i) when a school speed limit is in effect as provided in paragraphs one  
29 and two of subdivision (c) of section eleven hundred eighty of this  
30 article or (ii) when other speed limits are in effect as provided in  
31 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of  
32 this article during the following times: (A) on school days during  
33 school hours and one hour before and one hour after the school day, and  
34 (B) a period during student activities at the school and up to thirty  
35 minutes immediately before and up to thirty minutes immediately after  
36 such student activities. Such demonstration program shall empower the  
37 counties to install photo speed violation monitoring systems within no  
38 more than one school speed zone per school district within each county  
39 at any one time and to operate such systems within such zones (iii) when  
40 a school speed limit is in effect as provided in paragraphs one and two  
41 of subdivision (c) of section eleven hundred eighty of this article or  
42 (iv) when other speed limits are in effect as provided in subdivision  
43 (b), (d), (f) or (g) of section eleven hundred eighty of this article  
44 during the following times: (A) on school days during school hours and  
45 one hour before and one hour after the school day, and (B) a period  
46 during student activities at the school and up to thirty minutes imme-  
47 diately before and up to thirty minutes immediately after such student  
48 activities. In selecting a school speed zone in which to install and  
49 operate a photo speed violation monitoring system, the counties shall  
50 consider criteria including, but not limited to the speed data, crash  
51 history, and the roadway geometry applicable to such school speed zone.

52 2. No photo speed violation monitoring system shall be used in a  
53 school speed zone unless (i) on the day it is to be used it has success-  
54 fully passed a self-test of its functions; and (ii) it has undergone an  
55 annual calibration check performed pursuant to paragraph four of this  
56 subdivision. The counties may install signs giving notice that a photo

1 speed violation monitoring system is in use to be mounted on advance  
2 warning signs notifying motor vehicle operators of such upcoming school  
3 speed zone and/or on speed limit signs applicable within such school  
4 speed zone, in conformance with standards established in the MUTCD.

5 3. Operators of photo speed violation monitoring systems shall have  
6 completed training in the procedures for setting up, testing, and oper-  
7 ating such systems. Each such operator shall complete and sign a daily  
8 set-up log for each such system that he or she operates that (i) states  
9 the date and time when, and the location where, the system was set up  
10 that day, and (ii) states that such operator successfully performed, and  
11 the system passed, the self-tests of such system before producing a  
12 recorded image that day. The counties shall retain each such daily log  
13 until the later of the date on which the photo speed violation monitor-  
14 ing system to which it applies has been permanently removed from use or  
15 the final resolution of all cases involving notices of liability issued  
16 based on photographs, microphotographs, video or other recorded images  
17 produced by such system.

18 4. Each photo speed violation monitoring system shall undergo an annu-  
19 al calibration check performed by an independent calibration laboratory  
20 which shall issue a signed certificate of calibration. The counties  
21 shall keep each such annual certificate of calibration on file until the  
22 final resolution of all cases involving a notice of liability issued  
23 during such year which were based on photographs, microphotographs,  
24 videotape or other recorded images produced by such photo speed  
25 violation monitoring system.

26 5. (i) Such demonstration program shall utilize necessary technologies  
27 to ensure, to the extent practicable, that photographs, microphoto-  
28 graphs, videotape or other recorded images produced by such photo speed  
29 violation monitoring systems shall not include images that identify the  
30 driver, the passengers, or the contents of the vehicle. Provided, howev-  
31 er, that no notice of liability issued pursuant to this section shall be  
32 dismissed solely because such a photograph, microphotograph, videotape  
33 or other recorded image allows for the identification of the driver, the  
34 passengers, or the contents of vehicles where either county, as applica-  
35 ble, shows that it made reasonable efforts to comply with the provisions  
36 of this paragraph in such case.

37 (ii) Photographs, microphotographs, videotape or any other recorded  
38 image from a photo speed violation monitoring system shall be for the  
39 exclusive use of each such county for the purpose of the adjudication of  
40 liability imposed pursuant to this section and of the owner receiving a  
41 notice of liability pursuant to this section, and shall be destroyed by  
42 each such county upon the final resolution of the notice of liability to  
43 which such photographs, microphotographs, videotape or other recorded  
44 images relate, or one year following the date of issuance of such notice  
45 of liability, whichever is later. Notwithstanding the provisions of any  
46 other law, rule or regulation to the contrary, photographs, microphoto-  
47 graphs, videotape or any other recorded image from a photo speed  
48 violation monitoring system shall not be open to the public, nor subject  
49 to civil or criminal process or discovery, nor used by any court or  
50 administrative or adjudicatory body in any action or proceeding therein  
51 except that which is necessary for the adjudication of a notice of  
52 liability issued pursuant to this section, and no public entity or  
53 employee, officer or agent thereof shall disclose such information,  
54 except that such photographs, microphotographs, videotape or any other  
55 recorded images from such systems:

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

5 (B) (1) shall be furnished when described in a search warrant issued  
6 by a court authorized to issue such a search warrant pursuant to article  
7 six hundred ninety of the criminal procedure law or a federal court  
8 authorized to issue such a search warrant under federal law, where such  
9 search warrant states that there is reasonable cause to believe such  
10 information constitutes evidence of, or tends to demonstrate that, a  
11 misdemeanor or felony offense was committed in this state or another  
12 state, or that a particular person participated in the commission of a  
13 misdemeanor or felony offense in this state or another state, provided,  
14 however, that if such offense was against the laws of another state, the  
15 court shall only issue a warrant if the conduct comprising such offense  
16 would, if occurring in this state, constitute a misdemeanor or felony  
17 against the laws of this state; and

18 (2) shall be furnished in response to a subpoena duces tecum signed by  
19 a judge of competent jurisdiction and issued pursuant to article six  
20 hundred ten of the criminal procedure law or a judge or magistrate of a  
21 federal court authorized to issue such a subpoena duces tecum under  
22 federal law, where the judge finds and the subpoena states that there is  
23 reasonable cause to believe such information is relevant and material to  
24 the prosecution, or the defense, or the investigation by an authorized  
25 law enforcement official, of the alleged commission of a misdemeanor or  
26 felony in this state or another state, provided, however, that if such  
27 offense was against the laws of another state, such judge or magistrate  
28 shall only issue such subpoena if the conduct comprising such offense  
29 would, if occurring in this state, constitute a misdemeanor or felony in  
30 this state; and

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

34 (b) If the counties of Nassau and Suffolk establish a demonstration  
35 program pursuant to subdivision (a) of this section, the owner of a  
36 vehicle shall be liable for a penalty imposed pursuant to this section  
37 if such vehicle was used or operated with the permission of the owner,  
38 express or implied, within a school speed zone in violation of subdivi-  
39 sion (c) of section eleven hundred eighty of this article or during the  
40 times authorized pursuant to subdivision (a) of this section in  
41 violation of subdivision (b), (d), (f) or (g) of section eleven hundred  
42 eighty of this article, such vehicle was traveling at a speed of more  
43 than ten miles per hour above the posted speed limit in effect within  
44 such school speed zone, and such violation is evidenced by information  
45 obtained from a photo speed violation monitoring system; provided howev-  
46 er that no owner of a vehicle shall be liable for a penalty imposed  
47 pursuant to this section where the operator of such vehicle has been  
48 convicted of the underlying violation of subdivision (b), (c), (d), (f)  
49 or (g) of section eleven hundred eighty of this article.

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

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

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

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

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

13 (d) A certificate, sworn to or affirmed by a technician employed by  
14 the counties of Nassau or Suffolk as applicable, or a facsimile thereof,  
15 based upon inspection of photographs, microphotographs, videotape or  
16 other recorded images produced by a photo speed violation monitoring  
17 system, shall be prima facie evidence of the facts contained therein.  
18 Any photographs, microphotographs, videotape or other recorded images  
19 evidencing such a violation shall include at least two date and time  
20 stamped images of the rear of the motor vehicle that include the same  
21 stationary object near the motor vehicle and shall be available for  
22 inspection reasonably in advance of and at any proceeding to adjudicate  
23 the liability for such violation pursuant to this section.

24 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)  
25 or (g) of section eleven hundred eighty of this article pursuant to a  
26 demonstration program established pursuant to this section shall be  
27 liable for monetary penalties in accordance with a schedule of fines and  
28 penalties to be promulgated by the traffic and parking violations agen-  
29 cies of the counties of Nassau and Suffolk. The liability of the owner  
30 pursuant to this section shall not exceed fifty dollars for each  
31 violation; provided, however, that each such traffic and parking  
32 violations agency may provide for an additional penalty not in excess of  
33 twenty-five dollars for each violation for the failure to respond to a  
34 notice of liability within the prescribed time period.

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

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

49 2. A notice of liability shall contain the name and address of the  
50 person alleged to be liable as an owner for a violation of subdivision  
51 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-  
52 cle pursuant to this section, the registration number of the vehicle  
53 involved in such violation, the location where such violation took  
54 place, the date and time of such violation, the identification number of  
55 the camera which recorded the violation or other document locator  
56 number, at least two date and time stamped images of the rear of the

1 motor vehicle that include the same stationary object near the motor  
2 vehicle, and the certificate charging the liability.

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

9 4. The notice of liability shall be prepared and mailed by the county  
10 of Nassau or Suffolk, as applicable, or by any other entity authorized  
11 by such counties to prepare and mail such notice of liability.

12 (h) Adjudication of the liability imposed upon owners of this section  
13 shall be by the court having jurisdiction over traffic infractions.

14 (i) If an owner receives a notice of liability pursuant to this  
15 section for any time period during which the vehicle or the number plate  
16 or plates of such vehicle was reported to the police department as  
17 having been stolen, it shall be a valid defense to an allegation of  
18 liability for a violation of subdivision (b), (c), (d), (f) or (g) of  
19 section eleven hundred eighty of this article pursuant to this section  
20 that the vehicle or the number plate or plates of such vehicle had been  
21 reported to the police as stolen prior to the time the violation  
22 occurred and had not been recovered by such time. For purposes of  
23 asserting the defense provided by this subdivision, it shall be suffi-  
24 cient that a certified copy of the police report on the stolen vehicle  
25 or number plate or plates of such vehicle be sent by first class mail to  
26 the court having jurisdiction in such counties.

27 (j) An owner who is a lessor of a vehicle to which a notice of liabil-  
28 ity was issued pursuant to subdivision (g) of this section shall not be  
29 liable for the violation of subdivision (b), (c), (d), (f) or (g) of  
30 section eleven hundred eighty of this article, provided that he or she  
31 sends to the court having jurisdiction a copy of the rental, lease or  
32 other such contract document covering such vehicle on the date of the  
33 violation, with the name and address of the lessee clearly legible,  
34 within thirty-seven days after receiving notice from the court of the  
35 date and time of such violation, together with the other information  
36 contained in the original notice of liability. Failure to send such  
37 information within such thirty-seven day time period shall render the  
38 owner liable for the penalty prescribed by this section. Where the  
39 lessor complies with the provisions of this paragraph, the lessee of  
40 such vehicle on the date of such violation shall be deemed to be the  
41 owner of such vehicle for purposes of this section, shall be subject to  
42 liability for the violation of subdivision (b), (c), (d), (f) or (g) of  
43 section eleven hundred eighty of this article pursuant to this section  
44 and shall be sent a notice of liability pursuant to subdivision (g) of  
45 this section.

46 (k) 1. If the owner liable for a violation of subdivision (c) or (d)  
47 of section eleven hundred eighty of this article pursuant to this  
48 section was not the operator of the vehicle at the time of the  
49 violation, the owner may maintain an action for indemnification against  
50 the operator.

51 2. Notwithstanding any other provision of this section, no owner of a  
52 vehicle shall be subject to a monetary fine imposed pursuant to this  
53 section if the operator of such vehicle was operating such vehicle with-  
54 out the consent of the owner at the time such operator operated such  
55 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section  
56 eleven hundred eighty of this article. For purposes of this subdivision



1 there shall be a presumption that the operator of such vehicle was oper-  
2 ating such vehicle with the consent of the owner at the time such opera-  
3 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)  
4 or (g) of section eleven hundred eighty of this article.

5 (l) Nothing in this section shall be construed to limit the liability  
6 of an operator of a vehicle for any violation of subdivision (c) or (d)  
7 of section eleven hundred eighty of this article.

8 (m) Notwithstanding any law to the contrary, the net proceeds of any  
9 penalty after expenses of administration, resulting from a photo speed  
10 violation monitoring system used in the course of this program located  
11 on a village maintained street or highway within the county of Nassau  
12 shall inure to said village.

13 (n) If either county adopts a demonstration program pursuant to this  
14 section it shall conduct a study and submit a report on the results of  
15 the use of photo devices to the governor, the temporary president of the  
16 senate and the speaker of the assembly. Such report shall include:

17 1. the locations where and dates when photo speed violation monitoring  
18 systems were used;

19 2. the aggregate number, type and severity of crashes, fatalities,  
20 injuries and property damage reported within all school speed zones  
21 within such county, to the extent the information is maintained by the  
22 department of motor vehicles of this state;

23 3. the aggregate number, type and severity of crashes, fatalities,  
24 injuries and property damage reported within school speed zones where  
25 photo speed violation monitoring systems were used, to the extent the  
26 information is maintained by the department of motor vehicles of this  
27 state;

28 4. the number of violations recorded within all school speed zones  
29 within such county, in the aggregate on a daily, weekly and monthly  
30 basis;

31 5. the number of violations recorded within each school speed zone  
32 where a photo speed violation monitoring system is used, in the aggre-  
33 gate on a daily, weekly and monthly basis;

34 6. the number of violations recorded within all school speed zones  
35 within such county that were:

36 (i) more than ten but not more than twenty miles per hour over the  
37 posted speed limit;

38 (ii) more than twenty but not more than thirty miles per hour over the  
39 posted speed limit;

40 (iii) more than thirty but not more than forty miles per hour over the  
41 posted speed limit; and

42 (iv) more than forty miles per hour over the posted speed limit;

43 7. the number of violations recorded within each school speed zone  
44 where a photo speed violation monitoring system is used that were:

45 (i) more than ten but not more than twenty miles per hour over the  
46 posted speed limit;

47 (ii) more than twenty but not more than thirty miles per hour over the  
48 posted speed limit;

49 (iii) more than thirty but not more than forty miles per hour over the  
50 posted speed limit; and

51 (iv) more than forty miles per hour over the posted speed limit;

52 8. the total number of notices of liability issued for violations  
53 recorded by such systems;

54 9. the number of fines and total amount of fines paid after the first  
55 notice of liability issued for violations recorded by such systems;



1 10. the number of violations adjudicated and the results of such adju-  
2 dications including breakdowns of dispositions made for violations  
3 recorded by such systems;

4 11. the total amount of revenue realized by such county in connection  
5 with the program;

6 12. the expenses incurred by such county in connection with the  
7 program; and

8 13. the quality of the adjudication process and its results.

9 (o) It shall be a defense to any prosecution for a violation of subdi-  
10 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of  
11 this article pursuant to this section that such photo speed violation  
12 monitoring system was malfunctioning at the time of the alleged  
13 violation.

14 § 3. The opening paragraph and paragraph (c) of subdivision 1 of  
15 section 1809 of the vehicle and traffic law, as amended by section 11 of  
16 chapter 189 of the laws of 2013, are amended to read as follows:

17 Whenever proceedings in an administrative tribunal or a court of this  
18 state result in a conviction for an offense under this chapter or a  
19 traffic infraction under this chapter, or a local law, ordinance, rule  
20 or regulation adopted pursuant to this chapter, other than a traffic  
21 infraction involving standing, stopping, or parking or violations by  
22 pedestrians or bicyclists, or other than an adjudication of liability of  
23 an owner for a violation of subdivision (d) of section eleven hundred  
24 eleven of this chapter in accordance with section eleven hundred  
25 eleven-a of this chapter, or other than an adjudication of liability of  
26 an owner for a violation of subdivision (d) of section eleven hundred  
27 eleven of this chapter in accordance with section eleven hundred  
28 eleven-b of this chapter, or other than an adjudication in accordance  
29 with section eleven hundred eleven-c of this chapter for a violation of  
30 a bus lane restriction as defined in such section, or other than an  
31 adjudication of liability of an owner for a violation of subdivision  
32 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
33 ter in accordance with section eleven hundred eighty-b of this chapter,  
34 or other than an adjudication of liability of an owner for a violation  
35 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred  
36 eighty of this chapter in accordance with section eleven hundred eight-  
37 y-c of this chapter, there shall be levied a crime victim assistance fee  
38 and a mandatory surcharge, in addition to any sentence required or  
39 permitted by law, in accordance with the following schedule:

40 (c) Whenever proceedings in an administrative tribunal or a court of  
41 this state result in a conviction for an offense under this chapter  
42 other than a crime pursuant to section eleven hundred ninety-two of this  
43 chapter, or a traffic infraction under this chapter, or a local law,  
44 ordinance, rule or regulation adopted pursuant to this chapter, other  
45 than a traffic infraction involving standing, stopping, or parking or  
46 violations by pedestrians or bicyclists, or other than an adjudication  
47 of liability of an owner for a violation of subdivision (d) of section  
48 eleven hundred eleven of this chapter in accordance with section eleven  
49 hundred eleven-a of this chapter, or other than an adjudication of  
50 liability of an owner for a violation of subdivision (d) of section  
51 eleven hundred eleven of this chapter in accordance with section eleven  
52 hundred eleven-b of this chapter, or other than an infraction pursuant  
53 to article nine of this chapter or other than an adjudication of liabil-  
54 ity of an owner for a violation of toll collection regulations pursuant  
55 to section two thousand nine hundred eighty-five of the public authori-  
56 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven

1 hundred seventy-four of the laws of nineteen hundred fifty or other than  
2 an adjudication in accordance with section eleven hundred eleven-c of  
3 this chapter for a violation of a bus lane restriction as defined in  
4 such section, or other than an adjudication of liability of an owner for  
5 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven  
6 hundred eighty of this chapter in accordance with section eleven hundred  
7 eighty-b of this chapter, or other than an adjudication of liability of  
8 an owner for a violation of subdivision (b), (c), (d), (f) or (g) of  
9 section eleven hundred eighty of this chapter in accordance with section  
10 eleven hundred eighty-c of this chapter, there shall be levied a crime  
11 victim assistance fee in the amount of five dollars and a mandatory  
12 surcharge, in addition to any sentence required or permitted by law, in  
13 the amount of fifty-five dollars.

14 § 3-a. Subdivision 1 of section 1809 of the vehicle and traffic law,  
15 as amended by section 11-a of chapter 189 of the laws of 2013, is  
16 amended to read as follows:

17 1. Whenever proceedings in an administrative tribunal or a court of  
18 this state result in a conviction for a crime under this chapter or a  
19 traffic infraction under this chapter, or a local law, ordinance, rule  
20 or regulation adopted pursuant to this chapter, other than a traffic  
21 infraction involving standing, stopping, parking or motor vehicle equip-  
22 ment or violations by pedestrians or bicyclists, or other than an adju-  
23 dication of liability of an owner for a violation of subdivision (d) of  
24 section eleven hundred eleven of this chapter in accordance with section  
25 eleven hundred eleven-a of this chapter, or other than an adjudication  
26 of liability of an owner for a violation of subdivision (d) of section  
27 eleven hundred eleven of this chapter in accordance with section eleven  
28 hundred eleven-b of this chapter, or other than an adjudication in  
29 accordance with section eleven hundred eleven-c of this chapter for a  
30 violation of a bus lane restriction as defined in such section, or other  
31 than an adjudication of liability of an owner for a violation of subdivi-  
32 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of  
33 this chapter in accordance with section eleven hundred eighty-b of this  
34 chapter, or other than an adjudication of liability of an owner for a  
35 violation of subdivision (b), (c), (d), (f) or (g) of section eleven  
36 hundred eighty of this chapter in accordance with section eleven hundred  
37 eighty-c of this chapter, there shall be levied a mandatory surcharge,  
38 in addition to any sentence required or permitted by law, in the amount  
39 of twenty-five dollars.

40 § 3-b. Subdivision 1 of section 1809 of the vehicle and traffic law,  
41 as amended by section 11-b of chapter 189 of the laws of 2013, is  
42 amended to read as follows:

43 1. Whenever proceedings in an administrative tribunal or a court of  
44 this state result in a conviction for a crime under this chapter or a  
45 traffic infraction under this chapter other than a traffic infraction  
46 involving standing, stopping, parking or motor vehicle equipment or  
47 violations by pedestrians or bicyclists, or other than an adjudication  
48 in accordance with section eleven hundred eleven-c of this chapter for a  
49 violation of a bus lane restriction as defined in such section, or other  
50 than an adjudication of liability of an owner for a violation of subdivi-  
51 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of  
52 this chapter in accordance with section eleven hundred eighty-b of this  
53 chapter, or other than an adjudication of liability of an owner for a  
54 violation of subdivision (b), (c), (d), (f) or (g) of section eleven  
55 hundred eighty of this chapter in accordance with section eleven hundred  
56 eighty-c of this chapter, there shall be levied a mandatory surcharge,

1 in addition to any sentence required or permitted by law, in the amount  
2 of seventeen dollars.

3 ~~§ 3-c. Subdivision 1 of section 1809 of the vehicle and traffic law,~~  
4 ~~as amended by section 11-c of chapter 189 of the laws of 2013, is~~  
5 ~~amended to read as follows:~~

6 1. Whenever proceedings in an administrative tribunal or a court of  
7 this state result in a conviction for a crime under this chapter or a  
8 traffic infraction under this chapter other than a traffic infraction  
9 involving standing, stopping, parking or motor vehicle equipment or  
10 violations by pedestrians or bicyclists, or other than an adjudication  
11 of liability of an owner for a violation of subdivision (b), (c), (d),  
12 (f) or (g) of section eleven hundred eighty of this chapter in accord-  
13 ance with section eleven hundred eighty-b of this chapter, or other than  
14 an adjudication of liability of an owner for a violation of subdivision  
15 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
16 ter in accordance with section eleven hundred eighty-c of this chapter,  
17 there shall be levied a mandatory surcharge, in addition to any sentence  
18 required or permitted by law, in the amount of seventeen dollars.

19 § 3-d. Subdivision 1 of section 1809 of the vehicle and traffic law,  
20 as separately amended by chapter 16 of the laws of 1983 and chapter 62  
21 of the laws of 1989, is amended to read as follows:

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

32 § 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and  
33 traffic law, as amended by section 12-a of chapter 189 of the laws of  
34 2013, is amended to read as follows:

35 a. Notwithstanding any other provision of law, whenever proceedings in  
36 a court or an administrative tribunal of this state result in a  
37 conviction for an offense under this chapter, except a conviction pursu-  
38 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
39 fic infraction under this chapter, or a local law, ordinance, rule or  
40 regulation adopted pursuant to this chapter, except a traffic infraction  
41 involving standing, stopping, or parking or violations by pedestrians or  
42 bicyclists, and except an adjudication of liability of an owner for a  
43 violation of subdivision (d) of section eleven hundred eleven of this  
44 chapter in accordance with section eleven hundred eleven-a of this chap-  
45 ter, and except an adjudication of liability of an owner for a violation  
46 of subdivision (d) of section eleven hundred eleven of this chapter in  
47 accordance with section eleven hundred eleven-b of this chapter, and  
48 except an adjudication in accordance with section eleven hundred  
49 eleven-c of this chapter of a violation of a bus lane restriction as  
50 defined in such section, and [expect] except an adjudication of liabil-  
51 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)  
52 of section eleven hundred eighty of this chapter in accordance with  
53 section eleven hundred eighty-b of this chapter, and except an adjudi-  
54 cation of liability of an owner for a violation of subdivision (b), (c),  
55 (d), (f) or (g) of section eleven hundred eighty of this chapter in  
56 accordance with section eleven hundred eighty-c of this chapter, and

1 except an adjudication of liability of an owner for a violation of toll  
2 collection regulations pursuant to section two thousand nine hundred  
3 ~~eighty-five of the public authorities law or sections sixteen-a,~~  
4 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the  
5 laws of nineteen hundred fifty, there shall be levied in addition to any  
6 sentence, penalty or other surcharge required or permitted by law, an  
7 additional surcharge of twenty-eight dollars.

8 § 4-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
9 and traffic law, as amended by section 12-b of chapter 189 of the laws  
10 of 2013, is amended to read as follows:

11 a. Notwithstanding any other provision of law, whenever proceedings in  
12 a court or an administrative tribunal of this state result in a  
13 conviction for an offense under this chapter, except a conviction pursu-  
14 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
15 fic infraction under this chapter, or a local law, ordinance, rule or  
16 regulation adopted pursuant to this chapter, except a traffic infraction  
17 involving standing, stopping, or parking or violations by pedestrians or  
18 bicyclists, and except an adjudication of liability of an owner for a  
19 violation of subdivision (d) of section eleven hundred eleven of this  
20 chapter in accordance with section eleven hundred eleven-a of this chap-  
21 ter, and except an adjudication in accordance with section eleven  
22 hundred eleven-c of this chapter of a violation of a bus lane  
23 restriction as defined in such section, and except an adjudication of  
24 liability of an owner for a violation of subdivision (b), (c), (d), (f)  
25 or (g) of section eleven hundred eighty of this chapter in accordance  
26 with section eleven hundred eighty-b of this chapter, and except an  
27 adjudication of liability of an owner for a violation of subdivision  
28 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-  
29 ter in accordance with section eleven hundred eighty-c of this chapter,  
30 and except an adjudication of liability of an owner for a violation of  
31 toll collection regulations pursuant to 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, there shall be levied in addition to any  
35 sentence, penalty or other surcharge required or permitted by law, an  
36 additional surcharge of twenty-eight dollars.

37 § 4-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
38 and traffic law, as amended by section 12-c of chapter 189 of the laws  
39 of 2013, is amended to read as follows:

40 a. Notwithstanding any other provision of law, whenever proceedings in  
41 a court or an administrative tribunal of this state result in a  
42 conviction for an offense under this chapter, except a conviction pursu-  
43 ant to section eleven hundred ninety-two of this chapter, or for a traf-  
44 fic infraction under this chapter, or a local law, ordinance, rule or  
45 regulation adopted pursuant to this chapter, except a traffic infraction  
46 involving standing, stopping, or parking or violations by pedestrians or  
47 bicyclists, and except an adjudication of liability of an owner for a  
48 violation of subdivision (d) of section eleven hundred eleven of this  
49 chapter in accordance with section eleven hundred eleven-a of this chap-  
50 ter, and except an adjudication of liability of an owner for a violation  
51 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred  
52 eighty of this chapter in accordance with section eleven hundred eight-  
53 y-b of this chapter, and except an adjudication of liability of an owner  
54 for a violation of subdivision (b), (c), (d), (f) or (g) of section  
55 eleven hundred eighty of this chapter in accordance with section eleven  
56 hundred eighty-c of this chapter, and except an adjudication of liabil-

1 ity of an owner for a violation of toll collection regulations pursuant  
2 to section two thousand nine hundred eighty-five of the public authori-  
3 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven  
4 hundred seventy-four of the laws of nineteen hundred fifty, there shall  
5 be levied in addition to any sentence, penalty or other surcharge  
6 required or permitted by law, an additional surcharge of twenty-eight  
7 dollars.

8 § 4-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle  
9 and traffic law, as added by section 5 of part C of chapter 55 of the  
10 laws of 2013, is amended to read as follows:

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

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

33 (n) are photographs, microphotographs, videotape or other recorded  
34 images prepared under the authority of section eleven hundred eighty-c  
35 of the vehicle and traffic law.

36 § 6. Subdivision 2 of section 371 of the general municipal law, as  
37 amended by section 21 of part G of chapter 58 of the laws of 2012, is  
38 amended to read as follows:

39 2. The Nassau county traffic and parking violations agency, as estab-  
40 lished, may be authorized to assist the Nassau county district court in  
41 the disposition and administration of infractions of traffic and parking  
42 laws, ordinances, rules and regulations and the liability of owners for  
43 violations of subdivision (d) of section eleven hundred eleven of the  
44 vehicle and traffic law in accordance with section eleven hundred  
45 eleven-b of such law[,] and the liability of owners for violations of  
46 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty  
47 of the vehicle and traffic law in accordance with section eleven hundred  
48 eighty-c of such law, except that such agency shall not have jurisdic-  
49 tion over (a) the traffic infraction defined under subdivision one of  
50 section eleven hundred ninety-two of the vehicle and traffic law; (b)  
51 the traffic infraction defined under subdivision five of section eleven  
52 hundred ninety-two of the vehicle and traffic law; (c) the violation  
53 defined under paragraph (b) of subdivision four of section fourteen-f of  
54 the transportation law and the violation defined under clause (b) of  
55 subparagraph (iii) of paragraph c of subdivision two of section one  
56 hundred forty of the transportation law; (d) the traffic infraction



1 defined under section three hundred ninety-seven-a of the vehicle and  
2 traffic law and the traffic infraction defined under subdivision (g) of  
3 section eleven hundred eighty of the vehicle and traffic law; (e) any  
4 misdemeanor or felony; or (f) any offense that is part of the same crim-  
5 inal transaction, as that term is defined in subdivision two of section  
6 40.10 of the criminal procedure law, as a violation of subdivision one  
7 of section eleven hundred ninety-two of the vehicle and traffic law, a  
8 violation of subdivision five of section eleven hundred ninety-two of  
9 the vehicle and traffic law, a violation of paragraph (b) of subdivision  
10 four of section fourteen-f of the transportation law, a violation of  
11 clause (b) of subparagraph (iii) of paragraph d of subdivision two of  
12 section one hundred forty of the transportation law, a violation of  
13 section three hundred ninety-seven-a of the vehicle and traffic law, a  
14 violation of subdivision (g) of section eleven hundred eighty of the  
15 vehicle and traffic law or any misdemeanor or felony.

16 § 7. Subdivision 2 of section 371 of the general municipal law, as  
17 amended by chapter 388 of the laws of 2012, is amended to read as  
18 follows:

19 2. The Nassau county traffic and parking violations agency, as estab-  
20 lished, may be authorized to assist the Nassau county district court,  
21 and the Suffolk county traffic and parking violations agency, as estab-  
22 lished, may be authorized to assist the Suffolk county district court,  
23 in the disposition and administration of infractions of traffic and  
24 parking laws, ordinances, rules and regulations and the liability of  
25 owners for violations of subdivision (d) of section eleven hundred elev-  
26 en of the vehicle and traffic law in accordance with section eleven  
27 hundred eleven-b of such law[,] and the liability of owners for  
28 violations of subdivision (b), (c), (d), (f) or (g) of section eleven  
29 hundred eighty of the vehicle and traffic law in accordance with section  
30 eleven hundred eighty-c of such law, except that such agencies shall not  
31 have jurisdiction over (a) the traffic infraction defined under subdivi-  
32 sion one of section eleven hundred ninety-two of the vehicle and traffic  
33 law; (b) the traffic infraction defined under subdivision five of  
34 section eleven hundred ninety-two of the vehicle and traffic law; (c)  
35 the violation defined under paragraph (b) of subdivision four of section  
36 fourteen-f of the transportation law and the violation defined under  
37 clause (b) of subparagraph (iii) of paragraph c of subdivision two of  
38 section one hundred forty of the transportation law; (d) the traffic  
39 infraction defined under section three hundred ninety-seven-a of the  
40 vehicle and traffic law and the traffic infraction defined under subdivi-  
41 sion (g) of section eleven hundred eighty of the vehicle and traffic  
42 law; (e) any misdemeanor or felony; or (f) any offense that is part of  
43 the same criminal transaction, as that term is defined in subdivision  
44 two of section 40.10 of the criminal procedure law, as a violation of  
45 subdivision one of section eleven hundred ninety-two of the vehicle and  
46 traffic law, a violation of subdivision five of section eleven hundred  
47 ninety-two of the vehicle and traffic law, a violation of paragraph (b)  
48 of subdivision four of section fourteen-f of the transportation law, a  
49 violation of clause (b) of subparagraph (iii) of paragraph c of subdivi-  
50 sion two of section one hundred forty of the transportation law, a  
51 violation of section three hundred ninety-seven-a of the vehicle and  
52 traffic law, a violation of subdivision (g) of section eleven hundred  
53 eighty of the vehicle and traffic law or any misdemeanor or felony.

54 § 8. Subdivision 3 of section 371 of the general municipal law, as  
55 amended by chapter 496 of the laws of 1990, is amended to read as  
56 follows:

1 3. A person charged with an infraction which shall be disposed of by  
2 either a traffic violations bureau or the Nassau county traffic and  
3 parking violations agency, may be permitted to answer, within a speci-  
4 fied time, at the traffic violations bureau, and in Nassau county at the  
5 traffic and parking violations agency, either in person or by written  
6 power of attorney in such form as may be prescribed in the ordinance or  
7 local law creating the bureau or agency, by paying a prescribed fine  
8 and, in writing, waiving a hearing in court, pleading guilty to the  
9 charge or admitting liability as an owner for the violation of subdivi-  
10 sion (d) of section eleven hundred eleven of the vehicle and traffic  
11 law, or admitting liability as an owner for the violation of subdivision  
12 (b), (c), (d), (f) or (g) of section eleven hundred eighty of the vehi-  
13 cle and traffic law, as the case may be, and authorizing the person in  
14 charge of the bureau or agency to enter such a plea or admission and  
15 accept payment of said fine. Acceptance of the prescribed fine and power  
16 of attorney by the bureau or agency shall be deemed complete satisfac-  
17 tion for the violation or of the liability, and the violator or owner  
18 liable for a violation of subdivision (d) of section eleven hundred  
19 eleven of the vehicle and traffic law or owner liable for a violation of  
20 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty  
21 of the vehicle and traffic law shall be given a receipt which so states.  
22 If a person charged with a traffic violation does not answer as  
23 hereinbefore prescribed, within a designated time, the bureau or agency  
24 may cause a complaint to be entered against him forthwith and a warrant  
25 to be issued for his arrest and appearance before the court, such  
26 summons to be predicated upon the personal service of said summons upon  
27 the person charged with the infraction. Any person who shall have been,  
28 within the preceding twelve months, guilty of a number of parking  
29 violations in excess of such maximum number as may be designated by the  
30 court, or of three or more violations other than parking violations,  
31 shall not be permitted to appear and answer to a subsequent violation at  
32 the traffic violations bureau or agency, but must appear in court at a  
33 time specified by the bureau or agency. Such bureau or agency shall not  
34 be authorized to deprive a person of his right to counsel or to prevent  
35 him from exercising his right to appear in court to answer to, explain,  
36 or defend any charge of a violation of any traffic law, ordinance, rule  
37 or regulation.

38 § 9. Subdivision 3 of section 371 of the general municipal law, as  
39 amended by chapter 388 of the laws of 2012, is amended to read as  
40 follows:

41 3. A person charged with an infraction which shall be disposed of by  
42 either a traffic violations bureau, the Nassau county traffic and park-  
43 ing violations agency, or the Suffolk county traffic and parking  
44 violations agency may be permitted to answer, within a specified time,  
45 at the traffic violations bureau, in Nassau county at the traffic and  
46 parking violations agency and in Suffolk county at the traffic and park-  
47 ing violations agency, either in person or by written power of attorney  
48 in such form as may be prescribed in the ordinance or local law creating  
49 the bureau or agency, by paying a prescribed fine and, in writing, waiv-  
50 ing a hearing in court, pleading guilty to the charge or admitting  
51 liability as an owner for the violation of subdivision (d) of section  
52 eleven hundred eleven of the vehicle and traffic law, or admitting  
53 liability as an owner for the violation of subdivision (b), (c), (d),  
54 (f) or (g) of section eleven hundred eighty of the vehicle and traffic  
55 law, as the case may be, and authorizing the person in charge of the  
56 bureau or agency to enter such a plea or admission and accept payment of

1 said fine. Acceptance of the prescribed fine and power of attorney by  
2 the bureau or agency shall be deemed complete satisfaction for the  
3 violation or of the liability, and the violator or owner liable for a  
4 violation of subdivision (d) of section eleven hundred eleven of the  
5 vehicle and traffic law or owner liable for a violation of subdivision  
6 (b), (c), (d), (f) or (g) of section eleven hundred eighty of the vehi-  
7 cle and traffic law shall be given a receipt which so states. If a  
8 person charged with a traffic violation does not answer as hereinbefore  
9 prescribed, within a designated time, the bureau or agency may cause a  
10 complaint to be entered against him forthwith and a warrant to be issued  
11 for his arrest and appearance before the court, such summons to be pred-  
12 icated upon the personal service of said summons upon the person charged  
13 with the infraction. Any person who shall have been, within the preced-  
14 ing twelve months, guilty of a number of parking violations in excess of  
15 such maximum number as may be designated by the court, or of three or  
16 more violations other than parking violations, shall not be permitted to  
17 appear and answer to a subsequent violation at the traffic violations  
18 bureau or agency, but must appear in court at a time specified by the  
19 bureau or agency. Such bureau or agency shall not be authorized to  
20 deprive a person of his right to counsel or to prevent him from exercis-  
21 ing his right to appear in court to answer to, explain, or defend any  
22 charge of a violation of any traffic law, ordinance, rule or regulation.

23 § 10. The purchase or lease of equipment for a demonstration program  
24 pursuant to section 1180-c of the vehicle and traffic law shall be  
25 subject to the provisions of section 103 of the general municipal law.

26 § 11. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle  
27 and traffic law, as added by chapter 189 of the laws of 2013, is amended  
28 to read as follows:

29 1. Notwithstanding any other provision of law, the city of New York is  
30 hereby authorized to establish a demonstration program imposing monetary  
31 liability on the owner of a vehicle for failure of an operator thereof  
32 to comply with posted maximum speed limits in a school speed zone within  
33 the city (i) when a school speed limit is in effect as provided in para-  
34 graphs one and two of subdivision (c) of section eleven hundred eighty  
35 of this article or (ii) when other speed limits are in effect as  
36 provided in subdivision (b), (d), (f) or (g) of section eleven hundred  
37 eighty of this article during the following times: (A) on school days  
38 during school hours and one hour before and one hour after the school  
39 day, and (B) a period during student activities at the school and up to  
40 thirty minutes immediately before and up to thirty minutes immediately  
41 after such student activities. Such demonstration program shall empower  
42 the city to install photo speed violation monitoring systems within no  
43 more than [twenty] one hundred forty school speed zones within the city  
44 at any one time and to operate such systems within such zones (iii) when  
45 a school speed limit is in effect as provided in paragraphs one and two  
46 of subdivision (c) of section eleven hundred eighty of this article or  
47 (iv) when other speed limits are in effect as provided in subdivision  
48 (b), (d), (f) or (g) of section eleven hundred eighty of this article  
49 during the following times: (A) on school days during school hours and  
50 one hour before and one hour after the school day, and (B) a period  
51 during student activities at the school and up to thirty minutes imme-  
52 diately before and up to thirty minutes immediately after such student  
53 activities. In selecting a school speed zone in which to install and  
54 operate a photo speed violation monitoring system, the city shall  
55 consider criteria including, but not limited to the speed data, crash  
56 history, and the roadway geometry applicable to such school speed zone.



1 § 12. This act shall take effect on the thirtieth day after it shall  
2 have become a law and shall expire 4 years after such effective date  
3 ~~when upon such date the provisions of this act shall be deemed repealed;~~  
4 and provided further that any rules necessary for the implementation of  
5 this act on its effective date shall be promulgated on or before such  
6 effective date, provided that:

7 (a) the amendments to subparagraph (i) of paragraph a of subdivision  
8 5-a of section 401 of the vehicle and traffic law made by section one of  
9 this act shall not affect the expiration of such paragraph and shall be  
10 deemed to expire therewith, when upon such date the provisions of  
11 section one-a of this act shall take effect;

12 (b) the amendments to paragraph a of subdivision 5-a of section 401 of  
13 the vehicle and traffic law made by section one-a of this act shall not  
14 affect the expiration of such paragraph and shall be deemed to expire  
15 therewith, when upon such date the provisions of section one-b of this  
16 act shall take effect;

17 (c) the amendments to paragraph a of subdivision 5-a of section 401 of  
18 the vehicle and traffic law made by section one-b of this act shall not  
19 affect the expiration of such paragraph and shall be deemed to expire  
20 therewith, when upon such date the provisions of section one-c of this  
21 act shall take effect;

22 (d) the amendments to paragraph a of subdivision 5-a of section 401 of  
23 the vehicle and traffic law made by section one-c of this act shall not  
24 affect the expiration of such paragraph and shall be deemed to expire  
25 therewith, when upon such date the provisions of section one-d of this  
26 act shall take effect;

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

32 (f) the amendments to subdivision 1 of section 1809 of the vehicle and  
33 traffic law made by section three-a of this act shall not affect the  
34 expiration of such subdivision and shall be deemed to expire therewith,  
35 when upon such date the provisions of section three-b of this act shall  
36 take effect;

37 (g) the amendments to subdivision 1 of section 1809 of the vehicle and  
38 traffic law made by section three-b of this act shall not affect the  
39 expiration of such subdivision and shall be deemed to expire therewith,  
40 when upon such date the provisions of section three-c of this act shall  
41 take effect;

42 (h) the amendments to subdivision 1 of section 1809 of the vehicle and  
43 traffic law made by section three-c of this act shall not affect the  
44 expiration of such subdivision and shall be deemed to expire therewith,  
45 when upon such date the provisions of section three-d of this act shall  
46 take effect;

47 (i) the amendments to paragraph a of subdivision 1 of section 1809-e  
48 of the vehicle and traffic law made by section four of this act shall  
49 not affect the expiration of such paragraph and shall be deemed to  
50 expire therewith, when upon such date the provisions of section four-a  
51 of this act shall take effect;

52 (j) the amendments to paragraph a of subdivision 1 of section 1809-e  
53 of the vehicle and traffic law made by section four-a of this act shall  
54 not affect the expiration of such paragraph and shall be deemed to  
55 expire therewith, when upon such date the provisions of section four-b  
56 of this act shall take effect;



1 (k) the amendments to paragraph a of subdivision 1 of section 1809-e  
2 of the vehicle and traffic law made by section four-b of this act shall  
3 not affect the expiration of such paragraph and shall be deemed to  
4 expire therewith, when upon such date the provisions of section four-c  
5 of this act shall take effect;

6 (l) the amendments to subdivision 2 of section 371 of the general  
7 municipal law made by section seven of this act shall take effect only  
8 in the event that the county of Suffolk shall have by local law estab-  
9 lished a traffic and parking violations agency;

10 (m) the amendments to subdivision 3 of section 371 of the general  
11 municipal law made by section nine of this act shall take effect only in  
12 the event that the county of Suffolk shall have by local law established  
13 a traffic and parking violations agency;

14 (n) the amendments to section 371 of the general municipal law made by  
15 sections six, seven, eight and nine of this act shall not affect the  
16 expiration of such section and shall be deemed to expire therewith; and

17 (o) the amendments to subdivision (a) of section 1180-b of the vehicle  
18 and traffic law made by section eleven of this act shall not affect the  
19 repeal of such section and shall be deemed repealed therewith.



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

**BILL NUMBER:** A9206

**SPONSOR:** Silver (MS)

**TITLE OF BILL:** An act to amend the vehicle and traffic law, the public officers law and the general municipal law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices, and in relation to photo speed violation monitoring systems in school speed zones in the city of New York; and providing for the repeal of such provisions upon expiration thereof

**PURPOSE OR GENERAL IDEA OF BILL:**

To reduce incidents of speeding in school zones in order to better protect schoolchildren.

**SUMMARY OF SPECIFIC PROVISIONS:**

The bill would authorize the counties of Nassau and Suffolk to each establish a four-year pilot program to impose monetary liability on vehicle owners for the failure of vehicle operators to comply with maximum posted speed limits in school speed zones during school days and school activities. These counties would be authorized to use photo speed violation monitoring systems within one school speed zone per school district in the counties.

Additionally, the bill would expand the number of school speed zones in which the City of New York would be authorized to use speed cameras in its demonstration program by an additional 120, for a total of 140.

**JUSTIFICATION:**

The safety of schoolchildren around our schools is of paramount importance. In an effort to assess the effectiveness and impact in New York of automated enforcement systems on deterring drivers from speeding on streets where schools are located and thereby increase the safety of schoolchildren, the Legislature last year authorized the City of New York to implement a pilot program for the use of photo speed enforcement in up to twenty school zones. This bill would expand the size of this pilot program by expanding the number of school speed zones eligible for automated speed enforcement to a total of 140. The bill also would authorize the counties of Nassau and Suffolk to implement pilot programs for the use of photo speed violation monitoring systems in one school speed zone per school district in each county (69 in Suffolk County and 56 in Nassau County). While there have been a variety of studies over the years on automated enforcement, the National Highway Traffic Safety Administration has found that only a few studies were "well-controlled." By authorizing a greater number of cameras in New York City as well as pilot programs in Nassau and Suffolk Counties, this bill is intended to

provide New York-specific information on speed camera performance and to reduce incidents of speeding at locations targeted to protect some of our most vulnerable residents, our schoolchildren.

**PRIOR LEGISLATIVE HISTORY:**

New bill.

**FISCAL IMPLICATIONS:**

None to the State.

**EFFECTIVE DATE:**

30th day after enactment, to expire and be deemed repealed four years after such date.

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