

STATE OF NEW YORK

7735

IN SENATE

May 5, 2010

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

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
 2 law, as separately amended by section 1 of chapters 20, 21, 22 and 383
 3 of the laws of 2009, is amended to read as follows:
 4 1. Notwithstanding any inconsistent provision of any general, special
 5 or local law or administrative code to the contrary, in any city which
 6 heretofore or hereafter is authorized to establish an administrative
 7 tribunal to hear and determine complaints of traffic infractions consti-
 8 tuting parking, standing or stopping violations, or to adjudicate the
 9 liability of owners for violations of subdivision (d) of section eleven
 10 hundred eleven of this chapter in accordance with section eleven hundred
 11 eleven-a of this chapter, or to adjudicate the liability of owners for
 12 violations of subdivision (d) of section eleven hundred eleven of this
 13 chapter in accordance with section eleven hundred eleven-b of this chap-
 14 ter as added by section sixteen of ~~[the chapter]~~ chapters twenty, twen-
 15 ty-one, twenty-two and three hundred eighty-three of the laws of two
 16 thousand nine ~~[which amended this subdivision]~~, or to adjudicate the
 17 liability of owners for violations of toll collection regulations as
 18 defined in and in accordance with the provisions of section two thousand
 19 nine hundred eighty-five of the public authorities law and sections
 20 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
 21 of the laws of nineteen hundred fifty, or to adjudicate liability of
 22 owners in accordance with section eleven hundred eleven-c of this chap-
 23 ter for violations of bus lane restrictions as defined in such section,
 24 such tribunal and the rules and regulations pertaining thereto shall be
 25 constituted in substantial conformance with the following sections.

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

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1 § 1-a. Section 235 of the vehicle and traffic law, as separately
2 amended by section 2 of chapters 20, 21, 22 and 383 of the laws of 2009,
3 is amended to read as follows:

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

27 § 1-b. Section 235 of the vehicle and traffic law, as separately
28 amended by section 3 of chapters 20, 21, 22 and 383 of the laws of 2009,
29 is amended to read as follows:

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

50 § 1-c. Section 235 of the vehicle and traffic law, as separately
51 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
52 of 1992, is amended to read as follows:

53 § 235. Jurisdiction. Notwithstanding any inconsistent provision of any
54 general, special or local law or administrative code to the contrary, in
55 any city which heretofore or hereafter is authorized to establish an
56 administrative tribunal to hear and determine complaints of traffic

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1 infractions constituting parking, standing or stopping violations, or to
2 adjudicate the liability of owners for violations of toll collection
3 regulations as defined in and in accordance with the provisions of
4 section two thousand nine hundred eighty-five of the public authorities
5 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
6 hundred seventy-four of the laws of nineteen hundred fifty, or to adju-
7 diccate liability of owners in accordance with section eleven hundred
8 eleven-c of this chapter for violations of bus lane restrictions as
9 defined in such section, such tribunal and the rules and regulations
10 pertaining thereto shall be constituted in substantial conformance with
11 the following sections.

12 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
13 separately amended by section 4 of chapters 20, 21, 22 and 383 of the
14 laws of 2009, is amended to read as follows:

15 1. Creation. In any city as hereinbefore or hereafter authorized such
16 tribunal when created shall be known as the parking violations bureau
17 and shall have jurisdiction of traffic infractions which constitute a
18 parking violation and, where authorized by local law adopted pursuant to
19 subdivision (a) of section eleven hundred eleven-a of this chapter or
20 subdivision (a) of section eleven hundred eleven-b of this chapter as
21 added by section sixteen of [~~the chapter~~] chapters twenty, twenty-one,
22 twenty-two and three hundred eighty-three of the laws of two thousand
23 nine [~~which amended this subdivision~~], shall adjudicate the liability of
24 owners for violations of subdivision (d) of section eleven hundred elev-
25 en of [~~this chapter~~] chapters twenty, twenty-one, twenty-two and three
26 hundred eighty-three in accordance with such section eleven hundred
27 eleven-a or such section eleven hundred eleven-b as added by section
28 sixteen of [~~the chapter~~] chapters twenty, twenty-one, twenty-two and
29 three hundred eighty-three of the laws of two thousand nine [~~which~~
30 ~~amended this subdivision~~] and shall adjudicate the liability of owners
31 for violations of toll collection regulations as defined in and in
32 accordance with the provisions of section two thousand nine hundred
33 eighty-five of the public authorities law and sections sixteen-a,
34 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
35 laws of nineteen hundred fifty, and shall adjudicate liability of owners
36 in accordance with section eleven hundred eleven-c of this chapter for
37 violations of bus lane restrictions as defined in such section. Such
38 tribunal, except in a city with a population of one million or more,
39 shall also have jurisdiction of abandoned vehicle violations. For the
40 purposes of this article, a parking violation is the violation of any
41 law, rule or regulation providing for or regulating the parking, stop-
42 ping or standing of a vehicle. In addition for purposes of this article,
43 "commissioner" shall mean and include the commissioner of traffic of the
44 city or an official possessing authority as such a commissioner.

45 § 2-a. Subdivision 1 of section 236 of the vehicle and traffic law,
46 as separately amended by section 5 of chapters 20, 21, 22 and 383 of the
47 laws of 2009, is amended to read as follows:

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

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1 en of this chapter in accordance with such section eleven hundred
2 eleven-b as added by section sixteen of ~~[the chapter]~~ chapters twenty,
3 twenty-one, twenty-two and three hundred eighty-three of the laws of two
4 thousand nine which amended this subdivision, and shall adjudicate
5 liability of owners in accordance with section eleven hundred eleven-c
6 of this chapter for violations of bus lane restrictions as defined in
7 such section. For the purposes of this article, a parking violation is
8 the violation of any law, rule or regulation providing for or regulating
9 the parking, stopping or standing of a vehicle. In addition for purposes
10 of this article, "commissioner" shall mean and include the commissioner
11 of traffic of the city or an official possessing authority as such a
12 commissioner.

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

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

26 § 3. Subdivision 11 of section 237 of the vehicle and traffic law, as
27 added by chapter 379 of the laws of 1992, is amended to read as
28 follows:

29 11. To adjudicate the liability of owners for violations of toll
30 collection regulations as defined in and in accordance with the
31 provisions of section two thousand nine hundred eighty-five of the
32 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
33 of chapter seven hundred seventy-four of the laws of nineteen hundred
34 fifty[-];

35 § 4. Section 237 of the vehicle and traffic law is amended by adding
36 a new subdivision 12 to read as follows:

37 12. To adjudicate liability of owners in accordance with section elev-
38 en hundred eleven-c of this chapter for violations of bus lane
39 restrictions as defined in such section.

40 § 5. Paragraph f of subdivision 1 of section 239 of the vehicle and
41 traffic law, as separately amended by section 8 of chapters 20, 21, 22
42 and 383 of the laws of 2009, is amended to read as follows:

43 f. "Notice of violation" means a notice of violation as defined in
44 subdivision nine of section two hundred thirty-seven of this article,
45 but shall not be deemed to include a notice of liability issued pursuant
46 to authorization set forth in section eleven hundred eleven-a of this
47 chapter or section eleven hundred eleven-b of this chapter as added by
48 section sixteen of ~~[the chapter]~~ chapters twenty, twenty-one, twenty-two
49 and three hundred eighty-three of the laws of two thousand nine ~~[which~~
50 ~~amended this paragraph]~~, and shall not be deemed to include a notice of
51 liability issued pursuant to section two thousand nine hundred eighty-
52 five of the public authorities law and sections sixteen-a, sixteen-b and
53 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
54 hundred fifty and shall not be deemed to include a notice of liability
55 issued pursuant to section eleven hundred eleven-c of this chapter.

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1 § 5-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
2 traffic law, as separately amended by section 9 of chapters 20, 21, 22
3 and 383 of the laws of 2009, is amended to read as follows:

4 f. "Notice of violation" means a notice of violation as defined in
5 subdivision nine of section two hundred thirty-seven of this article but
6 shall not be deemed to include a notice of liability issued pursuant to
7 authorization set forth in section eleven hundred eleven-b of [~~this~~
8 ~~chapter~~] chapters twenty, twenty-one, twenty-two and three hundred
9 eighty-three as added by section sixteen of the chapter of the laws of
10 two thousand nine [~~which amended this paragraph~~] and shall not be deemed
11 to include a notice of liability issued pursuant to section eleven
12 hundred eleven-c of this chapter.

13 § 5-b. Paragraph f of subdivision 1 of section 239 of the vehicle and
14 traffic law, as added by chapter 180 of the laws of 1980, is amended to
15 read as follows:

16 f. "Notice of violation" means a notice of violation as defined in
17 subdivision nine of section two hundred thirty-seven of this article and
18 shall not be deemed to include a notice of liability issued pursuant to
19 section eleven hundred eleven-c of this chapter.

20 § 6. Subdivision 4 of section 239 of the vehicle and traffic law, as
21 amended by chapter 379 of the laws of 1992, is amended to read as
22 follows:

23 4. Applicability. The provisions of paragraph b of subdivision two and
24 subdivision three of this section shall not be applicable to determi-
25 nations of owner liability for the failure of an operator to comply with
26 subdivision (d) of section eleven hundred eleven of this chapter and
27 shall not be applicable to determinations of owner liability imposed
28 pursuant to section two thousand nine hundred eighty-five of the public
29 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-
30 ter seven hundred seventy-four of the laws of nineteen hundred fifty and
31 shall not be applicable to determinations of owner liability for
32 violations of section eleven hundred eleven-c of this chapter.

33 § 6-a. Section 239 of the vehicle and traffic law is amended by adding
34 a new subdivision 4 to read as follows:

35 4. Applicability. The provisions of paragraph b of subdivision two and
36 subdivision three of this section shall not be applicable to determi-
37 nations of owner liability for violations of section eleven hundred
38 eleven-c of this chapter.

39 § 7. Subdivision 1 of section 240 of the vehicle and traffic law, as
40 separately amended by section 10 of chapters 20, 21, 22 and 383 of the
41 laws of 2009, is amended to read as follows:

42 1. Notice of hearing. Whenever a person charged with a parking
43 violation enters a plea of not guilty or a person alleged to be liable
44 in accordance with section eleven hundred eleven-a of this chapter or
45 section eleven hundred eleven-b of this chapter as added by section
46 sixteen of [~~the chapter~~] chapters twenty, twenty-one, twenty-two and
47 three hundred eighty-three of the laws of two thousand nine [~~which~~
48 ~~amended this paragraph subdivision~~], for a violation of subdivision (d)
49 of section eleven hundred eleven of this chapter contests such allega-
50 tion, or a person alleged to be liable in accordance with the provisions
51 of section two thousand nine hundred eighty-five of the public authori-
52 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
53 hundred seventy-four of the laws of nineteen hundred fifty, or a person
54 alleged to be liable in accordance with the provisions of section eleven
55 hundred eleven-c of this chapter for a violation of a bus lane
56 restriction as defined in such section contests such allegation, the

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1 bureau shall advise such person personally by such form of first class
2 mail as the director may direct of the date on which he or she must
3 appear to answer the charge at a hearing. The form and content of such
4 notice of hearing shall be prescribed by the director, and shall contain
5 a warning to advise the person so pleading or contesting that failure to
6 appear on the date designated, or on any subsequent adjourned date,
7 shall be deemed an admission of liability, and that a default judgment
8 may be entered thereon.

9 § 7-a. Subdivision 1 of section 240 of the vehicle and traffic law, as
10 separately amended by section 11 of chapters 20, 21, 22 and 383 of the
11 laws of 2009, is amended to read as follows:

12 1. Notice of hearing. Whenever a person charged with a parking
13 violation enters a plea of not guilty or a person alleged to be liable
14 in accordance with section eleven hundred eleven-b of this chapter as
15 added by section sixteen of ~~[the chapter]~~ chapters twenty, twenty-one,
16 twenty-two and three hundred eighty-three of the laws of two thousand
17 nine ~~[which amended this subdivision]~~, for a violation of subdivision
18 (d) of section eleven hundred eleven of this chapter contests such alle-
19 gation, or a person alleged to be liable in accordance with the
20 provisions of section eleven hundred eleven-c of this chapter for a
21 violation of a bus lane restriction as defined in such section contests
22 such allegation, the bureau shall advise such person personally by such
23 form of first class mail as the director may direct of the date on which
24 he or she must appear to answer the charge at a hearing. The form and
25 content of such notice of hearing shall be prescribed by the director,
26 and shall contain a warning to advise the person so pleading or contest-
27 ing that failure to appear on the date designated, or on any subsequent
28 adjourned date, shall be deemed an admission of liability, and that a
29 default judgment may be entered thereon.

30 § 7-b. Subdivision 1 of section 240 of the vehicle and traffic law, as
31 added by chapter 715 of the laws of 1972, is amended to read as follows:

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

44 § 8. Subdivision 1-a of section 240 of the vehicle and traffic law, as
45 separately amended by section 10 of chapters 20, 21, 22 and 383 of the
46 laws of 2009, is amended to read as follows:

47 1-a. Fines and penalties. Whenever a plea of not guilty has been
48 entered, or the bureau has been notified that an allegation of liability
49 in accordance with section eleven hundred eleven-a of this chapter or
50 section eleven hundred eleven-b of this chapter as added by section
51 sixteen of ~~[the chapter]~~ chapters twenty, twenty-one, twenty-two and
52 three hundred eighty-three of the laws of two thousand nine ~~[which~~
53 ~~amended this subdivision]~~ or an allegation of liability in accordance
54 with section two thousand nine hundred eighty-five of the public author-
55 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
56 seven hundred seventy-four of the laws of nineteen hundred fifty or an

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1 allegation of liability in accordance with section eleven hundred
2 eleven-c of this chapter, is being contested, by a person in a timely
3 fashion and a hearing upon the merits has been demanded, but has not yet
4 been held, the bureau shall not issue any notice of fine or penalty to
5 that person prior to the date of the hearing.

6 § 8-a. Subdivision 1-a of section 240 of the vehicle and traffic law,
7 as separately amended by section 11 of chapters 20, 21, 22 and 383 of
8 the laws of 2009, is amended to read as follows:

9 1-a. Fines and penalties. Whenever a plea of not guilty has been
10 entered, or the bureau has been notified that an allegation of liability
11 in accordance with section eleven hundred eleven-b of this chapter, as
12 added by section sixteen of ~~[the chapter]~~ chapters twenty, twenty-one,
13 twenty-two and three hundred eighty-three of the laws of two thousand
14 nine ~~[which amended this subdivision]~~, is being contested, by a person
15 in a timely fashion and a hearing upon the merits has been demanded, but
16 has not yet been held, the bureau shall not issue any notice of fine or
17 penalty to that person prior to the date of the hearing.

18 § 8-b. Subdivision 1-a of section 240 of the vehicle and traffic law,
19 as added by chapter 365 of the laws of 1978, is amended to read as
20 follows:

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

28 § 9. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
29 and traffic law, as separately amended by section 10 of chapters 20, 21,
30 22 and 383 of the laws of 2009, are amended to read as follows:

31 a. Every hearing for the adjudication of a charge of parking violation
32 or an allegation of liability in accordance with section eleven hundred
33 eleven-a of this chapter or in accordance with section eleven hundred
34 eleven-b of this chapter as added by section sixteen of ~~[the chapter]~~
35 chapters twenty, twenty-one, twenty-two and three hundred eighty-three
36 of the laws of two thousand nine ~~[which amended this paragraph]~~ or an
37 allegation of liability in accordance with section two thousand nine
38 hundred eighty-five of the public authorities law or sections sixteen-a,
39 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
40 laws of nineteen hundred fifty or an allegation of liability in accord-
41 ance with section eleven hundred eleven-c of this chapter shall be held
42 before a hearing examiner in accordance with rules and regulations
43 promulgated by the bureau.

44 g. A record shall be made of a hearing on a plea of not guilty or of a
45 hearing at which liability in accordance with section eleven hundred
46 eleven-a of this chapter or in accordance with section eleven hundred
47 eleven-b of this chapter as added by section sixteen of ~~[the chapter]~~
48 chapters twenty, twenty-one, twenty-two and three hundred eighty-three
49 of the laws of two thousand nine ~~[which amended this paragraph]~~ is
50 contested or of a hearing at which liability in accordance with section
51 two thousand nine hundred eighty-five of the public authorities law or
52 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
53 seventy-four of the laws of nineteen hundred fifty is contested or a
54 hearing at which liability in accordance with section eleven hundred
55 eleven-c of this chapter is contested. Recording devices may be used
56 for the making of the record.

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1 § 9-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
2 cle and traffic law, as separately amended by section 11 of chapters 20,
3 21, 22 and 383 of the laws of 2009, are amended to read as follows:

4 a. Every hearing for the adjudication of a charge of parking violation
5 or an allegation of liability in accordance with section eleven hundred
6 eleven-b of this chapter, as added by section sixteen of ~~[the chapter]~~
7 chapters twenty, twenty-one, twenty-two and three hundred eighty-three
8 of the laws of two thousand nine ~~[which amended this paragraph]~~ or a
9 hearing at which liability in accordance with section eleven hundred
10 eleven-c of this chapter shall be held before a hearing examiner in
11 accordance with rules and regulations promulgated by the bureau.

12 g. A record shall be made of a hearing on a plea of not guilty or of a
13 hearing at which liability in accordance with section eleven hundred
14 eleven-b of this chapter, as added by section sixteen of ~~[the chapter]~~
15 chapters twenty, twenty-one, twenty-two and three hundred eighty-three
16 of the laws of two thousand nine ~~[which amended this paragraph]~~ or a
17 hearing at which liability in accordance with section eleven hundred
18 eleven-c of this chapter. Recording devices may be used for the making
19 of the record.

20 § 9-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
21 cle and traffic law, as added by chapter 715 of the laws of 1972, are
22 amended to read as follows:

23 a. Every hearing for the adjudication of a charge of parking violation
24 or a hearing at which liability in accordance with section eleven
25 hundred eleven-c of this chapter shall be held before a hearing examiner
26 in accordance with rules and regulations promulgated by the bureau.

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

31 § 10. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
32 law, as separately amended by section 12 of chapters 20, 21, 22 and 383
33 of the laws of 2009, are amended to read as follows:

34 1. The hearing examiner shall make a determination on the charges,
35 either sustaining or dismissing them. Where the hearing examiner deter-
36 mines that the charges have been sustained he or she may examine either
37 the prior parking violations record or the record of liabilities
38 incurred in accordance with section eleven hundred eleven-a of this
39 chapter or in accordance with section eleven hundred eleven-b of this
40 chapter as added by section sixteen of ~~[the chapter]~~ chapters twenty,
41 twenty-one, twenty-two and three hundred eighty-three of the laws of two
42 thousand nine ~~[which amended this subdivision]~~ or the record of liabil-
43 ities incurred in accordance with section two thousand nine hundred
44 eighty-five of the public authorities law or sections sixteen-a,
45 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
46 laws of nineteen hundred fifty of the person charged or the record of
47 liabilities incurred in accordance with section eleven hundred eleven-c
48 of this chapter, as applicable prior to rendering a final determination.
49 Final determinations sustaining or dismissing charges shall be entered
50 on a final determination roll maintained by the bureau together with
51 records showing payment and nonpayment of penalties.

52 2. Where an operator or owner fails to enter a plea to a charge of a
53 parking violation or contest an allegation of liability in accordance
54 with section eleven hundred eleven-a of this chapter or in accordance
55 with section eleven hundred eleven-b of this chapter as added by section
56 sixteen of ~~[the chapter]~~ chapters twenty, twenty-one, twenty-two and

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1 three hundred eighty-three of the laws of two thousand nine [~~which~~
2 ~~amended this subdivision~~], or fails to contest an allegation of liabil-
3 ity in accordance with section two thousand nine hundred eighty-five of
4 the public authorities law or sections sixteen-a, sixteen-b and
5 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
6 hundred fifty or fails to contest an allegation of liability in accord-
7 ance with section eleven hundred eleven-c of this chapter, or fails to
8 appear on a designated hearing date or subsequent adjourned date or
9 fails after a hearing to comply with the determination of a hearing
10 examiner, as prescribed by this article or by rule or regulation of the
11 bureau, such failure to plead or contest, appear or comply shall be
12 deemed, for all purposes, an admission of liability and shall be grounds
13 for rendering and entering a default judgment in an amount provided by
14 the rules and regulations of the bureau. However, after the expiration
15 of the original date prescribed for entering a plea and before a default
16 judgment may be rendered, in such case the bureau shall pursuant to the
17 applicable provisions of law notify such operator or owner, by such form
18 of first class mail as the commission may direct; (1) of the violation
19 charged, or liability in accordance with section eleven hundred eleven-a
20 of this chapter or in accordance with section eleven hundred eleven-b of
21 this chapter as added by section sixteen of [~~the chapter~~] chapters twen-
22 ty, twenty-one, twenty-two and three hundred eighty-three of the laws of
23 two thousand nine [~~which amended this subdivision~~], alleged or liability
24 in accordance with section two thousand nine hundred eighty-five of the
25 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
26 chapter seven hundred seventy-four of the laws of nineteen hundred fifty
27 alleged or liability in accordance with section eleven hundred eleven-c
28 of this chapter alleged, (2) of the impending default judgment, (3) that
29 such judgment will be entered in the Civil Court of the city in which
30 the bureau has been established, or other court of civil jurisdiction or
31 any other place provided for the entry of civil judgments within the
32 state of New York, and (4) that a default may be avoided by entering a
33 plea or contesting an allegation of liability in accordance with section
34 eleven hundred eleven-a of this chapter or in accordance with section
35 eleven hundred eleven-b of this chapter as added by section sixteen of
36 [~~the chapter~~] chapters twenty, twenty-one, twenty-two and three hundred
37 eighty-three of the laws of two thousand nine [~~which amended this subdivi-~~
38 ~~vision~~], or contesting an allegation of liability in accordance with
39 section two thousand nine hundred eighty-five of the public authorities
40 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
41 hundred seventy-four of the laws of nineteen hundred fifty or contesting
42 an allegation of liability in accordance with section eleven hundred
43 eleven-c of this chapter, as appropriate, or making an appearance within
44 thirty days of the sending of such notice. Pleas entered and allegations
45 contested within that period shall be in the manner prescribed in the
46 notice and not subject to additional penalty or fee. Such notice of
47 impending default judgment shall not be required prior to the rendering
48 and entry thereof in the case of operators or owners who are non-resi-
49 dents of the state of New York. In no case shall a default judgment be
50 rendered or, where required, a notice of impending default judgment be
51 sent, more than two years after the expiration of the time prescribed
52 for entering a plea or contesting an allegation. When a person has
53 demanded a hearing, no fine or penalty shall be imposed for any reason,
54 prior to the holding of the hearing. If the hearing examiner shall make
55 a determination on the charges, sustaining them, he shall impose no

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1 greater penalty or fine than those upon which the person was originally
2 charged.

3 § 10-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
4 law, as separately amended by section 13 of chapters 20, 21, 22 and 383
5 of the laws of 2009, are amended to read as follows:

6 1. The hearing examiner shall make a determination on the charges,
7 either sustaining or dismissing them. Where the hearing examiner deter-
8 mines that the charges have been sustained he or she may examine either
9 the prior parking violations record or the record of liabilities
10 incurred in accordance with section eleven hundred eleven-b of this
11 chapter as added by section sixteen of ~~[the chapter]~~ chapters twenty,
12 twenty-one, twenty-two and three hundred eighty-three of the laws of two
13 thousand nine ~~[which amended this subdivision]~~ of the person charged or
14 the record of liabilities incurred in accordance with section eleven
15 hundred eleven-c of this chapter, as applicable prior to rendering a
16 final determination. Final determinations sustaining or dismissing
17 charges shall be entered on a final determination roll maintained by the
18 bureau together with records showing payment and nonpayment of penal-
19 ties.

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

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

12 § 10-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
13 law, subdivision 1 as added by chapter 715 of the laws of 1972, subdivi-
14 sion 2 as amended by chapter 365 of the laws of 1978, are amended to
15 read as follows:

16 1. The hearing examiner shall make a determination on the charges,
17 either sustaining or dismissing them. Where the hearing examiner deter-
18 mines that the charges have been sustained he or she may examine either
19 the prior parking violations record of the person charged, or the record
20 of liabilities incurred in accordance with section eleven hundred
21 eleven-c of this chapter, as applicable, prior to rendering a final
22 determination. Final determinations sustaining or dismissing charges
23 shall be entered on a final determination roll maintained by the bureau
24 together with records showing payment and nonpayment of penalties.

25 2. Where an operator or owner fails to enter a plea to a charge of a
26 parking violation or, fails to contest an allegation of liability
27 incurred in accordance with section eleven hundred eleven-c of this
28 chapter, fails to appear on a designated hearing date or subsequent
29 adjourned date or fails after a hearing to comply with the determination
30 of a hearing examiner, as prescribed by this article or by rule or regu-
31 lation of the bureau, such failure to plead, appear or comply shall be
32 deemed, for all purposes, an admission of liability and shall be grounds
33 for rendering and entering a default judgment in an amount provided by
34 the rules and regulations of the bureau. However, after the expiration
35 of the original date prescribed for entering a plea and before a default
36 judgment may be rendered, in such case the bureau shall pursuant to the
37 applicable provisions of law notify such operator or owner, by such form
38 of first class mail as the commission may direct; (1) of the violation
39 charged or liability in accordance with section eleven hundred eleven-c
40 of this chapter alleged, (2) of the impending default judgment, (3) that
41 such judgment will be entered in the Civil Court of the city in which
42 the bureau has been established, or other court of civil jurisdiction or
43 any other place provided for the entry of civil judgments within the
44 state of New York, and (4) that a default may be avoided by entering a
45 plea, or contesting an allegation of liability in accordance with
46 section eleven hundred eleven-c of this chapter, or making an appearance
47 within thirty days of the sending of such notice. Pleas entered within
48 that period shall be in the manner prescribed in the notice and not
49 subject to additional penalty or fee. Such notice of impending default
50 judgment shall not be required prior to the rendering and entry thereof
51 in the case of operators or owners who are non-residents of the state of
52 New York. In no case shall a default judgment be rendered or, where
53 required, a notice of impending default judgment be sent, more than two
54 years after the expiration of the time prescribed for entering a plea.
55 When a person has demanded a hearing, no fine or penalty shall be
56 imposed for any reason, prior to the holding of the hearing. If the

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1 hearing examiner shall make a determination on the charges, sustaining
2 them, he or she shall impose no greater penalty or fine than those upon
3 which the person was originally charged.

4 § 11. Subparagraph (i) of paragraph a of subdivision 5-a of section
5 401 of the vehicle and traffic law, as separately amended by section 1
6 of chapter 19, section 14 of chapters 20, 21, 22 and 383 and section 1
7 of chapter 23 of the laws of 2009, is amended to read as follows:

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

47 § 11-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
48 and traffic law, as separately amended by section 2 of chapter 19,
49 section 15 of chapters 20, 21, 22 and 383 and section 2 of chapter 23 of
50 the laws of 2009, is amended to read as follows:

51 a. If at the time of application for a registration or renewal thereof
52 there is a certification from a court or administrative tribunal of
53 appropriate jurisdiction that the registrant or his or her represen-
54 tative failed to appear on the return date or any subsequent adjourned
55 date or failed to comply with the rules and regulations of an adminis-
56 trative tribunal following entry of a final decision in response to a

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1 total of three or more summonses or other process in the aggregate,
2 issued within an eighteen month period, charging either that (i) such
3 motor vehicle was parked, stopped or standing, or that such motor vehi-
4 cle was operated for hire by the registrant or his or her agent without
5 being licensed as a motor vehicle for hire by the appropriate local
6 authority, in violation of any of the provisions of this chapter or of
7 any law, ordinance, rule or regulation made by a local authority or (ii)
8 the registrant was liable in accordance with section eleven hundred
9 eleven-b of this chapter for a violation of subdivision (d) of section
10 eleven hundred eleven of this chapter or (iii) the registrant was liable
11 in accordance with section eleven hundred eleven-c of this chapter for a
12 violation of a bus lane restriction as defined in such section, the
13 commissioner or his or her agent shall deny the registration or renewal
14 application until the applicant provides proof from the court or admin-
15 istrative tribunal wherein the charges are pending that an appearance or
16 answer has been made or in the case of an administrative tribunal that
17 he or she has complied with the rules and regulations of said tribunal
18 following entry of a final decision. Where an application is denied
19 pursuant to this section, the commissioner may, in his or her
20 discretion, deny a registration or renewal application to any other
21 person for the same vehicle and may deny a registration or renewal
22 application for any other motor vehicle registered in the name of the
23 applicant where the commissioner has determined that such registrant's
24 intent has been to evade the purposes of this subdivision and where the
25 commissioner has reasonable grounds to believe that such registration or
26 renewal will have the effect of defeating the purposes of this subdivi-
27 sion. Such denial shall only remain in effect as long as the summonses
28 remain unanswered, or in the case of an administrative tribunal, the
29 registrant fails to comply with the rules and regulations following
30 entry of a final decision.

31 § 11-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
32 and traffic law, as separately amended by chapters 339 and 592 of the
33 laws of 1987, is amended to read as follows:

34 a. If at the time of application for a registration or renewal thereof
35 there is a certification from a court or administrative tribunal of
36 appropriate jurisdiction that the registrant or his or her represen-
37 tative failed to appear on the return date or any subsequent adjourned
38 date or failed to comply with the rules and regulations of an adminis-
39 trative tribunal following entry of a final decision in response to
40 three or more summonses or other process, issued within an eighteen
41 month period, charging that: (A) such motor vehicle was parked, stopped
42 or standing, or that such motor vehicle was operated for hire by the
43 registrant or his or her agent without being licensed as a motor vehicle
44 for hire by the appropriate local authority, in violation of any of the
45 provisions of this chapter or of any law, ordinance, rule or regulation
46 made by a local authority, or (B) the registrant was liable in accord-
47 ance with section eleven hundred eleven-c of this chapter for a
48 violation of a bus lane restriction as defined in such section, the
49 commissioner or his or her agent shall deny the registration or renewal
50 application until the applicant provides proof from the court or admin-
51 istrative tribunal wherein the charges are pending that an appearance or
52 answer has been made or in the case of an administrative tribunal that
53 he has complied with the rules and regulations of said tribunal follow-
54 -ing entry of a final decision. Where an application is denied pursuant
55 to this section, the commissioner may, in his or her discretion, deny a
56 registration or renewal application to any other person for the same

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1 vehicle and may deny a registration or renewal application for any other
2 motor vehicle registered in the name of the applicant where the commis-
3 sioner has determined that such registrant's intent has been to evade
4 the purposes of this subdivision and where the commissioner has reason-
5 able grounds to believe that such registration or renewal will have the
6 effect of defeating the purposes of this subdivision. Such denial shall
7 only remain in effect as long as the summonses remain unanswered, or in
8 the case of an administrative tribunal, the registrant fails to comply
9 with the rules and regulations following entry of a final decision.

10 § 12. The vehicle and traffic law is amended by adding a new section
11 1111-c to read as follows:

12 § 1111-c. Owner liability for failure of operator to comply with bus
13 lane restriction. (a) Notwithstanding any other provision of law, each
14 city with a population of one million or more is hereby authorized and
15 empowered to establish a bus lane demonstration program imposing mone-
16 tary liability on the owner of a vehicle for failure of an operator
17 thereof to comply with any bus lane restriction in such a city in
18 accordance with the provisions of this section. The department of trans-
19 portation of such a city or the applicable mass transit agency, for
20 purposes of the implementation of a bus lane demonstration program, may
21 operate bus lane photo devices only to enforce bus lane restrictions
22 imposed on routes within such a program in such a city. Such bus lane
23 photo devices may be stationary or mobile and shall be activated at
24 locations determined by such department of transportation and/or on
25 buses selected by such department of transportation in consultation with
26 the applicable mass transit agency. Any mobile bus lane photo device
27 mounted on a bus shall be directed outwardly from such bus to capture
28 images of vehicles operated in violation of bus lane restrictions, and
29 images produced by such device shall not be used for any other purpose
30 in the absence of a court order requiring such images to be produced.
31 Any image or images captured by stationary bus lane photo devices shall
32 be inadmissible in any disciplinary proceeding convened by the applica-
33 ble mass transit agency or any subsidiary thereof and any proceeding
34 initiated by the department of motor vehicles involving licensure privi-
35 leges of bus operators. A city authorized to install bus lane photo
36 devices pursuant to the provisions of this section shall adopt and
37 enforce measures to protect the privacy of drivers, passengers, pedes-
38 trians and cyclists whose identity and identifying information may be
39 captured by such bus lane photo devices. Such measures shall include:

40 1. utilization of necessary technologies to ensure, to the extent
41 practicable, that photographs produced by bus lane photo devices shall
42 not include images that identify the driver, the passengers, or the
43 contents of the vehicle, provided, however, that no notice of liability
44 issued pursuant to this section shall be dismissed solely because a
45 photograph or photographs allow for the identification of the driver,
46 the passengers or other contents of a vehicle;

47 2. a prohibition on the use or dissemination of vehicles' license
48 plate information and other information and images captured by bus lane
49 photo devices except as required to establish liability under this
50 section or collect payment of penalties; or to respond to requests by
51 law enforcement officials pertaining to a specific accident or specific
52 incident of alleged criminal conduct; or except as otherwise required by
53 law;

54 3. the installation of signage within restricted bus lanes stating
55 that bus lane photo devices are used to enforce restrictions on vehicu-
56 lar traffic in bus lanes; and

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1 4. oversight procedures to ensure compliance with the aforementioned
2 privacy-protection measures.

3 Within the city with a population of one million or more, such bus
4 lane photo devices shall be operated on no more than fifty miles of bus
5 lanes within such city.

6 (b) In any city that has established a bus lane demonstration program
7 pursuant to subdivision (a) of this section, the owner of a vehicle
8 shall be liable for a penalty imposed pursuant to this section if such
9 vehicle is used or operated with the permission of the owner, express or
10 implied, in violation of any bus lane restriction imposed on a route
11 within such bus lane demonstration program, and such violation is
12 evidenced by information obtained from a bus lane photo device; provided
13 however that no owner of a vehicle shall be liable for a penalty imposed
14 pursuant to this section where the operator of such vehicle has been
15 convicted of the underlying violation of such bus lane restriction.

16 (c) For purposes of this section, the following terms shall mean:

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

19 2. "bus lane photo device" shall mean a device that is capable of
20 operating independently of an enforcement officer and produces one or
21 more images of each vehicle at the time it is in violation of a bus lane
22 restriction.

23 3. "bus lane restriction" shall mean a restriction on the use of
24 designated traffic lanes by vehicles other than buses imposed by rule or
25 signs erected by the department of transportation of a city that estab-
26 lishes a bus lane demonstration program pursuant to this section.

27 4. "bus lane demonstration program" shall mean a program that operates
28 on routes receiving enhanced markings and/or signage designated by the
29 department of transportation of a city that establishes such a demon-
30 stration program pursuant to this section.

31 (d) A certificate, or a facsimile thereof, sworn to or affirmed by a
32 technician employed by the city in which the charged violation occurred
33 or by its vendor or contractor or by the applicable mass transit agency,
34 based upon inspection of photographs, microphotographs, videotape or
35 other recorded images produced by a bus lane photo device, shall be
36 prima facie evidence of the facts contained therein. Any photographs,
37 microphotographs, videotape or other recorded images evidencing such a
38 violation shall be available for inspection in any proceeding to adjudi-
39 cate the liability for such violation pursuant to this section.

40 (e) An owner liable for a violation of a bus lane restriction imposed
41 on any route within a bus lane demonstration program shall be liable for
42 monetary penalties in accordance with a schedule of fines and penalties
43 promulgated by the parking violations bureau of such city; provided,
44 however, that the monetary penalty for violating a bus lane restriction
45 shall not exceed one hundred fifteen dollars; provided, further, that an
46 owner shall be liable for an additional penalty not to exceed twenty-
47 five dollars for each violation for the failure to respond to a notice
48 of liability within the prescribed time period.

49 (f) An imposition of liability pursuant to this section shall not be
50 deemed a conviction of an operator and shall not be made part of the
51 operating record of the person upon whom such liability is imposed, nor
52 shall it be used for insurance purposes in the provision of motor vehi-
53 cle insurance coverage.

54 (g) 1. A notice of liability shall be sent by first class mail to each
55 person alleged to be liable as an owner for a violation of a bus lane
56 restriction. Personal delivery to the owner shall not be required. A

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1 manual or automatic record of mailing prepared in the ordinary course of
2 business shall be prima facie evidence of the facts contained therein.

3 2. A notice of liability shall contain the name and address of the
4 person alleged to be liable as an owner for a violation of a bus lane
5 restriction, the registration number of the vehicle involved in such
6 violation, the location where such violation took place, the date and
7 time of such violation and the identification number of the bus lane
8 photo device which recorded the violation or other document locator
9 number.

10 3. The notice of liability shall contain information advising the
11 person charged of the manner and the time in which he or she may contest
12 the liability alleged in the notice. Such notice of liability shall also
13 contain a warning to advise the persons charged that failure to contest
14 in the manner and time provided shall be deemed an admission of liabil-
15 ity and that a default judgement may be entered thereon.

16 4. The notice of liability shall be prepared and mailed by the agency
17 or agencies designated by such city.

18 (h) If an owner of a vehicle receives a notice of liability pursuant
19 to this section for any time period during which such vehicle was
20 reported to the police department as having been stolen, it shall be a
21 valid defense to an allegation of liability for a violation of a bus
22 lane restriction that the vehicle had been reported to the police as
23 stolen prior to the time the violation occurred and had not been recov-
24 ered by such time. For purposes of asserting the defense provided by
25 this subdivision it shall be sufficient that an original incident form
26 issued by the police on the stolen vehicle be sent by first class mail
27 to the parking violations bureau of such city.

28 (i) 1. An owner who is a lessor of a vehicle to which a notice of
29 liability was issued pursuant to subdivision (g) of this section shall
30 not be liable for the violation of a bus lane restriction, provided
31 that:

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

35 (ii) within thirty-seven days after receiving notice from such bureau
36 of the date and time of a liability, together with the other information
37 contained in the original notice of liability, the lessor submits to
38 such bureau the correct name and address of the lessee of the vehicle
39 identified in the notice of liability at the time of such violation,
40 together with such other additional information contained in the rental,
41 lease or other contract document, as may be reasonably required by such
42 bureau pursuant to regulations that may be promulgated for such purpose.

43 2. Failure to comply with subparagraph (ii) of paragraph one of this
44 subdivision shall render the owner liable for the penalty prescribed in
45 this section.

46 3. Where the lessor complies with the provisions of paragraph one of
47 this subdivision, the lessee of such vehicle on the date of such
48 violation shall be deemed to be the owner of such vehicle for purposes
49 of this section, shall be subject to liability for such violation pursu-
50 ant to this section and shall be sent a notice of liability pursuant to
51 subdivision (g) of this section.

52 (j) If the owner liable for a violation of a bus lane restriction was
53 not the operator of the vehicle at the time of the violation, the owner
54 may maintain an action for indemnification against the operator.

55 (k) Nothing in this section shall be construed to limit the liability
56 of an operator of a vehicle for any violation of bus lane restrictions.

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1 (1) Any city that adopts a bus lane demonstration program pursuant to
2 subdivision (a) of this section shall submit a report on the results of
3 the use of bus lane photo devices to the governor, the temporary presi-
4 dent of the senate and the speaker of the assembly by April first, two
5 thousand fourteen. Such report shall include, but not be limited to:

6 1. a description of the locations and/or buses where bus lane photo
7 devices were used;

8 2. the total number of violations recorded on a monthly and annual
9 basis;

10 3. the total number of notices of liability issued;

11 4. the number of fines and total amount of fines paid after first
12 notice of liability;

13 5. the number of violations adjudicated and results of such adjudi-
14 cations including breakdowns of dispositions made;

15 6. the total amount of revenue realized by such city; and

16 7. the quality of the adjudication process and its results.

17 § 13. The opening paragraph and paragraph (c) of subdivision 1 of
18 section 1809 of the vehicle and traffic law, as separately amended by
19 section 4 of chapter 19, section 17 of chapters 20, 21, 22 and 383 and
20 section 4 of chapter 23 of the laws of 2009, are amended to read as
21 follows:

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

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

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1 an adjudication in accordance with section eleven hundred eleven-c of
2 this chapter of a violation of a bus lane restriction as defined in such
3 section, there shall be levied a crime victim assistance fee in the
4 amount of five dollars and a mandatory surcharge, in addition to any
5 sentence required or permitted by law, in the amount of fifty-five
6 dollars.

7 § 13-a. The opening paragraph of subdivision 1 of section 1809 of the
8 vehicle and traffic law, as separately amended by section 5 of chapter
9 19, section 18 of chapters 20, 21, 22 and 383 and section 5 of chapter
10 23 of the laws of 2009, is amended to read as follows:

11 Whenever proceedings in an administrative tribunal or a court of this
12 state result in a conviction for a crime under this chapter or a traffic
13 infraction under this chapter, or a local law, ordinance, rule or regu-
14 lation adopted pursuant to this chapter, other than a traffic infraction
15 involving standing, stopping, parking or motor vehicle equipment or
16 violations by pedestrians or bicyclists, or other than an adjudication
17 of liability of an owner for a violation of subdivision (d) of section
18 eleven hundred eleven of this chapter in accordance with section eleven
19 hundred eleven-a of this chapter, or other than an adjudication of
20 liability of an owner for a violation of subdivision (d) of section
21 eleven hundred eleven of this chapter in accordance with section eleven
22 hundred eleven-b of this chapter or other than an adjudication in
23 accordance with section eleven hundred eleven-c of this chapter of a
24 violation of a bus lane restriction as defined in such section, there
25 shall be levied a mandatory surcharge, in addition to any sentence
26 required or permitted by law, in the amount of twenty-five dollars.

27 § 13-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
28 as separately amended by chapter 16 of the laws of 1983 and chapter 62
29 of the laws of 1989, is amended to read as follows:

30 1. Whenever proceedings in an administrative tribunal or a court of
31 this state result in a conviction for a crime under this chapter or a
32 traffic infraction under this chapter other than a traffic infraction
33 involving standing, stopping, parking or motor vehicle equipment or
34 violations by pedestrians or bicyclists, or other than an adjudication
35 in accordance with section eleven hundred eleven-c of this chapter of a
36 violation of a bus lane restriction as defined in such section, there
37 shall be levied a mandatory surcharge, in addition to any sentence
38 required or permitted by law, in the amount of seventeen dollars.

39 § 14. Subdivision 2 of section 87 of the public officers law is
40 amended by adding a new paragraph (1) to read as follows:

41 (1) are photographs, microphotographs, videotape or other recorded
42 images produced by a bus lane photo device prepared under the authority
43 of section eleven hundred eleven-c of the vehicle and traffic law.

44 § 15. This act shall take effect on the thirtieth day after it shall
45 have become a law and shall expire 7 years after such effective date
46 when upon such date the provisions of this act shall be deemed repealed;
47 and provided that any rules and regulations necessary for the implemen-
48 tation of this act on its effective date shall be promulgated on or
49 before such date;

50 (a) provided, however, that the amendments to subdivision 1 of section
51 235 of the vehicle and traffic law made by section one of this act shall
52 not affect the expiration of such section and shall be deemed to expire
53 therewith, when upon such date the provisions of section one-a of this
54 act shall take effect, provided, further, however, that the amendments
55 to section 235 of the vehicle and traffic law made by section one-a of
56 this act shall not affect the expiration of such section and shall be

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1 deemed to expire therewith, when upon such date the provisions of
2 section one-b of this act shall take effect; provided, further, however,
3 that the amendments to section 235 of the vehicle and traffic law made
4 by section one-b of this act shall not affect the expiration of such
5 section and shall be deemed to expire therewith, when upon such date the
6 provisions of section one-c of this act shall take effect;

7 (b) provided, further, that the amendments to subdivision 1 of section
8 236 of the vehicle and traffic law made by section two of this act shall
9 not affect the expiration of such subdivision and shall be deemed to
10 expire therewith, when upon such date the provisions of section two-a of
11 this act shall take effect; provided, further, that the amendments to
12 subdivision 1 of section 236 of the vehicle and traffic law made by
13 section two-a of this act shall not affect the expiration of such subdi-
14 vision and shall be deemed to expire therewith, when upon such date the
15 provisions of section two-b of this act shall take effect;

16 (c) provided, further, that the amendments to paragraph f of subdivi-
17 sion 1 of section 239 of the vehicle and traffic law made by section
18 five of this act shall not affect the expiration of such paragraph and
19 shall be deemed to expire therewith, when upon such date the provisions
20 of section five-a of this act shall take effect; provided, further, that
21 the amendments to paragraph f of subdivision 1 of section 239 of the
22 vehicle and traffic law made by section five-a of this act shall not
23 affect the expiration of such paragraph and shall be deemed to expire
24 therewith, when upon such date the provisions of section five-b of this
25 act shall take effect;

26 (d) provided, further, that the amendments to subdivision 4 of section
27 239 of the vehicle and traffic law made by section six of this act shall
28 not affect the repeal of such subdivision and shall be deemed repealed
29 therewith, when upon such date the provisions of section six-a of this
30 act shall take effect;

31 (e) provided, further, that the amendments to subdivision 1 of section
32 240 of the vehicle and traffic law made by section seven of this act
33 shall not affect the expiration of such subdivision and shall be deemed
34 to expire therewith, when upon such date the provisions of section
35 seven-a of this act shall take effect; provided, further, that the
36 amendments to subdivision 1 of section 240 of the vehicle and traffic
37 law made by section seven-a of this act shall not affect the expiration
38 of such subdivision and shall be deemed to expire therewith, when upon
39 such date the provisions of section seven-b of this act shall take
40 effect;

41 (f) provided, further, that the amendments to subdivision 1-a of
42 section 240 of the vehicle and traffic law made by section eight of this
43 act shall not affect the expiration of such subdivision and shall be
44 deemed to expire therewith, when upon such date the provisions of
45 section eight-a of this act shall take effect; provided, further, that
46 the amendments to subdivision 1-a of section 240 of the vehicle and
47 traffic law made by section eight-a of this act shall not affect the
48 expiration of such subdivision and shall be deemed to expire therewith,
49 when upon such date the provisions of section eight-b of this act shall
50 take effect;

51 (g) provided, further, that the amendments to paragraphs a and g of
52 subdivision 2 of section 240 of the vehicle and traffic law made by
53 section nine of this act shall not affect the expiration of such para-
54 graphs and shall be deemed to expire therewith, when upon such date the
55 provision of section nine-a of this act shall take effect; provided,
56 further, that the amendments to paragraphs a and g of subdivision 2 of

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1 section 240 of the vehicle and traffic law made by section nine-a of
2 this act shall not affect the expiration of such subdivision and shall
3 be deemed to expire therewith, when upon such date the provisions of
4 section nine-b of this act shall take effect;

5 (h) provided, further, that the amendments to subdivisions 1 and 2 of
6 section 241 of the vehicle and traffic law made by section ten of this
7 act shall not affect the expiration of such subdivisions and shall be
8 deemed to expire therewith, when upon such date the provisions of
9 section ten-a of this act shall take effect; provided, further, that the
10 amendments to subdivisions 1 and 2 of section 241 of the vehicle and
11 traffic law made by section ten-a of this act shall not affect the expi-
12 ration of such subdivisions and shall be deemed to expire therewith,
13 when upon such date the provisions of section ten-b of this act shall
14 take effect;

15 (i) provided, further, that the amendments to subparagraph (i) of
16 paragraph a of subdivision 5-a of section 401 of the vehicle and traffic
17 law made by section eleven of this act shall not affect the expiration
18 of such paragraph and shall be deemed to expire therewith, when upon
19 such date the provisions of section eleven-a of this act shall take
20 effect; provided, further, that the amendments to paragraph a of subdi-
21 vision 5-a of section 401 of the vehicle and traffic law made by section
22 eleven-a of this act shall not affect the expiration of such paragraph
23 and shall be deemed to expire therewith, when upon such date the
24 provisions of section eleven-b of this act shall take effect;

25 (j) provided, further, that the amendments to subdivision 1 of section
26 1809 of the vehicle and traffic law made by section thirteen of this act
27 shall not affect the expiration of such subdivision pursuant to section
28 406 of chapter 166 of the laws of 1991, as amended, and shall be deemed
29 to expire therewith, when upon such date the provisions of section thir-
30 teen-a of this act shall take effect; and

31 (k) provided, further, that the amendments to subdivision 1 of section
32 1809 of the vehicle and traffic law made by section thirteen-a of this
33 act shall not affect the expiration of such subdivision pursuant to
34 chapter 746 of the laws of 1988, as amended, and shall be deemed to
35 expire therewith, when upon such date the provisions of section thir-
36 teen-b of this act shall take effect.

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

BILL NUMBER: S7735

SPONSOR: DILAN

TITLE OF BILL:

An act to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof

SUMMARY OF PROVISIONS:

This bill amends the Vehicle and Traffic Law and the public Officers Law to authorize the City of New York to establish a Bus Lane Demonstration Program imposing liability on the owners of motor vehicles found to be in violation of City restrictions on the use of bus lanes through the use of bus lane photo devices. Bus lane photo devices will record data by photographic, micro-graphic, video tape, digital video recorder or other recording methods and produce one or more images or sequence of video images of the motor vehicle at the time it is in violation of bus lane restrictions. The bus lane photo devices will be utilized exclusively within the routes receiving improvements as part of the Bus Lane Demonstration program.

JUSTIFICATION:

The New York city Department of Transportation, in coordination with the MTA New York City Transit Authority, is implementing a Bus Lane Demonstration Program. In order to enhance the speed and reliability of the City's buses, it is imperative that designated bus lanes remain free of parked and moving vehicles, trucks loading and unloading, and other unauthorized motor vehicles. These options are necessary given the 53% rise in bus ridership in the City over the past 30 years and the subsequent reduction in bus speeds due to increased traffic. More than 20 bus lines average less than 10 mph during midday. Unreliability is also a major concern, with many bus lines experience problems due to bus bunching, gaps between service and buses running significantly off-schedule. Each year the NYPIRG Straphangers campaign awards the "Pokey" to the slowest local bus route in New York City. The award is given based on actual rides taken by Straphangers staff and volunteers, In 2009 the slowest bus was the M42, with a travel time of 3.7 miles per hour. Given that the average walking speed for an adult is around 3 miles per hour, riders are not much better off paying \$2.25 for a cross-town trip. Bus lanes are meant to speed buses through traffic congestion. Bus riders deserve the assurance that their \$2.25 fare will buy them a trip that is faster than walking.

To ensure the success of the Bus Lane Demonstration program, it is imperative that the designated bus lanes remain free of unauthorized motor vehicles. This legislation will enhance the enforcement efforts of the New York City Police Department, as the program operates in much the

same manner as the City's Red Light Camera Program, which has successfully reduced the incidence of red light violations. Technology will be used to capture photos or videos of vehicles that are in violation of the City's rules regarding bus lane restrictions, which specifically preclude motor vehicles from standing, parking or driving within a bus lane. The images taken will then be used as evidence in a proceeding to impose liability on the owner of the vehicle. The equipment may consist of fixed-location units, mobile units which can be moved around to various locations, and/or units mounted on the buses themselves. However, the use of bus lane photo devices will be limited to cover no more than 50 miles of bus lanes and operate only on weekdays from 7:00 am to 7:00 pm. The violation will be treated as the equivalent of a parking ticket; therefore, no points will be assessed against the driver.

This will, in turn, attract new ridership, helping to meet the City's mobility, environmental, and public health goals.

PRIOR LEGISLATIVE HISTORY:

2009: A.862-C Referred to Transportation/S.2709-D Referred to Transportation.

2008: A.10233-B Referred to Transportation/S.7229-B Referred to Rules.

FISCAL IMPLICATIONS FOR STATE & LOCAL GOVERNMENTS:

Undetermined.

EFFECTIVE DATE:

This act would take effect on the thirtieth day after it shall have become a law and shall expire 7 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided that any rules and regulations necessary for the implementation of this act on its effective date shall be promulgated on or before such date.

STATE OF NEW YORK

10201

IN ASSEMBLY

March 11, 2010

Introduced by M. of A. BING, KELLNER, ROSENTHAL, GOTTFRIED, CUSICK, BROOK-KRASNY, BENEDETTO, LANCMAN, MARKEY, SCHIMEL, CLARK, CYMBROWITZ, O'DONNELL, KAVANAGH, P. RIVERA -- Multi-Sponsored by -- M. of A. BENJAMIN, GALEF, GLICK, GUNTHER, HEASTIE, HOYT, HYER-SPENCER, JEFFRIES, LATIMER, LENTOL, LIFTON, M. MILLER, MILLMAN, PHEFFER, TITONE, TOBACCO, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
2 law, as separately amended by section 1 of chapters 20, 21, 22 and 383
3 of the laws of 2009, is amended to read as follows:
4 1. Notwithstanding any inconsistent provision of any general, special
5 or local law or administrative code to the contrary, in any city which
6 heretofore or hereafter is authorized to establish an administrative
7 tribunal to hear and determine complaints of traffic infractions consti-
8 tuting parking, standing or stopping violations, or to adjudicate the
9 liability of owners for violations of subdivision (d) of section eleven
10 hundred eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, or to adjudicate the liability of owners for
12 violations of subdivision (d) of section eleven hundred eleven of this
13 chapter in accordance with section eleven hundred eleven-b of this chap-
14 ter as added by section sixteen of [~~the chapter~~ chapters twenty, twen-
15 ty-one, twenty-two and three hundred eighty-three of the laws of two
16 thousand nine [~~which amended this subdivision~~], or to adjudicate the
17 liability of owners for violations of toll collection regulations as
18 defined in and in accordance with the provisions of section two thousand
19 nine hundred eighty-five of the public authorities law and sections
20 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four

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

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1 of the laws of nineteen hundred fifty, or to adjudicate liability of
2 owners in accordance with section eleven hundred eleven-c of this chap-
3 ter for violations of bus lane restrictions as defined in such section,
4 such tribunal and the rules and regulations pertaining thereto shall be
5 constituted in substantial conformance with the following sections.

6 § 1-a. Section 235 of the vehicle and traffic law, as separately
7 amended by section 2 of chapters 20, 21, 22 and 383 of the laws of 2009,
8 is amended to read as follows:

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

32 § 1-b. Section 235 of the vehicle and traffic law, as separately
33 amended by section 3 of chapters 20, 21, 22 and 383 of the laws of 2009,
34 is amended to read as follows:

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

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

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

19 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
20 separately amended by section 4 of chapters 20, 21, 22 and 383 of the
21 laws of 2009, is amended to read as follows:

22 1. Creation. In any city as hereinbefore or hereafter authorized such
23 tribunal when created shall be known as the parking violations bureau
24 and shall have jurisdiction of traffic infractions which constitute a
25 parking violation and, where authorized by local law adopted pursuant to
26 subdivision (a) of section eleven hundred eleven-a of this chapter or
27 subdivision (a) of section eleven hundred eleven-b of this chapter as
28 added by section sixteen of ~~[the chapter]~~ chapters twenty, twenty-one,
29 twenty-two and three hundred eighty-three of the laws of two thousand
30 nine ~~[which amended this subdivision]~~, shall adjudicate the liability of
31 owners for violations of subdivision (d) of section eleven hundred elev-
32 en of ~~[this chapter]~~ chapters twenty, twenty-one, twenty-two and three
33 hundred eighty-three in accordance with such section eleven hundred
34 eleven-a or such section eleven hundred eleven-b as added by section
35 sixteen of ~~[the chapter]~~ chapters twenty, twenty-one, twenty-two and
36 three hundred eighty-three of the laws of two thousand nine ~~[which~~
37 ~~amended this subdivision]~~ and shall adjudicate the liability of owners
38 for violations of toll collection regulations as defined in and in
39 accordance with the provisions of section two thousand nine hundred
40 eighty-five of the public authorities law and sections sixteen-a,
41 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
42 laws of nineteen hundred fifty, and shall adjudicate liability of owners
43 in accordance with section eleven hundred eleven-c of this chapter for
44 violations of bus lane restrictions as defined in such section. . . Such
45 tribunal, except in a city with a population of one million or more,
46 shall also have jurisdiction of abandoned vehicle violations. For the
47 purposes of this article, a parking violation is the violation of any
48 law, rule or regulation providing for or regulating the parking, stop-
49 ping or standing of a vehicle. In addition for purposes of this article,
50 "commissioner" shall mean and include the commissioner of traffic of the
51 city or an official possessing authority as such a commissioner.

52 § 2-a. Subdivision 1 of section 236 of the vehicle and traffic law,
53 as separately amended by section 5 of chapters 20, 21, 22 and 383 of the
54 laws of 2009, is amended to read as follows:

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

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1 and shall have jurisdiction of traffic infractions which constitute a
2 parking violation and, where authorized by local law adopted pursuant to
3 subdivision (a) of section eleven hundred eleven-b of this chapter as
4 added by section sixteen of ~~[the chapter]~~ chapters twenty, twenty-one,
5 twenty-two and three hundred eighty-three of the laws of two thousand
6 nine ~~[which amended this subdivision]~~, shall adjudicate the liability of
7 owners for violations of subdivision (d) of section eleven hundred eleven-
8 en of this chapter in accordance with such section eleven hundred eleven-
9 eleven-b as added by section sixteen of ~~[the chapter]~~ chapters twenty,
10 twenty-one, twenty-two and three hundred eighty-three of the laws of two
11 thousand nine which amended this subdivision, and shall adjudicate
12 liability of owners in accordance with section eleven hundred eleven-c
13 of this chapter for violations of bus lane restrictions as defined in
14 such section. For the purposes of this article, a parking violation is
15 the violation of any law, rule or regulation providing for or regulating
16 the parking, stopping or standing of a vehicle. In addition for purposes
17 of this article, "commissioner" shall mean and include the commissioner
18 of traffic of the city or an official possessing authority as such a
19 commissioner.

20 § 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as
21 added by chapter 715 of the laws of 1972, is amended to read as follows:

22 1. Creation. In any city as hereinbefore or hereafter authorized such
23 tribunal when created shall be known as the parking violations bureau
24 and shall have jurisdiction of traffic infractions which constitute a
25 parking violation, and shall adjudicate liability of owners in accord-
26 ance with section eleven hundred eleven-c of this chapter for violations
27 of bus lane restrictions as defined in such section. For the purposes
28 of this article, a parking violation is the violation of any law, rule
29 or regulation providing for or regulating the parking, stopping or
30 standing of a vehicle. In addition for purposes of this article,
31 "commissioner" shall mean and include the commissioner of traffic of the
32 city or an official possessing authority as such a commissioner.

33 § 3. Subdivision 11 of section 237 of the vehicle and traffic law, as
34 added by chapter 379 of the laws of 1992, is amended to read as
35 follows:

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

42 § 4. Section 237 of the vehicle and traffic law is amended by adding
43 a new subdivision 12 to read as follows:

44 12. To adjudicate liability of owners in accordance with section elev-
45 en hundred eleven-c of this chapter for violations of bus lane
46 restrictions as defined in such section.

47 § 5. Paragraph f of subdivision 1 of section 239 of the vehicle and
48 traffic law, as separately amended by section 8 of chapters 20, 21, 22
49 and 383 of the laws of 2009, is amended to read as follows:

50 f. "Notice of violation" means a notice of violation as defined in
51 subdivision nine of section two hundred thirty-seven of this article,
52 but shall not be deemed to include a notice of liability issued pursuant
53 to authorization set forth in section eleven hundred eleven-a of this
54 chapter or section eleven hundred eleven-b of this chapter as added by
55 section sixteen of ~~[the chapter]~~ chapters twenty, twenty-one, twenty-two
56 and three hundred eighty-three of the laws of two thousand nine ~~[which~~

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1 ~~amended this paragraph~~, and shall not be deemed to include a notice of
2 liability issued pursuant to section two thousand nine hundred eighty-
3 five of the public authorities law and sections sixteen-a, sixteen-b and
4 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
5 hundred fifty and shall not be deemed to include a notice of liability
6 issued pursuant to section eleven hundred eleven-c of this chapter.

7 § 5-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
8 traffic law, as separately amended by section 9 of chapters 20, 21, 22
9 and 383 of the laws of 2009, is amended to read as follows:

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

19 § 5-b. Paragraph f of subdivision 1 of section 239 of the vehicle and
20 traffic law, as added by chapter 180 of the laws of 1980, is amended to
21 read as follows:

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

26 § 6. Subdivision 4 of section 239 of the vehicle and traffic law, as
27 amended by chapter 379 of the laws of 1992, is amended to read as
28 follows:

29 4. Applicability. The provisions of paragraph b of subdivision two and
30 subdivision three of this section shall not be applicable to determi-
31 nations of owner liability for the failure of an operator to comply with
32 subdivision (d) of section eleven hundred eleven of this chapter and
33 shall not be applicable to determinations of owner liability imposed
34 pursuant to section two thousand nine hundred eighty-five of the public
35 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-
36 ter seven hundred seventy-four of the laws of nineteen hundred fifty and
37 shall not be applicable to determinations of owner liability for
38 violations of section eleven hundred eleven-c of this chapter.

39 § 6-a. Section 239 of the vehicle and traffic law is amended by adding
40 a new subdivision 4 to read as follows:

41 4. Applicability. The provisions of paragraph b of subdivision two and
42 subdivision three of this section shall not be applicable to determi-
43 nations of owner liability for violations of section eleven hundred
44 eleven-c of this chapter.

45 § 7. Subdivision 1 of section 240 of the vehicle and traffic law, as
46 separately amended by section 10 of chapters 20, 21, 22 and 383 of the
47 laws of 2009, is amended to read as follows:

48 1. Notice of hearing. Whenever a person charged with a parking
49 violation enters a plea of not guilty or a person alleged to be liable
50 in accordance with section eleven hundred eleven-a of this chapter or
51 section eleven hundred eleven-b of this chapter as added by section
52 sixteen of [~~the chapter~~] chapters twenty, twenty-one, twenty-two and
53 three hundred eighty-three of the laws of two thousand nine [~~which~~
54 ~~amended this paragraph subdivision~~], for a violation of subdivision (d)
55 of section eleven hundred eleven of this chapter contests such allega-
56 tion, or a person alleged to be liable in accordance with the provisions

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

15 § 7-a. Subdivision 1 of section 240 of the vehicle and traffic law, as
16 separately amended by section 11 of chapters 20, 21, 22 and 383 of the
17 laws of 2009, is amended to read as follows:

18 1. Notice of hearing. Whenever a person charged with a parking
19 violation enters a plea of not guilty or a person alleged to be liable
20 in accordance with section eleven hundred eleven-b of this chapter as
21 added by section sixteen of [~~the chapter~~] chapters twenty, twenty-one,
22 twenty-two and three hundred eighty-three of the laws of two thousand
23 nine [~~which amended this subdivision~~], for a violation of subdivision
24 (d) of section eleven hundred eleven of this chapter contests such alle-
25 gation, or a person alleged to be liable in accordance with the
26 provisions of section eleven hundred eleven-c of this chapter for a
27 violation of a bus lane restriction as defined in such section contests
28 such allegation, the bureau shall advise such person personally by such
29 form of first class mail as the director may direct of the date on which
30 he or she must appear to answer the charge at a hearing. The form and
31 content of such notice of hearing shall be prescribed by the director,
32 and shall contain a warning to advise the person so pleading or contest-
33 ing that failure to appear on the date designated, or on any subsequent
34 adjourned date, shall be deemed an admission of liability, and that a
35 default judgment may be entered thereon.

36 § 7-b. Subdivision 1 of section 240 of the vehicle and traffic law, as
37 added by chapter 715 of the laws of 1972, is amended to read as follows:

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

50 § 8. Subdivision 1-a of section 240 of the vehicle and traffic law, as
51 separately amended by section 10 of chapters 20, 21, 22 and 383 of the
52 laws of 2009, is amended to read as follows:

53 1-a. Fines and penalties. Whenever a plea of not guilty has been
54 entered, or the bureau has been notified that an allegation of liability
55 in accordance with section eleven hundred eleven-a of this chapter or
56 section eleven hundred eleven-b of this chapter as added by section

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1 sixteen of ~~[the chapter]~~ chapters twenty, twenty-one, twenty-two and
2 three hundred eighty-three of the laws of two thousand nine ~~[which~~
3 ~~amended this subdivision]~~ or an allegation of liability in accordance
4 with section two thousand nine hundred eighty-five of the public author-
5 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
6 seven hundred seventy-four of the laws of nineteen hundred fifty or an
7 allegation of liability in accordance with section eleven hundred
8 eleven-c of this chapter, is being contested, by a person in a timely
9 fashion and a hearing upon the merits has been demanded, but has not yet
10 been held, the bureau shall not issue any notice of fine or penalty to
11 that person prior to the date of the hearing.

12 § 8-a. Subdivision 1-a of section 240 of the vehicle and traffic law,
13 as separately amended by section 11 of chapters 20, 21, 22 and 383 of
14 the laws of 2009, is amended to read as follows:

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

24 § 8-b. Subdivision 1-a of section 240 of the vehicle and traffic law,
25 as added by chapter 365 of the laws of 1978, is amended to read as
26 follows:

27 1-a. Fines and penalties. Whenever a plea of not guilty has been
28 entered, or the bureau has been notified that an allegation of liability
29 in accordance with section eleven hundred eleven-c of this chapter is
30 being contested, by a person in a timely fashion and a hearing upon the
31 merits has been demanded, but has not yet been held, the bureau shall
32 not issue any notice of fine or penalty to that person prior to the date
33 of the hearing.

34 § 9. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
35 and traffic law, as separately amended by section 10 of chapters 20, 21,
36 22 and 383 of the laws of 2009, are amended to read as follows:

37 a. Every hearing for the adjudication of a charge of parking violation
38 or an allegation of liability in accordance with section eleven hundred
39 eleven-a of this chapter or in accordance with section eleven hundred
40 eleven-b of this chapter as added by section sixteen of ~~[the chapter]~~
41 chapters twenty, twenty-one, twenty-two and three hundred eighty-three
42 of the laws of two thousand nine ~~[which amended this paragraph]~~ or an
43 allegation of liability in accordance with section two thousand nine
44 hundred eighty-five of the public authorities law or sections sixteen-a,
45 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
46 laws of nineteen hundred fifty or an allegation of liability in accord-
47 ance with section eleven hundred eleven-c of this chapter shall be held
48 before a hearing examiner in accordance with rules and regulations
49 promulgated by the bureau.

50 g. A record shall be made of a hearing on a plea of not guilty or of a
51 hearing at which liability in accordance with section eleven hundred
52 eleven-a of this chapter or in accordance with section eleven hundred
53 eleven-b of this chapter as added by section sixteen of ~~[the chapter]~~
54 chapters twenty, twenty-one, twenty-two and three hundred eighty-three
55 of the laws of two thousand nine ~~[which amended this paragraph]~~ is
56 contested or of a hearing at which liability in accordance with section

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1 two thousand nine hundred eighty-five of the public authorities law or
2 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
3 seventy-four of the laws of nineteen hundred fifty is contested or a
4 hearing at which liability in accordance with section eleven hundred
5 eleven-c of this chapter is contested. Recording devices may be used
6 for the making of the record.

7 § 9-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
8 cle and traffic law, as separately amended by section 11 of chapters 20,
9 21, 22 and 383 of the laws of 2009, are amended to read as follows:

10 a. Every hearing for the adjudication of a charge of parking violation
11 or an allegation of liability in accordance with section eleven hundred
12 eleven-b of this chapter, as added by section sixteen of [~~the chapter~~]
13 chapters twenty, twenty-one, twenty-two and three hundred eighty-three
14 of the laws of two thousand nine [~~which amended this paragraph~~] or a
15 hearing at which liability in accordance with section eleven hundred
16 eleven-c of this chapter shall be held before a hearing examiner in
17 accordance with rules and regulations promulgated by the bureau.

18 g. A record shall be made of a hearing on a plea of not guilty or of a
19 hearing at which liability in accordance with section eleven hundred
20 eleven-b of this chapter, as added by section sixteen of [~~the chapter~~]
21 chapters twenty, twenty-one, twenty-two and three hundred eighty-three
22 of the laws of two thousand nine [~~which amended this paragraph~~] or a
23 hearing at which liability in accordance with section eleven hundred
24 eleven-c of this chapter. Recording devices may be used for the making
25 of the record.

26 § 9-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
27 cle and traffic law, as added by chapter 715 of the laws of 1972, are
28 amended to read as follows:

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

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

37 § 10. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
38 law, as separately amended by section 12 of chapters 20, 21, 22 and 383
39 of the laws of 2009, are amended to read as follows:

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

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1 on a final determination roll maintained by the bureau together with
2 records showing payment and nonpayment of penalties.

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

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

9 § 10-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
10 law, as separately amended by section 13 of chapters 20, 21, 22 and 383
11 of the laws of 2009, are amended to read as follows:

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

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

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

18 § 10-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
19 law, subdivision 1 as added by chapter 715 of the laws of 1972, subdivi-
20 sion 2 as amended by chapter 365 of the laws of 1978, are amended to
21 read as follows:

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

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

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

10 § 11. Subparagraph (i) of paragraph a of subdivision 5-a of section
11 401 of the vehicle and traffic law, as separately amended by section 1
12 of chapter 19, section 14 of chapters 20, 21, 22 and 383 and section 1
13 of chapter 23 of the laws of 2009, is amended to read as follows:

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

53 § 11-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
54 and traffic law, as separately amended by section 2 of chapter 19,
55 section 15 of chapters 20, 21, 22 and 383 and section 2 of chapter 23 of
56 the laws of 2009, is amended to read as follows:

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

37 § 11-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
38 and traffic law, as separately amended by chapters 339 and 592 of the
39 laws of 1987, is amended to read as follows:

40 a. If at the time of application for a registration or renewal thereof
41 there is a certification from a court or administrative tribunal of
42 appropriate jurisdiction that the registrant or his or her represen-
43 tative failed to appear on the return date or any subsequent adjourned
44 date or failed to comply with the rules and regulations of an adminis-
45 trative tribunal following entry of a final decision in response to
46 three or more summonses or other process, issued within an eighteen
47 month period, charging that: (A) such motor vehicle was parked, stopped
48 or standing, or that such motor vehicle was operated for hire by the
49 registrant or his or her agent without being licensed as a motor vehicle
50 for hire by the appropriate local authority, in violation of any of the
51 provisions of this chapter or of any law, ordinance, rule or regulation
52 made by a local authority, or (B) the registrant was liable in accord-
53 ance with section eleven hundred eleven-c of this chapter for a
54 violation of a bus lane restriction as defined in such section, the
55 commissioner or his or her agent shall deny the registration or renewal
56 application until the applicant provides proof from the court or admin-

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

16 § 12. The vehicle and traffic law is amended by adding a new section
17 1111-c to read as follows:

18 § 1111-c. Owner liability for failure of operator to comply with bus
19 lane restriction. (a) Notwithstanding any other provision of law, each
20 city with a population of one million or more is hereby authorized and
21 empowered to establish a bus lane demonstration program imposing mone-
22 tary liability on the owner of a vehicle for failure of an operator
23 thereof to comply with any bus lane restriction in such a city in
24 accordance with the provisions of this section. The department of trans-
25 portation of such a city or the applicable mass transit agency, for
26 purposes of the implementation of a bus lane demonstration program, may
27 operate bus lane photo devices only to enforce bus lane restrictions
28 imposed on routes within such a program in such a city. Such bus lane
29 photo devices may be stationary or mobile and shall be activated at
30 locations determined by such department of transportation and/or on
31 buses selected by such department of transportation in consultation with
32 the applicable mass transit agency. Any mobile bus lane photo device
33 mounted on a bus shall be directed outwardly from such bus to capture
34 images of vehicles operated in violation of bus lane restrictions, and
35 images produced by such device shall not be used for any other purpose
36 in the absence of a court order requiring such images to be produced.
37 Any image or images captured by stationary bus lane photo devices shall
38 be inadmissible in any disciplinary proceeding convened by the applica-
39 ble mass transit agency or any subsidiary thereof and any proceeding
40 initiated by the department of motor vehicles involving licensure privi-
41 leges of bus operators. A city authorized to install bus lane photo
42 devices pursuant to the provisions of this section shall adopt and
43 enforce measures to protect the privacy of drivers, passengers, pedes-
44 trians and cyclists whose identity and identifying information may be
45 captured by such bus lane photo devices. Such measures shall include:

46 1. utilization of necessary technologies to ensure, to the extent
47 practicable, that photographs produced by bus lane photo devices shall
48 not include images that identify the driver, the passengers, or the
49 contents of the vehicle, provided, however, that no notice of liability
50 issued pursuant to this section shall be dismissed solely because a
51 photograph or photographs allow for the identification of the driver,
52 the passengers or other contents of a vehicle;

53 2. a prohibition on the use or dissemination of vehicles' license
54 plate information and other information and images captured by bus lane
55 photo devices except as required to establish liability under this
56 section or collect payment of penalties; or to respond to requests by

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1 law enforcement officials pertaining to a specific accident or specific
2 incident of alleged criminal conduct; or except as otherwise required by
3 law;

4 3. the installation of signage within restricted bus lanes stating
5 that bus lane photo devices are used to enforce restrictions on vehicu-
6 lar traffic in bus lanes; and

7 4. oversight procedures to ensure compliance with the aforementioned
8 privacy-protection measures.

9 Within the city with a population of one million or more, such bus
10 lane photo devices shall be operated on no more than fifty miles of bus
11 lanes within such city.

12 (b) In any city that has established a bus lane demonstration program
13 pursuant to subdivision (a) of this section, the owner of a vehicle
14 shall be liable for a penalty imposed pursuant to this section if such
15 vehicle is used or operated with the permission of the owner, express or
16 implied, in violation of any bus lane restriction imposed on a route
17 within such bus lane demonstration program, and such violation is
18 evidenced by information obtained from a bus lane photo device; provided
19 however that no owner of a vehicle shall be liable for a penalty imposed
20 pursuant to this section where the operator of such vehicle has been
21 convicted of the underlying violation of such bus lane restriction.

22 (c) For purposes of this section, the following terms shall mean:

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

25 2. "bus lane photo device" shall mean a device that is capable of
26 operating independently of an enforcement officer and produces one or
27 more images of each vehicle at the time it is in violation of a bus lane
28 restriction.

29 3. "bus lane restriction" shall mean a restriction on the use of
30 designated traffic lanes by vehicles other than buses imposed by rule or
31 signs erected by the department of transportation of a city that estab-
32 lishes a bus lane demonstration program pursuant to this section.

33 4. "bus lane demonstration program" shall mean a program that operates
34 on routes receiving enhanced markings and/or signage designated by the
35 department of transportation of a city that establishes such a demon-
36 stration program pursuant to this section.

37 (d) A certificate, or a facsimile thereof, sworn to or affirmed by a
38 technician employed by the city in which the charged violation occurred
39 or by its vendor or contractor or by the applicable mass transit agency,
40 based upon inspection of photographs, microphotographs, videotape or
41 other recorded images produced by a bus lane photo device, shall be
42 prima facie evidence of the facts contained therein. Any photographs,
43 microphotographs, videotape or other recorded images evidencing such a
44 violation shall be available for inspection in any proceeding to adjudi-
45 cate the liability for such violation pursuant to this section.

46 (e) An owner liable for a violation of a bus lane restriction imposed
47 on any route within a bus lane demonstration program shall be liable for
48 monetary penalties in accordance with a schedule of fines and penalties
49 promulgated by the parking violations bureau of such city; provided,
50 however, that the monetary penalty for violating a bus lane restriction
51 shall not exceed one hundred fifteen dollars; provided, further, that an
52 owner shall be liable for an additional penalty not to exceed twenty-
53 five dollars for each violation for the failure to respond to a notice
54 of liability within the prescribed time period.

55 (f) An imposition of liability pursuant to this section shall not be
56 deemed a conviction of an operator and shall not be made part of the

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1 operating record of the person upon whom such liability is imposed, nor
2 shall it be used for insurance purposes in the provision of motor vehi-
3 cle insurance coverage.

4 (g) 1. A notice of liability shall be sent by first class mail to each
5 person alleged to be liable as an owner for a violation of a bus lane
6 restriction. Personal delivery to the owner shall not be required. A
7 manual or automatic record of mailing prepared in the ordinary course of
8 business shall be prima facie evidence of the facts contained therein.

9 2. A notice of liability shall contain the name and address of the
10 person alleged to be liable as an owner for a violation of a bus lane
11 restriction, the registration number of the vehicle involved in such
12 violation, the location where such violation took place, the date and
13 time of such violation and the identification number of the bus lane
14 photo device which recorded the violation or other document locator
15 number.

16 3. The notice of liability shall contain information advising the
17 person charged of the manner and the time in which he or she may contest
18 the liability alleged in the notice. Such notice of liability shall also
19 contain a warning to advise the persons charged that failure to contest
20 in the manner and time provided shall be deemed an admission of liabil-
21 ity and that a default judgement may be entered thereon.

22 4. The notice of liability shall be prepared and mailed by the agency
23 or agencies designated by such city.

24 (h) If an owner of a vehicle receives a notice of liability pursuant
25 to this section for any time period during which such vehicle was
26 reported to the police department as having been stolen, it shall be a
27 valid defense to an allegation of liability for a violation of a bus
28 lane restriction that the vehicle had been reported to the police as
29 stolen prior to the time the violation occurred and had not been recov-
30 ered by such time. For purposes of asserting the defense provided by
31 this subdivision it shall be sufficient that an original incident form
32 issued by the police on the stolen vehicle be sent by first class mail
33 to the parking violations bureau of such city.

34 (i) 1. An owner who is a lessor of a vehicle to which a notice of
35 liability was issued pursuant to subdivision (g) of this section shall
36 not be liable for the violation of a bus lane restriction, provided
37 that:

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

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

49 2. Failure to comply with subparagraph (ii) of paragraph one of this
50 subdivision shall render the owner liable for the penalty prescribed in
51 this section.

52 3. Where the lessor complies with the provisions of paragraph one of
53 this subdivision, the lessee of such vehicle on the date of such
54 violation shall be deemed to be the owner of such vehicle for purposes
55 of this section, shall be subject to liability for such violation pursu-

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1 ant to this section and shall be sent a notice of liability pursuant to
2 subdivision (g) of this section.

3 (j) If the owner liable for a violation of a bus lane restriction was
4 not the operator of the vehicle at the time of the violation, the owner
5 may maintain an action for indemnification against the operator.

6 (k) Nothing in this section shall be construed to limit the liability
7 of an operator of a vehicle for any violation of bus lane restrictions.

8 (l) Any city that adopts a bus lane demonstration program pursuant to
9 subdivision (a) of this section shall submit a report on the results of
10 the use of bus lane photo devices to the governor, the temporary presi-
11 dent of the senate and the speaker of the assembly by April first, two
12 thousand fourteen. Such report shall include, but not be limited to:

13 1. a description of the locations and/or buses where bus lane photo
14 devices were used;

15 2. the total number of violations recorded on a monthly and annual
16 basis;

17 3. the total number of notices of liability issued;

18 4. the number of fines and total amount of fines paid after first
19 notice of liability;

20 5. the number of violations adjudicated and results of such adjudi-
21 cations including breakdowns of dispositions made;

22 6. the total amount of revenue realized by such city; and

23 7. the quality of the adjudication process and its results.

24 § 13. The opening paragraph and paragraph (c) of subdivision 1 of
25 section 1809 of the vehicle and traffic law, as separately amended by
26 section 4 of chapter 19, section 17 of chapters 20, 21, 22 and 383 and
27 section 4 of chapter 23 of the laws of 2009, are amended to read as
28 follows:

29 Whenever proceedings in an administrative tribunal or a court of this
30 state result in a conviction for an offense under this chapter or a
31 traffic infraction under this chapter, or a local law, ordinance, rule
32 or regulation adopted pursuant to this chapter, other than a traffic
33 infraction involving standing, stopping, or parking or violations by
34 pedestrians or bicyclists, or other than an adjudication of liability of
35 an owner for a violation of subdivision (d) of section eleven hundred
36 eleven of this chapter in accordance with section eleven hundred
37 eleven-a of this chapter, or other than an adjudication of liability of
38 an owner for a violation of subdivision (d) of section eleven hundred
39 eleven of this chapter in accordance with section eleven hundred
40 eleven-b of this chapter or other than an adjudication in accordance
41 with section eleven hundred eleven-c of this chapter of a violation of a
42 bus lane restriction as defined in such section, there shall be levied a
43 crime victim assistance fee and a mandatory surcharge, in addition to
44 any sentence required or permitted by law, in accordance with the
45 following schedule:

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

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1 eleven hundred eleven of this chapter in accordance with section eleven
2 hundred eleven-b of this chapter, or other than an infraction pursuant
3 to article nine of this chapter or other than an adjudication of liability
4 of an owner for a violation of toll collection regulations pursuant
5 to section two thousand nine hundred eighty-five of the public authorities
6 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
7 hundred seventy-four of the laws of nineteen hundred fifty or other than
8 an adjudication in accordance with section eleven hundred eleven-c of
9 this chapter of a violation of a bus lane restriction as defined in such
10 section, there shall be levied a crime victim assistance fee in the
11 amount of five dollars and a mandatory surcharge, in addition to any
12 sentence required or permitted by law, in the amount of fifty-five
13 dollars.

14 § 13-a. The opening paragraph of subdivision 1 of section 1809 of the
15 vehicle and traffic law, as separately amended by section 5 of chapter
16 19, section 18 of chapters 20, 21, 22 and 383 and section 5 of chapter
17 23 of the laws of 2009, is amended to read as follows:

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

34 § 13-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
35 as separately amended by chapter 16 of the laws of 1983 and chapter 62
36 of the laws of 1989, is amended to read as follows:

37 1. Whenever proceedings in an administrative tribunal or a court of
38 this state result in a conviction for a crime under this chapter or a
39 traffic infraction under this chapter other than a traffic infraction
40 involving standing, stopping, parking or motor vehicle equipment or
41 violations by pedestrians or bicyclists, or other than an adjudication
42 in accordance with section eleven hundred eleven-c of this chapter of a
43 violation of a bus lane restriction as defined in such section, there
44 shall be levied a mandatory surcharge, in addition to any sentence
45 required or permitted by law, in the amount of seventeen dollars.

46 § 14. Subdivision 2 of section 87 of the public officers law is
47 amended by adding a new paragraph (1) to read as follows:

48 (1) are photographs, microphotographs, videotape or other recorded
49 images produced by a bus lane photo device prepared under the authority
50 of section eleven hundred eleven-c of the vehicle and traffic law.

51 § 15. This act shall take effect on the thirtieth day after it shall
52 have become a law and shall expire 7 years after such effective date
53 when upon such date the provisions of this act shall be deemed repealed;
54 and provided that any rules and regulations necessary for the implemen-
55 tation of this act on its effective date shall be promulgated on or
56 before such date;

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1 (a) provided, however, that the amendments to subdivision 1 of section
2 235 of the vehicle and traffic law made by section one of this act shall
3 not affect the expiration of such section and shall be deemed to expire
4 therewith, when upon such date the provisions of section one-a of this
5 act shall take effect, provided, further, however, that the amendments
6 to section 235 of the vehicle and traffic law made by section one-a of
7 this act shall not affect the expiration of such section and shall be
8 deemed to expire therewith, when upon such date the provisions of
9 section one-b of this act shall take effect; provided, further, however,
10 that the amendments to section 235 of the vehicle and traffic law made
11 by section one-b of this act shall not affect the expiration of such
12 section and shall be deemed to expire therewith, when upon such date the
13 provisions of section one-c of this act shall take effect;

14 (b) provided, further, that the amendments to subdivision 1 of section
15 236 of the vehicle and traffic law made by section two of this act shall
16 not affect the expiration of such subdivision and shall be deemed to
17 expire therewith, when upon such date the provisions of section two-a of
18 this act shall take effect; provided, further, that the amendments to
19 subdivision 1 of section 236 of the vehicle and traffic law made by
20 section two-a of this act shall not affect the expiration of such subdivi-
21 sion and shall be deemed to expire therewith, when upon such date the
22 provisions of section two-b of this act shall take effect;

23 (c) provided, further, that the amendments to paragraph f of subdivi-
24 sion 1 of section 239 of the vehicle and traffic law made by section
25 five of this act shall not affect the expiration of such paragraph and
26 shall be deemed to expire therewith, when upon such date the provisions
27 of section five-a of this act shall take effect; provided, further, that
28 the amendments to paragraph f of subdivision 1 of section 239 of the
29 vehicle and traffic law made by section five-a of this act shall not
30 affect the expiration of such paragraph and shall be deemed to expire
31 therewith, when upon such date the provisions of section five-b of this
32 act shall take effect;

33 (d) provided, further, that the amendments to subdivision 4 of section
34 239 of the vehicle and traffic law made by section six of this act shall
35 not affect the repeal of such subdivision and shall be deemed repealed
36 therewith, when upon such date the provisions of section six-a of this
37 act shall take effect;

38 (e) provided, further, that the amendments to subdivision 1 of section
39 240 of the vehicle and traffic law made by section seven of this act
40 shall not affect the expiration of such subdivision and shall be deemed
41 to expire therewith, when upon such date the provisions of section
42 seven-a of this act shall take effect; provided, further, that the
43 amendments to subdivision 1 of section 240 of the vehicle and traffic
44 law made by section seven-a of this act shall not affect the expiration
45 of such subdivision and shall be deemed to expire therewith, when upon
46 such date the provisions of section seven-b of this act shall take
47 effect;

48 (f) provided, further, that the amendments to subdivision 1-a of
49 section 240 of the vehicle and traffic law made by section eight of this
50 act shall not affect the expiration of such subdivision and shall be
51 deemed to expire therewith, when upon such date the provisions of
52 section eight-a of this act shall take effect; provided, further, that
53 the amendments to subdivision 1-a of section 240 of the vehicle and
54 traffic law made by section eight-a of this act shall not affect the
55 expiration of such subdivision and shall be deemed to expire therewith,

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

3 (g) provided, further, that the amendments to paragraphs a and g of
4 subdivision 2 of section 240 of the vehicle and traffic law made by
5 section nine of this act shall not affect the expiration of such para-
6 graphs and shall be deemed to expire therewith, when upon such date the
7 provision of section nine-a of this act shall take effect; provided,
8 further, that the amendments to paragraphs a and g of subdivision 2 of
9 section 240 of the vehicle and traffic law made by section nine-a of
10 this act shall not affect the expiration of such subdivision and shall
11 be deemed to expire therewith, when upon such date the provisions of
12 section nine-b of this act shall take effect;

13 (h) provided, further, that the amendments to subdivisions 1 and 2 of
14 section 241 of the vehicle and traffic law made by section ten of this
15 act shall not affect the expiration of such subdivisions and shall be
16 deemed to expire therewith, when upon such date the provisions of
17 section ten-a of this act shall take effect; provided, further, that the
18 amendments to subdivisions 1 and 2 of section 241 of the vehicle and
19 traffic law made by section ten-a of this act shall not affect the expi-
20 ration of such subdivisions and shall be deemed to expire therewith,
21 when upon such date the provisions of section ten-b of this act shall
22 take effect;

23 (i) provided, further, that the amendments to subparagraph (i) of
24 paragraph a of subdivision 5-a of section 401 of the vehicle and traffic
25 law made by section eleven of this act shall not affect the expiration
26 of such paragraph and shall be deemed to expire therewith, when upon
27 such date the provisions of section eleven-a of this act shall take
28 effect; provided, further, that the amendments to paragraph a of subdivi-
29 sion 5-a of section 401 of the vehicle and traffic law made by section
30 eleven-a of this act shall not affect the expiration of such paragraph
31 and shall be deemed to expire therewith, when upon such date the
32 provisions of section eleven-b of this act shall take effect;

33 (j) provided, further, that the amendments to subdivision 1 of section
34 1809 of the vehicle and traffic law made by section thirteen of this act
35 shall not affect the expiration of such subdivision pursuant to section
36 406 of chapter 166 of the laws of 1991, as amended, and shall be deemed
37 to expire therewith, when upon such date the provisions of section thir-
38 teen-a of this act shall take effect; and

39 (k) provided, further, that the amendments to subdivision 1 of section
40 1809 of the vehicle and traffic law made by section thirteen-a of this
41 act shall not affect the expiration of such subdivision pursuant to
42 chapter 746 of the laws of 1988, as amended, and shall be deemed to
43 expire therewith, when upon such date the provisions of section thir-
44 teen-b of this act shall take effect.

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

BILL NUMBER: A10201

SPONSOR: Bing (MS)

TITLE OF BILL: An act to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus lane demonstration program to enforce restrictions on the use of bus lanes by means of bus lane photo devices; and providing for the repeal of such provisions upon expiration thereof

SUMMARY OF PROVISIONS: This bill amends the Vehicle and Traffic Law and the Public Officers Law to authorize the City of New York to establish a Bus Lane Demonstration Program imposing liability on the owners of motor vehicles found to be in violation of City restrictions on the use of bus lanes through the use of bus lane photo devices. Bus lane photo devices will record data by photographic, micro-graphic, video tape, digital video recorder or other recording methods and produce one or more images or sequence of video images of the motor vehicle at the time it is in violation of bus lane restrictions. The bus lane photo devices will be utilized exclusively within the routes receiving improvements as part of the Bus Lane Demonstration Program.

JUSTIFICATION: The New York City Department of Transportation, in coordination with the MTA New York City Transit Authority, is implementing a Bus Lane Demonstration Program. In order to enhance the speed and reliability of the City's buses, it is imperative that designated bus lanes remain free of parked and moving vehicles, trucks loading and unloading, and other unauthorized motor vehicles. These options are necessary given the 53% rise in bus ridership in the City over the past 30 years and the subsequent reduction in bus speeds due to increased traffic. More than 20 bus lines average less than 10 mph during midday. Unreliability is also a major concern, with many bus lines experience problems due to bus bunching, gaps between service and buses running significantly off-schedule. Each year the NYPIRG Straphangers Campaign awards the "Pokey" to the slowest local bus route in New York City. The award is given based on actual rides taken by Straphangers staff and volunteers, In 2009 the slowest bus was the M42, with a travel time of 3.7 miles per hour. Given that the average walking speed for an adult is around 3 miles per hour, riders are not much better off paying \$2.25 for a cross-town trip. Bus lanes are meant to speed buses through traffic congestion. Bus riders deserve the assurance that their \$2.25 fare will buy them a trip that is faster than walking,

To ensure the success of the Bus Lane Demonstration Program, it is imperative that the designated bus lanes remain free of unauthorized motor vehicles. This legislation will enhance the enforcement efforts of the New York City Police Department, as the program operates in much the same manner as the City's Red Light Camera Program, which has successfully reduced the incidence of red light violations. Technology will be used to capture photos or videos of vehicles that are in violation of

the City's rules regarding bus lane restrictions, which specifically preclude motor vehicles from standing, parking or driving within a bus lane. The images taken will then be used as evidence in a proceeding to impose liability on the owner of the vehicle. The equipment may consist of fixed-location units, mobile units which can be moved around to various locations, and/or units mounted on the buses themselves. However, the use of bus lane photo devices will be limited to cover no more than 50 miles of bus lanes and operate only on weekdays from 7:00 am to 7:00

pm. The violation will be treated as the equivalent of a parking ticket; therefore, no points will be assessed against the driver.

This will, in turn, attract new ridership, helping to meet the City's mobility, environmental, and public health goals.

PRIOR LEGISLATIVE HISTORY: 2009: A.862-C Referred to Transportation/S.2709-D Referred to Transportation.
2008: A.10233-B Referred to Transportation/S.7229-B Referred to Rules.

FISCAL IMPLICATIONS FOR STATE & LOCAL GOVERNMENTS: Unknown.

EFFECTIVE DATE: This act would take effect on the thirtieth day after it shall have become a law and shall expire 7 years after such effective date when upon such date the provisions of this act shall be deemed repealed; and provided that any rules and regulations necessary for the implementation of this act on its effective date shall be promulgated on or before such date;
