

STATE OF NEW YORK

2709--D

2009-2010 Regular Sessions

IN SENATE

February 27, 2009

Introduced by Sens. DILAN, DIAZ, HASSELL-THOMPSON, KRUEGER, PERKINS, SAMPSON, SAVINO, SERRANO, SQUADRON, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus rapid transit and bus mobility 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 and 22 of the
3 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

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

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1 chapter in accordance with section eleven hundred eleven-b of this chap-
2 ter as added by section sixteen of [~~the chapter~~] chapters twenty, twen-
3 ty-one and twenty-two of the laws of two thousand nine [~~which amended~~
4 ~~this subdivision~~], or to adjudicate the liability of owners for
5 violations of toll collection regulations as defined in and in accord-
6 ance with the provisions of section two thousand nine hundred eighty-
7 five of the public authorities law and sections sixteen-a, sixteen-b and
8 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
9 hundred fifty, or to adjudicate liability of owners in accordance with
10 section eleven hundred eleven-c of this chapter for violations of bus
11 lane restrictions as defined in such section, such tribunal and the
12 rules and regulations pertaining thereto shall be constituted in
13 substantial conformance with the following sections.

14 § 1-a. Section 235 of the vehicle and traffic law, as separately
15 amended by section 2 of chapters 20, 21 and 22 of the laws of 2009, is
16 amended to read as follows:

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

39 § 1-b. Section 235 of the vehicle and traffic law, as separately
40 amended by section 3 of chapters 20, 21 and 22 of the laws of 2009, is
41 amended to read as follows:

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

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

5 § 1-c. Section 235 of the vehicle and traffic law, as separately
6 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
7 of 1992, is amended to read as follows:

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

23 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
24 separately amended by section 4 of chapters 20, 21 and 22 of the laws of
25 2009, is amended to read as follows:

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

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

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

24 § 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as
25 added by chapter 715 of the laws of 1972, is amended to read as follows:

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

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

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

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

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

51 § 5. Paragraph f of subdivision 1 of section 239 of the vehicle and
52 traffic law, as separately amended by section 8 of chapters 20, 21 and
53 22 of the laws of 2009, is amended to read as follows:

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

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1 to authorization set forth in section eleven hundred eleven-a of this
2 chapter or section eleven hundred eleven-b of this chapter as added by
3 section sixteen of ~~[the chapter]~~ chapters twenty, twenty-one and twen-
4 ty-two of the laws of two thousand nine ~~[which amended this paragraph]~~,
5 and shall not be deemed to include a notice of liability issued pursuant
6 to section two thousand nine hundred eighty-five of the public authori-
7 ties law and sections sixteen-a, sixteen-b and sixteen-c of chapter
8 seven hundred seventy-four of the laws of nineteen hundred fifty and
9 shall not be deemed to include a notice of liability issued pursuant to
10 section eleven hundred eleven-c of this chapter.

11 § 5-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
12 traffic law, as separately amended by section 9 of chapters 20, 21 and
13 22 of the laws of 2009, is amended to read as follows:

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

22 § 5-b. Paragraph f of subdivision 1 of section 239 of the vehicle and
23 traffic law, as added by chapter 180 of the laws of 1980, is amended to
24 read as follows:

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

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

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

42 § 6-a. Section 239 of the vehicle and traffic law is amended by adding
43 a new subdivision 4 to read as follows:

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

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

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

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

18 § 7-a. Subdivision 1 of section 240 of the vehicle and traffic law, as
19 separately amended by section 11 of chapters 20, 21 and 22 of the laws
20 of 2009, is amended to read as follows:

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

39 § 7-b. Subdivision 1 of section 240 of the vehicle and traffic law, as
40 added by chapter 715 of the laws of 1972, is amended to read as follows:

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

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

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

16 § 8-a. Subdivision 1-a of section 240 of the vehicle and traffic law,
17 as separately amended by section 11 of chapters 20, 21 and 22 of the
18 laws of 2009, is amended to read as follows:

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

29 § 8-b. Subdivision 1-a of section 240 of the vehicle and traffic law,
30 as added by chapter 365 of the laws of 1978, is amended to read as
31 follows:

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

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

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

54 g. A record shall be made of a hearing on a plea of not guilty or of a
55 hearing at which liability in accordance with section eleven hundred
56 eleven-a of this chapter or in accordance with section eleven hundred

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1 eleven-b of this chapter as added by section sixteen of ~~[the chapter]~~
2 chapters twenty, twenty-one and twenty-two of the laws of two thousand
3 nine ~~[which amended this paragraph]~~ is contested or of a hearing at
4 which liability in accordance with section two thousand nine hundred
5 eighty-five of the public authorities law or sections sixteen-a,
6 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
7 laws of nineteen hundred fifty is contested or a hearing at which
8 liability in accordance with section eleven hundred eleven-c of this
9 chapter is contested. Recording devices may be used for the making of
10 the record.

11 § 9-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
12 cle and traffic law, as separately amended by section 11 of chapters 20,
13 21 and 22 of the laws of 2009, are amended to read as follows:

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

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

29 § 9-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
30 cle and traffic law, as added by chapter 715 of the laws of 1972, are
31 amended to read as follows:

32 a. Every hearing for the adjudication of a charge of parking violation
33 or an allegation of liability in accordance with section eleven hundred
34 eleven-c of this chapter shall be held before a hearing examiner in
35 accordance with rules and regulations promulgated by the bureau.

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

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

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

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1 prior to rendering a final determination. Final determinations sustain-
2 ing or dismissing charges shall be entered on a final determination roll
3 maintained by the bureau together with records showing payment and
4 nonpayment of penalties.

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

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

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

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

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

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

17 § 10-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
18 law, subdivision 1 as added by chapter 715 of the laws of 1972, subdivi-
19 sion 2 as amended by chapter 365 of the laws of 1978, are amended to
20 read as follows:

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

30 2. Where an operator or owner fails to enter a plea to a charge of a
31 parking violation, or fails to contest an allegation of liability
32 incurred in accordance with section eleven hundred eleven-c of this
33 chapter, or fails to appear on a designated hearing date or subsequent
34 adjourned date or fails after a hearing to comply with the determination
35 of a hearing examiner, as prescribed by this article or by rule or regu-
36 lation of the bureau, such failure to plead, 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-c
45 of this chapter alleged, (2) of the impending default judgment, (3) that
46 such judgment will be entered in the Civil Court of the city in which
47 the bureau has been established, or other court of civil jurisdiction or
48 any other place provided for the entry of civil judgments within the
49 state of New York, and (4) that a default may be avoided by entering a
50 plea, or contesting an allegation of liability in accordance with
51 section eleven hundred eleven-c of this chapter, or making an appearance
52 within thirty days of the sending of such notice. Pleas entered within
53 that period shall be in the manner prescribed in the notice and not
54 subject to additional penalty or fee. Such notice of impending default
55 judgment shall not be required prior to the rendering and entry thereof
56 in the case of operators or owners who are non-residents of the state of

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

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

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

52 § 11-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
53 and traffic law, as separately amended by section 2 of chapter 19,
54 section 15 of chapters 20, 21 and 22 and section 2 of chapter 23 of the
55 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 restrictions. (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 rapid transit and bus mobility demon-
22 stration program imposing monetary liability on the owner of a vehicle
23 for failure of an operator thereof to comply with bus lane restrictions
24 in such city in accordance with the provisions of this section. The
25 department of transportation of such city, for purposes of the implemen-
26 tation of such program, shall operate bus lane photo devices only within
27 such bus rapid transit and bus mobility demonstration program in such
28 city. Such bus lane photo devices may be stationary or mobile and shall
29 be activated at locations determined by such department of transporta-
30 tion and/or on buses selected by such department of transportation in
31 consultation with the applicable mass transit agency. Any mobile bus
32 lane photo device mounted on a bus shall be directed outwardly from such
33 bus to capture images of vehicles operated in violation of bus lane
34 restrictions, and images produced by such device shall not be used for
35 any other purpose in the absence of a court order requiring such images
36 to be produced. Any image or images captured by stationary bus lane
37 photo devices shall be inadmissible in any disciplinary proceeding
38 convened by the applicable mass transit agency or any subsidiary thereof
39 and any proceeding initiated by the department of motor vehicles involv-
40 ing licensure privileges of bus operators. A city authorized to install
41 a bus lane photo device pursuant to the provisions of this section shall
42 adopt and enforce measures to protect the privacy of drivers, passen-
43 gers, pedestrians and cyclists whose identity and identifying informa-
44 tion may be captured by a bus lane photo device. Such measures shall
45 include:

46 1. utilization of necessary technologies to ensure, to the extent
47 practicable, that photographs produced by such bus lane photo devices
48 shall not include images that identify the driver, the passengers, or
49 the contents of the vehicle, provided, however, that no notice of
50 liability issued pursuant to this section shall be dismissed solely
51 because a photograph or photographs allow for the identification of the
52 driver, 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 at regular intervals within restricted
5 bus lanes stating that bus lane photo devices are used to enforce
6 restrictions on vehicular traffic in bus lanes; and

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

9 Within a city with a population of one million or more, such bus lane
10 photo devices shall be operated on no more than fifty miles of bus lanes
11 within such city and only during weekdays from 7:00 a.m. to 7:00 p.m.

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

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

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

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

30 3. "bus lane restrictions" shall mean restrictions on the use of
31 designated traffic lanes by vehicles other than buses imposed on routes
32 within a bus rapid transit and bus mobility demonstration program by
33 rule or signs erected by the department of transportation of a city that
34 establishes such a demonstration program pursuant to this section.

35 4. "bus rapid transit and bus mobility demonstration program" shall
36 mean a program that operates on routes designated by the department of
37 transportation of a city that establishes such a demonstration program
38 pursuant to this section and shall operate on routes receiving improve-
39 ments as part of such program. Such improvements shall include upgraded
40 signage and enhanced markings of the traffic lanes designated for buses,
41 and may include, but not be limited to, signals that prolong the green
42 phase for approaching buses, off-board fare collection, and other simi-
43 lar improvements.

44 (d) A certificate, sworn to or affirmed by a technician employed by
45 the city in which the charged violation occurred or its vendor or
46 contractor, or a facsimile thereof, based upon inspection of photo-
47 graphs, microphotographs, videotape or other recorded images produced by
48 a bus lane photo device, shall be prima facie evidence of the facts
49 contained therein. Any photographs, microphotographs, videotape or other
50 recorded images evidencing such a violation shall be available for
51 inspection in any proceeding to adjudicate the liability for such
52 violation pursuant to this section.

53 (e) An owner liable for a violation of a bus lane restriction imposed
54 on any route within a bus rapid transit and bus mobility demonstration
55 program shall be liable for monetary penalties in accordance with a
56 schedule of fines and penalties promulgated by the parking violations

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1 bureau of such city; provided, however, that the monetary penalty for
2 violating a bus lane restriction shall not exceed one hundred fifteen
3 dollars; provided, further, that an owner shall be liable for an addi-
4 tional penalty not to exceed twenty-five dollars for each violation for
5 the failure to respond to a notice of liability within the prescribed
6 time period.

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

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

17 2. A notice of liability shall contain the name and address of the
18 person alleged to be liable as an owner for a violation of a bus lane
19 restriction, the registration number of the vehicle involved in such
20 violation, the location where such violation took place, the date and
21 time of such violation and the identification number of the bus lane
22 photo device which recorded the violation or other document locator
23 number.

24 3. The notice of liability shall contain information advising the
25 person charged of the manner and the time in which he or she may contest
26 the liability alleged in the notice. Such notice of liability shall also
27 contain a warning to advise the persons charged that failure to contest
28 in the manner and time provided shall be deemed an admission of liabil-
29 ity and that a default judgment may be entered thereon.

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

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

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

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

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

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

4 3. Where the lessor complies with the provisions of paragraph one of
5 this subdivision, the lessee of such vehicle on the date of such
6 violation shall be deemed to be the owner of such vehicle for purposes
7 of this section, shall be subject to liability for such violation pursu-
8 ant to this section and shall be sent a notice of liability pursuant to
9 subdivision (g) of this section.

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

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

15 (l) Any city that adopts a bus rapid transit and bus mobility demon-
16 stration program pursuant to subdivision (a) of this section shall
17 submit a report on the results of the use of bus lane photo devices to
18 the governor, the temporary president of the senate and the speaker of
19 the assembly by April first, two thousand fourteen. Such report shall
20 include, but not be limited to:

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

23 2. the total number of violations recorded on a monthly and annual
24 basis;

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

26 4. the number of fines and total amount of fines paid after first
27 notice of liability;

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

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

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

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

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

54 (c) Whenever proceedings in an administrative tribunal or a court of
55 this state result in a conviction for an offense under this chapter
56 other than a crime pursuant to section eleven hundred ninety-two of this

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1 chapter, or a traffic infraction under this chapter, or a local law,
2 ordinance, rule or regulation adopted pursuant to this chapter, other
3 than a traffic infraction involving standing, stopping, or parking or
4 violations by pedestrians or bicyclists, or other than an adjudication
5 of liability of an owner for a violation of subdivision (d) of section
6 eleven hundred eleven of this chapter in accordance with section eleven
7 hundred eleven-a of this chapter, or other than an adjudication of
8 liability of an owner for a violation of subdivision (d) of section
9 eleven hundred eleven of this chapter in accordance with section eleven
10 hundred eleven-b of this chapter, or other than an infraction pursuant
11 to article nine of this chapter or other than an adjudication of liabil-
12 ity of an owner for a violation of toll collection regulations pursuant
13 to section two thousand nine hundred eighty-five of the public authori-
14 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
15 hundred seventy-four of the laws of nineteen hundred fifty or other than
16 an adjudication in accordance with section eleven hundred eleven-c of
17 this chapter of a violation of a bus lane restriction as defined in such
18 section, there shall be levied a crime victim assistance fee in the
19 amount of five dollars and a mandatory surcharge, in addition to any
20 sentence required or permitted by law, in the amount of fifty-five
21 dollars.

22 § 13-a. The opening paragraph of subdivision 1 of section 1809 of the
23 vehicle and traffic law, as separately amended by section 5 of chapter
24 19, section 18 of chapters 20, 21 and 22 and section 5 of chapter 23 of
25 the laws of 2009, is amended to read as follows:

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

42 § 13-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
43 as separately amended by chapter 16 of the laws of 1983 and chapter 62
44 of the laws of 1989, is amended to read as follows:

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

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

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

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

10 (a) provided, however, that the amendments to subdivision 1 of section
11 235 of the vehicle and traffic law made by section one of this act shall
12 not affect the expiration of such section and shall be deemed to expire
13 therewith, when upon such date the provisions of section one-a of this
14 act shall take effect, provided, further, however, that the amendments
15 to section 235 of the vehicle and traffic law made by section one-a of
16 this act shall not affect the expiration of such section and shall be
17 deemed to expire therewith, when upon such date the provisions of
18 section one-b of this act shall take effect; provided, further, however,
19 that the amendments to section 235 of the vehicle and traffic law made
20 by section one-b of this act shall not affect the expiration of such
21 section and shall be deemed to expire therewith, when upon such date the
22 provisions of section one-c of this act shall take effect;

23 (b) provided, further, that the amendments to subdivision 1 of section
24 236 of the vehicle and traffic law made by section two of this act shall
25 not affect the expiration of such subdivision and shall be deemed to
26 expire therewith, when upon such date the provisions of section two-a of
27 this act shall take effect; provided, further, that the amendments to
28 subdivision 1 of section 236 of the vehicle and traffic law made by
29 section two-a of this act shall not affect the expiration of such subdivi-
30 sion and shall be deemed to expire therewith, when upon such date the
31 provisions of section two-b of this act shall take effect;

32 (c) provided, further, that the amendments to paragraph f of subdivi-
33 sion 1 of section 239 of the vehicle and traffic law made by section
34 five of this act shall not affect the expiration of such paragraph and
35 shall be deemed to expire therewith, when upon such date the provisions
36 of section five-a of this act shall take effect; provided, further, that
37 the amendments to paragraph f of subdivision 1 of section 239 of the
38 vehicle and traffic law made by section five-a of this act shall not
39 affect the expiration of such paragraph and shall be deemed to expire
40 therewith, when upon such date the provisions of section five-b of this
41 act shall take effect;

42 (d) provided, further, that the amendments to subdivision 4 of section
43 239 of the vehicle and traffic law made by section six of this act shall
44 not affect the repeal of such subdivision and shall be deemed repealed
45 therewith, when upon such date the provisions of section six-a of this
46 act shall take effect;

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

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20

1 (f) provided, further, that the amendments to subdivision 1-a of
2 section 240 of the vehicle and traffic law made by section eight of this
3 act shall not affect the expiration of such subdivision and shall be
4 deemed to expire therewith, when upon such date the provisions of
5 section eight-a of this act shall take effect; provided, further, that
6 the amendments to subdivision 1-a of section 240 of the vehicle and
7 traffic law made by section eight-a of this act shall not affect the
8 expiration of such subdivision and shall be deemed to expire therewith,
9 when upon such date the provisions of section eight-b of this act shall
10 take effect;

11 (g) provided, further, that the amendments to paragraphs a and g of
12 subdivision 2 of section 240 of the vehicle and traffic law made by
13 section nine of this act shall not affect the expiration of such para-
14 graphs and shall be deemed to expire therewith, when upon such date the
15 provision of section nine-a of this act shall take effect; provided,
16 further, that the amendments to paragraphs a and g of subdivision 2 of
17 section 240 of the vehicle and traffic law made by section nine-a of
18 this act shall not affect the expiration of such subdivision and shall
19 be deemed to expire therewith, when upon such date the provisions of
20 section nine-b of this act shall take effect;

21 (h) provided, further, that the amendments to subdivisions 1 and 2 of
22 section 241 of the vehicle and traffic law made by section ten of this
23 act shall not affect the expiration of such subdivisions and shall be
24 deemed to expire therewith, when upon such date the provisions of
25 section ten-a of this act shall take effect; provided, further, that the
26 amendments to subdivisions 1 and 2 of section 241 of the vehicle and
27 traffic law made by section ten-a of this act shall not affect the expi-
28 ration of such subdivisions and shall be deemed to expire therewith,
29 when upon such date the provisions of section ten-b of this act shall
30 take effect;

31 (i) provided, further, that the amendments to subparagraph (i) of
32 paragraph a of subdivision 5-a of section 401 of the vehicle and traffic
33 law made by section eleven of this act shall not affect the expiration
34 of such paragraph and shall be deemed to expire therewith, when upon
35 such date the provisions of section eleven-a of this act shall take
36 effect; provided, further, that the amendments to paragraph a of subdivi-
37 sion 5-a of section 401 of the vehicle and traffic law made by section
38 eleven-a of this act shall not affect the expiration of such paragraph
39 and shall be deemed to expire therewith, when upon such date the
40 provisions of section eleven-b of this act shall take effect;

41 (j) provided, further, that the amendments to subdivision 1 of section
42 1809 of the vehicle and traffic law made by section thirteen of this act
43 shall not affect the expiration of such subdivision pursuant to section
44 406 of chapter 166 of the laws of 1991, as amended, and shall be deemed
45 to expire therewith, when upon such date the provisions of section thir-
46 teen-a of this act shall take effect; and

47 (k) provided, further, that the amendments to subdivision 1 of section
48 1809 of the vehicle and traffic law made by section thirteen-a of this
49 act shall not affect the expiration of such subdivision pursuant to
50 chapter 746 of the laws of 1988, as amended, and shall be deemed to
51 expire therewith, when upon such date the provisions of section thir-
52 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: S2709D

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 rapid transit and bus mobility 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 Rapid Transit and Bus Mobility 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, micrographic, 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 Rapid Transit and Bus Mobility Demonstration Program.

JUSTIFICATION:

The New York City Department of Transportation in coordination with the New York State Department of Transportation and MTA New York City Transit Authority is implementing a Bus Rapid Transit and Bus Mobility Demonstration Program. This program will provide faster, more reliable, and more attractive bus service throughout the City, using a variety of techniques, including but not limited to upgraded signage, enhanced markings of bus lanes, traffic signals that give buses priority, and proof of payment fare collection. The Bus Rapid Transit and Bus Mobility Demonstration Program will provide New Yorkers and visitors to the City with new and high performance transit options. 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. The Bus Rapid Transit and Bus Mobility Demonstration Program will consist of improvements to various bus routes; however, the use of bus lane photo devices shall be limited to cover no more than 50 miles of bus lanes and shall operate only on weekdays from 7:00 am to 7:00 pm.

To ensure the success of the Bus Rapid Transit and Bus Mobility 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 vehi-

cles 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. The cameras will be used exclusively within the routes receiving improvements as part of the Bus Rapid Transit and Bus Mobility Demonstration Program. The violation will be treated as the equivalent of a parking ticket; therefore, no points will be assessed against the driver.

Initial implementation of Select Bus Service on Fordham Road in Bronx County and 34th street in New York County has resulted in significant improvements in bus speed and bus reliability, and has received widespread support from bus riders. Bus travel time on Fordham Road has been decreased by as much as 24%, and surveys of riders show that 89% feel that the service has been improved. The enactment of this legislation will build on this initial success and ensure that the city is successful in providing more efficient and effective bus service to the people and visitors of the City of New York.

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

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect on the thirtieth day after it shall become a law and shall expire 7 years after such effective date when upon such date the provisions of this act shall take effect.

STATE OF NEW YORK

862--C

2009-2010 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 7, 2009

Introduced by M. of A. BING, KELLNER, ROSENTHAL, GOTTFRIED, CUSICK, BROOK-KRASNY, BENEDETTO, LANCMAN, MARKEY, SCHIMEL, CLARK, CYMBROWITZ, WEPRIN, O'DONNELL, KAVANAGH, P. RIVERA -- Multi-Sponsored by -- M. of A. BENJAMIN, GALEF, GLICK, GUNTHER, HEASTIE, HOYT, HYER-SPENCER, JEFFRIES, LATIMER, LENTOL, LIFTON, MILLMAN, PHEFFER, TITONE, TOBACCO, WEISENBERG -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in a city with a population of one million or more a bus rapid transit and bus mobility 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 and 22 of the
 3 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

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

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1 eleven-a of this chapter, or to adjudicate the liability of owners for
2 violations of subdivision (d) of section eleven hundred eleven of this
3 chapter in accordance with section eleven hundred eleven-b of this chap-
4 ter as added by section sixteen of ~~[the chapter]~~ chapters twenty, twenty-
5 one and twenty-two of the laws of two thousand nine ~~[which amended~~
6 ~~this subdivision]~~, or to adjudicate the liability of owners for
7 violations of toll collection regulations as defined in and in accord-
8 ance with the provisions of section two thousand nine hundred eighty-
9 five of the public authorities law and sections sixteen-a, sixteen-b and
10 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
11 hundred fifty, or to adjudicate liability of owners in accordance with
12 section eleven hundred eleven-c of this chapter for violations of bus
13 lane restrictions as defined in such section, such tribunal and the
14 rules and regulations pertaining thereto shall be constituted in
15 substantial conformance with the following sections.

16 § 1-a. Section 235 of the vehicle and traffic law, as separately
17 amended by section 2 of chapters 20, 21 and 22 of the laws of 2009, is
18 amended to read as follows:

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

41 § 1-b. Section 235 of the vehicle and traffic law, as separately
42 amended by section 3 of chapters 20, 21 and 22 of the laws of 2009, is
43 amended to read as follows:

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

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

7 § 1-c. Section 235 of the vehicle and traffic law, as separately
8 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
9 of 1992, is amended to read as follows:

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

25 § 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
26 separately amended by section 4 of chapters 20, 21 and 22 of the laws of
27 2009, is amended to read as follows:

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

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

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

24 § 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as
25 added by chapter 715 of the laws of 1972, is amended to read as follows:

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

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

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

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

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

51 § 5. Paragraph f of subdivision 1 of section 239 of the vehicle and
52 traffic law, as separately amended by section 8 of chapters 20, 21 and
53 22 of the laws of 2009, is amended to read as follows:

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

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1 to authorization set forth in section eleven hundred eleven-a of this
2 chapter or section eleven hundred eleven-b of this chapter as added by
3 section sixteen of ~~[the chapter]~~ chapters twenty, twenty-one and twen-
4 ty-two of the laws of two thousand nine ~~[which amended this paragraph]~~,
5 and shall not be deemed to include a notice of liability issued pursuant
6 to section two thousand nine hundred eighty-five of the public authori-
7 ties law and sections sixteen-a, sixteen-b and sixteen-c of chapter
8 seven hundred seventy-four of the laws of nineteen hundred fifty and
9 shall not be deemed to include a notice of liability issued pursuant to
10 section eleven hundred eleven-c of this chapter.

11 § 5-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
12 traffic law, as separately amended by section 9 of chapters 20, 21 and
13 22 of the laws of 2009, is amended to read as follows:

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

22 § 5-b. Paragraph f of subdivision 1 of section 239 of the vehicle and
23 traffic law, as added by chapter 180 of the laws of 1980, is amended to
24 read as follows:

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

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

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

42 § 6-a. Section 239 of the vehicle and traffic law is amended by adding
43 a new subdivision 4 to read as follows:

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

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

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

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

18 § 7-a. Subdivision 1 of section 240 of the vehicle and traffic law, as
19 separately amended by section 11 of chapters 20, 21 and 22 of the laws
20 of 2009, is amended to read as follows:

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

39 § 7-b. Subdivision 1 of section 240 of the vehicle and traffic law, as
40 added by chapter 715 of the laws of 1972, is amended to read as follows:

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

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

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

16 § 8-a. Subdivision 1-a of section 240 of the vehicle and traffic law,
17 as separately amended by section 11 of chapters 20, 21 and 22 of the
18 laws of 2009, is amended to read as follows:

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

29 § 8-b. Subdivision 1-a of section 240 of the vehicle and traffic law,
30 as added by chapter 365 of the laws of 1978, is amended to read as
31 follows:

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

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

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

54 g. A record shall be made of a hearing on a plea of not guilty or of a
55 hearing at which liability in accordance with section eleven hundred
56 eleven-a of this chapter or in accordance with section eleven hundred

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1 eleven-b of this chapter as added by section sixteen of [~~the chapter~~
2 chapters twenty, twenty-one and twenty-two of the laws of two thousand
3 nine [~~which amended this paragraph~~] is contested or of a hearing at
4 which liability in accordance with section two thousand nine hundred
5 eighty-five of the public authorities law or sections sixteen-a,
6 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
7 laws of nineteen hundred fifty is contested or a hearing at which
8 liability in accordance with section eleven hundred eleven-c of this
9 chapter is contested. Recording devices may be used for the making of
10 the record.

11 § 9-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
12 cle and traffic law, as separately amended by section 11 of chapters 20,
13 21 and 22 of the laws of 2009, are amended to read as follows:

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

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

29 § 9-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
30 cle and traffic law, as added by chapter 715 of the laws of 1972, are
31 amended to read as follows:

32 a. Every hearing for the adjudication of a charge of parking violation
33 or an allegation of liability in accordance with section eleven hundred
34 eleven-c of this chapter shall be held before a hearing examiner in
35 accordance with rules and regulations promulgated by the bureau.

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

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

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

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1 prior to rendering a final determination. Final determinations sustain-
2 ing or dismissing charges shall be entered on a final determination roll
3 maintained by the bureau together with records showing payment and
4 nonpayment of penalties.

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

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

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

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

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

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

17 § 10-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
18 law, subdivision 1 as added by chapter 715 of the laws of 1972, subdivi-
19 sion 2 as amended by chapter 365 of the laws of 1978, are amended to
20 read as follows:

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

30 2. Where an operator or owner fails to enter a plea to a charge of a
31 parking violation, or fails to contest an allegation of liability
32 incurred in accordance with section eleven hundred eleven-c of this
33 chapter, or fails to appear on a designated hearing date or subsequent
34 adjourned date or fails after a hearing to comply with the determination
35 of a hearing examiner, as prescribed by this article or by rule or regu-
36 lation of the bureau, such failure to plead, 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-c
45 of this chapter alleged, (2) of the impending default judgment, (3) that
46 such judgment will be entered in the Civil Court of the city in which
47 the bureau has been established, or other court of civil jurisdiction or
48 any other place provided for the entry of civil judgments within the
49 state of New York, and (4) that a default may be avoided by entering a
50 plea, or contesting an allegation of liability in accordance with
51 section eleven hundred eleven-c of this chapter, or making an appearance
52 within thirty days of the sending of such notice. Pleas entered within
53 that period shall be in the manner prescribed in the notice and not
54 subject to additional penalty or fee. Such notice of impending default
55 judgment shall not be required prior to the rendering and entry thereof
56 in the case of operators or owners who are non-residents of the state of

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

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

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

52 § 11-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
53 and traffic law, as separately amended by section 2 of chapter 19,
54 section 15 of chapters 20, 21 and 22 and section 2 of chapter 23 of the
55 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 restrictions. (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 rapid transit and bus mobility demon-
22 stration program imposing monetary liability on the owner of a vehicle
23 for failure of an operator thereof to comply with bus lane restrictions
24 in such city in accordance with the provisions of this section. The
25 department of transportation of such city, for purposes of the implemen-
26 tation of such program, shall operate bus lane photo devices only within
27 such bus rapid transit and bus mobility demonstration program in such
28 city. Such bus lane photo devices may be stationary or mobile and shall
29 be activated at locations determined by such department of transporta-
30 tion and/or on buses selected by such department of transportation in
31 consultation with the applicable mass transit agency. Any mobile bus
32 lane photo device mounted on a bus shall be directed outwardly from such
33 bus to capture images of vehicles operated in violation of bus lane
34 restrictions, and images produced by such device shall not be used for
35 any other purpose in the absence of a court order requiring such images
36 to be produced. Any image or images captured by stationary bus lane
37 photo devices shall be inadmissible in any disciplinary proceeding
38 convened by the applicable mass transit agency or any subsidiary thereof
39 and any proceeding initiated by the department of motor vehicles involv-
40 ing licensure privileges of bus operators. A city authorized to install
41 a bus lane photo device pursuant to the provisions of this section shall
42 adopt and enforce measures to protect the privacy of drivers, passen-
43 gers, pedestrians and cyclists whose identity and identifying informa-
44 tion may be captured by a bus lane photo device. Such measures shall
45 include:

46 1. utilization of necessary technologies to ensure, to the extent
47 practicable, that photographs produced by such bus lane photo devices
48 shall not include images that identify the driver, the passengers, or
49 the contents of the vehicle, provided, however, that no notice of
50 liability issued pursuant to this section shall be dismissed solely
51 because a photograph or photographs allow for the identification of the
52 driver, 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 at regular intervals within restricted
5 bus lanes stating that bus lane photo devices are used to enforce
6 restrictions on vehicular traffic in bus lanes; and

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

9 Within a city with a population of one million or more, such bus lane
10 photo devices shall be operated on no more than fifty miles of bus lanes
11 within such city and only during weekdays from 7:00 a.m. to 7:00 p.m.

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

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

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

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

30 3. "bus lane restrictions" shall mean restrictions on the use of
31 designated traffic lanes by vehicles other than buses imposed on routes
32 within a bus rapid transit and bus mobility demonstration program by
33 rule or signs erected by the department of transportation of a city that
34 establishes such a demonstration program pursuant to this section.

35 4. "bus rapid transit and bus mobility demonstration program" shall
36 mean a program that operates on routes designated by the department of
37 transportation of a city that establishes such a demonstration program
38 pursuant to this section and shall operate on routes receiving improve-
39 ments as part of such program. Such improvements shall include upgraded
40 signage and enhanced markings of the traffic lanes designated for buses,
41 and may include, but not be limited to, signals that prolong the green
42 phase for approaching buses, off-board fare collection, and other simi-
43 lar improvements.

44 (d) A certificate, sworn to or affirmed by a technician employed by
45 the city in which the charged violation occurred or its vendor or
46 contractor, or a facsimile thereof, based upon inspection of photo-
47 graphs, microphotographs, videotape or other recorded images produced by
48 a bus lane photo device, shall be prima facie evidence of the facts
49 contained therein. Any photographs, microphotographs, videotape or other
50 recorded images evidencing such a violation shall be available for
51 inspection in any proceeding to adjudicate the liability for such
52 violation pursuant to this section.

53 (e) An owner liable for a violation of a bus lane restriction imposed
54 on any route within a bus rapid transit and bus mobility demonstration
55 program shall be liable for monetary penalties in accordance with a
56 schedule of fines and penalties promulgated by the parking violations

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1 bureau of such city; provided, however, that the monetary penalty for
2 violating a bus lane restriction shall not exceed one hundred fifteen
3 dollars; provided, further, that an owner shall be liable for an addi-
4 tional penalty not to exceed twenty-five dollars for each violation for
5 the failure to respond to a notice of liability within the prescribed
6 time period.

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

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

17 2. A notice of liability shall contain the name and address of the
18 person alleged to be liable as an owner for a violation of a bus lane
19 restriction, the registration number of the vehicle involved in such
20 violation, the location where such violation took place, the date and
21 time of such violation and the identification number of the bus lane
22 photo device which recorded the violation or other document locator
23 number.

24 3. The notice of liability shall contain information advising the
25 person charged of the manner and the time in which he or she may contest
26 the liability alleged in the notice. Such notice of liability shall also
27 contain a warning to advise the persons charged that failure to contest
28 in the manner and time provided shall be deemed an admission of liabil-
29 ity and that a default judgment may be entered thereon.

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

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

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

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

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

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

4 3. Where the lessor complies with the provisions of paragraph one of
5 this subdivision, the lessee of such vehicle on the date of such
6 violation shall be deemed to be the owner of such vehicle for purposes
7 of this section, shall be subject to liability for such violation pursu-
8 ant to this section and shall be sent a notice of liability pursuant to
9 subdivision (g) of this section.

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

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

15 (l) Any city that adopts a bus rapid transit and bus mobility demon-
16 stration program pursuant to subdivision (a) of this section shall
17 submit a report on the results of the use of bus lane photo devices to
18 the governor, the temporary president of the senate and the speaker of
19 the assembly by April first, two thousand fourteen. Such report shall
20 include, but not be limited to:

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

23 2. the total number of violations recorded on a monthly and annual
24 basis;

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

26 4. the number of fines and total amount of fines paid after first
27 notice of liability;

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

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

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

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

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

54 (c) Whenever proceedings in an administrative tribunal or a court of
55 this state result in a conviction for an offense under this chapter
56 other than a crime pursuant to section eleven hundred ninety-two of this

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1 chapter, or a traffic infraction under this chapter, or a local law,
2 ordinance, rule or regulation adopted pursuant to this chapter, other
3 than a traffic infraction involving standing, stopping, or parking or
4 violations by pedestrians or bicyclists, or other than an adjudication
5 of liability of an owner for a violation of subdivision (d) of section
6 eleven hundred eleven of this chapter in accordance with section eleven
7 hundred eleven-a of this chapter, or other than an adjudication of
8 liability of an owner for a violation of subdivision (d) of section
9 eleven hundred eleven of this chapter in accordance with section eleven
10 hundred eleven-b of this chapter, or other than an infraction pursuant
11 to article nine of this chapter or other than an adjudication of liabil-
12 ity of an owner for a violation of toll collection regulations pursuant
13 to section two thousand nine hundred eighty-five of the public authori-
14 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
15 hundred seventy-four of the laws of nineteen hundred fifty or other than
16 an adjudication in accordance with section eleven hundred eleven-c of
17 this chapter of a violation of a bus lane restriction as defined in such
18 section, there shall be levied a crime victim assistance fee in the
19 amount of five dollars and a mandatory surcharge, in addition to any
20 sentence required or permitted by law, in the amount of fifty-five
21 dollars.

22 § 13-a. The opening paragraph of subdivision 1 of section 1809 of the
23 vehicle and traffic law, as separately amended by section 5 of chapter
24 19, section 18 of chapters 20, 21 and 22 and section 5 of chapter 23 of
25 the laws of 2009, is amended to read as follows:

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

42 § 13-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
43 as separately amended by chapter 16 of the laws of 1983 and chapter 62
44 of the laws of 1989, is amended to read as follows:

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

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

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

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

10 (a) provided, however, that the amendments to subdivision 1 of section
11 235 of the vehicle and traffic law made by section one of this act shall
12 not affect the expiration of such section and shall be deemed to expire
13 therewith, when upon such date the provisions of section one-a of this
14 act shall take effect, provided, further, however, that the amendments
15 to section 235 of the vehicle and traffic law made by section one-a of
16 this act shall not affect the expiration of such section and shall be
17 deemed to expire therewith, when upon such date the provisions of
18 section one-b of this act shall take effect; provided, further, however,
19 that the amendments to section 235 of the vehicle and traffic law made
20 by section one-b of this act shall not affect the expiration of such
21 section and shall be deemed to expire therewith, when upon such date the
22 provisions of section one-c of this act shall take effect;

23 (b) provided, further, that the amendments to subdivision 1 of section
24 236 of the vehicle and traffic law made by section two of this act shall
25 not affect the expiration of such subdivision and shall be deemed to
26 expire therewith, when upon such date the provisions of section two-a of
27 this act shall take effect; provided, further, that the amendments to
28 subdivision 1 of section 236 of the vehicle and traffic law made by
29 section two-a of this act shall not affect the expiration of such subdivi-
30 sion and shall be deemed to expire therewith, when upon such date the
31 provisions of section two-b of this act shall take effect;

32 (c) provided, further, that the amendments to paragraph f of subdivi-
33 sion 1 of section 239 of the vehicle and traffic law made by section
34 five of this act shall not affect the expiration of such paragraph and
35 shall be deemed to expire therewith, when upon such date the provisions
36 of section five-a of this act shall take effect; provided, further, that
37 the amendments to paragraph f of subdivision 1 of section 239 of the
38 vehicle and traffic law made by section five-a of this act shall not
39 affect the expiration of such paragraph and shall be deemed to expire
40 therewith, when upon such date the provisions of section five-b of this
41 act shall take effect;

42 (d) provided, further, that the amendments to subdivision 4 of section
43 239 of the vehicle and traffic law made by section six of this act shall
44 not affect the repeal of such subdivision and shall be deemed repealed
45 therewith, when upon such date the provisions of section six-a of this
46 act shall take effect;

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

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1 (f) provided, further, that the amendments to subdivision 1-a of
2 section 240 of the vehicle and traffic law made by section eight of this
3 act shall not affect the expiration of such subdivision and shall be
4 deemed to expire therewith, when upon such date the provisions of
5 section eight-a of this act shall take effect; provided, further, that
6 the amendments to subdivision 1-a of section 240 of the vehicle and
7 traffic law made by section eight-a of this act shall not affect the
8 expiration of such subdivision and shall be deemed to expire therewith,
9 when upon such date the provisions of section eight-b of this act shall
10 take effect;

11 (g) provided, further, that the amendments to paragraphs a and g of
12 subdivision 2 of section 240 of the vehicle and traffic law made by
13 section nine of this act shall not affect the expiration of such para-
14 graphs and shall be deemed to expire therewith, when upon such date the
15 provision of section nine-a of this act shall take effect; provided,
16 further, that the amendments to paragraphs a and g of subdivision 2 of
17 section 240 of the vehicle and traffic law made by section nine-a of
18 this act shall not affect the expiration of such subdivision and shall
19 be deemed to expire therewith, when upon such date the provisions of
20 section nine-b of this act shall take effect;

21 (h) provided, further, that the amendments to subdivisions 1 and 2 of
22 section 241 of the vehicle and traffic law made by section ten of this
23 act shall not affect the expiration of such subdivisions and shall be
24 deemed to expire therewith, when upon such date the provisions of
25 section ten-a of this act shall take effect; provided, further, that the
26 amendments to subdivisions 1 and 2 of section 241 of the vehicle and
27 traffic law made by section ten-a of this act shall not affect the expi-
28 ration of such subdivisions and shall be deemed to expire therewith,
29 when upon such date the provisions of section ten-b of this act shall
30 take effect;

31 (i) provided, further, that the amendments to subparagraph (i) of
32 paragraph a of subdivision 5-a of section 401 of the vehicle and traffic
33 law made by section eleven of this act shall not affect the expiration
34 of such paragraph and shall be deemed to expire therewith, when upon
35 such date the provisions of section eleven-a of this act shall take
36 effect; provided, further, that the amendments to paragraph a of subdivi-
37 sion 5-a of section 401 of the vehicle and traffic law made by section
38 eleven-a of this act shall not affect the expiration of such paragraph
39 and shall be deemed to expire therewith, when upon such date the
40 provisions of section eleven-b of this act shall take effect;

41 (j) provided, further, that the amendments to subdivision 1 of section
42 1809 of the vehicle and traffic law made by section thirteen of this act
43 shall not affect the expiration of such subdivision pursuant to section
44 406 of chapter 166 of the laws of 1991, as amended, and shall be deemed
45 to expire therewith, when upon such date the provisions of section thir-
46 teen-a of this act shall take effect; and

47 (k) provided, further, that the amendments to subdivision 1 of section
48 1809 of the vehicle and traffic law made by section thirteen-a of this
49 act shall not affect the expiration of such subdivision pursuant to
50 chapter 746 of the laws of 1988, as amended, and shall be deemed to
51 expire therewith, when upon such date the provisions of section thir-
52 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: A862C

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 rapid transit and bus mobility 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 Rapid Transit and Bus Mobility 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 Rapid Transit and Bus Mobility Demonstration Program.

REASONS FOR SUPPORT:

The New York City Department of Transportation in coordination with the New York State Department of Transportation and MTA New York City Transit Authority is implementing a Bus Rapid Transit and Bus Mobility Demonstration Program. This program will provide faster, more reliable, and more attractive bus service throughout the City, using a variety of techniques, including but not limited to upgraded signage, enhanced markings of bus lanes, traffic signals that give buses priority, and proof of payment fare collection. The Bus Rapid Transit and Bus Mobility Demonstration Program will provide New Yorkers and visitors to the City with new and high performance transit options. 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. The Bus Rapid Transit and Bus Mobility Demonstration Program will consist of improvements to various bus routes; however, the use of bus lane photo devices shall be limited to cover no more than 50 miles of bus lanes and shall operate only on weekdays from 7:00 am to 7:00 pm.

To ensure the success of the Bus Rapid Transit and Bus Mobility 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 vehi-

cles 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. The cameras will be used exclusively within the routes receiving improvements as part of the Bus Rapid Transit and Bus Mobility Demonstration Program. The violation will be treated as the equivalent of a parking ticket; therefore, no points will be assessed against the driver.

Initial implementation of Select Bus Service on Fordham Road in Bronx County and 34th Street in New York County has resulted in significant improvements in bus speed and bus reliability, and has received widespread support from bus riders. Bus travel time on Fordham Road has been decreased by as much as 24%, and surveys of riders show that 89% feel that the service has been improved. The enactment of this legislation will build on this initial success and ensure that the City is successful in providing more efficient and effective bus service to the people and visitors of the City of New York.

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

Accordingly, the Mayor urges the earliest possible favorable consideration of this proposal by the Legislature.

