

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subparagraph (i) of paragraph a of subdivision 5-a of
2 section 401 of the vehicle and traffic law, as amended by section 9 of
3 chapter 189 of the laws of 2013, is amended to read as follows:

4 (i) If at the time of application for a registration or renewal there-
5 of there is a certification from a court, parking violations bureau,
6 traffic and parking violations agency or administrative tribunal of
7 appropriate jurisdiction [or administrative tribunal of appropriate
8 jurisdiction] that the registrant or his or her representative failed to
9 appear on the return date or any subsequent adjourned date or failed to
10 comply with the rules and regulations of an administrative tribunal
11 following entry of a final decision in response to a total of three or
12 more summonses or other process in the aggregate, issued within an eigh-
13 teen month period, charging either that: (i) such motor vehicle was
14 parked, stopped or standing, or that such motor vehicle was operated for
15 hire by the registrant or his or her agent without being licensed as a
16 motor vehicle for hire by the appropriate local authority, in violation
17 of any of the provisions of this chapter or of any law, ordinance, rule
18 or regulation made by a local authority; or (ii) the registrant was
19 liable in accordance with section eleven hundred eleven-a of this chap-

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

1 § 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
2 and traffic law, as amended by section 9-a of chapter 189 of the laws of
3 2013, is amended to read as follows:

4 a. If at the time of application for a registration or renewal thereof
5 there is a certification from a court or administrative tribunal of
6 appropriate jurisdiction that the registrant or his or her represen-
7 tative failed to appear on the return date or any subsequent adjourned
8 date or failed to comply with the rules and regulations of an adminis-
9 trative tribunal following entry of a final decision in response to a
10 total of three or more summonses or other process in the aggregate,
11 issued within an eighteen month period, charging either that: (i) such
12 motor vehicle was parked, stopped or standing, or that such motor vehi-
13 cle was operated for hire by the registrant or his or her agent without
14 being licensed as a motor vehicle for hire by the appropriate local
15 authority, in violation of any of the provisions of this chapter or of
16 any law, ordinance, rule or regulation made by a local authority; or
17 (ii) the registrant was liable in accordance with section eleven hundred
18 eleven-b of this chapter for a violation of subdivision (d) of section
19 eleven hundred eleven of this chapter; or (iii) the registrant was
20 liable in accordance with section eleven hundred eleven-c of this chap-
21 ter for a violation of a bus lane restriction as defined in such
22 section; or (iv) the registrant was liable in accordance with section
23 eleven hundred eighty-b of this chapter for a violation of subdivision
24 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
25 ter; or (v) the registrant was liable in accordance with section eleven
26 hundred eighty-c of this chapter for a violation of subdivision (b),
27 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
28 the commissioner or his or her agent shall deny the registration or

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

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

21 a. If at the time of application for a registration or renewal thereof
22 there is a certification from a court or administrative tribunal of
23 appropriate jurisdiction that the registrant or his or her represen-
24 tative failed to appear on the return date or any subsequent adjourned
25 date or failed to comply with the rules and regulations of an adminis-
26 trative tribunal following entry of a final decision in response to
27 three or more summonses or other process, issued within an eighteen
28 month period, charging that such motor vehicle was parked, stopped or

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

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

3 § 1-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
4 and traffic law, as amended by section 9-c of chapter 189 of the laws of
5 2013, is amended to read as follows:

6 a. If at the time of application for a registration or renewal thereof
7 there is a certification from a court or administrative tribunal of
8 appropriate jurisdiction that the registrant or his representative
9 failed to appear on the return date or any subsequent adjourned date or
10 failed to comply with the rules and regulations of an administrative
11 tribunal following entry of a final decision in response to three or
12 more summonses or other process, issued within an eighteen month period,
13 charging that such motor vehicle was parked, stopped or standing, or
14 that such motor vehicle was operated for hire by the registrant or his
15 agent without being licensed as a motor vehicle for hire by the appro-
16 priate local authority, in violation of any of the provisions of this
17 chapter or of any law, ordinance, rule or regulation made by a local
18 authority, or the registrant was liable in accordance with section elev-
19 en hundred eighty-b of this chapter for violations of subdivision (b),
20 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
21 or the registrant was liable in accordance with section eleven hundred
22 eighty-c of this chapter for violations of subdivision (b), (c), (d),
23 (f) or (g) of section eleven hundred eighty of this chapter, the commis-
24 sioner or his agent shall deny the registration or renewal application
25 until the applicant provides proof from the court or administrative
26 tribunal wherein the charges are pending that an appearance or answer
27 has been made or in the case of an administrative tribunal that he has
28 complied with the rules and regulations of said tribunal following entry

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

13 § 1-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
14 and traffic law, as separately amended by chapters 339 and 592 of the
15 laws of 1987, is amended to read as follows:

16 a. If at the time of application for a registration or renewal thereof
17 there is a certification from a court or administrative tribunal of
18 appropriate jurisdiction that the registrant or his representative
19 failed to appear on the return date or any subsequent adjourned date or
20 failed to comply with the rules and regulations of an administrative
21 tribunal following entry of a final decision in response to three or
22 more summonses or other process, issued within an eighteen month period,
23 charging that such motor vehicle was parked, stopped or standing, or
24 that such motor vehicle was operated for hire by the registrant or his
25 agent without being licensed as a motor vehicle for hire by the appro-
26 priate local authority, in violation of any of the provisions of this
27 chapter or of any law, ordinance, rule or regulation made by a local
28 authority, or the registrant was liable in accordance with section elev-

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

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

22 § 1180-c. Owner liability for failure of operator to comply with
23 certain posted maximum speed limits. (a) 1. Notwithstanding any other
24 provision of law, the counties of Nassau and Suffolk are hereby author-
25 ized to establish a demonstration program imposing monetary liability on
26 the owner of a vehicle for failure of an operator thereof to comply with
27 posted maximum speed limits in a school speed zone within the counties
28 (i) when a school speed limit is in effect as provided in paragraphs one

1 and two of subdivision (c) of section eleven hundred eighty of this
2 article or (ii) when other speed limits are in effect as provided in
3 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
4 this article during the following times: (A) on school days during
5 school hours and one hour before and one hour after the school day, and
6 (B) a period during student activities at the school and up to thirty
7 minutes immediately before and up to thirty minutes immediately after
8 such student activities. Such demonstration program shall empower the
9 counties to install photo speed violation monitoring systems within no
10 more than one school speed zone per school district within each county
11 at any one time and to operate such systems within such zones (iii) when
12 a school speed limit is in effect as provided in paragraphs one and two
13 of subdivision (c) of section eleven hundred eighty of this article or
14 (iv) when other speed limits are in effect as provided in subdivision
15 (b), (d), (f) or (g) of section eleven hundred eighty of this article
16 during the following times: (A) on school days during school hours and
17 one hour before and one hour after the school day, and (B) a period
18 during student activities at the school and up to thirty minutes imme-
19 diately before and up to thirty minutes immediately after such student
20 activities. In selecting a school speed zone in which to install and
21 operate a photo speed violation monitoring system, the counties shall
22 consider criteria including, but not limited to the speed data, crash
23 history, and the roadway geometry applicable to such school speed zone.

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

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

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

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

26 5. (i) Such demonstration program shall utilize necessary technologies
27 to ensure, to the extent practicable, that photographs, microphoto-
28 graphs, videotape or other recorded images produced by such photo speed

1 violation monitoring systems shall not include images that identify the
2 driver, the passengers, or the contents of the vehicle. Provided, howev-
3 er, that no notice of liability issued pursuant to this section shall be
4 dismissed solely because such a photograph, microphotograph, videotape
5 or other recorded image allows for the identification of the driver, the
6 passengers, or the contents of vehicles where either county shows that
7 it made reasonable efforts to comply with the provisions of this para-
8 graph in such case.

9 (ii) Photographs, microphotographs, videotape or any other recorded
10 image from a photo speed violation monitoring system shall be for the
11 exclusive use of the counties for the purpose of the adjudication of
12 liability imposed pursuant to this section and of the owner receiving a
13 notice of liability pursuant to this section, and shall be destroyed by
14 the counties upon the final resolution of the notice of liability to
15 which such photographs, microphotographs, videotape or other recorded
16 images relate, or one year following the date of issuance of such notice
17 of liability, whichever is later. Notwithstanding the provisions of any
18 other law, rule or regulation to the contrary, photographs, microphoto-
19 graphs, videotape or any other recorded image from a photo speed
20 violation monitoring system shall not be open to the public, nor subject
21 to civil or criminal process or discovery, nor used by any court or
22 administrative or adjudicatory body in any action or proceeding therein
23 except that which is necessary for the adjudication of a notice of
24 liability issued pursuant to this section, and no public entity or
25 employee, officer or agent thereof shall disclose such information,
26 except that such photographs, microphotographs, videotape or any other
27 recorded images from such systems:

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

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

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

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

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

6 (b) If the counties of Nassau and Suffolk establish a demonstration
7 program pursuant to subdivision (a) of this section, the owner of a
8 vehicle shall be liable for a penalty imposed pursuant to this section
9 if such vehicle was used or operated with the permission of the owner,
10 express or implied, within a school speed zone in violation of subdivi-
11 sion (c) of section eleven hundred eighty of this article or during the
12 times authorized pursuant to subdivision (a) of this section in
13 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
14 eighty of this article, such vehicle was traveling at a speed of more
15 than ten miles per hour above the posted speed limit in effect within
16 such school speed zone, and such violation is evidenced by information
17 obtained from a photo speed violation monitoring system; provided howev-
18 er that no owner of a vehicle shall be liable for a penalty imposed
19 pursuant to this section where the operator of such vehicle has been
20 convicted of the underlying violation of subdivision (b), (c), (d), (f)
21 or (g) of section eleven hundred eighty of this article.

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

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

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

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

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

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

24 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
25 or (g) of section eleven hundred eighty of this article pursuant to a
26 demonstration program established pursuant to this section shall be
27 liable for monetary penalties in accordance with a schedule of fines and
28 penalties to be promulgated by the traffic and parking violations bureau

1 of the counties of Nassau or Suffolk. The liability of the owner pursu-
2 ant to this section shall not exceed fifty dollars for each violation;
3 provided, however, that such parking violations bureau may provide for
4 an additional penalty not in excess of twenty-five dollars for each
5 violation for the failure to respond to a notice of liability within the
6 prescribed time period.

7 (f) An imposition of liability under the demonstration program estab-
8 lished pursuant to this section shall not be deemed a conviction as an
9 operator and shall not be made part of the operating record of the
10 person upon whom such liability is imposed nor shall it be used for
11 insurance purposes in the provision of motor vehicle 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 subdivision
14 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
15 cle pursuant to this section, within fourteen business days if such
16 owner is a resident of this state and within forty-five business days if
17 such owner is a non-resident. Personal delivery on the owner shall not
18 be required. A manual or automatic record of mailing prepared in the
19 ordinary course of business shall be prima facie evidence of the facts
20 contained therein.

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

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

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

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

12 (h) Adjudication of the liability imposed upon owners of this section
13 shall be by the traffic and parking violations bureau of the counties of
14 Nassau or Suffolk.

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

1 Suffolk, or to any other entity authorized by the county to receive such
2 records.

3 (j) Adjudication of the liability imposed upon owners of this section
4 shall be by the traffic and parking violations bureau of the counties of
5 Nassau or Suffolk.

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

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

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

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

25 3. Where the lessor complies with the provisions of paragraph (1) of
26 this subdivision, the lessee of such vehicle on the date of such
27 violation shall be deemed to be the owner of such vehicle for purposes
28 of this section, shall be subject to liability for such violation pursu-

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

3 (l) 1. If the owner liable for a violation of subdivision (c) or (d)
4 of section eleven hundred eighty of this article pursuant to this
5 section was not the operator of the vehicle at the time of the
6 violation, the owner may maintain an action for indemnification against
7 the operator.

8 2. Notwithstanding any other provision of this section, no owner of a
9 vehicle shall be subject to a monetary fine imposed pursuant to this
10 section if the operator of such vehicle was operating such vehicle with-
11 out the consent of the owner at the time such operator operated such
12 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
13 eleven hundred eighty of this article. For purposes of this subdivision
14 there shall be a presumption that the operator of such vehicle was oper-
15 ating such vehicle with the consent of the owner at the time such opera-
16 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)
17 or (g) of section eleven hundred eighty of this article.

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

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

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

27 2. the aggregate number, type and severity of crashes, fatalities,
28 injuries and property damage reported within all school speed zones

1 within the county, to the extent the information is maintained by the
2 department of motor vehicles of this state;

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

8 4. the number of violations recorded within all school speed zones
9 within the county, in the aggregate on a daily, weekly and monthly
10 basis;

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

14 6. the number of violations recorded within all school speed zones
15 within the county that were:

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

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

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

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

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

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

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

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

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

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

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

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

11 11. the total amount of revenue realized by the county in connection
12 with the program;

13 12. the expenses incurred by the county in connection with the
14 program; and

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

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

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

24 Whenever proceedings in an administrative tribunal or a court of this
25 state result in a conviction for an offense under this chapter or a
26 traffic infraction under this chapter, or a local law, ordinance, rule
27 or regulation adopted pursuant to this chapter, other than a traffic
28 infraction involving standing, stopping, or parking or violations by

1 pedestrians or bicyclists, or other than an adjudication of liability of
2 an owner for a violation of subdivision (d) of section eleven hundred
3 eleven of this chapter in accordance with section eleven hundred
4 eleven-a of this chapter, or other than an adjudication of liability of
5 an owner for a violation of subdivision (d) of section eleven hundred
6 eleven of this chapter in accordance with section eleven hundred
7 eleven-b of this chapter, or other than an adjudication in accordance
8 with section eleven hundred eleven-c of this chapter for a violation of
9 a bus lane restriction as defined in such section, or other than an
10 adjudication of liability of an owner for a violation of subdivision
11 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
12 ter in accordance with section eleven hundred eighty-b of this chapter,
13 or other than an adjudication of liability of an owner for a violation
14 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
15 eighty of this chapter in accordance with section eleven hundred eight-
16 y-c of this chapter, there shall be levied a crime victim assistance fee
17 and a mandatory surcharge, in addition to any sentence required or
18 permitted by law, in accordance with the following schedule:

19 (c) Whenever proceedings in an administrative tribunal or a court of
20 this state result in a conviction for an offense under this chapter
21 other than a crime pursuant to section eleven hundred ninety-two of this
22 chapter, or a traffic infraction under this chapter, or a local law,
23 ordinance, rule or regulation adopted pursuant to this chapter, other
24 than a traffic infraction involving standing, stopping, or parking or
25 violations by pedestrians or bicyclists, or other than an adjudication
26 of liability of an owner for a violation of subdivision (d) of section
27 eleven hundred eleven of this chapter in accordance with section eleven
28 hundred eleven-a of this chapter, or other than an adjudication of

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

21 § 3-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
22 as amended by section 11-a of chapter 189 of the laws of 2013, is
23 amended to read as follows:

24 1. Whenever proceedings in an administrative tribunal or a court of
25 this state result in a conviction for a crime under this chapter or a
26 traffic infraction under this chapter, or a local law, ordinance, rule
27 or regulation adopted pursuant to this chapter, other than a traffic
28 infraction involving standing, stopping, parking or motor vehicle equip-

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

19 § 3-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
20 as amended by section 11-b of chapter 189 of the laws of 2013, is
21 amended to read as follows:

22 1. Whenever proceedings in an administrative tribunal or a court of
23 this state result in a conviction for a crime under this chapter or a
24 traffic infraction under this chapter other than a traffic infraction
25 involving standing, stopping, parking or motor vehicle equipment or
26 violations by pedestrians or bicyclists, or other than an adjudication
27 in accordance with section eleven hundred eleven-c of this chapter for a
28 violation of a bus lane restriction as defined in such section, or other

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

10 § 3-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
11 as amended by section 11-c of chapter 189 of the laws of 2013, is
12 amended to read as follows:

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

26 § 3-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
27 as separately amended by chapter 16 of the laws of 1983 and chapter 62
28 of the laws of 1989, is amended to read as follows:

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

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

14 a. Notwithstanding any other provision of law, whenever proceedings in
15 a court or an administrative tribunal of this state result in a
16 conviction for an offense under this chapter, except a conviction pursu-
17 ant to section eleven hundred ninety-two of this chapter, or for a traf-
18 fic infraction under this chapter, or a local law, ordinance, rule or
19 regulation adopted pursuant to this chapter, except a traffic infraction
20 involving standing, stopping, or parking or violations by pedestrians or
21 bicyclists, and except an adjudication of liability of an owner for a
22 violation of subdivision (d) of section eleven hundred eleven of this
23 chapter in accordance with section eleven hundred eleven-a of this chap-
24 ter, and except an adjudication of liability of an owner for a violation
25 of subdivision (d) of section eleven hundred eleven of this chapter in
26 accordance with section eleven hundred eleven-b of this chapter, and
27 except an adjudication in accordance with section eleven hundred
28 eleven-c of this chapter of a violation of a bus lane restriction as

1 defined in such section, and [expect] except an adjudication of liabil-
2 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)
3 of section eleven hundred eighty of this chapter in accordance with
4 section eleven hundred eighty-b of this chapter, and except an adjudi-
5 cation of liability of an owner for a violation of subdivision (b), (c),
6 (d), (f) or (g) of section eleven hundred eighty of this chapter in
7 accordance with section eleven hundred eighty-c of this chapter, and
8 except an adjudication of liability of an owner for a violation of toll
9 collection regulations pursuant to section two thousand nine hundred
10 eighty-five of the public authorities law or sections sixteen-a,
11 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
12 laws of nineteen hundred fifty, there shall be levied in addition to any
13 sentence, penalty or other surcharge required or permitted by law, an
14 additional surcharge of twenty-eight dollars.

15 § 4-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
16 and traffic law, as amended by section 12-b of chapter 189 of the laws
17 of 2013, is amended to read as follows:

18 a. Notwithstanding any other provision of law, whenever proceedings in
19 a court or an administrative tribunal of this state result in a
20 conviction for an offense under this chapter, except a conviction pursu-
21 ant to section eleven hundred ninety-two of this chapter, or for a traf-
22 fic infraction under this chapter, or a local law, ordinance, rule or
23 regulation adopted pursuant to this chapter, except a traffic infraction
24 involving standing, stopping, or parking or violations by pedestrians or
25 bicyclists, and except an adjudication of liability of an owner for a
26 violation of subdivision (d) of section eleven hundred eleven of this
27 chapter in accordance with section eleven hundred eleven-a of this chap-
28 ter, and except an adjudication in accordance with section eleven

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

16 § 4-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle
17 and traffic law, as amended by section 12-c of chapter 189 of the laws
18 of 2013, is amended to read as follows:

19 a. Notwithstanding any other provision of law, whenever proceedings in
20 a court or an administrative tribunal of this state result in a
21 conviction for an offense under this chapter, except a conviction pursu-
22 ant to section eleven hundred ninety-two of this chapter, or for a traf-
23 fic infraction under this chapter, or a local law, ordinance, rule or
24 regulation adopted pursuant to this chapter, except a traffic infraction
25 involving standing, stopping, or parking or violations by pedestrians or
26 bicyclists, and except an adjudication of liability of an owner for a
27 violation of subdivision (d) of section eleven hundred eleven of this
28 chapter in accordance with section eleven hundred eleven-a of this chap-

1 ter, and except an adjudication of liability of an owner for a violation
2 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
3 eighty of this chapter in accordance with section eleven hundred eight-
4 y-b of this chapter, and except an adjudication of liability of an owner
5 for a violation of subdivision (b), (c), (d), (f) or (g) of section
6 eleven hundred eighty of this chapter in accordance with section eleven
7 hundred eighty-c of this chapter, and except an adjudication of liabil-
8 ity of an owner for a violation of toll collection regulations pursuant
9 to section two thousand nine hundred eighty-five of the public authori-
10 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
11 hundred seventy-four of the laws of nineteen hundred fifty, there shall
12 be levied in addition to any sentence, penalty or other surcharge
13 required or permitted by law, an additional surcharge of twenty-eight
14 dollars.

15 § 4-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle
16 and traffic law, as added by section 5 of part C of chapter 55 of the
17 laws of 2013, is amended to read as follows:

18 a. Notwithstanding any other provision of law, whenever proceedings in
19 a court or an administrative tribunal of this state result in a
20 conviction for an offense under this chapter, except a conviction pursu-
21 ant to section eleven hundred ninety-two of this chapter, or for a traf-
22 fic infraction under this chapter, or a local law, ordinance, rule or
23 regulation adopted pursuant to this chapter, except a traffic infraction
24 involving standing, stopping, or parking or violations by pedestrians or
25 bicyclists, and except an adjudication of liability of an owner for a
26 violation of subdivision (d) of section eleven hundred eleven of this
27 chapter in accordance with section eleven hundred eleven-a of this chap-
28 ter, and except an adjudication of liability of an owner for a violation

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

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

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

15 § 6. The purchase or lease of equipment for a demonstration program
16 pursuant to section 1180-c of the vehicle and traffic law shall be
17 subject to the provisions of section 103 of the general municipal law.

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

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

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

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

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

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

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

26 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
27 traffic law made by section three-b of this act shall not affect the
28 expiration of such subdivision and shall be deemed to expire therewith,

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

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

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

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

18 (k) the amendments to paragraph a of subdivision 1 of section 1809-e
19 of the vehicle and traffic law made by section four-b of this act shall
20 not affect the expiration of such paragraph and shall be deemed to
21 expire therewith, when upon such date the provisions of section four-c
22 of this act shall take effect.