

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, in relation to directing the city of Buffalo to adjudicate traffic infractions; and in relation to certain penalties and forfeited security collected by the city of Buffalo and granting a traffic violations agency certain powers; to amend the general municipal law, in relation to establishing the Buffalo traffic violations agency; to amend the state finance law, in relation to the justice court fund; to amend the criminal procedure law, in relation to a trial by judicial hearing officer; and requires the executive director of the Buffalo traffic violations agency to annually issue a report on the progress, development and operations of such agency

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

1 Section 1. Section 155 of the vehicle and traffic law, as amended by
2 chapter 628 of the laws of 2002, is amended to read as follows:
3 § 155. Traffic infraction. The violation of any provision of this
4 chapter, except articles forty-seven and forty-eight, or of any law,
5 ordinance, order, rule or regulation regulating traffic which is not
6 declared by this chapter or other law of this state to be a misdemeanor
7 or a felony. A traffic infraction is not a crime and the punishment
8 imposed therefor shall not be deemed for any purpose a penal or criminal
9 punishment and shall not affect or impair the credibility as a witness
10 or otherwise of any person convicted thereof. This definition shall be
11 retroactive and shall apply to all acts and violations heretofore
12 committed where such acts and violations would, if committed subsequent
13 to the taking effect of this section, be included within the meaning of
14 the term "traffic infraction" as herein defined. Except in those
15 portions of Suffolk county for which a district court has been estab-

1 lished, outside of cities having a population in excess of two hundred
2 thousand but less than two hundred twenty thousand in which administra-
3 tive tribunals have heretofore been established and outside of cities
4 having a population in excess of one million in which administrative
5 tribunals have heretofore been established, courts and judicial officers
6 heretofore having jurisdiction over such violations shall continue to do
7 so and for such purpose such violations shall be deemed misdemeanors and
8 all provisions of law relating to misdemeanors except as provided in
9 section eighteen hundred five of this chapter and except as herein
10 otherwise expressly provided shall apply except that no jury trial shall
11 be allowed for traffic infractions. In those portions of Suffolk county
12 for which a district court has been established, and in cities having a
13 population in excess of two hundred thousand but less than two hundred
14 twenty thousand in which administrative tribunals have heretofore been
15 established and in cities having a population in excess of one million
16 in which administrative tribunals have heretofore been established, the
17 criminal courts of such cities or portions of Suffolk county in which a
18 district court has been established shall have jurisdiction to hear and
19 determine any complaint alleging a violation constituting a traffic
20 infraction, except that administrative tribunals heretofore established
21 in such cities or portions of Suffolk county in which a district court
22 has been established shall have jurisdiction to hear and determine any
23 charge of an offense which is a traffic infraction, except parking,
24 standing or stopping. In cities having a population in excess of two
25 hundred thousand in which administrative tribunals have heretofore been
26 established, and any such administrative tribunal established by the
27 city of Yonkers, the city of Peekskill, or the city of Syracuse, such
28 tribunals shall have jurisdiction to hear and determine any charge of an

1 offense which is a parking, standing or stopping violation. Any fine
2 imposed by an administrative tribunal shall be a civil penalty. For
3 purposes of arrest without a warrant, pursuant to article one hundred
4 forty of the criminal procedure law, a traffic infraction shall be
5 deemed an offense.

6 § 2. Subdivision 1 of section 225 of the vehicle and traffic law, as
7 amended by chapter 388 of the laws of 2012, is amended to read as
8 follows:

9 1. Notwithstanding any inconsistent provision of law, all violations
10 of this chapter or of a law, ordinance, order, rule or regulation relat-
11 ing to traffic, except parking, standing, stopping or pedestrian
12 offenses, which occur within a city having a population of two hundred
13 thousand or more but less than two hundred twenty thousand in which
14 administrative tribunals have heretofore been established, or within a
15 city having a population of one million or more in which administrative
16 tribunals have heretofore, been established, and which are classified as
17 traffic infractions, may be heard and determined pursuant to the regu-
18 lations of the commissioner as provided in this article. Whenever a
19 crime and a traffic infraction arise out of the same transaction or
20 occurrence, a charge alleging both offenses may be made returnable
21 before the court having jurisdiction over the crime. Nothing herein
22 provided shall be construed to prevent a court, having jurisdiction over
23 a criminal charge relating to traffic or a traffic infraction, from
24 lawfully entering a judgment of conviction, whether or not based on a
25 plea of guilty, for any offense classified as a traffic infraction.

26 § 3. Subdivision 5 of section 227 of the vehicle and traffic law, as
27 amended by chapter 690 of the laws of 1996, is amended to read as
28 follows:

1 5. All penalties and forfeited security collected pursuant to the
2 provisions of this article shall be paid to the department of audit and
3 control to the credit of the justice court fund and shall be subject to
4 the applicable provisions of section eighteen hundred three of this
5 chapter. After such audit as shall reasonably be required by the comp-
6 troller, such penalties and forfeited security shall be paid quarterly
7 or, in the discretion of the comptroller, monthly, to the appropriate
8 jurisdiction in which the violation occurred in accordance with the
9 provisions of section ninety-nine-a of the state finance law, except
10 that the sum of four dollars for each violation occurring in such juris-
11 diction for which a complaint has been filed with the administrative
12 tribunal established pursuant to this article shall be retained by the
13 state. The amount distributed during the first three quarters to the
14 [cities] city of Rochester [and Buffalo] in any given fiscal year shall
15 not exceed seventy percent of the amount which will be otherwise paya-
16 ble. Provided, however, that if the full costs of administering this
17 article shall exceed the amounts received and retained by the state for
18 any period specified by the commissioner, then such additional sums as
19 shall be required to offset such costs shall be retained by the state
20 out of the penalties and forfeited security collected pursuant to this
21 article.

22 § 4. Section 370 of the general municipal law is amended by adding a
23 new subdivision 4 to read as follows:

24 4. There shall be an executive department of the Buffalo city govern-
25 ment known as the Buffalo traffic violations agency, which shall operate
26 under the direction and control of the mayor.

1 § 5. Subdivision 2 of section 370-a of the general municipal law, as
2 amended by chapter 388 of the laws of 2012, is amended and a new subdivi-
3 sion 1-a is added to read as follows:

4 1-a. "Traffic violations agency" shall mean an executive department of
5 the city of Buffalo established pursuant to subdivision four of section
6 three hundred seventy of this article to administer and dispose of traf-
7 fic infractions as authorized pursuant to this article.

8 2. "Traffic prosecutor" shall mean an attorney duly admitted to prac-
9 tice law in the state of New York who, having been appointed and either
10 hired or retained pursuant to section three hundred seventy-four of this
11 article, has the responsibility of prosecuting any traffic and parking
12 infractions returnable before the Nassau county district court or the
13 Suffolk county district court or any traffic infractions returnable
14 before the Buffalo city court pursuant to the jurisdictional limitations
15 of section three hundred seventy-one of this article.

16 § 6. Section 371 of the general municipal law is amended by adding a
17 new subdivision 2-a to read as follows:

18 2-a. The Buffalo traffic violations agency, as established in subdivi-
19 sion four of section three hundred seventy of this article, may be
20 authorized to assist the Buffalo city court in the disposition and
21 administration of infractions of traffic laws, ordinances, rules and
22 regulations except that such agency shall not have jurisdiction over (a)
23 the traffic infraction defined under subdivision one of section eleven
24 hundred ninety-two of the vehicle and traffic law; (b) the traffic
25 infraction defined under subdivision five of section eleven hundred
26 ninety-two of the vehicle and traffic law; (c) the violation defined
27 under paragraph (b) of subdivision four of section fourteen-f of the
28 transportation law and the violation defined under clause (b) of subpar-

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

21 § 7. Section 371 of the general municipal law is amended by adding a
22 new subdivision 3-a to read as follows:

23 3-a. A person charged with an infraction which shall be disposed of by
24 the Buffalo traffic violations agency may be permitted to answer, within
25 a specified time, at the traffic violations agency either in person or
26 by written power of attorney in such form as may be prescribed in the
27 ordinance or local law creating the agency, by paying a prescribed fine
28 and, in writing, waiving a hearing in court, pleading guilty to the

1 charge or a lesser charge agreeable to the traffic prosecutor and the
2 person charged with an infraction, and authorizing the person in charge
3 of the agency to enter such a plea and accept payment of said fine.
4 Acceptance of the prescribed fine and power of attorney by the agency
5 shall be deemed complete satisfaction for the violation, and the viola-
6 tor shall be given a receipt which so states. If a person charged with a
7 traffic violation does not answer as hereinbefore prescribed, within a
8 designated time, the agency may cause a complaint to be entered against
9 him forthwith and a warrant to be issued for his arrest and appearance
10 before the court, such summons to be predicated upon the personal
11 service of said summons upon the person charged with the infraction. Any
12 person who shall have been, within the preceding twelve months, guilty
13 of three or more violations, shall not be permitted to appear and answer
14 to a subsequent violation at the agency, but must appear in court at a
15 time specified by the agency. Such agency shall not be authorized to
16 deprive a person of his right to counsel or to prevent him from exercis-
17 ing his right to appear in court to answer to, explain, or defend any
18 charge of a violation of any traffic law, ordinance, rule or regulation.

19 § 8. Section 371 of the general municipal law is amended by adding a
20 new subdivision 4-a to read as follows:

21 4-a. Notwithstanding any inconsistent provision of law, fines, penal-
22 ties and forfeitures collected by the Buffalo traffic violations agency
23 shall be distributed as provided in section eighteen hundred three of
24 the vehicle and traffic law. All fines, penalties and forfeitures for
25 violations adjudicated by the Buffalo traffic violations agency pursuant
26 to subdivision two-a of this section except as provided in subdivision
27 three of section ninety-nine-a of the state finance law, shall be paid
28 by such agency to the state comptroller within the first ten days of the

1 month following collection. Each such payment shall be accompanied by a
2 true and complete report in such form and detail as the comptroller
3 shall prescribe.

4 § 9. The general municipal law is amended by adding a new section
5 374-a to read as follows:

6 § 374-a. Traffic prosecutor selection and oversight. (a) The executive
7 director of the Buffalo traffic violations agency, appointed pursuant to
8 subdivision (b) of this section, shall select and may contract with or
9 hire one or more persons who are attorneys, duly admitted to the prac-
10 tice of law in New York state for the prosecution of any traffic infrac-
11 tion, except those described in paragraphs (a), (b), (c), (d), (e), (f)
12 and (g) of subdivision two-a of section three hundred seventy-one of
13 this article, to be heard, tried or otherwise disposed of by the Buffalo
14 city court. Such persons shall be known as "traffic prosecutors", as
15 that term is defined in section three hundred seventy-a of this article.
16 Traffic prosecutors shall have the same power as a district attorney
17 would otherwise have in the prosecution of any traffic infraction which
18 may, pursuant to the jurisdictional provisions of section three hundred
19 seventy-one of this article, be prosecuted before the Buffalo city court
20 if the traffic violation occurred in the city of Buffalo. The executive
21 director shall give active consideration to requiring that such traffic
22 prosecutors serve on a full-time basis. Traffic prosecutors are prohib-
23 ited from appearing in any capacity other than as a traffic prosecutor
24 in any part of the Buffalo city court on any matter relating to traffic
25 violations and are further prohibited from appearing in any capacity
26 other than as a traffic prosecutor in any other court or administrative
27 tribunal on any matter relating to traffic violations.

1 (b) The mayor of the city of Buffalo shall appoint a person to serve
2 as the executive director of the Buffalo traffic violations agency
3 subject to the confirmation of the common council of the city of
4 Buffalo. The executive director shall be responsible for the oversight
5 and administration of the agency. The executive director is prohibited
6 from appearing in any capacity in any part of the Buffalo city court on
7 any matter relating to traffic violations and is further prohibited from
8 appearing in any capacity in any other court or administrative tribunal
9 on any matter relating to traffic violations.

10 (c) It shall be a misdemeanor for the executive director, any traffic
11 prosecutor or any judicial hearing officer assigned to hear traffic
12 violations cases pursuant to section sixteen hundred ninety of the vehi-
13 cle and traffic law to establish any quota of traffic violation
14 convictions which must be obtained by any traffic prosecutor or judicial
15 hearing officer. Nothing contained herein shall prohibit the taking of
16 any job action against a traffic prosecutor or judicial hearing officer
17 for failure to satisfactorily perform such prosecutor's or officer's job
18 assignment except that the employment productivity of such prosecutor or
19 officer shall not be measured by the attainment or nonattainment of any
20 conviction quota. For the purposes of this section a conviction quota
21 shall mean a specific number of convictions which must be obtained with-
22 in a specific time period.

23 (d) Pursuant to article 20 of the Buffalo City Charter, the city of
24 Buffalo may appropriate those monies which, in its sole discretion, are
25 necessary for the compensation of those persons selected to serve as
26 executive director and traffic prosecutors and to cover all other
27 expenses associated with the administration of the Buffalo traffic
28 violations agency.

1 § 10. Subdivision 3 of section 99-a of the state finance law, as
2 amended by chapter 388 of the laws of 2012, is amended to read as
3 follows:

4 3. The comptroller is hereby authorized to implement alternative
5 procedures, including guidelines in conjunction therewith, relating to
6 the remittance of fines, penalties, forfeitures and other moneys by town
7 and village justice courts, and by the Nassau and Suffolk counties traf-
8 fic and parking violations agencies, and by the city of Buffalo traffic
9 violations agency, to the justice court fund and for the distribution of
10 such moneys by the justice court fund. Notwithstanding any law to the
11 contrary, the alternative procedures utilized may include:

12 a. electronic funds transfer;

13 b. remittance of funds by the justice court to the chief fiscal office
14 of the town or village, or, in the case of the Nassau and Suffolk coun-
15 ties traffic and parking violations agencies, to the county treasurer,
16 or, in the case of the Buffalo traffic violations agency, to the city of
17 Buffalo comptroller, for distribution in accordance with instructions by
18 the comptroller; and/or

19 c. monthly, rather than quarterly, distribution of funds.

20 The comptroller may require such reporting and record keeping as he or
21 she deems necessary to ensure the proper distribution of moneys in
22 accordance with applicable laws. A justice court or the Nassau and
23 Suffolk counties traffic and parking violations agencies or the city of
24 Buffalo traffic violations agency may utilize these procedures only when
25 permitted by the comptroller, and such permission, once given, may
26 subsequently be withdrawn by the comptroller on due notice.

1 § 11. Paragraph (c) of subdivision 4-a of section 510 of the vehicle
2 and traffic law, as added by section 10 of part J of chapter 62 of the
3 laws of 2003, is amended to read as follows:

4 (c) Upon receipt of notification from a traffic and parking violations
5 agency or a traffic violations agency of the failure of a person to
6 appear within sixty days of the return date or new subsequent adjourned
7 date, pursuant to an appearance ticket charging said person with a
8 violation of:

9 (i) any of the provisions of this chapter except one for parking,
10 stopping or standing and except those violations described in paragraphs
11 (a), (b), (d), (e) and (f) of subdivision two and in paragraphs (a),
12 (b), (d), (e), (f) and (g) of subdivision two-a of section three hundred
13 seventy-one of the general municipal law;

14 (ii) section five hundred two or subdivision (a) of section eighteen
15 hundred fifteen of the tax law;

16 (iii) section fourteen-f (except paragraph (b) of subdivision four of
17 section fourteen-f), two hundred eleven or two hundred twelve of the
18 transportation law; or

19 (iv) any lawful ordinance or regulation made by a local or public
20 authority relating to traffic (except one for parking, stopping or
21 standing) or the failure to pay a fine imposed for such a violation by a
22 traffic and parking violations agency or a traffic violations agency,
23 the commissioner or his or her agent may suspend the driver's license or
24 privileges of such person pending receipt of notice from the agency that
25 such person has appeared in response to such appearance ticket or has
26 paid such fine. Such suspension shall take effect no less than thirty
27 days from the day upon which notice thereof is sent by the commissioner
28 to the person whose driver's license or privileges are to be suspended.

1 Any suspension issued pursuant to this paragraph shall be subject to the
2 provisions of paragraph (j-1) of subdivision two of section five hundred
3 three of this chapter.

4 § 12. Paragraph (b) of subdivision 3 of section 514 of the vehicle and
5 traffic law, as amended by section 11 of part J of chapter 62 of the
6 laws of 2003, is amended to read as follows:

7 (b) Upon the failure of a person to appear or answer, within sixty
8 days of the return date or any subsequent adjourned date, or the failure
9 to pay a fine imposed by a traffic and parking violations agency or a
10 traffic violations agency pursuant to a summons charging him or her with
11 a violation of:

12 (1) any of the provisions of this chapter except one for parking,
13 stopping or standing and except those violations described in paragraphs
14 (a), (b), (d), (e) and (f) of subdivision two and in paragraphs (a),
15 (b), (d), (e), (f) and (g) of subdivision two-a of section three hundred
16 seventy-one of the general municipal law;

17 (2) section five hundred two or subdivision (a) of section eighteen
18 hundred fifteen of the tax law;

19 (3) section fourteen-f (except paragraph (b) of subdivision four of
20 section fourteen-f), two hundred eleven or two hundred twelve of the
21 transportation law; or

22 (4) any lawful ordinance or regulation made by a local or public
23 authority relating to traffic (except one for parking, stopping or
24 standing);

25 the clerk thereof shall within ten days certify that fact to the commis-
26 sioner, in the manner and form prescribed by the commissioner, who shall
27 record the same in his or her office. Thereafter and upon the appearance
28 of any such person in response to such summons or the receipt of the

1 fine by the agency, the traffic and parking violations agency, the traf-
2 fic violations agency or the clerk thereof shall forthwith certify that
3 fact to the commissioner, in the manner and form prescribed by the
4 commissioner; provided, however, no such certification shall be made
5 unless the traffic and parking violations agency or the traffic
6 violations agency has collected the termination of suspension fee
7 required to be paid pursuant to paragraph (j-1) of subdivision two of
8 section five hundred three of this chapter.

9 § 13. The article heading of article 44-A of the vehicle and traffic
10 law, as amended by chapter 388 of the laws of 2012, is amended to read
11 as follows:

12 AUTHORITY OF THE NASSAU AND SUFFOLK

13 COUNTY DISTRICT COURT AND BUFFALO CITY COURT

14 JUDICIAL HEARING OFFICERS

15 § 14. The section heading of section 1690 of the vehicle and traffic
16 law, as amended by chapter 388 of the laws of 2012, is amended to read
17 as follows:

18 Authority of the Nassau county and Suffolk county district court judi-
19 cial hearing officers and the city of Buffalo judicial hearing officers.

20 § 15. Section 1690 of the vehicle and traffic law is amended by adding
21 two new subdivisions 1-a and 4-a to read as follows:

22 1-a. Notwithstanding any other provision of law, where the trial of a
23 traffic infraction is authorized or required to be tried before the
24 Buffalo city court, and such traffic infraction does not constitute a
25 misdemeanor, felony, violation of subdivision one of section eleven
26 hundred ninety-two, subdivision five of section eleven hundred ninety-
27 two, section three hundred ninety-seven-a, or subdivision (g) of section
28 eleven hundred eighty of this chapter, or a violation of paragraph (b)

1 of subdivision four of section fourteen-f or clause (b) of subparagraph
2 (iii) of paragraph c of subdivision two of section one hundred forty of
3 the transportation law, or any parking, stopping, standing or pedestrian
4 offense, or any offense that is part of the same criminal transaction,
5 as that term is defined in subdivision two of section 40.10 of the crim-
6 inal procedure law, as such a misdemeanor, felony, violation of subdivi-
7 sion one of section eleven hundred ninety-two, subdivision two of
8 section eleven hundred ninety-two, section three hundred ninety-seven-a
9 or subdivision (g) of section eleven hundred eighty of this chapter, or
10 a violation of paragraph (b) of subdivision four of section fourteen-f
11 or clause (b) of subparagraph (iii) of paragraph d of subdivision two of
12 section one hundred forty of the transportation law, or any parking,
13 stopping, standing or pedestrian offense, the administrative judge of
14 the eighth judicial district may assign judicial hearing officers to
15 conduct such a trial. Such judicial hearing officers shall: (i) be resi-
16 dents of the city of Buffalo; and (ii) be village or town court
17 justices, city court judges or retired judges or justices all of which
18 shall have at least two years of experience conducting trials of traffic
19 violations cases; and (iii) be admitted to practice law in this state;
20 and (iv) be selected from a list of recommendations of the mayor of the
21 city of Buffalo provided that the mayor shall give at least three recom-
22 mendations for each judicial hearing officer assignment. Where such
23 assignment is made, the judicial hearing officer shall entertain the
24 case in the same manner as a court and shall:

25 (a) determine all questions of law;

26 (b) act as the exclusive trier of all issues of fact;

27 (c) render a verdict;

28 (d) impose sentence; or

1 (e) dispose of the case in any manner provided by law.

2 4-a. Judicial hearing officers are prohibited from appearing in any
3 capacity other than as a judicial hearing officer in any part of Buffalo
4 city court on any matter relating to traffic violations and are further
5 prohibited from appearing in any capacity other than as a judicial hear-
6 ing officer in any other court or administrative tribunal on any matter
7 relating to traffic violations.

8 § 16. Subdivision 5 of section 350.20 of the criminal procedure law,
9 as amended by chapter 388 of the laws of 2012, is amended to read as
10 follows:

11 5. Notwithstanding the provisions of subdivision one of this section,
12 for all proceedings before the district court of Nassau county the
13 administrative judge of Nassau county may, and for all proceedings
14 before the district court of Suffolk county, the administrative judge of
15 Suffolk county may, without the consent of the parties, assign matters
16 involving traffic and parking infractions except those described in
17 paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section
18 three hundred seventy-one of the general municipal law to a judicial
19 hearing officer in accordance with the provisions of section sixteen
20 hundred ninety of the vehicle and traffic law and for all proceedings
21 before the Buffalo city court the administrative judge of the eighth
22 judicial district may, without the consent of the parties, assign
23 matters involving traffic infractions except those described in para-
24 graphs (a), (b), (c), (d), (e), (f) and (g) of subdivision two-a of
25 section three hundred seventy-one of the general municipal law to a
26 judicial hearing officer in accordance with the provisions of section
27 sixteen hundred ninety of the vehicle and traffic law.

1 § 17. Pending actions and proceedings. (a) No proceeding involving a
2 charge of a traffic infraction pending at such time when an existing
3 administrative tribunal shall cease to exist shall be affected or abated
4 by the passage of this act or by anything herein contained or by the
5 cessation of the existence of any administrative tribunal. All such
6 proceedings are hereby transferred to the court of appropriate jurisdic-
7 tion in the city where such traffic infractions allegedly occurred.

8 (b) (i) The agency, department, office, or person charged with the
9 custody of the records of an existing administrative tribunal which is
10 about to cease existing under, or in connection with, this act shall
11 arrange for the transfer of the records of pending proceedings to the
12 court of appropriate jurisdiction to which the proceedings shall be
13 transferred. The presiding judge of such court shall enter an order
14 providing for adequate notice consistent with due process of law to
15 respondents in such pending proceedings regarding the transfer of such
16 proceedings.

17 (ii) In no event shall any difficulty or delay resulting from the
18 transfer process, not caused by the respondent, increase the penalty
19 required of the respondent appearing before the court due to a transfer
20 of the traffic infraction proceeding or otherwise prejudice such
21 respondent. Respondents before the court due to a transfer of the traf-
22 fic infraction proceeding from an administrative tribunal to the court
23 that fail to appear shall be permitted at least one adjournment before
24 the penalties and procedures pursuant to subdivision 3 of section 226 of
25 the vehicle and traffic law shall be available. The presiding judge of
26 such court shall enter an order providing for adequate notice consistent
27 with due process of law to respondents, including notice of the penal-

1 ties and procedures available pursuant to subdivision 3 of section 226
2 of the vehicle and traffic law.

3 § 18. The executive director of the Buffalo traffic violations agency
4 shall issue on an annual basis, beginning eighteen months following the
5 creation of the Buffalo traffic violations agency pursuant to city of
6 Buffalo local law, a report detailing the progress, development and
7 operations of the traffic violations agency. The report shall be
8 provided to the governor, the temporary president of the senate, the
9 speaker of the assembly, the mayor of Buffalo, the common council of
10 Buffalo, the presiding judge of the Buffalo city court and the Erie
11 county district attorney.

12 § 19. This act shall take effect on May 1, 2015; provided, however,
13 that effective immediately the city of Buffalo is authorized to enact a
14 local law establishing a traffic violations agency in the city of
15 Buffalo; provided, however, that the provisions of sections four and
16 five of this act shall take effect on the same date as the enactment of
17 such local law, herein authorized, establishing a traffic violations
18 agency; provided, further, that if established, such agency and the city
19 of Buffalo shall comply with all the provisions of law set forth in this
20 act; provided, however, that the amendments made to section 371 of the
21 general municipal law, made by sections six, seven and eight of this
22 act, shall not affect the expiration of such section and be deemed to
23 expire therewith; and provided, further, that the city of Buffalo shall
24 notify the legislative bill drafting commission upon the occurrence of
25 the enactment of the local law provided for in this section in order
26 that the commission may maintain an accurate and timely effective data
27 base of the official text of the laws of the state of New York in furth-

1 erance of effectuating the provisions of section 44 of the legislative
2 law and section 70-b of the public officers law.