

DRAFT LBDC

Part I I

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 a bus lane photo device demonstration program to restrict 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 sections 1 of chapters 20, 21, 22 and 383
3 of the laws of 2009, is amended to read as follows:

4 1. Notwithstanding any inconsistent provision of any general, special
5 or local law or administrative code to the contrary, in any city which
6 heretofore or hereafter is authorized to establish an administrative
7 tribunal to hear and determine complaints of traffic infractions consti-
8 tuting parking, standing or stopping violations, or to adjudicate the
9 liability of owners for violations of subdivision (d) of section eleven
10 hundred eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, or to adjudicate the liability of owners for
12 violations of subdivision (d) of section eleven hundred eleven of this
13 chapter in accordance with section eleven hundred eleven-b of this chap-
14 ter as added by section sixteen of the chapter of the laws of two thou-
15 sand nine which amended this subdivision, or to adjudicate the liability
16 of owners for violations of toll collection regulations as defined in
17 and in accordance with the provisions of section two thousand nine
18 hundred eighty-five of the public authorities law and sections
19 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four

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

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

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

1 thereto shall be constituted in substantial conformance with the follow-
2 ing sections.

3 § 3. Section 235 of the vehicle and traffic law, as separately amended
4 by sections 3 of chapters 20, 21, 22 and 383 of the laws of 2009, is
5 amended to read as follows:

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

25 § 4. Section 235 of the vehicle and traffic law, as separately amended
26 by chapter 715 of the laws of 1972 and chapter 379 of the laws of 1992,
27 is amended to read as follows:

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

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

19 1. Creation. In any city as hereinbefore or hereafter authorized such
20 tribunal when created shall be known as the parking violations bureau
21 and shall have jurisdiction of traffic infractions which constitute a
22 parking violation and, where authorized by local law adopted pursuant to
23 subdivision (a) of section eleven hundred eleven-a of this chapter or
24 subdivision (a) of section eleven hundred eleven-b of this chapter as
25 added by section sixteen of the chapter of the laws of two thousand nine
26 which amended this subdivision, shall adjudicate the liability of owners
27 for violations of subdivision (d) of section eleven hundred eleven of
28 this chapter in accordance with such section eleven hundred eleven-a or

1 such section eleven hundred eleven-b as added by section sixteen of the
2 chapter of the laws of two thousand nine which amended this subdivision
3 and shall adjudicate the liability of owners for violations of toll
4 collection regulations as defined in and in accordance with the
5 provisions of section two thousand nine hundred eighty-five of the
6 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
7 of chapter seven hundred seventy-four of the laws of nineteen hundred
8 fifty and shall adjudicate liability of owners in accordance with
9 section eleven hundred eleven-c of this chapter for violations of bus
10 lane restrictions as defined in such section. Such tribunal, except in
11 a city with a population of one million or more, shall also have juris-
12 diction of abandoned vehicle violations. For the purposes of this arti-
13 cle, a parking violation is the violation of any law, rule or regulation
14 providing for or regulating the parking, stopping or standing of a vehi-
15 cle. In addition for purposes of this article, "commissioner" shall mean
16 and include the commissioner of traffic of the city or an official
17 possessing authority as such a commissioner.

18 § 6. Subdivision 1 of section 236 of the vehicle and traffic law, as
19 separately amended by sections 5 of chapters 20, 21, 22 and 383 of the
20 laws of 2009, is amended to read as follows:

21 1. Creation. In any city as hereinbefore or hereafter authorized such
22 tribunal when created shall be known as the parking violations bureau
23 and shall have jurisdiction of traffic infractions which constitute a
24 parking violation and, where authorized by local law adopted pursuant to
25 subdivision (a) of section eleven hundred eleven-b of this chapter as
26 added by section sixteen of the chapter of the laws of two thousand nine
27 which amended this subdivision, shall adjudicate the liability of owners
28 for violations of subdivision (d) of section eleven hundred eleven of

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

11 § 7. Subdivision 1 of section 236 of the vehicle and traffic law, as
12 added by chapter 715 of the laws of 1972, is amended to read as follows:

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

24 § 8. Subdivision 11 of section 237 of the vehicle and traffic law, as
25 added by chapter 379 of the laws of 1992, is amended and a new subdivi-
26 sion 12 is added to read as follows:

27 11. To adjudicate the liability of owners for violations of toll
28 collection regulations as defined in and in accordance with the

1 provisions of section two thousand nine hundred eighty-five of the
2 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
3 of chapter seven hundred seventy-four of the laws of nineteen hundred
4 fifty[.];

5 12. To adjudicate liability of owners in accordance with section
6 eleven hundred eleven-c of this chapter for violations of bus lane
7 restrictions as defined in such section.

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

11 f. "Notice of violation" means a notice of violation as defined in
12 subdivision nine of section two hundred thirty-seven of this article,
13 but shall not be deemed to include a notice of liability issued pursuant
14 to authorization set forth in section eleven hundred eleven-a of this
15 chapter or section eleven hundred eleven-b of this chapter as added by
16 section sixteen of the chapter of the laws of two thousand nine which
17 amended this paragraph, and shall not be deemed to include a notice of
18 liability issued pursuant to section two thousand nine hundred eighty-
19 five of the public authorities law and sections sixteen-a, sixteen-b and
20 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
21 hundred fifty and shall not be deemed to include a notice of liability
22 issued pursuant to section eleven hundred eleven-c of this chapter.

23 § 10. Paragraph f of subdivision 1 of section 239 of the vehicle and
24 traffic law, as separately amended by sections 9 of chapters 20, 21, 22
25 and 383 of the laws of 2009, is amended to read as follows:

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

1 authorization set forth in section eleven hundred eleven-b of this chap-
2 ter as added by section sixteen of the chapter of the laws of two thou-
3 sand nine which amended this paragraph and shall not be deemed to
4 include a notice of liability issued pursuant to section eleven hundred
5 eleven-c of this chapter.

6 § 11. Paragraph f of subdivision 1 of section 239 of the vehicle and
7 traffic law, as added by chapter 180 of the laws of 1980, is amended to
8 read as follows:

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

13 § 12. Subdivision 4 of section 239 of the vehicle and traffic law, as
14 amended by chapter 379 of the laws of 1992, is amended to read as
15 follows:

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

26 § 13. Subdivisions 1 and 1-a of section 240 of the vehicle and traffic
27 law, as separately amended by sections 10 of chapters 20, 21, 22 and 383
28 of the laws of 2009, are amended to read as follows:

1 1. Notice of hearing. Whenever a person charged with a parking
2 violation enters a plea of not guilty or a person alleged to be liable
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 of the laws of two thousand nine which amended
6 this paragraph subdivision, for a violation of subdivision (d) of
7 section eleven hundred eleven of this chapter contests such allegation,
8 or a person alleged to be liable in accordance with the provisions of
9 section two thousand nine hundred eighty-five of the public authorities
10 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
11 hundred seventy-four of the laws of nineteen hundred fifty or of section
12 eleven hundred eleven-c of this chapter, the bureau shall advise such
13 person personally by such form of first class mail as the director may
14 direct of the date on which he or she must appear to answer the charge
15 at a hearing. The form and content of such notice of hearing shall be
16 prescribed by the director, and shall contain a warning to advise the
17 person so pleading or contesting that failure to appear on the date
18 designated, or on any subsequent adjourned date, shall be deemed an
19 admission of liability, and that a default judgment may be entered ther-
20 eon.

21 1-a. Fines and penalties. Whenever a plea of not guilty has been
22 entered, or the bureau has been notified that an allegation of liability
23 in accordance with section eleven hundred eleven-a of this chapter or
24 section eleven hundred eleven-b of this chapter as added by section
25 sixteen of the chapter of the laws of two thousand nine which amended
26 this subdivision or an allegation of liability in accordance with
27 section two thousand nine hundred eighty-five of the public authorities
28 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven

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

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

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

25 1-a. Fines and penalties. Whenever a plea of not guilty has been
26 entered, or the bureau has been notified that an allegation of liability
27 in accordance with section eleven hundred eleven-b of this chapter, as
28 added by section sixteen of the chapter of the laws of two thousand nine

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

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

9 1. Notice of hearing. Whenever a person charged with a parking
10 violation enters a plea of not guilty or a person alleged to be liable
11 in accordance with section eleven hundred eleven-c of this chapter
12 contests such allegation, the bureau shall advise such person personally
13 by such form of first class mail as the director may direct of the date
14 on which he or she must appear to answer the charge at a hearing. The
15 form and content of such notice of hearing shall be prescribed by the
16 director, and shall contain a warning to advise the person so pleading
17 that failure to appear on the date designated, or on any subsequent
18 adjourned date, shall be deemed an admission of liability, and that a
19 default judgment may be entered thereon.

20 § 16. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
21 cle and traffic law, as separately amended by sections 10 of chapters
22 20, 21, 22 and 383 of the laws of 2009, are amended to read as follows:

23 a. Every hearing for the adjudication of a charge of parking violation
24 or an allegation of liability in accordance with section eleven hundred
25 eleven-a of this chapter or in accordance with section eleven hundred
26 eleven-b of this chapter as added by section sixteen of the chapter of
27 the laws of two thousand nine which amended this paragraph or an allega-
28 tion of liability in accordance with section two thousand nine hundred

1 eighty-five of the public authorities law or sections sixteen-a,
2 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
3 laws of nineteen hundred fifty or an allegation of liability in accord-
4 ance with section eleven hundred eleven-c of this chapter, shall be held
5 before a hearing examiner in accordance with rules and regulations
6 promulgated by the bureau.

7 g. A record shall be made of a hearing on a plea of not guilty or of a
8 hearing at which liability in accordance with section eleven hundred
9 eleven-a of this chapter or in accordance with section eleven hundred
10 eleven-b of this chapter as added by section sixteen of the chapter of
11 the laws of two thousand nine which amended this paragraph is contested
12 or of a hearing at which liability in accordance with section two thou-
13 sand nine hundred eighty-five of the public authorities law or sections
14 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
15 of the laws of nineteen hundred fifty is contested or at a hearing at
16 which liability in accordance with section eleven hundred eleven-c of
17 this chapter is contested. Recording devices may be used for the making
18 of the record.

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

22 a. Every hearing for the adjudication of a charge of parking violation
23 or an allegation of liability in accordance with section eleven hundred
24 eleven-b of this chapter, as added by section sixteen of the chapter of
25 the laws of two thousand nine which amended this paragraph or an allega-
26 tion of liability in accordance with section eleven hundred eleven-c of
27 this chapter, shall be held before a hearing examiner in accordance with
28 rules and regulations promulgated by the bureau.

1 g. A record shall be made of a hearing on a plea of not guilty or of a
2 hearing at which liability in accordance with section eleven hundred
3 eleven-b of this chapter, as added by section sixteen of the chapter of
4 the laws of two thousand nine which amended this paragraph or at a hear-
5 ing at which liability in accordance with section eleven hundred
6 eleven-c of this chapter is contested. Recording devices may be used
7 for the making of the record.

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

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

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

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

22 1. The hearing examiner shall make a determination on the charges,
23 either sustaining or dismissing them. Where the hearing examiner deter-
24 mines that the charges have been sustained he or she may examine either
25 the prior parking violations record or the record of liabilities
26 incurred in accordance with section eleven hundred eleven-a of this
27 chapter or in accordance with section eleven hundred eleven-b of this
28 chapter as added by section sixteen of the chapter of the laws of two

1 thousand nine which amended this subdivision or the record of liabil-
2 ities incurred in accordance with section two thousand nine hundred
3 eighty-five of the public authorities law or sections sixteen-a,
4 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
5 laws of nineteen hundred fifty of the person charged, or the record of
6 liabilities incurred in accordance with section eleven hundred eleven-c
7 of this chapter, as applicable prior to rendering a final determination.
8 Final determinations sustaining or dismissing charges shall be entered
9 on a final determination roll maintained by the bureau together with
10 records showing payment and nonpayment of penalties.

11 2. Where an operator or owner fails to enter a plea to a charge of a
12 parking violation or contest an allegation of liability in accordance
13 with section eleven hundred eleven-a of this chapter or in accordance
14 with section eleven hundred eleven-b of this chapter as added by section
15 sixteen of the chapter of the laws of two thousand nine which amended
16 this subdivision or fails to contest an allegation of liability in
17 accordance with section two thousand nine hundred eighty-five of the
18 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
19 chapter seven hundred seventy-four of the laws of nineteen hundred
20 fifty, or fails to contest an allegation of liability in accordance with
21 section eleven hundred eleven-c of this chapter or fails to appear on a
22 designated hearing date or subsequent adjourned date or fails after a
23 hearing to comply with the determination of a hearing examiner, as
24 prescribed by this article or by rule or regulation of the bureau, such
25 failure to plead or contest, appear or comply shall be deemed, for all
26 purposes, an admission of liability and shall be grounds for rendering
27 and entering a default judgment in an amount provided by the rules and
28 regulations of the bureau. However, after the expiration of the original

1 date prescribed for entering a plea and before a default judgment may be
2 rendered, in such case the bureau shall pursuant to the applicable
3 provisions of law notify such operator or owner, by such form of first
4 class mail as the commission may direct; (1) of the violation charged,
5 or liability in accordance with section eleven hundred eleven-a of this
6 chapter or in accordance with section eleven hundred eleven-b of this
7 chapter as added by section sixteen of the chapter of the laws of two
8 thousand nine which amended this subdivision alleged or liability in
9 accordance with section two thousand nine hundred eighty-five of the
10 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
11 chapter seven hundred seventy-four of the laws of nineteen hundred fifty
12 alleged or liability in accordance with section eleven hundred eleven-c
13 of this chapter, (2) of the impending default judgment, (3) that such
14 judgment will be entered in the Civil Court of the city in which the
15 bureau has been established, or other court of civil jurisdiction or any
16 other place provided for the entry of civil judgments within the state
17 of New York, and (4) that a default may be avoided by entering a plea or
18 contesting an allegation of liability in accordance with section eleven
19 hundred eleven-a of this chapter or in accordance with section eleven
20 hundred eleven-b of this chapter as added by section sixteen of the
21 chapter of the laws of two thousand nine which amended this subdivision
22 or contesting an allegation of liability in accordance with section two
23 thousand nine hundred eighty-five of the public authorities law or
24 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
25 seventy-four of the laws of nineteen hundred fifty or contesting an
26 allegation of liability in accordance with section eleven hundred
27 eleven-c of this chapter, as appropriate, or making an appearance within
28 thirty days of the sending of such notice. Pleas entered and allegations

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

14 § 20. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
15 law, as separately amended by sections 13 of chapters 20, 21, 22 and 383
16 of the laws of 2009, are amended to read as follows:

17 1. The hearing examiner shall make a determination on the charges,
18 either sustaining or dismissing them. Where the hearing examiner deter-
19 mines that the charges have been sustained he or she may examine either
20 the prior parking violations record or the record of liabilities
21 incurred in accordance with section eleven hundred eleven-b of this
22 chapter as added by section sixteen of the chapter of the laws of two
23 thousand nine which amended this subdivision of the person charged, or
24 the record of liabilities incurred in accordance with section eleven
25 hundred eleven-c of this chapter, as applicable prior to rendering a
26 final determination. Final determinations sustaining or dismissing
27 charges shall be entered on a final determination roll maintained by the

1 bureau together with records showing payment and nonpayment of penal-
2 ties.

3 2. Where an operator or owner fails to enter a plea to a charge of a
4 parking violation or contest an allegation of liability in accordance
5 with section eleven hundred eleven-b of this chapter as added by section
6 sixteen of the chapter of the laws of two thousand nine which amended
7 this subdivision or fails to contest an allegation of liability in
8 accordance with section eleven hundred eleven-c of this chapter, or
9 fails to appear on a designated hearing date or subsequent adjourned
10 date or fails after a hearing to comply with the determination of a
11 hearing examiner, as prescribed by this article or by rule or regulation
12 of the bureau, such failure to plead, contest, appear or comply shall be
13 deemed, for all purposes, an admission of liability and shall be grounds
14 for rendering and entering a default judgment in an amount provided by
15 the rules and regulations of the bureau. However, after the expiration
16 of the original date prescribed for entering a plea and before a default
17 judgment may be rendered, in such case the bureau shall pursuant to the
18 applicable provisions of law notify such operator or owner, by such form
19 of first class mail as the commission may direct; (1) of the violation
20 charged, or liability in accordance with section eleven hundred eleven-b
21 of this chapter, as added by section sixteen of the chapter of the laws
22 of two thousand nine which amended this subdivision, or liability in
23 accordance with section eleven hundred eleven-c of this chapter alleged,
24 (2) of the impending default judgment, (3) that such judgment will be
25 entered in the Civil Court of the city in which the bureau has been
26 established, or other court of civil jurisdiction or any other place
27 provided for the entry of civil judgments within the state of New York,
28 and (4) that a default may be avoided by entering a plea or contesting

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

20 § 21. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
21 law, subdivision 1 as added by chapter 715 of the laws of 1972 and
22 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended
23 to read as follows:

24 1. The hearing examiner shall make a determination on the charges,
25 either sustaining or dismissing them. Where the hearing examiner deter-
26 mines that the charges have been sustained he may examine either the
27 prior parking violations record of the person charged or the record of
28 liabilities incurred in accordance with section eleven hundred eleven-c

1 of this chapter, as applicable prior to rendering a final determination.
2 Final determinations sustaining or dismissing charges shall be entered
3 on a final determination roll maintained by the bureau together with
4 records showing payment and nonpayment of penalties.

5 2. Where an operator or owner fails to enter a plea to a charge of a
6 parking violation, or fails to contest an allegation of liability in
7 accordance with section eleven hundred eleven-c of this chapter, or
8 fails to appear on a designated hearing date or subsequent adjourned
9 date or fails after a hearing to comply with the determination of a
10 hearing examiner, as prescribed by this article or by rule or regulation
11 of the bureau, such failure to plead, appear or comply shall be deemed,
12 for all purposes, an admission of liability and shall be grounds for
13 rendering and entering a default judgment in an amount provided by the
14 rules and regulations of the bureau. However, after the expiration of
15 the original date prescribed for entering a plea and before a default
16 judgment may be rendered, in such case the bureau shall pursuant to the
17 applicable provisions of law notify such operator or owner, by such form
18 of first class mail as the commission may direct; (1) of the violation
19 charged or liability in accordance with section eleven hundred eleven-c
20 of this chapter, (2) of the impending default judgment, (3) that such
21 judgment will be entered in the Civil Court of the city in which the
22 bureau has been established, or other court of civil jurisdiction or any
23 other place provided for the entry of civil judgments within the state
24 of New York, and (4) that a default may be avoided by entering a plea or
25 contesting an allegation of liability in accordance with section eleven
26 hundred eleven-c of this chapter or making an appearance within thirty
27 days of the sending of such notice. Pleas entered within that period
28 shall be in the manner prescribed in the notice and not subject to addi-

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

12 § 22. Paragraph a of subdivision 5-a of section 401 of the vehicle and
13 traffic law, as separately amended by sections 1 of chapters 19 and 23
14 and sections 14 of chapters 20, 21, 22 and 383 of the laws of 2009, is
15 amended to read as follows:

16 a. (i) If at the time of application for a registration or renewal
17 thereof there is a certification from a court, parking violations
18 bureau, traffic and parking violations agency or administrative tribunal
19 of appropriate jurisdiction or administrative tribunal of appropriate
20 jurisdiction that the registrant or his or her representative failed to
21 appear on the return date or any subsequent adjourned date or failed to
22 comply with the rules and regulations of an administrative tribunal
23 following entry of a final decision in response to a total of three or
24 more summonses or other process in the aggregate, issued within an eight-
25 teen month period, charging either that: (i) such motor vehicle was
26 parked, stopped or standing, or that such motor vehicle was operated for
27 hire by the registrant or his or her agent without being licensed as a
28 motor vehicle for hire by the appropriate local authority, in violation

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

26 (ii) For purposes of this paragraph, the term "motor vehicle operated
27 for hire" shall mean and include a taxicab, livery, coach, limousine or
28 tow truck.

1 § 23. Paragraph a of subdivision 5-a of section 401 of the vehicle and
2 traffic law, as separately amended by sections 2 of chapters 19 and 23
3 and sections 15 of chapters 20, 21, 22 and 383 of the laws of 2009, is
4 amended to read as follows:

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

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

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

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

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

18 § 25. The vehicle and traffic law is amended by adding a new section
19 1111-c to read as follows:

20 § 1111-c. Owner liability for failure of operator to comply with bus
21 lane restriction enforced by a photo device. (a) Notwithstanding any
22 other provision of law, each city with a population of one million or
23 more is hereby authorized and empowered to establish a bus lane photo
24 device demonstration program imposing monetary liability on the owner of
25 a vehicle for failure of an operator thereof to comply with any bus lane
26 restriction in such city in accordance with the provisions of this
27 section. The department of transportation of such a city or the applica-
28 ble mass transit agency, for purposes of the implementation of such

1 program, shall operate bus lane photo devices along designated bus lanes
2 in such city. Such bus lane photo devices may be stationary, mobile or
3 bus-mounted and shall be activated at locations determined by such
4 department of transportation and/or on buses selected by such department
5 of transportation in consultation with the applicable mass transit agen-
6 cy.

7 (b) Any mobile bus lane photo device mounted on a bus shall be
8 directed outwardly from such bus to capture images of vehicles operated
9 in violation of bus lane restrictions, and images produced by such a
10 device shall not be used for any other purpose in the absence of a court
11 order requiring such images to be produced. Any image or images captured
12 by bus lane photo devices shall be inadmissible in any disciplinary
13 proceeding convened by the applicable mass transit agency or any subsid-
14 iary thereof and any proceeding initiated by the department involving
15 licensure privileges of bus operators.

16 (c) A city authorized to install bus lane photo devices pursuant to
17 the provisions of this section shall adopt and enforce measures to
18 protect the privacy of drivers, passengers, pedestrians, and cyclists
19 whose identity or identifying information may be captured by a bus lane
20 photo device. Such measures shall include:

21 1. utilization of necessary technologies to ensure, to the extent
22 practicable, that such bus lane photo devices shall not produce images
23 that identify the driver, the passengers, or the contents of the vehi-
24 cle, provided, however, that no notice of liability issued pursuant to
25 this section shall be dismissed solely because an image or images allow
26 for the identification of the driver, the passengers, or contents of the
27 vehicle;

1 2. a prohibition on the use or dissemination of vehicles' license
2 plate information and other information and images captured by bus lane
3 photo devices except as required to establish liability under this
4 section or collect payment of penalties; or to respond to requests by
5 law enforcement officials pertaining to a specific accident or specific
6 incident of alleged criminal conduct; or except as otherwise required by
7 law;

8 3. the installation of signage along bus lanes stating that bus lane
9 photo devices may be in use to enforce restrictions on vehicular traffic
10 in bus lanes; and

11 4. oversight procedures to ensure compliance with the aforementioned
12 privacy-protection measures.

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

23 (e) 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

1 more images of each vehicle at the time it is in violation of a bus lane
2 restriction.

3 3. "bus lane restriction" shall mean any restriction on the use of
4 designated traffic lanes by vehicles other than buses imposed by rule or
5 signs erected by the department of transportation of a city that estab-
6 lishes a bus lane photo device demonstration program pursuant to this
7 section including, but not limited to, bus lane restrictions specified
8 in sections 4-08(c)(3), 4-08(f)(4), 4-12(m), or 4-12(r)(1)(ii) of title
9 34 of the rules of the City of New York.

10 4. "bus lane photo device demonstration program" shall mean a program
11 that operates bus lane photo devices on bus routes receiving enhanced
12 markings and/or signage designated by the department of transportation
13 of a city that establishes such a demonstration program pursuant to this
14 section. Bus lane photo devices shall be operated at the same time on
15 no more than fifty miles of bus lanes within such city.

16 (f) A certificate, sworn to or affirmed by a technician employed by
17 the city in which the charged violation occurred or its vendor or
18 contractor or the applicable mass transit agency, or a facsimile there-
19 of, based upon inspection of photographs, microphotographs, videotape or
20 other recorded images produced by a bus lane photo device, shall be
21 prima facie evidence of the facts contained therein. Any photographs,
22 microphotographs, videotape or other recorded images evidencing such a
23 violation shall be available for inspection in any proceeding to adjudi-
24 cate the liability for such violation pursuant to this section.

25 (g) An owner liable for a violation of a bus lane restriction imposed
26 pursuant to a bus lane photo device demonstration program shall be
27 liable for monetary penalties in accordance with a schedule of fines and
28 penalties promulgated by the parking violations bureau of such city;

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

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

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

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

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

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

3 (j) If an owner of a vehicle receives a notice of liability pursuant
4 to this section for any time period during which such vehicle was
5 reported to the police department as having been stolen, it shall be a
6 valid defense to an allegation of liability for a violation of a bus
7 lane restriction that the vehicle had been reported to the police as
8 stolen prior to the time the violation occurred and had not been recov-
9 ered by such time. For purposes of asserting the defense provided by
10 this subdivision it shall be sufficient that an original incident form
11 issued by the police on the stolen vehicle be sent by first class mail
12 to the parking violations bureau of such city.

13 (k) 1. An owner who is a lessor of a vehicle to which a notice of
14 liability was issued pursuant to subdivision (i) of this section shall
15 not be liable for the violation of a bus lane restriction, provided
16 that:

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

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

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 (i) of this section.

10 (l) 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 (m) Nothing in this section shall be construed to limit the liability
14 of an operator of a vehicle for any violation of a bus lane restriction.

15 (n) Any city that adopts a bus lane photo device demonstration program
16 pursuant to subdivision (a) of this section shall submit a report on the
17 results of the use of bus lane photo devices to the governor, the tempo-
18 rary president of the senate, and the speaker of the assembly by April
19 first, two thousand fourteen. Such report shall include, but not be
20 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;

- 1 5. the number of violations adjudicated and results of such adjudi-
- 2 cations including breakdowns of dispositions made;
- 3 6. the total amount of revenue realized by such city;
- 4 7. a review of the quality of the adjudication process and its
- 5 results; and
- 6 8. an analysis of bus service improvements resulting from enhanced
- 7 enforcement of bus lane restrictions.

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

12 Whenever proceedings in an administrative tribunal or a court of this
13 state result in a conviction for an offense under this chapter or a
14 traffic infraction under this chapter, or a local law, ordinance, rule
15 or regulation adopted pursuant to this chapter, other than a traffic
16 infraction involving standing, stopping, or parking or violations by
17 pedestrians or bicyclists, or other than an adjudication of liability of
18 an owner for a violation of subdivision (d) of section eleven hundred
19 eleven of this chapter in accordance with section eleven hundred
20 eleven-a of this chapter, or other than an adjudication of liability of
21 an owner for a violation of subdivision (d) of section eleven hundred
22 eleven of this chapter in accordance with section eleven hundred
23 eleven-b of this chapter, or other than an adjudication in accordance
24 with section eleven hundred eleven-c of this chapter, there shall be
25 levied a crime victim assistance fee and a mandatory surcharge, in addi-
26 tion to any sentence required or permitted by law, in accordance with
27 the following schedule:

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

24 § 27. Subdivision 1 of section 1809 of the vehicle and traffic law, as
25 separately amended by sections 5 of chapters 19 and 23 and sections 18
26 of chapters 20, 21, 22 and 383 of the laws of 2009, is amended to read
27 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, or a local law, ordinance, rule
4 or regulation adopted pursuant to this chapter, other than a traffic
5 infraction involving standing, stopping, parking or motor vehicle equip-
6 ment or violations by pedestrians or bicyclists, or other than an adju-
7 dication of liability of an owner for a violation of subdivision (d) of
8 section eleven hundred eleven of this chapter in accordance with section
9 eleven hundred eleven-a of this chapter, or other than an adjudication
10 of liability of an owner for a violation of subdivision (d) of section
11 eleven hundred eleven of this chapter in accordance with section eleven
12 hundred eleven-b of this chapter, or other than an adjudication in
13 accordance with section eleven hundred eleven-c of this chapter, there
14 shall be levied a mandatory surcharge, in addition to any sentence
15 required or permitted by law, in the amount of twenty-five dollars.

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

19 1. Whenever proceedings in an administrative tribunal or a court of
20 this state result in a conviction for a crime under this chapter or a
21 traffic infraction under this chapter other than a traffic infraction
22 involving standing, stopping, parking or motor vehicle equipment or
23 violations by pedestrians or bicyclists, or other than an adjudication
24 in accordance with section eleven hundred eleven-c of this chapter,
25 there shall be levied a mandatory surcharge, in addition to any sentence
26 required or permitted by law, in the amount of seventeen dollars.

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

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

4 § 30. Severability clause. If any clause, sentence, paragraph, subdi-
5 vision, section or part of this act shall be adjudged by any court of
6 competent jurisdiction to be invalid, such judgment shall not affect,
7 impair, or invalidate the remainder thereof, but shall be confined in
8 its operation to the clause, sentence, paragraph, subdivision, section
9 or part thereof directly involved in the controversy in which such judg-
10 ment shall have been rendered. It is hereby declared to be the intent of
11 the legislature that this act would have been enacted even if such
12 invalid provisions had not been included herein.

13 § 31. This act shall take effect on the thirtieth day after it shall
14 have become a law and shall expire 7 years after such effective date
15 when upon such date the provisions of this act shall be deemed repealed;
16 and provided that any rules and regulations related to this act shall be
17 promulgated within one hundred eighty days of such effective date,
18 provided that:

19 (a) the amendments to subdivision 1 of section 235 of the vehicle and
20 traffic law made by section one of this act shall be subject to the
21 expiration and reversion of such section pursuant to subdivision (p) of
22 section 406 of chapter 166 of the laws of 1991, as amended, when upon
23 such date the provisions of section two of this act shall take effect;

24 (b) the amendments to section 235 of the vehicle and traffic law made
25 by section two of this act shall be subject to the expiration and rever-
26 sion of such section pursuant to section 17 of chapter 746 of the laws
27 of 1988, as amended, when upon such date the provisions of section three
28 of this act shall take effect;

1 (c) the amendments to section 235 of the vehicle and traffic law made
2 by section three of this act shall be subject to the expiration and
3 reversion of such section pursuant to section 18 of chapter 379 of the
4 laws of 1972, as amended, when upon such date the provisions of section
5 four of this act shall take effect;

6 (d) the amendments to subdivision 1 of section 236 of the vehicle and
7 traffic law made by section five of this act shall be subject to the
8 expiration and reversion of such subdivision pursuant to section 17 of
9 chapter 746 of the laws of 1988, as amended, when upon such date the
10 provisions of section six of this act shall take effect;

11 (e) the amendments to subdivision 1 of section 236 of the vehicle and
12 traffic law made by section six of this act shall be subject to the
13 expiration and reversion of such subdivision pursuant to chapters 20,
14 21, 22 and 383 of the laws of 2009, as amended, when upon such date the
15 provisions of section seven of this act shall take effect;

16 (f) the amendments to paragraph f of subdivision 1 of section 239 of
17 the vehicle and traffic law made by section nine of this act shall be
18 subject to the expiration and reversion of such paragraph pursuant to
19 section 17 of chapter 746 of the laws of 1988, as amended, when upon
20 such date the provisions of section ten of this act shall take effect;

21 (g) the amendments to paragraph f of subdivision 1 of section 239 of
22 the vehicle and traffic law made by section ten of this act shall be
23 subject to the expiration and reversion of such paragraph pursuant to
24 chapters 20, 21, 22 and 383 of the laws of 2009, as amended, when upon
25 such date the provisions of section eleven of this act shall take
26 effect;

1 (h) the amendments to subdivision 4 of section 239 of the vehicle and
2 traffic law made by section twelve of this act shall not affect the
3 repeal of such subdivision and shall be deemed repealed therewith;

4 (i) the amendments to subdivisions 1 and 1-a of section 240 of the
5 vehicle and traffic law made by section thirteen of this act shall be
6 subject to the expiration and reversion of such subdivisions pursuant to
7 section 17 of chapter 746 of the laws of 1988, as amended, when upon
8 such date the provisions of section fourteen of this act shall take
9 effect;

10 (j) the amendments to subdivisions 1 and 1-a of section 240 of the
11 vehicle and traffic law made by section fourteen of this act shall be
12 subject to the expiration and reversion of such subdivisions pursuant to
13 chapters 20, 21, 22 and 383 of the laws of 2009, as amended, when upon
14 such date the provisions of section fifteen of this act shall take
15 effect;

16 (k) the amendments to paragraphs a and g of subdivision 2 of section
17 240 of the vehicle and traffic law made by section sixteen of this act
18 shall be subject to the expiration and reversion of such paragraphs
19 pursuant to section 17 of chapter 746 of the laws of 1988, as amended,
20 when upon such date the provisions of section seventeen of this act
21 shall take effect;

22 (l) the amendments to paragraphs a and g of subdivision 2 of section
23 240 of the vehicle and traffic law made by section seventeen of this act
24 shall be subject to the expiration and reversion of such paragraphs
25 pursuant to chapters 20, 21, 22 and 383 of the laws of 2009, as amended,
26 when upon such date the provisions of section eighteen of this act shall
27 take effect;

1 (m) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
2 cle and traffic law made by section nineteen of this act shall be
3 subject to the expiration and reversion of such subdivisions pursuant to
4 section 17 of chapter 746 of the laws of 1988, as amended, when upon
5 such date the provisions of section twenty of this act shall take
6 effect;

7 (n) the amendments to subdivisions 1 and 2 of section 241 of the vehi-
8 cle and traffic law made by section twenty of this act shall be subject
9 to the expiration and reversion of such subdivisions pursuant to chap-
10 ters 20, 21, 22 and 383 of the laws of 2009, as amended, when upon such
11 date the provisions of section twenty-one of this act shall take effect;

12 (o) the amendments to paragraph a of subdivision 5-a of section 401 of
13 the vehicle and traffic law made by section twenty-two of this act shall
14 be subject to the expiration and reversion of such paragraph pursuant to
15 section 17 of chapter 746 of the laws of 1988, as amended, when upon
16 such date the provisions of section twenty-three of this act shall take
17 effect;

18 (p) the amendments to paragraph a of subdivision 5-a of section 401 of
19 the vehicle and traffic law made by section twenty-three of this act
20 shall be subject to the expiration and reversion of such paragraph
21 pursuant to chapters 19, 20, 21, 22, 23 and 383 of the laws of 2009, as
22 amended, when upon such date the provisions of section twenty-four of
23 this act shall take effect;

24 (q) the amendments to the opening paragraph and paragraph (c) of
25 subdivision 1 of section 1809 of the vehicle and traffic law made by
26 section twenty-six of this act shall be subject to the expiration and
27 reversion of such paragraphs pursuant to section 10 of chapter 19 of the
28 laws of 2009, sections 24 of chapters 20 and 383 of the laws of 2009,

1 sections 22 of chapters 21 and 22 of the laws of 2009 and section 9 of
2 chapter 23 of the laws of 2009, as amended, when upon such date the
3 provisions of section twenty-seven of this act shall take effect; and

4 (r) the amendments to subdivision 1 of section 1809 of the vehicle and
5 traffic law made by section twenty-seven of this act shall be subject to
6 the expiration and reversion of such subdivision pursuant to section 17
7 of chapter 746 of the laws of 1988, section 10 of chapter 19 of the laws
8 of 2009, sections 24 of chapters 20 and 383 of the laws of 2009,
9 sections 22 of chapters 21 and 22 of the laws of 2009, section 9 of
10 chapter 23 of the laws of 2009, as amended, when upon such date the
11 provisions of section twenty-eight of this act shall take effect.