

**RESOLUTION NO. 1195 -2012, ADOPTING LOCAL LAW  
NO. 9 -2013, A CHARTER LAW TO ESTABLISH A TRAFFIC  
AND PARKING VIOLATIONS AGENCY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 7, 2012 a proposed local law entitled, "**A CHARTER LAW TO ESTABLISH A TRAFFIC AND PARKING VIOLATIONS AGENCY**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 9 -2013, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO ESTABLISH A TRAFFIC AND PARKING  
VIOLATIONS AGENCY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Chapter 388 of the 2012 Laws of the State of New York authorizes the County of Suffolk to establish a Traffic and Parking Violations Agency to assist the Suffolk County District Court in the disposition and administration of traffic and parking violations.

This Legislature further finds that a new Traffic and Parking Violations Agency can administer and dispose of traffic and parking violations in a more efficient manner and provide fiscal relief to Suffolk County's Government and taxpayers.

Therefore, the purpose of this law is to establish a Suffolk County Traffic and Parking Violations Agency.

**Section 2. Amendments.**

I.) The SUFFOLK COUNTY CHARTER is hereby amended by the addition of a new Article XXXII which shall read as follows:

**ARTICLE XXXII**  
**TRAFFIC AND PARKING VIOLATIONS AGENCY**

**§ C32-1. Agency established**

Subject to the provisions of article fourteen-B of the General Municipal Law, there shall be a department of the Suffolk County Government known as the Suffolk County Traffic and Parking Violations Agency (Agency) to assist the District Court of Suffolk County in the

disposition and administration of infractions of traffic and parking laws, ordinances, rules and regulations, and the adjudication of liability of owners for violations of subdivision (d) of section eleven hundred eleven of the Vehicle and Traffic Law in accordance with section eleven hundred eleven-b of such law, except that said Agency shall not have jurisdiction over those matters which are specifically excluded by section 371 (2) of the General Municipal Law.

**§ C32-2. Executive Director.**

A.) The Agency shall be headed by an Executive Director, appointed by the County Executive subject to the approval of the County Legislature and shall serve at the pleasure of the County Executive.

B.) The Executive Director shall be responsible for the oversight and administration of the Agency, and may, within the appropriations provided, appoint and remove a Deputy Director, who shall act generally for and on behalf of the Director in all matters, an exempt secretary and such other staff as may be provided, subject to the provisions of § C32-3 governing the qualifications of traffic prosecutors.

C.) The Executive Director shall not appear in any capacity in any part of the District Court of Suffolk County on any matter relating to traffic or parking violations and shall be further prohibited from appearing in any capacity in any other court or administrative tribunal on any matter relating to traffic or parking violations.

D.) The Executive Director may establish such rules, regulations, procedures and forms as he or she may deem necessary to carry out the functions of the Agency, Article 14-B of the General Municipal Law, and the collection of delinquent fines.

**§ C32-3. Traffic Prosecutor selection and oversight.**

The Executive Director of the Agency shall select and may contract with or hire one or more persons who are attorneys, duly admitted to the practice of law in New York State, for the prosecution of any traffic and parking infraction, except such violations described in paragraphs (a), (b), (c), (d), (e) and (f) of section 371 (2) of the General Municipal Law, to be heard, tried, or otherwise disposed of by the District Court of Suffolk County. Such persons shall be known as "traffic prosecutors," as that term is defined in section 370-a of the General Municipal Law and shall be subject to the provisions of section 374 (a) of the General Municipal Law.

II.) The SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the addition of a new Article XXXII which shall read as follows:

**ARTICLE XXXII**  
**TRAFFIC AND PARKING VIOLATIONS AGENCY**

**§ A32-1. Agency Procedures.**

A.) A person charged with an infraction that shall be disposed of by the Agency may be permitted to answer, within a time specified by the Agency, either in person at the Agency or by written power of attorney in such form as prescribed herein, by

paying the applicable fine and, in writing, waiving a hearing in court, pleading guilty to the charge or admitting liability as an owner for the violation of § 1111(d) of the Vehicle and Traffic Law, and authorizing the Executive Director or his or her designee to enter such a plea or admission and accept payment of said fine. Acceptance of the applicable fine and power of attorney by the Agency shall be deemed complete satisfaction for the violation or the liability.

- B.)** If a person charged with a traffic violation does not answer within the time specified by the Agency as set forth in paragraph (A) of this section, the Agency may cause a complaint to be entered against him and warrant to be issued for his arrest and appearance before the District Court, such summons to be predicated upon the personal service of said summons upon the person charged with the infraction.
- C.)** Any person who shall have been, within the preceding twelve (12) months, guilty of a number of parking violations in excess of such minimum number as may be designated by the District Court, or of three (3) or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the Agency, but must appear in District Court of Suffolk County at a time specified by the Agency.
- D.)** The Agency shall not be authorized to deprive a person of his right to counsel or to prevent a person from exercising his or her right to appear in District Court of Suffolk County to answer, explain or defend any charge of a traffic or parking infraction.
- E.)** The power of attorney referred to in subdivision (A) of this section shall be in the following form:

"POWER OF ATTORNEY: The undersigned pleads guilty to the charge noted herein and encloses herewith the sum of \$\_\_\_\_\_ cash, check or money order to pay the necessary fine (circle the one used).

I hereby appoint the Clerk of the Suffolk County Traffic and Parking Violations Agency as my attorney-in-fact to appear for me in said Agency, to waive a hearing on such violation(s), to enter a plea of guilty on my behalf and to pay the fine."

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
NOTARY

III.) The SUFFOLK COUNTY CHARTER is hereby amended by the addition of a new section C26-4 to Article XXVI which shall read as follows:

**§ C26-4. Judicial Hearing Officers.**

Where the trial of a traffic or parking infraction is authorized or required to be tried before the District Court of Suffolk County, and such traffic and parking infraction does not constitute a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision five of section eleven hundred ninety-two, section three hundred ninety-seven-a, or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph c of subdivision two of section one hundred forty of the transportation law, or any offense that is part of the same criminal transaction, as that term is defined in subdivision two of section 40.10 of the criminal procedure law, as such a misdemeanor, felony, violation of subdivision one of section eleven hundred ninety-two, subdivision two of section eleven hundred ninety-two, section three hundred ninety-seven-a or subdivision (g) of section eleven hundred eighty of this chapter, or a violation of paragraph (b) of subdivision four of section fourteen-f or clause (b) of subparagraph (iii) of paragraph d of subdivision two of section one hundred forty of the transportation law, the administrative judge of the county in which the trial court is located, may assign judicial hearing officers to conduct such a trial, in accordance with § 1690 of the Vehicle and Traffic Law.

IV.) The SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the addition of a new Article XXVI which shall read as follows:

**§ A26-1. Judicial Hearing Officers.**

For all proceedings before the District Court of Suffolk county, the administrative judge of Suffolk County may, without the consent of the parties, assign matters involving traffic and parking infractions except those described in paragraphs (a), (b), (c), (d), (e) and (f) of subdivision two of section three hundred seventy-one of the general municipal law to a judicial hearing officer in accordance with the provisions of § 1690 of the Vehicle and Traffic Law.

**Section 3. Implementing provisions.**

**A.) Agency Funding.** The County Legislature may appropriate the monies which, in the Legislature's sole discretion, are necessary for the compensation of those persons selected to serve as Executive Director and traffic prosecutors and to cover all other expenses associated with the administration of the Agency.

**B.) Staffing.** All employees, with the exception of judicial hearing officers and traffic prosecutors, will be in positions previously approved by the Suffolk County Legislature as part of the salary and classification plan.

**C.) Notification.** The Clerk of the Suffolk County Legislature is hereby directed to notify New York State's Legislative Bill Drafting Commission when this local law is filed in the Office of the Secretary of State.

**Section 4. Applicability.**

Notwithstanding that the Agency is authorized to commence operations not sooner than April 1, 2013, this law shall apply to all actions on or after the effective date of this law and to all actions otherwise taken heretofore related to the establishment, maintenance and operation of the Agency.

**Section 5. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 6. SEQRA Determination.**

This Legislature, being the State Environment Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 7. Effective Date.**

This law shall take effect immediately upon filing with the Office of the Secretary of State.

DATED: December 18, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 12-31-2012

After a public hearing duly held on December 31, 2012  
Filed with the Secretary of State on January 29, 2013

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I*, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 18, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof*, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

*Tim Laube*

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Clerk of the Legislature

Intro. Res.

2026

Res. No.

1195

December 18, 2012

**Motion:**

Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**

Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**

Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1						
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING				/	
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY				/	
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	15	—	2	—	

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Roll Call \_\_\_\_\_ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature