

HOME RULE MESSAGE REQUESTING THE STATE OF NEW YORK TO AUTHORIZE THE COUNTY OF SUFFOLK TO ESTABLISH A DEMONSTRATION PROGRAM TO ENFORCE SPEED LIMITS IN SCHOOL SPEED ZONES BY MEANS OF SPEED LIMIT PHOTO DEVICES (ASSEMBLY BILL NO. A.9206, SENATE BILL NO. S.06918)

WHEREAS, speeding motorists are a danger to themselves, their passengers, other motorists, pedestrians and cyclists; and

WHEREAS, excessive speed is often a major factor in causing accidents which result in injuries or death; and

WHEREAS, technology now exists which photographically captures vehicles that travel in excess of the maximum speed limit; increasingly, this technology is being used by State and local governments to detect and punish speeding motorists and to deter this dangerous behavior; and

WHEREAS, the County of Suffolk has successfully employed right light cameras to reduce red light running within the County; and

WHEREAS, legislation has been introduced in the New York State Legislature that would authorize the County of Suffolk to establish a pilot program to enforce speed limits in school speed zones by means of these photo devices; and

WHEREAS, this State legislation would allow Suffolk County to operate speed limit photo devices in one school speed zone per school district (69 in total) and hold the owners of speeding vehicles liable for a monetary penalty; and

WHEREAS, enactment of this program in Suffolk County would reduce the incidence of speeding near schools, and therefore, protect the safety of school children; now, therefore, be it

1st RESOLVED, that this Legislature hereby requests the State of New York to enact Assembly Bill No. A.9206 and S.06918 to authorize the County of Suffolk to establish a demonstration program to enforce maximum speed limits in school speed zones by means of speed limit photo devices; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor Andrew M. Cuomo; to the Majority Leader of the New York State Senate Dean Skelos; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED: April 22, 2014

STATE OF NEW YORK

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IN ASSEMBLY

March 30, 2014

Introduced by M. of A. SILVER, GLICK, HOOPER, WEISENBERG, LAVINE, SCHIMMEL, SOLAGES, SWEENEY, ENGLEBRIGHT, RAMOS, THIELE, HENNESSEY, COOK, GOTTFRIED, WEPRIN, TITONE, ROSENTHAL, ORTIZ, MOYA, CLARK, QUART, MILLER, CRESPO, DINOWITZ, TITUS -- Multi-Sponsored by -- M. of A. ARROYO, CAMARA, CYMBROWITZ, DenDEKKER, WEINSTEIN -- read once and referred to the Committee on Transportation

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

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

1 Section 1. Subparagraph (i) of paragraph a of subdivision 5-a of
 2 section 401 of the vehicle and traffic law, as amended by section 9 of
 3 chapter 189 of the laws of 2013, is amended to read as follows:
 4 (i) If at the time of application for a registration or renewal there-
 5 of there is a certification from a court, parking violations bureau,
 6 traffic and parking violations agency or administrative tribunal of
 7 appropriate jurisdiction [~~or administrative tribunal of appropriate~~
 8 ~~jurisdiction~~] that the registrant or his or her representative failed to
 9 appear on the return date or any subsequent adjourned date or failed to
 10 comply with the rules and regulations of an administrative tribunal
 11 following entry of a final decision in response to a total of three or
 12 more summonses or other process in the aggregate, issued within an eight-
 13 teen month period, charging either that: (i) such motor vehicle was
 14 parked, stopped or standing, or that such motor vehicle was operated for
 15 hire by the registrant or his or her agent without being licensed as a
 16 motor vehicle for hire by the appropriate local authority, in violation
 17 of any of the provisions of this chapter or of any law, ordinance, rule
 18 or regulation made by a local authority; or (ii) the registrant was
 19 liable in accordance with section eleven hundred eleven-a of this chap-

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

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

29 § 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
30 and traffic law, as amended by section 9-a of chapter 189 of the laws of
31 2013, is amended to read as follows:

32 a. If at the time of application for a registration or renewal thereof
33 there is a certification from a court or administrative tribunal of
34 appropriate jurisdiction that the registrant or his or her represen-
35 tative failed to appear on the return date or any subsequent adjourned
36 date or failed to comply with the rules and regulations of an adminis-
37 trative tribunal following entry of a final decision in response to a
38 total of three or more summonses or other process in the aggregate,
39 issued within an eighteen month period, charging either that: (i) such
40 motor vehicle was parked, stopped or standing, or that such motor vehi-
41 cle was operated for hire by the registrant or his or her agent without
42 being licensed as a motor vehicle for hire by the appropriate local
43 authority, in violation of any of the provisions of this chapter or of
44 any law, ordinance, rule or regulation made by a local authority; or
45 (ii) the registrant was liable in accordance with section eleven hundred
46 eleven-b of this chapter for a violation of subdivision (d) of section
47 eleven hundred eleven of this chapter; or (iii) the registrant was
48 liable in accordance with section eleven hundred eleven-c of this chap-
49 ter for a violation of a bus lane restriction as defined in such
50 section; or (iv) the registrant was liable in accordance with section
51 eleven hundred eighty-b of this chapter for a violation of subdivision
52 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
53 ter; or (v) the registrant was liable in accordance with section eleven
54 hundred eighty-c of this chapter for a violation of subdivision (b),
55 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
56 the commissioner or his or her agent shall deny the registration or

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

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

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

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

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

6 a. If at the time of application for a registration or renewal thereof
7 there is a certification from a court or administrative tribunal of
8 appropriate jurisdiction that the registrant or his representative
9 failed to appear on the return date or any subsequent adjourned date or
10 failed to comply with the rules and regulations of an administrative
11 tribunal following entry of a final decision in response to three or
12 more summonses or other process, issued within an eighteen month period,
13 charging that such motor vehicle was parked, stopped or standing, or
14 that such motor vehicle was operated for hire by the registrant or his
15 agent without being licensed as a motor vehicle for hire by the appro-
16 priate local authority, in violation of any of the provisions of this
17 chapter or of any law, ordinance, rule or regulation made by a local
18 authority, or the registrant was liable in accordance with section elev-
19 en hundred eighty-b of this chapter for violations of subdivision (b),
20 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
21 or the registrant was liable in accordance with section eleven hundred
22 eighty-c of this chapter for violations of subdivision (b), (c), (d),
23 (f) or (g) of section eleven hundred eighty of this chapter, the commis-
24 sioner or his agent shall deny the registration or renewal application
25 until the applicant provides proof from the court or administrative
26 tribunal wherein the charges are pending that an appearance or answer
27 has been made or in the case of an administrative tribunal that he has
28 complied with the rules and regulations of said tribunal following entry
29 of a final decision. Where an application is denied pursuant to this
30 section, the commissioner may, in his discretion, deny a registration or
31 renewal application to any other person for the same vehicle and may
32 deny a registration or renewal application for any other motor vehicle
33 registered in the name of the applicant where the commissioner has
34 determined that such registrant's intent has been to evade the purposes
35 of this subdivision and where the commissioner has reasonable grounds to
36 believe that such registration or renewal will have the effect of
37 defeating the purposes of this subdivision. Such denial shall only
38 remain in effect as long as the summonses remain unanswered, or in the
39 case of an administrative tribunal, the registrant fails to comply with
40 the rules and regulations following entry of a final decision.

41 § 1-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
42 and traffic law, as separately amended by chapters 339 and 592 of the
43 laws of 1987, is amended to read as follows:

44 a. If at the time of application for a registration or renewal thereof
45 there is a certification from a court or administrative tribunal of
46 appropriate jurisdiction that the registrant or his representative
47 failed to appear on the return date or any subsequent adjourned date or
48 failed to comply with the rules and regulations of an administrative
49 tribunal following entry of a final decision in response to three or
50 more summonses or other process, issued within an eighteen month period,
51 charging that such motor vehicle was parked, stopped or standing, or
52 that such motor vehicle was operated for hire by the registrant or his
53 agent without being licensed as a motor vehicle for hire by the appro-
54 priate local authority, in violation of any of the provisions of this
55 chapter or of any law, ordinance, rule or regulation made by a local
56 authority, or the registrant was liable in accordance with section elev-

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

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

22 § 1180-c. Owner liability for failure of operator to comply with
23 certain posted maximum speed limits. (a) 1. Notwithstanding any other
24 provision of law, the counties of Nassau and Suffolk are hereby author-
25 ized to establish a demonstration program imposing monetary liability on
26 the owner of a vehicle for failure of an operator thereof to comply with
27 posted maximum speed limits in a school speed zone within the counties
28 (i) when a school speed limit is in effect as provided in paragraphs one
29 and two of subdivision (c) of section eleven hundred eighty of this
30 article or (ii) when other speed limits are in effect as provided in
31 subdivision (b), (d), (f) or (g) of section eleven hundred eighty of
32 this article during the following times: (A) on school days during
33 school hours and one hour before and one hour after the school day, and
34 (B) a period during student activities at the school and up to thirty
35 minutes immediately before and up to thirty minutes immediately after
36 such student activities. Such demonstration program shall empower the
37 counties to install photo speed violation monitoring systems within no
38 more than one school speed zone per school district within each county
39 at any one time and to operate such systems within such zones (iii) when
40 a school speed limit is in effect as provided in paragraphs one and two
41 of subdivision (c) of section eleven hundred eighty of this article or
42 (iv), when other speed limits are in effect as provided in subdivision
43 (b), (d), (f) or (g) of section eleven hundred eighty of this article
44 during the following times: (A) on school days during school hours and
45 one hour before and one hour after the school day, and (B) a period
46 during student activities at the school and up to thirty minutes imme-
47 diately before and up to thirty minutes immediately after such student
48 activities. In selecting a school speed zone in which to install and
49 operate a photo speed violation monitoring system, the counties shall
50 consider criteria including, but not limited to the speed data, crash
51 history, and the roadway geometry applicable to such school speed zone.

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

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

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

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

26 5. (i) Such demonstration program shall utilize necessary technologies
27 to ensure, to the extent practicable, that photographs, microphoto-
28 graphs, videotape or other recorded images produced by such photo speed
29 violation monitoring systems shall not include images that identify the
30 driver, the passengers, or the contents of the vehicle. Provided, howev-
31 er, that no notice of liability issued pursuant to this section shall be
32 dismissed solely because such a photograph, microphotograph, videotape
33 or other recorded image allows for the identification of the driver, the
34 passengers, or the contents of vehicles where either county, as applica-
35 ble, shows that it made reasonable efforts to comply with the provisions
36 of this paragraph in such case.

37 (ii) Photographs, microphotographs, videotape or any other recorded
38 image from a photo speed violation monitoring system shall be for the
39 exclusive use of each such county for the purpose of the adjudication of
40 liability imposed pursuant to this section and of the owner receiving a
41 notice of liability pursuant to this section, and shall be destroyed by
42 each such county upon the final resolution of the notice of liability to
43 which such photographs, microphotographs, videotape or other recorded
44 images relate, or one year following the date of issuance of such notice
45 of liability, whichever is later. Notwithstanding the provisions of any
46 other law, rule or regulation to the contrary, photographs, microphoto-
47 graphs, videotape or any other recorded image from a photo speed
48 violation monitoring system shall not be open to the public, nor subject
49 to civil or criminal process or discovery, nor used by any court or
50 administrative or adjudicatory body in any action or proceeding therein
51 except that which is necessary for the adjudication of a notice of
52 liability issued pursuant to this section, and no public entity or
53 employee, officer or agent thereof shall disclose such information,
54 except that such photographs, microphotographs, videotape or any other
55 recorded images from such systems:

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

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

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

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

34 (b) If the counties of Nassau and Suffolk establish a demonstration
35 program pursuant to subdivision (a) of this section, the owner of a
36 vehicle shall be liable for a penalty imposed pursuant to this section
37 if such vehicle was used or operated with the permission of the owner,
38 express or implied, within a school speed zone in violation of subdivi-
39 sion (c) of section eleven hundred eighty of this article or during the
40 times authorized pursuant to subdivision (a) of this section in
41 violation of subdivision (b), (d), (f) or (g) of section eleven hundred
42 eighty of this article, such vehicle was traveling at a speed of more
43 than ten miles per hour above the posted speed limit in effect within
44 such school speed zone, and such violation is evidenced by information
45 obtained from a photo speed violation monitoring system; provided howev-
46 er that no owner of a vehicle shall be liable for a penalty imposed
47 pursuant to this section where the operator of such vehicle has been
48 convicted of the underlying violation of subdivision (b), (c), (d), (f)
49 or (g) of section eleven hundred eighty of this article.

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

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

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

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

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

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

24 (e) An owner liable for a violation of subdivision (b), (c), (d), (f)
25 or (g) of section eleven hundred eighty of this article pursuant to a
26 demonstration program established pursuant to this section shall be
27 liable for monetary penalties in accordance with a schedule of fines and
28 penalties to be promulgated by the traffic and parking violations agen-
29 cies of the counties of Nassau and Suffolk. The liability of the owner
30 pursuant to this section shall not exceed fifty dollars for each
31 violation; provided, however, that each such traffic and parking
32 violations agency may provide for an additional penalty not in excess of
33 twenty-five dollars for each violation for the failure to respond to a
34 notice of liability within the prescribed time period.

35 (f) An imposition of liability under the demonstration program estab-
36 lished pursuant to this section shall not be deemed a conviction as an
37 operator and shall not be made part of the operating record of the
38 person upon whom such liability is imposed nor shall it be used for
39 insurance purposes in the provision of motor vehicle insurance coverage.

40 (g) 1. A notice of liability shall be sent by first class mail to each
41 person alleged to be liable as an owner for a violation of subdivision
42 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this arti-
43 cle pursuant to this section, within fourteen business days if such
44 owner is a resident of this state and within forty-five business days if
45 such owner is a non-resident. Personal delivery on the owner shall not
46 be required. A manual or automatic record of mailing prepared in the
47 ordinary course of business shall be prima facie evidence of the facts
48 contained therein.

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

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

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

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

12 (h) Adjudication of the liability imposed upon owners of this section
13 shall be by the court having jurisdiction over traffic infractions.

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

27 (j) An owner who is a lessor of a vehicle to which a notice of liabil-
28 ity was issued pursuant to subdivision (g) of this section shall not be
29 liable for the violation of subdivision (b), (c), (d), (f) or (g) of
30 section eleven hundred eighty of this article, provided that he or she
31 sends to the court having jurisdiction a copy of the rental, lease or
32 other such contract document covering such vehicle on the date of the
33 violation, with the name and address of the lessee clearly legible,
34 within thirty-seven days after receiving notice from the court of the
35 date and time of such violation, together with the other information
36 contained in the original notice of liability. Failure to send such
37 information within such thirty-seven day time period shall render the
38 owner liable for the penalty prescribed by this section. Where the
39 lessor complies with the provisions of this paragraph, the lessee of
40 such vehicle on the date of such violation shall be deemed to be the
41 owner of such vehicle for purposes of this section, shall be subject to
42 liability for the violation of subdivision (b), (c), (d), (f) or (g) of
43 section eleven hundred eighty of this article pursuant to this section
44 and shall be sent a notice of liability pursuant to subdivision (g) of
45 this section.

46 (k) 1. If the owner liable for a violation of subdivision (c) or (d)
47 of section eleven hundred eighty of this article pursuant to this
48 section was not the operator of the vehicle at the time of the
49 violation, the owner may maintain an action for indemnification against
50 the operator.

51 2. Notwithstanding any other provision of this section, no owner of a
52 vehicle shall be subject to a monetary fine imposed pursuant to this
53 section if the operator of such vehicle was operating such vehicle with-
54 out the consent of the owner at the time such operator operated such
55 vehicle in violation of subdivision (b), (c), (d), (f) or (g) of section
56 eleven hundred eighty of this article. For purposes of this subdivision

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1 there shall be a presumption that the operator of such vehicle was oper-
2 ating such vehicle with the consent of the owner at the time such opera-
3 tor operated such vehicle in violation of subdivision (b), (c), (d), (f)
4 or (g) of section eleven hundred eighty of this article.

5 (l) Nothing in this section shall be construed to limit the liability
6 of an operator of a vehicle for any violation of subdivision (c) or (d)
7 of section eleven hundred eighty of this article.

8 (m) Notwithstanding any law to the contrary, the net proceeds of any
9 penalty after expenses of administration, resulting from a photo speed
10 violation monitoring system used in the course of this program located
11 on a village maintained street or highway within the county of Nassau
12 shall inure to said village.

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

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

19 2. the aggregate number, type and severity of crashes, fatalities,
20 injuries and property damage reported within all school speed zones
21 within such county, to the extent the information is maintained by the
22 department of motor vehicles of this state;

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

28 4. the number of violations recorded within all school speed zones
29 within such county, in the aggregate on a daily, weekly and monthly
30 basis;

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

34 6. the number of violations recorded within all school speed zones
35 within such county that were:

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

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

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

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

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

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

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

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

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

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

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

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- 1 10. the number of violations adjudicated and the results of such adju-
2 dications including breakdowns of dispositions made for violations
3 recorded by such systems;
4 11. the total amount of revenue realized by such county in connection
5 with the program;
6 12. the expenses incurred by such county in connection with the
7 program; and
8 13. the quality of the adjudication process and its results.
9 (o) It shall be a defense to any prosecution for a violation of subdi-
10 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty of
11 this article pursuant to this section that such photo speed violation
12 monitoring system was malfunctioning at the time of the alleged
13 violation.

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

17 Whenever proceedings in an administrative tribunal or a court of this
18 state result in a conviction for an offense under this chapter or a
19 traffic infraction under this chapter, or a local law, ordinance, rule
20 or regulation adopted pursuant to this chapter, other than a traffic
21 infraction involving standing, stopping, or parking or violations by
22 pedestrians or bicyclists, or other than an adjudication of liability of
23 an owner for a violation of subdivision (d) of section eleven hundred
24 eleven of this chapter in accordance with section eleven hundred
25 eleven-a of this chapter, or other than an adjudication of liability of
26 an owner for a violation of subdivision (d) of section eleven hundred
27 eleven of this chapter in accordance with section eleven hundred
28 eleven-b of this chapter, or other than an adjudication in accordance
29 with section eleven hundred eleven-c of this chapter for a violation of
30 a bus lane restriction as defined in such section, or other than an
31 adjudication of liability of an owner for a violation of subdivision
32 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
33 ter in accordance with section eleven hundred eighty-b of this chapter,
34 or other than an adjudication of liability of an owner for a violation
35 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
36 eighty of this chapter in accordance with section eleven hundred eight-
37 y-c of this chapter, there shall be levied a crime victim assistance fee
38 and a mandatory surcharge, in addition to any sentence required or
39 permitted by law, in accordance with the following schedule:

40 (c) Whenever proceedings in an administrative tribunal or a court of
41 this state result in a conviction for an offense under this chapter
42 other than a crime pursuant to section eleven hundred ninety-two of this
43 chapter, or a traffic infraction under this chapter, or a local law,
44 ordinance, rule or regulation adopted pursuant to this chapter, other
45 than a traffic infraction involving standing, stopping, or parking or
46 violations by pedestrians or bicyclists, or other than an adjudication
47 of liability of an owner for a violation of subdivision (d) of section
48 eleven hundred eleven of this chapter in accordance with section eleven
49 hundred eleven-a of this chapter, or other than an adjudication of
50 liability of an owner for a violation of subdivision (d) of section
51 eleven hundred eleven of this chapter in accordance with section eleven
52 hundred eleven-b of this chapter, or other than an infraction pursuant
53 to article nine of this chapter or other than an adjudication of liabil-
54 ity of an owner for a violation of toll collection regulations pursuant
55 to section two thousand nine hundred eighty-five of the public authori-
56 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven

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1 hundred seventy-four of the laws of nineteen hundred fifty or other than
2 an adjudication in accordance with section eleven hundred eleven-c of
3 this chapter for a violation of a bus lane restriction as defined in
4 such section, or other than an adjudication of liability of an owner for
5 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
6 hundred eighty of this chapter in accordance with section eleven hundred
7 eighty-b of this chapter, or other than an adjudication of liability of
8 an owner for a violation of subdivision (b), (c), (d), (f) or (g) of
9 section eleven hundred eighty of this chapter in accordance with section
10 eleven hundred eighty-c of this chapter, there shall be levied a crime
11 victim assistance fee in the amount of five dollars and a mandatory
12 surcharge, in addition to any sentence required or permitted by law, in
13 the amount of fifty-five dollars.

14 § 3-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
15 as amended by section 11-a of chapter 189 of the laws of 2013, is
16 amended to read as follows:

17 1. Whenever proceedings in an administrative tribunal or a court of
18 this state result in a conviction for a crime under this chapter or a
19 traffic infraction under this chapter, or a local law, ordinance, rule
20 or regulation adopted pursuant to this chapter, other than a traffic
21 infraction involving standing, stopping, parking or motor vehicle equip-
22 ment or violations by pedestrians or bicyclists, or other than an adju-
23 dication of liability of an owner for a violation of subdivision (d) of
24 section eleven hundred eleven of this chapter in accordance with section
25 eleven hundred eleven-a of this chapter, or other than an adjudication
26 of liability of an owner for a violation of subdivision (d) of section
27 eleven hundred eleven of this chapter in accordance with section eleven
28 hundred eleven-b of this chapter, or other than an adjudication in
29 accordance with section eleven hundred eleven-c of this chapter for a
30 violation of a bus lane restriction as defined in such section, or other
31 than an adjudication of liability of an owner for a violation of subdivi-
32 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
33 chapter in accordance with section eleven hundred eighty-b of this
34 chapter, or other than an adjudication of liability of an owner for a
35 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
36 hundred eighty of this chapter in accordance with section eleven hundred
37 eighty-c of this chapter, there shall be levied a mandatory surcharge,
38 in addition to any sentence required or permitted by law, in the amount
39 of twenty-five dollars.

40 § 3-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
41 as amended by section 11-b of chapter 189 of the laws of 2013, is
42 amended to read as follows:

43 1. Whenever proceedings in an administrative tribunal or a court of
44 this state result in a conviction for a crime under this chapter or a
45 traffic infraction under this chapter other than a traffic infraction
46 involving standing, stopping, parking or motor vehicle equipment or
47 violations by pedestrians or bicyclists, or other than an adjudication
48 in accordance with section eleven hundred eleven-c of this chapter for a
49 violation of a bus lane restriction as defined in such section, or other
50 than an adjudication of liability of an owner for a violation of subdivi-
51 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
52 chapter in accordance with section eleven hundred eighty-b of this
53 chapter, or other than an adjudication of liability of an owner for a
54 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
55 hundred eighty of this chapter in accordance with section eleven hundred
56 eighty-c of this chapter, there shall be levied a mandatory surcharge,

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1 in addition to any sentence required or permitted by law, in the amount
2 of seventeen dollars.

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

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

19 § 3-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
20 as separately amended by chapter 16 of the laws of 1983 and chapter 62
21 of the laws of 1989, is amended to read as follows:

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

32 § 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
33 traffic law, as amended by section 12-a of chapter 189 of the laws of
34 2013, is amended to read as follows:

35 a. Notwithstanding any other provision of law, whenever proceedings in
36 a court or an administrative tribunal of this state result in a
37 conviction for an offense under this chapter, except a conviction pursu-
38 ant to section eleven hundred ninety-two of this chapter, or for a traf-
39 fic infraction under this chapter, or a local law, ordinance, rule or
40 regulation adopted pursuant to this chapter, except a traffic infraction
41 involving standing, stopping, or parking or violations by pedestrians or
42 bicyclists, and except an adjudication of liability of an owner for a
43 violation of subdivision (d) of section eleven hundred eleven of this
44 chapter in accordance with section eleven hundred eleven-a of this chap-
45 ter, and except an adjudication of liability of an owner for a violation
46 of subdivision (d) of section eleven hundred eleven of this chapter in
47 accordance with section eleven hundred eleven-b of this chapter, and
48 except an adjudication in accordance with section eleven hundred
49 eleven-c of this chapter of a violation of a bus lane restriction as
50 defined in such section, and ~~except~~ except an adjudication of liabil-
51 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)
52 of section eleven hundred eighty of this chapter in accordance with
53 section eleven hundred eighty-b of this chapter, and except an adjudi-
54 cation of liability of an owner for a violation of subdivision (b), (c),
55 (d), (f) or (g) of section eleven hundred eighty of this chapter in
56 accordance with section eleven hundred eighty-c of this chapter, and

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1 except an adjudication of liability of an owner for a violation of toll
2 collection regulations pursuant to 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, there shall be levied in addition to any
6 sentence, penalty or other surcharge required or permitted by law, an
7 additional surcharge of twenty-eight dollars.

8 § 4-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
9 and traffic law, as amended by section 12-b of chapter 189 of the laws
10 of 2013, is amended to read as follows:

11 a. Notwithstanding any other provision of law, whenever proceedings in
12 a court or an administrative tribunal of this state result in a
13 conviction for an offense under this chapter, except a conviction pursu-
14 ant to section eleven hundred ninety-two of this chapter, or for a traf-
15 fic infraction under this chapter, or a local law, ordinance, rule or
16 regulation adopted pursuant to this chapter, except a traffic infraction
17 involving standing, stopping, or parking or violations by pedestrians or
18 bicyclists, and except an adjudication of liability of an owner for a
19 violation of subdivision (d) of section eleven hundred eleven of this
20 chapter in accordance with section eleven hundred eleven-a of this chap-
21 ter, and except an adjudication in accordance with section eleven
22 hundred eleven-c of this chapter of a violation of a bus lane
23 restriction as defined in such section, and except an adjudication of
24 liability of an owner for a violation of subdivision (b), (c), (d), (f)
25 or (g) of section eleven hundred eighty of this chapter in accordance
26 with section eleven hundred eighty-b of this chapter, and except an
27 adjudication of liability of an owner for a violation of subdivision
28 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
29 ter in accordance with section eleven hundred eighty-c of this chapter,
30 and except an adjudication of liability of an owner for a violation of
31 toll collection regulations pursuant to section two thousand nine
32 hundred eighty-five of the public authorities law or sections sixteen-a,
33 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
34 laws of nineteen hundred fifty, there shall be levied in addition to any
35 sentence, penalty or other surcharge required or permitted by law, an
36 additional surcharge of twenty-eight dollars.

37 § 4-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle
38 and traffic law, as amended by section 12-c of chapter 189 of the laws
39 of 2013, is amended to read as follows:

40 a. Notwithstanding any other provision of law, whenever proceedings in
41 a court or an administrative tribunal of this state result in a
42 conviction for an offense under this chapter, except a conviction pursu-
43 ant to section eleven hundred ninety-two of this chapter, or for a traf-
44 fic infraction under this chapter, or a local law, ordinance, rule or
45 regulation adopted pursuant to this chapter, except a traffic infraction
46 involving standing, stopping, or parking or violations by pedestrians or
47 bicyclists, and except an adjudication of liability of an owner for a
48 violation of subdivision (d) of section eleven hundred eleven of this
49 chapter in accordance with section eleven hundred eleven-a of this chap-
50 ter, and except an adjudication of liability of an owner for a violation
51 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
52 eighty of this chapter in accordance with section eleven hundred eight-
53 y-b of this chapter, and except an adjudication of liability of an owner
54 for a violation of subdivision (b), (c), (d), (f) or (g) of section
55 eleven hundred eighty of this chapter in accordance with section eleven
56 hundred eighty-c of this chapter, and except an adjudication of liabil-

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1 ity of an owner for a violation of toll collection regulations pursuant
2 to section two thousand nine hundred eighty-five of the public authori-
3 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
4 hundred seventy-four of the laws of nineteen hundred fifty, there shall
5 be levied in addition to any sentence, penalty or other surcharge
6 required or permitted by law, an additional surcharge of twenty-eight
7 dollars.

8 § 4-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle
9 and traffic law, as added by section 5 of part C of chapter 55 of the
10 laws of 2013, is amended to read as follows:

11 a. Notwithstanding any other provision of law, whenever proceedings in
12 a court or an administrative tribunal of this state result in a
13 conviction for an offense under this chapter, except a conviction pursu-
14 ant to section eleven hundred ninety-two of this chapter, or for a traf-
15 fic infraction under this chapter, or a local law, ordinance, rule or
16 regulation adopted pursuant to this chapter, except a traffic infraction
17 involving standing, stopping, or parking or violations by pedestrians or
18 bicyclists, and except an adjudication of liability of an owner for a
19 violation of subdivision (d) of section eleven hundred eleven of this
20 chapter in accordance with section eleven hundred eleven-a of this chap-
21 ter, and except an adjudication of liability of an owner for a violation
22 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
23 eighty of this chapter in accordance with section eleven hundred eight-
24 y-c of this chapter, and except an adjudication of liability of an owner
25 for a violation of toll collection regulations pursuant to section two
26 thousand nine hundred eighty-five of the public authorities law or
27 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
28 seventy-four of the laws of nineteen hundred fifty, there shall be
29 levied in addition to any sentence, penalty or other surcharge required
30 or permitted by law, an additional surcharge of twenty-eight dollars.

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

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

36 § 6. Subdivision 2 of section 371 of the general municipal law, as
37 amended by section 21 of part G of chapter 58 of the laws of 2012, is
38 amended to read as follows:

39 2. The Nassau county traffic and parking violations agency, as estab-
40 lished, may be authorized to assist the Nassau county district court in
41 the disposition and administration of infractions of traffic and parking
42 laws, ordinances, rules and regulations and the liability of owners for
43 violations of subdivision (d) of section eleven hundred eleven of the
44 vehicle and traffic law in accordance with section eleven hundred
45 eleven-b of such law[7] and the liability of owners for violations of
46 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
47 of the vehicle and traffic law in accordance with section eleven hundred
48 eighty-c of such law, except that such agency shall not have jurisdic-
49 tion over (a) the traffic infraction defined under subdivision one of
50 section eleven hundred ninety-two of the vehicle and traffic law; (b)
51 the traffic infraction defined under subdivision five of section eleven
52 hundred ninety-two of the vehicle and traffic law; (c) the violation
53 defined under paragraph (b) of subdivision four of section fourteen-f of
54 the transportation law and the violation defined under clause (b) of
55 subparagraph (iii) of paragraph c of subdivision two of section one
56 hundred forty of the transportation law; (d) the traffic infraction

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

16 § 7. Subdivision 2 of section 371 of the general municipal law, as
17 amended by chapter 388 of the laws of 2012, is amended to read as
18 follows:

19 2. The Nassau county traffic and parking violations agency, as estab-
20 lished, may be authorized to assist the Nassau county district court,
21 and the Suffolk county traffic and parking violations agency, as estab-
22 lished, may be authorized to assist the Suffolk county district court,
23 in the disposition and administration of infractions of traffic and
24 parking laws, ordinances, rules and regulations and the liability of
25 owners for violations of subdivision (d) of section eleven hundred elev-
26 en of the vehicle and traffic law in accordance with section eleven
27 hundred eleven-b of such law[7] and the liability of owners for
28 violations of subdivision (b), (c), (d), (f) or (g) of section eleven
29 hundred eighty of the vehicle and traffic law in accordance with section
30 eleven hundred eighty-c of such law, except that such agencies shall not
31 have jurisdiction over (a) the traffic infraction defined under subdivi-
32 sion one of section eleven hundred ninety-two of the vehicle and traffic
33 law; (b) the traffic infraction defined under subdivision five of
34 section eleven hundred ninety-two of the vehicle and traffic law; (c)
35 the violation defined under paragraph (b) of subdivision four of section
36 fourteen-f of the transportation law and the violation defined under
37 clause (b) of subparagraph (iii) of paragraph c of subdivision two of
38 section one hundred forty of the transportation law; (d) the traffic
39 infraction defined under section three hundred ninety-seven-a of the
40 vehicle and traffic law and the traffic infraction defined under subdivi-
41 sion (g) of section eleven hundred eighty of the vehicle and traffic
42 law; (e) any misdemeanor or felony; or (f) any offense that is part of
43 the same criminal transaction, as that term is defined in subdivision
44 two of section 40.10 of the criminal procedure law, as a violation of
45 subdivision one of section eleven hundred ninety-two of the vehicle and
46 traffic law, a violation of subdivision five of section eleven hundred
47 ninety-two of the vehicle and traffic law, a violation of paragraph (b)
48 of subdivision four of section fourteen-f of the transportation law, a
49 violation of clause (b) of subparagraph (iii) of paragraph c of subdivi-
50 sion two of section one hundred forty of the transportation law, a
51 violation of section three hundred ninety-seven-a of the vehicle and
52 traffic law, a violation of subdivision (g) of section eleven hundred
53 eighty of the vehicle and traffic law or any misdemeanor or felony.

54 § 8. Subdivision 3 of section 371 of the general municipal law, as
55 amended by chapter 496 of the laws of 1990, is amended to read as
56 follows:

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1 3. A person charged with an infraction which shall be disposed of by
2 either a traffic violations bureau or the Nassau county traffic and
3 parking violations agency, may be permitted to answer, within a speci-
4 fied time, at the traffic violations bureau, and in Nassau county at the
5 traffic and parking violations agency, either in person or by written
6 power of attorney in such form as may be prescribed in the ordinance or
7 local law creating the bureau or agency, by paying a prescribed fine
8 and, in writing, waiving a hearing in court, pleading guilty to the
9 charge or admitting liability as an owner for the violation of subdivi-
10 sion (d) of section eleven hundred eleven of the vehicle and traffic
11 law, or admitting liability as an owner for the violation of subdivision
12 (b), (c), (d), (f) or (g) of section eleven hundred eighty of the vehi-
13 cle and traffic law, as the case may be, and authorizing the person in
14 charge of the bureau or agency to enter such a plea or admission and
15 accept payment of said fine. Acceptance of the prescribed fine and power
16 of attorney by the bureau or agency shall be deemed complete satisfac-
17 tion for the violation or of the liability, and the violator or owner
18 liable for a violation of subdivision (d) of section eleven hundred
19 eleven of the vehicle and traffic law or owner liable for a violation of
20 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
21 of the vehicle and traffic law shall be given a receipt which so states.
22 If a person charged with a traffic violation does not answer as
23 hereinbefore prescribed, within a designated time, the bureau or agency
24 may cause a complaint to be entered against him forthwith and a warrant
25 to be issued for his arrest and appearance before the court, such
26 summons to be predicated upon the personal service of said summons upon
27 the person charged with the infraction. Any person who shall have been,
28 within the preceding twelve months, guilty of a number of parking
29 violations in excess of such maximum number as may be designated by the
30 court, or of three or more violations other than parking violations,
31 shall not be permitted to appear and answer to a subsequent violation at
32 the traffic violations bureau or agency, but must appear in court at a
33 time specified by the bureau or agency. Such bureau or agency shall not
34 be authorized to deprive a person of his right to counsel or to prevent
35 him from exercising his right to appear in court to answer to, explain,
36 or defend any charge of a violation of any traffic law, ordinance, rule
37 or regulation.

38 § 9. Subdivision 3 of section 371 of the general municipal law, as
39 amended by chapter 388 of the laws of 2012, is amended to read as
40 follows:

41 3. A person charged with an infraction which shall be disposed of by
42 either a traffic violations bureau, the Nassau county traffic and park-
43 ing violations agency, or the Suffolk county traffic and parking
44 violations agency may be permitted to answer, within a specified time,
45 at the traffic violations bureau, in Nassau county at the traffic and
46 parking violations agency and in Suffolk county at the traffic and park-
47 ing violations agency, either in person or by written power of attorney
48 in such form as may be prescribed in the ordinance or local law creating
49 the bureau or agency, by paying a prescribed fine and, in writing, waiv-
50 ing a hearing in court, pleading guilty to the charge or admitting
51 liability as an owner for the violation of subdivision (d) of section
52 eleven hundred eleven of the vehicle and traffic law, or admitting
53 liability as an owner for the violation of subdivision (b), (c), (d),
54 (f) or (g) of section eleven hundred eighty of the vehicle and traffic
55 law, as the case may be, and authorizing the person in charge of the
56 bureau or agency to enter such a plea or admission and accept payment of

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1 said fine. Acceptance of the prescribed fine and power of attorney by
2 the bureau or agency shall be deemed complete satisfaction for the
3 violation or of the liability, and the violator or owner liable for a
4 violation of subdivision (d) of section eleven hundred eleven of the
5 vehicle and traffic law or owner liable for a violation of subdivision
6 (b), (c), (d), (f) or (g) of section eleven hundred eighty of the vehi-
7 cle and traffic law shall be given a receipt which so states. If a
8 person charged with a traffic violation does not answer as hereinbefore
9 prescribed, within a designated time, the bureau or agency may cause a
10 complaint to be entered against him forthwith and a warrant to be issued
11 for his arrest and appearance before the court, such summons to be pred-
12 icated upon the personal service of said summons upon the person charged
13 with the infraction. Any person who shall have been, within the preced-
14 ing twelve months, guilty of a number of parking violations in excess of
15 such maximum number as may be designated by the court, or of three or
16 more violations other than parking violations, shall not be permitted to
17 appear and answer to a subsequent violation at the traffic violations
18 bureau or agency, but must appear in court at a time specified by the
19 bureau or agency. Such bureau or agency shall not be authorized to
20 deprive a person of his right to counsel or to prevent him from exercis-
21 ing his right to appear in court to answer to, explain, or defend any
22 charge of a violation of any traffic law, ordinance, rule or regulation.

23 § 10. The purchase or lease of equipment for a demonstration program
24 pursuant to section 1180-c of the vehicle and traffic law shall be
25 subject to the provisions of section 103 of the general municipal law.

26 § 11. Paragraph 1 of subdivision (a) of section 1180-b of the vehicle
27 and traffic law, as added by chapter 189 of the laws of 2013, is amended
28 to read as follows:

29 1. Notwithstanding any other provision of law, the city of New York is
30 hereby authorized to establish a demonstration program imposing monetary
31 liability on the owner of a vehicle for failure of an operator thereof
32 to comply with posted maximum speed limits in a school speed zone within
33 the city (i) when a school speed limit is in effect as provided in para-
34 graphs one and two of subdivision (c) of section eleven hundred eighty
35 of this article or (ii) when other speed limits are in effect as
36 provided in subdivision (b), (d), (f) or (g) of section eleven hundred
37 eighty of this article during the following times: (A) on school days
38 during school hours and one hour before and one hour after the school
39 day, and (B) a period during student activities at the school and up to
40 thirty minutes immediately before and up to thirty minutes immediately
41 after such student activities. Such demonstration program shall empower
42 the city to install photo speed violation monitoring systems within no
43 more than [~~twenty~~] one hundred forty school speed zones within the city
44 at any one time and to operate such systems within such zones (iii) when
45 a school speed limit is in effect as provided in paragraphs one and two
46 of subdivision (c) of section eleven hundred eighty of this article or
47 (iv) when other speed limits are in effect as provided in subdivision
48 (b), (d), (f) or (g) of section eleven hundred eighty of this article
49 during the following times: (A) on school days during school hours and
50 one hour before and one hour after the school day, and (B) a period
51 during student activities at the school and up to thirty minutes imme-
52 diately before and up to thirty minutes immediately after such student
53 activities. In selecting a school speed zone in which to install and
54 operate a photo speed violation monitoring system, the city shall
55 consider criteria including, but not limited to the speed data, crash
56 history, and the roadway geometry applicable to such school speed zone.

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19

1 § 12. This act shall take effect on the thirtieth day after it shall
2 have become a law and shall expire 4 years after such effective date
3 when upon such date the provisions of this act shall be deemed repealed;
4 and provided further that any rules necessary for the implementation of
5 this act on its effective date shall be promulgated on or before such
6 effective date, provided that:

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

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

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

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

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

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

37 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
38 traffic law made by section three-b of this act shall not affect the
39 expiration of such subdivision and shall be deemed to expire therewith,
40 when upon such date the provisions of section three-c of this act shall
41 take effect;

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

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

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

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1 (k) the amendments to paragraph a of subdivision 1 of section 1809-e
2 of the vehicle and traffic law made by section four-b of this act shall
3 not affect the expiration of such paragraph and shall be deemed to
4 expire therewith, when upon such date the provisions of section four-c
5 of this act shall take effect;

6 (l) the amendments to subdivision 2 of section 371 of the general
7 municipal law made by section seven of this act shall take effect only
8 in the event that the county of Suffolk shall have by local law estab-
9 lished a traffic and parking violations agency;

10 (m) the amendments to subdivision 3 of section 371 of the general
11 municipal law made by section nine of this act shall take effect only in
12 the event that the county of Suffolk shall have by local law established
13 a traffic and parking violations agency;

14 (n) the amendments to section 371 of the general municipal law made by
15 sections six, seven, eight and nine of this act shall not affect the
16 expiration of such section and shall be deemed to expire therewith; and

17 (o) the amendments to subdivision (a) of section 1180-b of the vehicle
18 and traffic law made by section eleven of this act shall not affect the
19 repeal of such section and shall be deemed repealed therewith.

S06918 Summary:

BILL NO S06918

SAME AS SAME AS

SPONSOR KLEIN

COSPNSR

MLTSPNSR

Amd SS401, 1809, 1809-e & 1180-b, add S1180-c, V & T L; amd S87, Pub Off
S371, Gen Muni L

Relates to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; relates to photo speed violation monitoring systems in school speed zones in the city of NY; provides for the repeal of such provisions upon expiration thereof.

S06918 Text:

S T A T E O F N E W Y O R K

6918

I N S E N A T E

March 31, 2014

Introduced by Sen. KLEIN -- read twice and ordered printed, and printed to be committed to the Committee on Rules

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subparagraph (i) of paragraph a of subdivision
2 section 401 of the vehicle and traffic law, as amended by section
3 chapter 189 of the laws of 2013, is amended to read as follows:
4 (i) If at the time of application for a registration or renewal
5 of there is a certification from a court, parking violations
6 traffic and parking violations agency or administrative tribunal
7 appropriate jurisdiction [or administrative tribunal of appropriate
8 jurisdiction] that the registrant or his or her representative fa

9 appear on the return date or any subsequent adjourned date or fail
 10 to comply with the rules and regulations of an administrative
 11 following entry of a final decision in response to a total of three
 12 or more summonses or other process in the aggregate, issued within a
 13 sixteen month period, charging either that: (i) such motor vehicle
 14 was parked, stopped or standing, or that such motor vehicle was operated
 15 for hire by the registrant or his or her agent without being licensed
 16 as a motor vehicle for hire by the appropriate local authority, in violation
 17 of any of the provisions of this chapter or of any law, ordinance
 18 or regulation made by a local authority; or (ii) the registrant was
 19 liable in accordance with section eleven hundred eleven-a of this chapter
 20 or section eleven hundred eleven-b of this chapter for a violation
 21 of subdivision (d) of section eleven hundred eleven of this chapter
 22 (iii) the registrant was liable in accordance with section
 23 eleven hundred eleven-c of this chapter for a violation of a by-law

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

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1 restriction as defined in such section, or (iv) the registrant
 2 is liable in accordance with section eleven hundred eighty-b of this
 3 chapter for a violation of subdivision (c) or (d) of section eleven
 4 hundred eighty of this chapter, OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE
 5 WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER FOR A VIOLATION OF
 6 SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER
 7 the commissioner or his or her agent shall deny the registrant's
 8 renewal application until the applicant provides proof from the
 9 traffic and parking violations agency or administrative tribunal
 10 that the charges are pending that an appearance or answer has been made
 11 in the case of an administrative tribunal that he or she has complied with
 12 the rules and regulations of said tribunal following entry of a final
 13 decision. Where an application is denied pursuant to this section the
 14 commissioner may, in his or her discretion, deny a registrant's
 15 renewal application to any other person for the same vehicle
 16 and deny a registration or renewal application for any other motor vehicle
 17 registered in the name of the applicant where the commissioner has
 18 determined that such registrant's intent has been to evade the purposes
 19 of this subdivision and where the commissioner has reasonable grounds to
 20 believe that such registration or renewal will have the effect of
 21 defeating the purposes of this subdivision. Such denial shall remain in effect
 22 as long as the summonses remain unanswered, or in the case of an administrative
 23 tribunal, the registrant fails to comply with the rules and regulations following
 24 entry of a final decision.

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

28 a. If at the time of application for a registration or renewal
 29 there is a certification from a court or administrative tribunal of
 30 appropriate jurisdiction that the registrant or his or her representative
 31 failed to appear on the return date or any subsequent adjourned
 32 date or failed to comply with the rules and regulations of an administrative
 33 tribunal following entry of a final decision in response to a total of three
 34 or more summonses or other process in the aggregate, issued within an
 35 eighteen month period, charging either that: (i) such motor vehicle
 36 was parked, stopped or standing, or that such motor vehicle was operated
 37 for hire by the registrant or his or her agent

38 being licensed as a motor vehicle for hire by the appropriate
 39 authority, in violation of any of the provisions of this chapter
 40 any law, ordinance, rule or regulation made by a local authority;
 41 (ii) the registrant was liable in accordance with section eleven
 42 eleven-b of this chapter for a violation of subdivision (d) of
 43 eleven hundred eleven of this chapter; or (iii) the registrant
 44 liable in accordance with section eleven hundred eleven-c of this
 45 chapter for a violation of a bus lane restriction as defined in
 46 section; or (iv) the registrant was liable in accordance with
 47 eleven hundred eighty-b of this chapter for a violation of subdivi-
 48 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
 49 chapter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION
 50 HUNDRED EIGHTY-C OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION
 51 (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER;
 52 the commissioner or his or her agent shall deny the registrant's
 53 renewal application until the applicant provides proof from the
 54 administrative tribunal wherein the charges are pending that an
 55 answer or answer has been made or in the case of an administrative
 56 tribunal that he or she has complied with the rules and regulations of
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1 tribunal following entry of a final decision. where an applica-
 2 tion is denied pursuant to this section, the commissioner may, in his
 3 discretion, deny a registration or renewal application to any
 4 person for the same vehicle and may deny a registration or
 5 application for any other motor vehicle registered in the name of
 6 applicant where the commissioner has determined that such registra-
 7 tion intent has been to evade the purposes of this subdivision and where
 8 commissioner has reasonable grounds to believe that such registra-
 9 tion renewal will have the effect of defeating the purposes of this
 10 section. Such denial shall only remain in effect as long as the sum-
 11 mons remain unanswered, or in the case of an administrative tribunal
 12 the registrant fails to comply with the rules and regulations for
 13 entry of a final decision.

14 S 1-b. Paragraph a of subdivision 5-a of section 401 of the
 15 vehicle and traffic law, as amended by section 9-b of chapter 189 of the
 16 laws of 2013, is amended to read as follows:

17 a. If at the time of application for a registration or renewal
 18 there is a certification from a court or administrative tribunal of
 19 appropriate jurisdiction that the registrant or his or her relative
 20 failed to appear on the return date or any subsequent appearance
 21 date or failed to comply with the rules and regulations of an admini-
 22 strative tribunal following entry of a final decision in response to
 23 three or more summonses or other process, issued within an one
 24 month period, charging that such motor vehicle was parked, stop-
 25 ping, standing, or that such motor vehicle was operated for hire by the
 26 registrant or his or her agent without being licensed as a motor vehi-
 27 cle for hire by the appropriate local authority, in violation of any
 28 provisions of this chapter or of any law, ordinance, rule or regula-
 29 tion made by a local authority or the registrant was liable in accor-
 30 dance with section eleven hundred eleven-c of this chapter for a viola-
 31 tion of a bus lane restriction as defined in such section, or the regis-
 32 trant was liable in accordance with section eleven hundred eighty-b of this
 33 chapter for a violation of subdivision (b), (c), (d), (f) or (g) of
 34 section eleven hundred eighty of this chapter, OR THE REGISTRANT WAS LI-
 35 ABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTE-
 36 R FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
 37 HUNDRED EIGHTY OF THIS CHAPTER, the commissioner or his or her

38 shall deny the registration or renewal application until the ap
 39 provides proof from the court or administrative tribunal where
 40 charges are pending that an appearance or answer has been made or
 41 case of an administrative tribunal that he or she has complied with
 42 rules and regulations of said tribunal following entry of a final
 43 decision. Where an application is denied pursuant to this section,
 44 commissioner may, in his or her discretion, deny a registration
 45 renewal application to any other person for the same vehicle and
 46 deny a registration or renewal application for any other motor
 47 vehicle registered in the name of the applicant where the commissioner
 48 determined that such registrant's intent has been to evade the purpose
 49 of this subdivision and where the commissioner has reasonable grounds
 50 to believe that such registration or renewal will have the effect of
 51 defeating the purposes of this subdivision. Such denial shall
 52 remain in effect as long as the summonses remain unanswered, or in the
 53 case of an administrative tribunal, the registrant fails to comply with
 54 the rules and regulations following entry of a final decision.
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1 S 1-c. Paragraph a of subdivision 5-a of section 401 of the
 2 and traffic law, as amended by section 9-c of chapter 189 of the
 3 2013, is amended to read as follows:
 4 a. If at the time of application for a registration or renewal
 5 there is a certification from a court or administrative tribunal of
 6 appropriate jurisdiction that the registrant or his representative
 7 failed to appear on the return date or any subsequent adjourned
 8 date or failed to comply with the rules and regulations of an administrative
 9 tribunal following entry of a final decision in response to one or
 10 more summonses or other process, issued within an eighteen month
 11 period charging that such motor vehicle was parked, stopped or standing
 12 on a public highway, or that such motor vehicle was operated for hire by the registrant
 13 or his agent without being licensed as a motor vehicle for hire by the
 14 appropriate local authority, in violation of any of the provisions of
 15 chapter 189 or of any law, ordinance, rule or regulation made by a local
 16 authority, or the registrant was liable in accordance with section
 17 eleven hundred eighty-b of this chapter for violations of subdivision
 18 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
 19 OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN
 20 HUNDRED EIGHTY-C OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B), (C)
 21 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the
 22 commissioner or his agent shall deny the registration or renewal application
 23 until the applicant provides proof from the court or administrative
 24 tribunal wherein the charges are pending that an appearance or answer
 25 has been made or in the case of an administrative tribunal that he or she
 26 has complied with the rules and regulations of said tribunal following
 27 entry of a final decision. Where an application is denied pursuant to this
 28 section, the commissioner may, in his discretion, deny a registration
 29 renewal application to any other person for the same vehicle and
 30 deny a registration or renewal application for any other motor
 31 vehicle registered in the name of the applicant where the commissioner
 32 determined that such registrant's intent has been to evade the purpose
 33 of this subdivision and where the commissioner has reasonable grounds
 34 to believe that such registration or renewal will have the effect of
 35 defeating the purposes of this subdivision. Such denial shall
 36 remain in effect as long as the summonses remain unanswered, or in the
 37 case of an administrative tribunal, the registrant fails to comply with
 38 the rules and regulations following entry of a final decision.
 39 S 1-d. Paragraph a of subdivision 5-a of section 401 of the

40 and traffic law, as separately amended by chapters 339 and 592
41 laws of 1987, is amended to read as follows:

42 a. If at the time of application for a registration or renewal
43 there is a certification from a court or administrative tribu
44 appropriate jurisdiction that the registrant or his represe
45 failed to appear on the return date or any subsequent adjourned c
46 failed to comply with the rules and regulations of an adminis
47 tribunal following entry of a final decision in response to th
48 more summonses or other process, issued within an eighteen month
49 charging that such motor vehicle was parked, stopped or stand
50 that such motor vehicle was operated for hire by the registrant
51 agent without being licensed as a motor vehicle for hire by the
52 priate local authority, in violation of any of the provisions c
53 chapter or of any law, ordinance, rule or regulation made by
54 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTIO
55 EN HUNDRED EIGHTY-C OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISIO
56 (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS C
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1 the commissioner or his agent shall deny the registration or
2 application until the applicant provides proof from the court or
3 istrative tribunal wherein the charges are pending that an appeal
4 answer has been made or in the case of an administrative tribur
5 he has complied with the rules and regulations of said tribunal
6 ing entry of a final decision. where an application is denied p
7 to this section, the commissioner may, in his discretion, deny a
8 tration or renewal application to any other person for the same
9 and may deny a registration or renewal application for any other
10 vehicle registered in the name of the applicant where the commi
11 has determined that such registrant's intent has been to eva
12 purposes of this subdivision and where the commissioner has rea
13 grounds to believe that such registration or renewal will ha
14 effect of defeating the purposes of this subdivision. Such denia
15 only remain in effect as long as the summonses remain unanswered,
16 the case of an administrative tribunal, the registrant fails to
17 with the rules and regulations following entry of a final decisio

18 S 2. The vehicle and traffic law is amended by adding a new
19 1180-c to read as follows:

20 S 1180-C. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMF
21 CERTAIN POSTED MAXIMUM SPEED LIMITS. (A) 1. NOTWITHSTANDING ANY
22 PROVISION OF LAW, THE COUNTIES OF NASSAU AND SUFFOLK ARE HEREBY
23 IZED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABJ
24 THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMF
25 POSTED MAXIMUM SPEED LIMITS IN A SCHOOL SPEED ZONE WITHIN THE C
26 (I) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRA
27 AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY
28 ARTICLE OR (II) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVI
29 SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EJ
30 THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS
31 SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL I
32 (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO
33 MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATEL
34 SUCH STUDENT ACTIVITIES. SUCH DEMONSTRATION PROGRAM SHALL EMPOV
35 COUNTIES TO INSTALL PHOTO SPEED VIOLATION MONITORING SYSTEMS WJ
36 MORE THAN ONE SCHOOL SPEED ZONE PER SCHOOL DISTRICT WITHIN EACH
37 AT ANY ONE TIME AND TO OPERATE SUCH SYSTEMS WITHIN SUCH ZONES (I)
38 A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE
39 OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTJ

40 (IV) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN SUBP
 41 (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS
 42 DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING SCHOOL HO
 43 ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND (B) A
 44 DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY MINUTE
 45 DIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER SUCH
 46 ACTIVITIES. IN SELECTING A SCHOOL SPEED ZONE IN WHICH TO INST
 47 OPERATE A PHOTO SPEED VIOLATION MONITORING SYSTEM, THE COUNTIES
 48 CONSIDER CRITERIA INCLUDING, BUT NOT LIMITED TO THE SPEED DATA/
 49 HISTORY, AND THE ROADWAY GEOMETRY APPLICABLE TO SUCH SCHOOL SPEED
 50 2. NO PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE USE
 51 SCHOOL SPEED ZONE UNLESS (I) ON THE DAY IT IS TO BE USED IT HAS
 52 FULLY PASSED A SELF-TEST OF ITS FUNCTIONS; AND (II) IT HAS UNDEF
 53 ANNUAL CALIBRATION CHECK PERFORMED PURSUANT TO PARAGRAPH FOUR (C
 54 SUBDIVISION. THE COUNTIES MAY INSTALL SIGNS GIVING NOTICE THAT
 55 SPEED VIOLATION MONITORING SYSTEM IS IN USE TO BE MOUNTED ON
 56 WARNING SIGNS NOTIFYING MOTOR VEHICLE OPERATORS OF SUCH UPCOMING
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1 SPEED ZONE AND/OR ON SPEED LIMIT SIGNS APPLICABLE WITHIN SUCH
 2 SPEED ZONE, IN CONFORMANCE WITH STANDARDS ESTABLISHED IN THE MUTC
 3 3. OPERATORS OF PHOTO SPEED VIOLATION MONITORING SYSTEMS SH
 4 COMPLETED TRAINING IN THE PROCEDURES FOR SETTING UP, TESTING, AND
 5 ATING SUCH SYSTEMS. EACH SUCH OPERATOR SHALL COMPLETE AND SIGN
 6 SET-UP LOG FOR EACH SUCH SYSTEM THAT HE OR SHE OPERATES THAT (I)
 7 THE DATE AND TIME WHEN, AND THE LOCATION WHERE, THE SYSTEM WAS
 8 THAT DAY, AND (II) STATES THAT SUCH OPERATOR SUCCESSFULLY PERFORM
 9 THE SYSTEM PASSED, THE SELF-TESTS OF SUCH SYSTEM BEFORE PROD
 10 RECORDED IMAGE THAT DAY. THE COUNTIES SHALL RETAIN EACH SUCH DA
 11 UNTIL THE LATER OF THE DATE ON WHICH THE PHOTO SPEED VIOLATION M
 12 ING SYSTEM TO WHICH IT APPLIES HAS BEEN PERMANENTLY REMOVED FROM
 13 THE FINAL RESOLUTION OF ALL CASES INVOLVING NOTICES OF LIABILITY
 14 BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEO OR OTHER RECORDE
 15 PRODUCED BY SUCH SYSTEM.

16 4. EACH PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL UNDERGO A
 17 AL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LAB
 18 WHICH SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION. THE C
 19 SHALL KEEP EACH SUCH ANNUAL CERTIFICATE OF CALIBRATION ON FILE UP
 20 FINAL RESOLUTION OF ALL CASES INVOLVING A NOTICE OF LIABILITY
 21 DURING SUCH YEAR WHICH WERE BASED ON PHOTOGRAPHS, MICROPHOTO
 22 VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTC
 23 VIOLATION MONITORING SYSTEM.

24 5. (I) SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNI
 25 TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS, MICRO
 26 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTC
 27 VIOLATION MONITORING SYSTEMS SHALL NOT INCLUDE IMAGES THAT IDENT
 28 DRIVER, THE PASSENGERS, OR THE CONTENTS OF THE VEHICLE. PROVIDED,
 29 ER, THAT NO NOTICE OF LIABILITY ISSUED PURSUANT TO THIS SECTION S
 30 DISMISSED SOLELY BECAUSE SUCH A PHOTOGRAPH, MICROPHOTOGRAPH, V
 31 OR OTHER RECORDED IMAGE ALLOWS FOR THE IDENTIFICATION OF THE DRIV
 32 PASSENGERS, OR THE CONTENTS OF VEHICLES WHERE EITHER COUNTY, AS A
 33 BLE, SHOWS THAT IT MADE REASONABLE EFFORTS TO COMPLY WITH THE PR
 34 OF THIS PARAGRAPH IN SUCH CASE.

35 (II) PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER P
 36 IMAGE FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE F
 37 EXCLUSIVE USE OF EACH SUCH COUNTY FOR THE PURPOSE OF THE ADJUDICA
 38 LIABILITY IMPOSED PURSUANT TO THIS SECTION AND OF THE OWNER RECEI
 39 NOTICE OF LIABILITY PURSUANT TO THIS SECTION, AND SHALL BE DESTROYED

40 EACH SUCH COUNTY UPON THE FINAL RESOLUTION OF THE NOTICE OF LIABILITY
 41 WHICH SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDING
 42 IMAGES RELATE, OR ONE YEAR FOLLOWING THE DATE OF ISSUANCE OF SUCH
 43 OF LIABILITY, WHICHEVER IS LATER. NOTWITHSTANDING THE PROVISIONS OF
 44 OTHER LAW, RULE OR REGULATION TO THE CONTRARY, PHOTOGRAPHS, MICROPHOTOGRAPHS,
 45 VIDEOTAPE OR ANY OTHER RECORDED IMAGE FROM A PHOTOGRAPHIC VIOLATION
 46 MONITORING SYSTEM SHALL NOT BE OPEN TO THE PUBLIC, NOR MADE AVAILABLE
 47 TO CIVIL OR CRIMINAL PROCESS OR DISCOVERY, NOR USED BY ANY COURT OR
 48 ADMINISTRATIVE OR ADJUDICATORY BODY IN ANY ACTION OR PROCEEDING
 49 EXCEPT THAT WHICH IS NECESSARY FOR THE ADJUDICATION OF A NOTICE OF
 50 LIABILITY ISSUED PURSUANT TO THIS SECTION, AND NO PUBLIC ENTITY, EMPLOYEE,
 51 OFFICER OR AGENT THEREOF SHALL DISCLOSE SUCH INFORMATION EXCEPT THAT
 52 SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER RECORDED
 53 IMAGES FROM SUCH SYSTEMS:

54 (A) SHALL BE AVAILABLE FOR INSPECTION AND COPYING AND USE BY THE
 55 VEHICLE OWNER AND OPERATOR FOR SO LONG AS SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS,
 7
 1

2 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES ARE REQUIRED TO BE MAINTAINED
 3 OR ARE MAINTAINED BY SUCH PUBLIC ENTITY, EMPLOYEE, OFFICER OR AGENT
 4 (B) (1) SHALL BE FURNISHED WHEN DESCRIBED IN A SEARCH WARRANT
 5 BY A COURT AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT PURSUANT TO
 6 SIX HUNDRED NINETY OF THE CRIMINAL PROCEDURE LAW OR A FEDERAL COURT
 7 AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT UNDER FEDERAL LAW, WHERE THE
 8 SEARCH WARRANT STATES THAT THERE IS REASONABLE CAUSE TO BELIEVE SUCH
 9 INFORMATION CONSTITUTES EVIDENCE OF, OR TENDS TO DEMONSTRATE, A
 10 MISDEMEANOR OR FELONY OFFENSE WAS COMMITTED IN THIS STATE OR ANOTHER
 11 STATE, OR THAT A PARTICULAR PERSON PARTICIPATED IN THE COMMISSION OF A
 12 MISDEMEANOR OR FELONY OFFENSE IN THIS STATE OR ANOTHER STATE, PROVIDED,
 13 HOWEVER, THAT IF SUCH OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE,
 14 THE COURT SHALL ONLY ISSUE A WARRANT IF THE CONDUCT COMPRISING SUCH
 15 OFFENSE WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR
 16 AGAINST THE LAWS OF THIS STATE; AND

17 (2) SHALL BE FURNISHED IN RESPONSE TO A SUBPOENA DUCES TECUM ISSUED BY
 18 A JUDGE OF COMPETENT JURISDICTION AND ISSUED PURSUANT TO ARTICLE 160
 19 HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW OR A JUDGE OR MAGISTRATE OF A
 20 FEDERAL COURT AUTHORIZED TO ISSUE SUCH A SUBPOENA DUCES TECUM UNDER
 21 FEDERAL LAW, WHERE THE JUDGE FINDS AND THE SUBPOENA STATES THAT THERE IS
 22 REASONABLE CAUSE TO BELIEVE SUCH INFORMATION IS RELEVANT AND MATERIAL TO
 23 THE PROSECUTION, OR THE DEFENSE, OR THE INVESTIGATION BY AN AUTHORITY
 24 LAW ENFORCEMENT OFFICIAL, OF THE ALLEGED COMMISSION OF A MISDEMEANOR OR
 25 FELONY IN THIS STATE OR ANOTHER STATE, PROVIDED, HOWEVER, THAT IF SUCH
 26 OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, SUCH JUDGE OR MAGISTRATE
 27 SHALL ONLY ISSUE SUCH SUBPOENA IF THE CONDUCT COMPRISING SUCH OFFENSE
 28 WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY
 29 AGAINST THE LAWS OF THIS STATE; AND

30 (3) MAY, IF LAWFULLY OBTAINED PURSUANT TO THIS CLAUSE AND CLAUSE (2)
 31 OF THIS SUBPARAGRAPH AND OTHERWISE ADMISSIBLE, BE USED IN SUCH ACTION OR
 32 PROCEEDING.

33 (B) IF THE COUNTIES OF NASSAU AND SUFFOLK ESTABLISH A DEMONSTRATION
 34 PROGRAM PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A
 35 VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION
 36 IF SUCH VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER,
 37 EXPRESS OR IMPLIED, WITHIN A SCHOOL SPEED ZONE IN VIOLATION OF SUBDIVISION
 38 (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR DURING A SCHOOL
 39 TIMES AUTHORIZED PURSUANT TO SUBDIVISION (A) OF THIS SECTION,
 40 VIOLATION OF SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
 EIGHTY OF THIS ARTICLE, SUCH VEHICLE WAS TRAVELING AT A SPEED

41 THAN TEN MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT
42 SUCH SCHOOL SPEED ZONE, AND SUCH VIOLATION IS EVIDENCED BY INFO
43 OBTAINED FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM; PROVIDED
44 ER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY
45 PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE IS
46 CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (B), (C), (D)
47 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

48 (C) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
49 FOLLOWING MEANINGS:

50 1. "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" OR "MUTCD" SHALL
51 MEAN THE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC
52 DEVICES MAINTAINED BY THE COMMISSIONER OF TRANSPORTATION PURSUANT
53 TO SECTION SIXTEEN HUNDRED EIGHTY OF THIS CHAPTER;

54 2. "OWNER" SHALL HAVE THE MEANING PROVIDED IN ARTICLE TWO-B
55 CHAPTER.

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1 3. "PHOTO SPEED VIOLATION MONITORING SYSTEM" SHALL MEAN A
2 SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A SPEED MEASURING
3 DEVICE WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE
4 PHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE
5 EACH TIME IT IS USED OR OPERATED IN A SCHOOL SPEED ZONE IN VIOLATION
6 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
7 EIGHTY OF THIS ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

8 4. "SCHOOL SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE
9 HUNDRED AND THIRTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING
10 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY.

11 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED
12 IN THE COUNTIES OF NASSAU OR SUFFOLK AS APPLICABLE, OR A FACSIMILE
13 BASED UPON INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEO
14 OR OTHER RECORDED IMAGES PRODUCED BY A PHOTO SPEED VIOLATION MONITORING
15 SYSTEM, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED IN
16 ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
17 IMAGES EVIDENCING SUCH A VIOLATION SHALL INCLUDE AT LEAST TWO DATE AND
18 STAMPED IMAGES OF THE REAR OF THE MOTOR VEHICLE THAT INCLUDE A
19 STATIONARY OBJECT NEAR THE MOTOR VEHICLE AND SHALL BE AVAILABLE FOR
20 INSPECTION REASONABLY IN ADVANCE OF AND AT ANY PROCEEDING TO ADJUDICATE
21 THE LIABILITY FOR SUCH VIOLATION PURSUANT TO THIS SECTION.

22 (E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (B), (C), (D)
23 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO A
24 DEMONSTRATION PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL NOT BE
25 LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES
26 AND PENALTIES TO BE PROMULGATED BY THE TRAFFIC AND PARKING VIOLATION
27 AGENCIES OF THE COUNTIES OF NASSAU AND SUFFOLK. THE LIABILITY OF THE
28 OWNER PURSUANT TO THIS SECTION SHALL NOT EXCEED FIFTY DOLLARS PER
29 VIOLATION; PROVIDED, HOWEVER, THAT EACH SUCH TRAFFIC AND PARKING
30 VIOLATION AGENCY MAY PROVIDE FOR AN ADDITIONAL PENALTY NOT IN EXCESS OF
31 TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO
32 NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

33 (F) AN IMPOSITION OF LIABILITY UNDER THE DEMONSTRATION PROGRAM
34 ESTABLISHED PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION
35 OF THE OPERATOR AND SHALL NOT BE MADE PART OF THE OPERATING RECORD OF ANY
36 PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR SHALL IT BE USED FOR
37 INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

38 (G) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH
39 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
40 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS
41 ARTICLE PURSUANT TO THIS SECTION, WITHIN FOURTEEN BUSINESS DAYS

42 OWNER IS A RESIDENT OF THIS STATE AND WITHIN FORTY-FIVE BUSINESS
43 SUCH OWNER IS A NON-RESIDENT. PERSONAL DELIVERY ON THE OWNER SH/
44 BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED
45 ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE
46 CONTAINED THEREIN.

47 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS
48 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBD
49 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF TH
50 CLE PURSUANT TO THIS SECTION, THE REGISTRATION NUMBER OF THE
51 INVOLVED IN SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATIO
52 PLACE, THE DATE AND TIME OF SUCH VIOLATION, THE IDENTIFICATION NU
53 THE CAMERA WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT
54 NUMBER, AT LEAST TWO DATE AND TIME STAMPED IMAGES OF THE REAR
55 MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR TH
56 VEHICLE, AND THE CERTIFICATE CHARGING THE LIABILITY.

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1 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVIS
2 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY
3 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY
4 ALSO CONTAIN A PROMINENT WARNING TO ADVISE THE PERSON CHARGED TH
5 URE TO CONTEST IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN
6 SION OF LIABILITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THE

7 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE
8 OF NASSAU OR SUFFOLK, AS APPLICABLE, OR BY ANY OTHER ENTITY AUT
9 BY SUCH COUNTIES TO PREPARE AND MAIL SUCH NOTICE OF LIABILITY.

10 (H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS OF THIS
11 SHALL BE BY THE COURT HAVING JURISDICTION OVER TRAFFIC INFRACTION

12 (I) IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT
13 SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE OR THE NUMBE
14 OR PLATES OF SUCH VEHICLE WAS REPORTED TO THE POLICE DEPART
15 HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO AN ALLEGED
16 LIABILITY FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OF
17 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS
18 THAT THE VEHICLE OR THE NUMBER PLATE OR PLATES OF SUCH VEHICLE H
19 REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE VI
20 OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURP
21 ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION, IT SHALL BE
22 CIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN
23 OR NUMBER PLATE OR PLATES OF SUCH VEHICLE BE SENT BY FIRST CLASS
24 THE COURT HAVING JURISDICTION IN SUCH COUNTIES.

25 (J) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF
26 ITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL
27 LIABLE FOR THE VIOLATION OF SUBDIVISION (B), (C), (D), (F) OF
28 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, PROVIDED THAT HE
29 SENDS TO THE COURT HAVING JURISDICTION A COPY OF THE RENTAL, I
30 OTHER SUCH CONTRACT DOCUMENT COVERING SUCH VEHICLE ON THE DATE
31 VIOLATION, WITH THE NAME AND ADDRESS OF THE LESSEE CLEARLY I
32 WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM THE COURT
33 DATE AND TIME OF SUCH VIOLATION, TOGETHER WITH THE OTHER INFO
34 CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY. FAILURE TO SEN
35 INFORMATION WITHIN SUCH THIRTY-SEVEN DAY TIME PERIOD SHALL REN
36 OWNER LIABLE FOR THE PENALTY PRESCRIBED BY THIS SECTION. WHE
37 LESSOR COMPLIES WITH THE PROVISIONS OF THIS PARAGRAPH, THE LE
38 SUCH VEHICLE ON THE DATE OF SUCH VIOLATION SHALL BE DEEMED TO
39 OWNER OF SUCH VEHICLE FOR PURPOSES OF THIS SECTION, SHALL BE SUE
40 LIABILITY FOR THE VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR
41 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS

42 AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO SUBDIVISION
43 THIS SECTION.

44 (K) 1. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C)
45 OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO
46 SECTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME
47 VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION
48 THE OPERATOR.

49 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWN
50 VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO
51 SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE
52 OUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR OPERATED
53 VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF
54 ELEVEN HUNDRED EIGHTY OF THIS ARTICLE. FOR PURPOSES OF THIS SUBSECTION
55 THERE SHALL BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS
56 ATING SUCH VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME SUCH
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1 TOR OPERATED SUCH VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D)
2 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

3 (L) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY
4 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (C)
5 OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

6 (M) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE NET PROCEEDS OF
7 PENALTY AFTER EXPENSES OF ADMINISTRATION, RESULTING FROM A PHOTO
8 VIOLATION MONITORING SYSTEM USED IN THE COURSE OF THIS PROGRAM
9 ON A VILLAGE MAINTAINED STREET OR HIGHWAY WITHIN THE COUNTY OF
10 SHALL INURE TO SAID VILLAGE.

11 (N) IF EITHER COUNTY ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO
12 SECTION IT SHALL CONDUCT A STUDY AND SUBMIT A REPORT ON THE RESULTS
13 THE USE OF PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF
14 SENATE AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE

15 1. THE LOCATIONS WHERE AND DATES WHEN PHOTO SPEED VIOLATION MONITORING
16 SYSTEMS WERE USED;

17 2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATAL
18 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN ALL SCHOOL SPEED ZONE
19 WITHIN SUCH COUNTY, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE
20 DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;

21 3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATAL
22 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN SCHOOL SPEED ZONE
23 PHOTO SPEED VIOLATION MONITORING SYSTEMS WERE USED, TO THE EXTENT THE
24 INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS
25 STATE;

26 4. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONE
27 WITHIN SUCH COUNTY, IN THE AGGREGATE ON A DAILY, WEEKLY AND
28 BASIS;

29 5. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE
30 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED, IN THE AGGREGATE
31 ON A DAILY, WEEKLY AND MONTHLY BASIS;

32 6. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONE
33 WITHIN SUCH COUNTY THAT WERE:

34 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE
35 POSTED SPEED LIMIT;

36 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE
37 POSTED SPEED LIMIT;

38 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE
39 POSTED SPEED LIMIT; AND

40 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;
41 7. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE

42 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED THAT WERE
 43 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR (

44 POSTED SPEED LIMIT;

45 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR (

46 POSTED SPEED LIMIT;

47 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR (

48 POSTED SPEED LIMIT; AND

49 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT

50 8. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED FOR VIOLATIONS
 51 RECORDED BY SUCH SYSTEMS;

52 9. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER THE
 53 NOTICE OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;

54 10. THE NUMBER OF VIOLATIONS ADJUDICATED AND THE RESULTS OF SUCH
 55 ADJUDICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS
 56 RECORDED BY SUCH SYSTEMS;

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1 11. THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH COUNTY IN CONNECTION
 2 WITH THE PROGRAM;

3 12. THE EXPENSES INCURRED BY SUCH COUNTY IN CONNECTION WITH THE PROGRAM;
 4 AND

5 13. THE QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

6 (O) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF
 7 SECTION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY-
 8 THIS ARTICLE PURSUANT TO THIS SECTION THAT SUCH PHOTO SPEED VIOLATION
 9 MONITORING SYSTEM WAS MALFUNCTIONING AT THE TIME OF THE
 10 VIOLATION.

11 S 3. The opening paragraph and paragraph (c) of subdivision
 12 section 1809 of the vehicle and traffic law, as amended by section 1809
 13 chapter 189 of the laws of 2013, are amended to read as follows:

14 whenever proceedings in an administrative tribunal or a court of
 15 state result in a conviction for an offense under this chapter for a
 16 traffic infraction under this chapter, or a local law, ordinance or
 17 regulation adopted pursuant to this chapter, other than a traffic
 18 infraction involving standing, stopping, or parking or violation involving
 19 pedestrians or bicyclists, or other than an adjudication of liability of
 20 an owner for a violation of subdivision (d) of section eleven hundred
 21 eleven of this chapter in accordance with section eleven hundred
 22 eleven-a of this chapter, or other than an adjudication of liability of
 23 an owner for a violation of subdivision (d) of section eleven hundred
 24 eleven of this chapter in accordance with section eleven hundred
 25 eleven-b of this chapter, or other than an adjudication in accordance
 26 with section eleven hundred eleven-c of this chapter for a violation of
 27 a bus lane restriction as defined in such section, or other than an
 28 adjudication of liability of an owner for a violation of subdivision
 29 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
 30 chapter in accordance with section eleven hundred eighty-b of this
 31 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION
 32 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
 33 EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
 34 EIGHTY-C OF THIS CHAPTER, there shall be levied a crime victim assistance
 35 and a mandatory surcharge, in addition to any sentence required by law
 36 permitted by law, in accordance with the following schedule:

37 (c) whenever proceedings in an administrative tribunal or a court of
 38 state result in a conviction for an offense under this chapter, or other
 39 other than a crime pursuant to section eleven hundred ninety-two of this
 40 chapter, or a traffic infraction under this chapter, or a local law,
 41 ordinance, rule or regulation adopted pursuant to this chapter,

42 than a traffic infraction involving standing, stopping, or parking
 43 violations by pedestrians or bicyclists, or other than an adjudication
 44 of liability of an owner for a violation of subdivision (d) of
 45 eleven hundred eleven of this chapter in accordance with section
 46 hundred eleven-a of this chapter, or other than an adjudication of
 47 liability of an owner for a violation of subdivision (d) of
 48 eleven hundred eleven of this chapter in accordance with section
 49 hundred eleven-b of this chapter, or other than an infraction pursuant
 50 to article nine of this chapter or other than an adjudication of liability
 51 of an owner for a violation of toll collection regulations pursuant
 52 to section two thousand nine hundred eighty-five of the public assistance
 53 law or sections sixteen-a, sixteen-b and sixteen-c of chapter eleven
 54 hundred seventy-four of the laws of nineteen hundred fifty or other than
 55 an adjudication in accordance with section eleven hundred eleven of
 56 this chapter for a violation of a bus lane restriction as defined in section
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1 such section, or other than an adjudication of liability of an owner for
 2 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
 3 hundred eighty of this chapter in accordance with section eleven hundred
 4 eighty-b of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN
 5 OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
 6 ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
 7 HUNDRED EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory
 8 victim assistance fee in the amount of five dollars and a mandatory
 9 surcharge, in addition to any sentence required or permitted by law, in the
 10 amount of fifty-five dollars.

11 S 3-a. Subdivision 1 of section 1809 of the vehicle and traffic laws
 12 as amended by section 11-a of chapter 189 of the laws of 2013 shall be
 13 amended to read as follows:

14 1. Whenever proceedings in an administrative tribunal or a court of
 15 this state result in a conviction for a crime under this chapter or a
 16 traffic infraction under this chapter, or a local law, ordinance, regulation
 17 or regulation adopted pursuant to this chapter, other than a traffic
 18 infraction involving standing, stopping, parking or motor vehicle
 19 accident or violations by pedestrians or bicyclists, or other than an
 20 adjudication of liability of an owner for a violation of subdivision (d) of
 21 section eleven hundred eleven of this chapter in accordance with section
 22 eleven hundred eleven-a of this chapter, or other than an adjudication
 23 of liability of an owner for a violation of subdivision (d) of
 24 eleven hundred eleven of this chapter in accordance with section
 25 hundred eleven-b of this chapter, or other than an adjudication in
 26 accordance with section eleven hundred eleven-c of this chapter for a
 27 violation of a bus lane restriction as defined in such section, or other
 28 than an adjudication of liability of an owner for a violation of subdivision
 29 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this
 30 chapter in accordance with section eleven hundred eighty-b of this
 31 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A
 32 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
 33 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
 34 HUNDRED EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge
 35 in addition to any sentence required or permitted by law, in the amount
 36 of twenty-five dollars.

37 S 3-b. Subdivision 1 of section 1809 of the vehicle and traffic laws
 38 as amended by section 11-b of chapter 189 of the laws of 2013 shall be
 39 amended to read as follows:

40 1. Whenever proceedings in an administrative tribunal or a court of
 41 this state result in a conviction for a crime under this chapter or a

42 traffic infraction under this chapter other than a traffic infraction
 43 involving standing, stopping, parking or motor vehicle equipment
 44 violations by pedestrians or bicyclists, or other than an adjudication
 45 in accordance with section eleven hundred eleven-c of this chapter
 46 violation of a bus lane restriction as defined in such section, or
 47 than an adjudication of liability of an owner for a violation of
 48 vision (b), (c), (d), (f) or (g) of section eleven hundred eighty
 49 this chapter in accordance with section eleven hundred eighty-b
 50 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER
 51 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
 52 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
 53 EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge
 54 in addition to any sentence required or permitted by law, in the
 55 of seventeen dollars.

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1 S 3-c. Subdivision 1 of section 1809 of the vehicle and traffic
 2 as amended by section 11-c of chapter 189 of the laws of 2013
 3 amended to read as follows:

4 1. Whenever proceedings in an administrative tribunal or a court
 5 this state result in a conviction for a crime under this chapter
 6 traffic infraction under this chapter other than a traffic infraction
 7 involving standing, stopping, parking or motor vehicle equipment
 8 violations by pedestrians or bicyclists, or other than an adjudication
 9 of liability of an owner for a violation of subdivision (b), (c),
 10 (f) or (g) of section eleven hundred eighty of this chapter in
 11 accordance with section eleven hundred eighty-b of this chapter, OR OTHER
 12 AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI
 13 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS
 14 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CH
 15 there shall be levied a mandatory surcharge, in addition to any sentence
 16 required or permitted by law, in the amount of seventeen dollars.

17 S 3-d. Subdivision 1 of section 1809 of the vehicle and traffic
 18 as separately amended by chapter 16 of the laws of 1983 and chapter
 19 of the laws of 1989, is amended to read as follows:

20 1. Whenever proceedings in an administrative tribunal or a court
 21 this state result in a conviction for a crime under this chapter
 22 traffic infraction under this chapter other than a traffic infraction
 23 involving standing, stopping, parking or motor vehicle equipment
 24 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDI
 25 OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C)
 26 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
 27 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, there
 28 shall be levied a mandatory surcharge, in addition to any sentence requ
 29 permitted by law, in the amount of seventeen dollars.

30 S 4. Paragraph a of subdivision 1 of section 1809-e of the vehi
 31 traffic law, as amended by section 12-a of chapter 189 of the
 32 2013, is amended to read as follows:

33 a. Notwithstanding any other provision of law, whenever proceed
 34 a court or an administrative tribunal of this state result in a
 35 conviction for an offense under this chapter, except a conviction
 36 pursuant to section eleven hundred ninety-two of this chapter, or for
 37 a traffic infraction under this chapter, or a local law, ordinance, or
 38 regulation adopted pursuant to this chapter, except a traffic infraction
 39 involving standing, stopping, or parking or violations by pedestri
 40 bicyclists, and except an adjudication of liability of an owner for
 41 violation of subdivision (d) of section eleven hundred eleven-c of
 42 this chapter in accordance with section eleven hundred eleven-a of th

43 ter, and except an adjudication of liability of an owner for a v
 44 of subdivision (d) of section eleven hundred eleven of this cha
 45 accordance with section eleven hundred eleven-b of this chapt
 46 except an adjudication in accordance with section eleven
 47 eleven-c of this chapter of a violation of a bus lane restrict
 48 defined in such section, and [expect] EXCEPT an adjudication of
 49 ity of an owner for a violation of subdivision (b), (c), (d), (f)
 50 of section eleven hundred eighty of this chapter in accordanc
 51 section eleven hundred eighty-b of this chapter, AND EXCEPT AN
 52 CATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (E
 53 (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP
 54 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPT
 55 except an adjudication of liability of an owner for a violation o
 56 collection regulations pursuant to section two thousand nine
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1 eighty-five of the public authorities law or sections six
 2 sixteen-b and sixteen-c of chapter seven hundred seventy-four
 3 laws of nineteen hundred fifty, there shall be levied in additio
 4 sentence, penalty or other surcharge required or permitted by
 5 additional surcharge of twenty-eight dollars.

6 S 4-a. Paragraph a of subdivision 1 of section 1809-e of the
 7 and traffic law, as amended by section 12-b of chapter 189 of 1
 8 of 2013, is amended to read as follows:

9 a. Notwithstanding any other provision of law, whenever proceed
 10 a court or an administrative tribunal of this state result
 11 conviction for an offense under this chapter, except a conviction
 12 ant to section eleven hundred ninety-two of this chapter, or for
 13 fic infraction under this chapter, or a local law, ordinance,
 14 regulation adopted pursuant to this chapter, except a traffic inf
 15 involving standing, stopping, or parking or violations by pedestr
 16 bicyclists, and except an adjudication of liability of an owner
 17 violation of subdivision (d) of section eleven hundred eleven
 18 chapter in accordance with section eleven hundred eleven-a of th
 19 ter, and except an adjudication in accordance with section
 20 hundred eleven-c of this chapter of a violation of a bu
 21 restriction as defined in such section, and except an adjudical
 22 liability of an owner for a violation of subdivision (b), (c), (f)
 23 or (g) of section eleven hundred eighty of this chapter in acc
 24 with section eleven hundred eighty-b of this chapter, AND EX
 25 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI
 26 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF TH
 27 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS C
 28 and except an adjudication of liability of an owner for a violat
 29 toll collection regulations pursuant to section two thousa
 30 hundred eighty-five of the public authorities law or sections six
 31 sixteen-b and sixteen-c of chapter seven hundred seventy-four
 32 laws of nineteen hundred fifty, there shall be levied in additio
 33 sentence, penalty or other surcharge required or permitted by
 34 additional surcharge of twenty-eight dollars.

35 S 4-b. Paragraph a of subdivision 1 of section 1809-e of the
 36 and traffic law, as amended by section 12-c of chapter 189 of 1
 37 of 2013, is amended to read as follows:

38 a. Notwithstanding any other provision of law, whenever proceed
 39 a court or an administrative tribunal of this state result
 40 conviction for an offense under this chapter, except a conviction
 41 ant to section eleven hundred ninety-two of this chapter, or for
 42 fic infraction under this chapter, or a local law, ordinance,

43 regulation adopted pursuant to this chapter, except a traffic inf
 44 involving standing, stopping, or parking or violations by pedestri
 45 bicyclists, and except an adjudication of liability of an owner
 46 violation of subdivision (d) of section eleven hundred eleven
 47 chapter in accordance with section eleven hundred eleven-a of thi
 48 ter, and except an adjudication of liability of an owner for a v
 49 of subdivision (b), (c), (d), (f) or (g) of section eleven
 50 eighty of this chapter in accordance with section eleven hundrec
 51 y-b of this chapter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF A
 52 FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF
 53 ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
 54 HUNDRED EIGHTY-C OF THIS CHAPTER, and except an adjudication of
 55 ity of an owner for a violation of toll collection regulations p
 56 to section two thousand nine hundred eighty-five of the public a
 S. 6918 15

1 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapte
 2 hundred seventy-four of the laws of nineteen hundred fifty, ther
 3 be levied in addition to any sentence, penalty or other su
 4 required or permitted by law, an additional surcharge of twent
 5 dollars.

6 S 4-c. Paragraph a of subdivision 1 of section 1809-e of the
 7 and traffic law, as added by section 5 of part C of chapter 5
 8 laws of 2013, is amended to read as follows:

9 a. Notwithstanding any other provision of law, whenever proceed
 10 a court or an administrative tribunal of this state result
 11 conviction for an offense under this chapter, except a conviction
 12 ant to section eleven hundred ninety-two of this chapter, or for
 13 fic infraction under this chapter, or a local law, ordinance,
 14 regulation adopted pursuant to this chapter, except a traffic inf
 15 involving standing, stopping, or parking or violations by pedestri
 16 bicyclists, and except an adjudication of liability of an owner
 17 violation of subdivision (d) of section eleven hundred eleven
 18 chapter in accordance with section eleven hundred eleven-a of thi
 19 ter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VI
 20 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
 21 EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
 22 Y-C OF THIS CHAPTER, and except an adjudication of liability of a
 23 for a violation of toll collection regulations pursuant to secti
 24 thousand nine hundred eighty-five of the public authorities
 25 sections sixteen-a, sixteen-b and sixteen-c of chapter seven
 26 seventy-four of the laws of nineteen hundred fifty, there s
 27 levied in addition to any sentence, penalty or other surcharge p
 28 or permitted by law, an additional surcharge of twenty-eight dol

29 S 5. Subdivision 2 of section 87 of the public officers law is
 30 by adding a new paragraph (n) to read as follows:

31 (N) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER P
 32 IMAGES PREPARED UNDER THE AUTHORITY OF SECTION ELEVEN HUNDRED E
 33 OF THE VEHICLE AND TRAFFIC LAW.

34 S 6. Subdivision 2 of section 371 of the general municipal
 35 amended by section 21 of part G of chapter 58 of the laws of 20
 36 amended to read as follows:

37 2. The Nassau county traffic and parking violations agency, as
 38 lished, may be authorized to assist the Nassau county district co
 39 the disposition and administration of infractions of traffic and
 40 laws, ordinances, rules and regulations and the liability of ow
 41 violations of subdivision (d) of section eleven hundred eleven
 42 vehicle and traffic law in accordance with section eleven

43 eleven-b of such law[,] AND THE LIABILITY OF OWNERS FOR VIOLATI
 44 SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
 45 OF THE VEHICLE AND TRAFFIC LAW IN ACCORDANCE WITH SECTION ELEVEN
 46 EIGHTY-C OF SUCH LAW, except that such agency shall not have ju
 47 tion over (a) the traffic infraction defined under subdivision
 48 section eleven hundred ninety-two of the vehicle and traffic la
 49 the traffic infraction defined under subdivision five of section
 50 hundred ninety-two of the vehicle and traffic law; (c) the v
 51 defined under paragraph (b) of subdivision four of section fourte
 52 the transportation law and the violation defined under clause
 53 subparagraph (iii) of paragraph c of subdivision two of secti
 54 hundred forty of the transportation law; (d) the traffic inf
 55 defined under section three hundred ninety-seven-a of the vehic
 56 traffic law and the traffic infraction defined under subdivision
 S. 6918 16

1 section eleven hundred eighty of the vehicle and traffic law; (i
 2 misdemeanor or felony; or (f) any offense that is part of the sam
 3 inal transaction, as that term is defined in subdivision two of
 4 40.10 of the criminal procedure law, as a violation of subdivis
 5 of section eleven hundred ninety-two of the vehicle and traffic
 6 violation of subdivision five of section eleven hundred ninety
 7 the vehicle and traffic law, a violation of paragraph (b) of subc
 8 four of section fourteen-f of the transportation law, a violat
 9 clause (b) of subparagraph (iii) of paragraph d of subdivision
 10 section one hundred forty of the transportation law, a violat
 11 section three hundred ninety-seven-a of the vehicle and traffic
 12 violation of subdivision (g) of section eleven hundred eighty
 13 vehicle and traffic law or any misdemeanor or felony.

14 s 7. Subdivision 2 of section 371 of the general municipal
 15 amended by chapter 388 of the laws of 2012, is amended to r
 16 follows:

17 2. The Nassau county traffic and parking violations agency, as
 18 lished, may be authorized to assist the Nassau county district
 19 and the Suffolk county traffic and parking violations agency, as
 20 lished, may be authorized to assist the Suffolk county district
 21 in the disposition and administration of infractions of traf
 22 parking laws, ordinances, rules and regulations and the liabi
 23 owners for violations of subdivision (d) of section eleven hundre
 24 en of the vehicle and traffic law in accordance with section
 25 hundred eleven-b of such law[,] AND THE LIABILITY OF OWNE
 26 VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
 27 HUNDRED EIGHTY OF THE VEHICLE AND TRAFFIC LAW IN ACCORDANCE WITH
 28 ELEVEN HUNDRED EIGHTY-C OF SUCH LAW, except that such agencies sh
 29 have jurisdiction over (a) the traffic infraction defined under s
 30 sion one of section eleven hundred ninety-two of the vehicle and
 31 law; (b) the traffic infraction defined under subdivision 1
 32 section eleven hundred ninety-two of the vehicle and traffic
 33 the violation defined under paragraph (b) of subdivision four of
 34 fourteen-f of the transportation law and the violation defined
 35 clause (b) of subparagraph (iii) of paragraph c of subdivision
 36 section one hundred forty of the transportation law; (d) the
 37 infraction defined under section three hundred ninety-seven-a
 38 vehicle and traffic law and the traffic infraction defined under
 39 vision (g) of section eleven hundred eighty of the vehicle and
 40 law; (e) any misdemeanor or felony; or (f) any offense that is p
 41 the same criminal transaction, as that term is defined in subc
 42 two of section 40.10 of the criminal procedure law, as a violat

43 subdivision one of section eleven hundred ninety-two of the vehi
 44 traffic law, a violation of subdivision five of section eleven
 45 ninety-two of the vehicle and traffic law, a violation of paragr
 46 of subdivision four of section fourteen-f of the transportation
 47 violation of clause (b) of subparagraph (iii) of paragraph c of s
 48 sion two of section one hundred forty of the transportation
 49 violation of section three hundred ninety-seven-a of the vehic
 50 traffic law, a violation of subdivision (g) of section eleven
 51 eighty of the vehicle and traffic law or any misdemeanor or felon
 52 S 8. Subdivision 3 of section 371 of the general municipal
 53 amended by chapter 496 of the laws of 1990, is amended to
 54 follows:

55 3. A person charged with an infraction which shall be disposed
 56 either a traffic violations bureau or the Nassau county traf
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1 parking violations agency, may be permitted to answer, within a
 2 fied time, at the traffic violations bureau, and in Nassau county
 3 traffic and parking violations agency, either in person or by
 4 power of attorney in such form as may be prescribed in the ordi
 5 local law creating the bureau or agency, by paying a prescribe
 6 and, in writing, waiving a hearing in court, pleading guilty
 7 charge or admitting liability as an owner for the violation of s
 8 sion (d) of section eleven hundred eleven of the vehicle and
 9 law, OR ADMITTING LIABILITY AS AN OWNER FOR THE VIOLATION OF SUBD
 10 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THE
 11 CLE AND TRAFFIC LAW, as the case may be, and authorizing the pe
 12 charge of the bureau or agency to enter such a plea or admissi
 13 accept payment of said fine. Acceptance of the prescribed fine ar
 14 of attorney by the bureau or agency shall be deemed complete sa
 15 tion for the violation or of the liability, and the violator or
 16 liable for a violation of subdivision (d) of section eleven
 17 eleven of the vehicle and traffic law OR OWNER LIABLE FOR A VIOLA
 18 SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
 19 OF THE VEHICLE AND TRAFFIC LAW shall be given a receipt which so
 20 If a person charged with a traffic violation does not ar
 21 hereinbefore prescribed, within a designated time, the bureau or
 22 may cause a complaint to be entered against him forthwith and a
 23 to be issued for his arrest and appearance before the court
 24 summons to be predicated upon the personal service of said summo
 25 the person charged with the infraction. Any person who shall have
 26 within the preceding twelve months, guilty of a number of
 27 violations in excess of such maximum number as may be designated
 28 court, or of three or more violations other than parking vio
 29 shall not be permitted to appear and answer to a subsequent viola
 30 the traffic violations bureau or agency, but must appear in court
 31 time specified by the bureau or agency. Such bureau or agency sh
 32 be authorized to deprive a person of his right to counsel or to
 33 him from exercising his right to appear in court to answer to, e
 34 or defend any charge of a violation of any traffic law, ordinance
 35 or regulation.

36 S 9. Subdivision 3 of section 371 of the general municipal
 37 amended by chapter 388 of the laws of 2012, is amended to r
 38 follows:

39 3. A person charged with an infraction which shall be dispose
 40 either a traffic violations bureau, the Nassau county traffic and
 41 ing violations agency, or the Suffolk county traffic and
 42 violations agency may be permitted to answer, within a specified

43 at the traffic violations bureau, in Nassau county at the traf
 44 parking violations agency and in Suffolk county at the traffic ar
 45 ing violations agency, either in person or by written power of a
 46 in such form as may be prescribed in the ordinance or local law o
 47 the bureau or agency, by paying a prescribed fine and, in writing
 48 ing a hearing in court, pleading guilty to the charge or ac
 49 liability as an owner for the violation of subdivision (d) of
 50 eleven hundred eleven of the vehicle and traffic law, OR AN
 51 LIABILITY AS AN OWNER FOR THE VIOLATION OF SUBDIVISION (B), (C)
 52 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THE VEHICLE AND
 53 LAW, as the case may be, and authorizing the person in charge
 54 bureau or agency to enter such a plea or admission and accept pay
 55 said fine. Acceptance of the prescribed fine and power of att
 56 the bureau or agency shall be deemed complete satisfaction i
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1 violation or of the liability, and the violator or owner liab
 2 violation of subdivision (d) of section eleven hundred eleven
 3 vehicle and traffic law OR OWNER LIABLE FOR A VIOLATION OF SUBI
 4 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF TH
 5 CLE AND TRAFFIC LAW shall be given a receipt which so states.
 6 person charged with a traffic violation does not answer as here
 7 prescribed, within a designated time, the bureau or agency may
 8 complaint to be entered against him forthwith and a warrant to be
 9 for his arrest and appearance before the court, such summons to k
 10 icated upon the personal service of said summons upon the person
 11 with the infraction. Any person who shall have been, within the
 12 ing twelve months, guilty of a number of parking violations in ex
 13 such maximum number as may be designated by the court, or of th
 14 more violations other than parking violations, shall not be perm
 15 appear and answer to a subsequent violation at the traffic vic
 16 bureau or agency, but must appear in court at a time specified
 17 bureau or agency. Such bureau or agency shall not be author
 18 deprive a person of his right to counsel or to prevent him from
 19 ing his right to appear in court to answer to, explain, or defe
 20 charge of a violation of any traffic law, ordinance, rule or regu
 21 S 10. The purchase or lease of equipment for a demonstration
 22 pursuant to section 1180-c of the vehicle and traffic law sh
 23 subject to the provisions of section 103 of the general municipa
 24 S 11. Paragraph 1 of subdivision (a) of section 1180-b of the
 25 and traffic law, as added by chapter 189 of the laws of 2013, is
 26 to read as follows:

27 1. Notwithstanding any other provision of law, the city of New
 28 hereby authorized to establish a demonstration program imposing n
 29 liability on the owner of a vehicle for failure of an operator
 30 to comply with posted maximum speed limits in a school speed zone
 31 the city (i) when a school speed limit is in effect as provided
 32 graphs one and two of subdivision (c) of section eleven hundrec
 33 of this article or (ii) when other speed limits are in efl
 34 provided in subdivision (b), (d), (f) or (g) of section eleven
 35 eighty of this article during the following times: (A) on schoo
 36 during school hours and one hour before and one hour after the
 37 day, and (B) a period during student activities at the school and
 38 thirty minutes immediately before and up to thirty minutes imme
 39 after such student activities. Such demonstration program shall
 40 the city to install photo speed violation monitoring systems w
 41 more than [twenty] ONE HUNDRED FORTY school speed zones within th
 42 at any one time and to operate such systems within such zones (i

43 a school speed limit is in effect as provided in paragraphs one
44 of subdivision (c) of section eleven hundred eighty of this art
45 (iv) when other speed limits are in effect as provided in subc
46 (b), (d), (f) or (g) of section eleven hundred eighty of this
47 during the following times: (A) on school days during school ho
48 one hour before and one hour after the school day, and (B) a
49 during student activities at the school and up to thirty minute
50 diately before and up to thirty minutes immediately after such
51 activities. In selecting a school speed zone in which to inst
52 operate a photo speed violation monitoring system, the city
53 consider criteria including, but not limited to the speed data
54 history, and the roadway geometry applicable to such school speed
55 s 12. This act shall take effect on the thirtieth day after it
56 have become a law and shall expire 4 years after such effect
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1 when upon such date the provisions of this act shall be deemed re
2 and provided further that any rules necessary for the implementat
3 this act on its effective date shall be promulgated on or befo
4 effective date, provided that:

5 (a) the amendments to subparagraph (i) of paragraph a of subc
6 5-a of section 401 of the vehicle and traffic law made by section
7 this act shall not affect the expiration of such paragraph and sh
8 deemed to expire therewith, when upon such date the provis
9 section one-a of this act shall take effect;

10 (b) the amendments to paragraph a of subdivision 5-a of section
11 the vehicle and traffic law made by section one-a of this act sh
12 affect the expiration of such paragraph and shall be deemed to
13 therewith, when upon such date the provisions of section one-b
14 act shall take effect;

15 (c) the amendments to paragraph a of subdivision 5-a of section
16 the vehicle and traffic law made by section one-b of this act sh
17 affect the expiration of such paragraph and shall be deemed to
18 therewith, when upon such date the provisions of section one-c
19 act shall take effect;

20 (d) the amendments to paragraph a of subdivision 5-a of section
21 the vehicle and traffic law made by section one-c of this act sh
22 affect the expiration of such paragraph and shall be deemed to
23 therewith, when upon such date the provisions of section one-d
24 act shall take effect;

25 (e) the amendments to subdivision 1 of section 1809 of the veh
26 traffic law made by section three of this act shall not affect th
27 ration of such subdivision and shall be deemed to expire therewit
28 upon such date the provisions of section three-a of this act sha
29 effect;

30 (f) the amendments to subdivision 1 of section 1809 of the veh
31 traffic law made by section three-a of this act shall not affe
32 expiration of such subdivision and shall be deemed to expire the
33 when upon such date the provisions of section three-b of this act
34 take effect;

35 (g) the amendments to subdivision 1 of section 1809 of the veh
36 traffic law made by section three-b of this act shall not aff
37 expiration of such subdivision and shall be deemed to expire the
38 when upon such date the provisions of section three-c of this ac
39 take effect;

40 (h) the amendments to subdivision 1 of section 1809 of the veh
41 traffic law made by section three-c of this act shall not affe
42 expiration of such subdivision and shall be deemed to expire the

43 when upon such date the provisions of section three-d of this act
44 take effect;

45 (i) the amendments to paragraph a of subdivision 1 of section
46 of the vehicle and traffic law made by section four of this act
47 not affect the expiration of such paragraph and shall be de
48 expire therewith, when upon such date the provisions of section
49 of this act shall take effect;

50 (j) the amendments to paragraph a of subdivision 1 of section
51 of the vehicle and traffic law made by section four-a of this act
52 not affect the expiration of such paragraph and shall be de
53 expire therewith, when upon such date the provisions of section
54 of this act shall take effect;

55 (k) the amendments to paragraph a of subdivision 1 of section
56 of the vehicle and traffic law made by section four-b of this act
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1 not affect the expiration of such paragraph and shall be de
2 expire therewith, when upon such date the provisions of section
3 of this act shall take effect;

4 (l) the amendments to subdivision 2 of section 371 of the
5 municipal law made by section seven of this act shall take effect
6 in the event that the county of Suffolk shall have by local law
7 lished a traffic and parking violations agency;

8 (m) the amendments to subdivision 3 of section 371 of the
9 municipal law made by section nine of this act shall take effect
10 the event that the county of Suffolk shall have by local law esta
11 a traffic and parking violations agency;

12 (n) the amendments to section 371 of the general municipal law
13 sections six, seven, eight and nine of this act shall not aff
14 expiration of such section and shall be deemed to expire therewit

15 (o) the amendments to subdivision (a) of section 1180-b of the
16 and traffic law made by section eleven of this act shall not affe
17 repeal of such section and shall be deemed repealed therewith.

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov



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(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

MEMORANDUM

DATE: April 4, 2014

TO: Tim Laube, Clerk of the Legislature

FROM: George Nolan, Counsel to the Legislature GN

RE: Home Rule Message, Requesting the State of New York to Authorize the County of Suffolk to Establish a Demonstration Program to Enforce Speed Limits in School Speed Zones by Means of Speed Limit Photo Devices (Assembly Bill No. A.9206 and Senate Bill No. S.06918)

Pursuant to the request of Legislator Schneiderman, enclosed please find the above referenced resolution for immediate filing.

GN:tm
Enclosure

cc: Hon. Jay Schneiderman, County Legislator, 2nd District

s:\let\cl-Home Rule School Speed Zones

Motion:

Krupski, ~~Schneiderman~~, Browning, Muratore, Hahn
 Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy
 Trotta, McCaffrey, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Krupski, Schneiderman, Browning, Muratore, Hahn
 Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy
 Trotta, McCaffrey, Gregory, Stern, D'Amaro, Spencer

Second:

Krupski, Schneiderman, Browning, Muratore, Hahn
 Anker, Calarco, Lindsay, Martinez, Cilmi, Barraga, Kennedy
 Trotta, McCaffrey, ~~Gregory~~, Stern, D'Amaro, Spencer

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

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

RESOLUTION DECLARED
ADOPTED
NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote _____