

7744--A

2009-2010 Regular Sessions

I N A S S E M B L Y

April 23, 2009

Introduced by M. of A. GLICK, BING, MILLMAN, GOTTFRIED -- Multi-Sponsored by -- M. of A. PHEFFER, TOWNS, WEISENBERG -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public officers law, in relation to establishing in each city with a population of one million or more a demonstration program to enforce maximum speed limits by means of speed limit photo devices; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 235 of the vehicle and traffic
2 law, as separately amended by sections 1 of chapters 20, 21, 22 and 383
3 of the laws of 2009, is amended to read as follows:
4 1. Notwithstanding any inconsistent provision of any general, special
5 or local law or administrative code to the contrary, in any city which
6 heretofore or hereafter is authorized to establish an administrative
7 tribunal to hear and determine complaints of traffic infractions consti-
8 tuting parking, standing or stopping violations, or to adjudicate the
9 liability of owners for violations of subdivision (d) of section eleven
10 hundred eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, or to adjudicate the liability of owners for
12 violations of subdivision (d) of section eleven hundred eleven of this
13 chapter in accordance with section eleven hundred eleven-b of this chap-
14 ter as added by section sixteen of [the chapter] CHAPTERS TWENTY, TWEN-
15 TY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two
16 thousand nine [which amended this subdivision], or to adjudicate the
17 liability of owners for violations of toll collection regulations as
18 defined in and in accordance with the provisions of section two thousand

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

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1 nine hundred eighty-five of the public authorities law and sections
2 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
3 of the laws of nineteen hundred fifty, OR TO ADJUDICATE LIABILITY OF
4 OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN

5 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
6 EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and regulations
7 pertaining thereto shall be constituted in substantial conformance with
8 the following sections.

9 S 1-a. Section 235 of the vehicle and traffic law, as separately
10 amended by sections 2 of chapters 20, 21, 22 and 383 of the laws of
11 2009, is amended to read as follows:

12 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any
13 general, special or local law or administrative code to the contrary, in
14 any city which heretofore or hereafter is authorized to establish an
15 administrative tribunal to hear and determine complaints of traffic
16 infractions constituting parking, standing or stopping violations, or to
17 adjudicate the liability of owners for violations of subdivision (d) of
18 section eleven hundred eleven of this chapter in accordance with section
19 eleven hundred eleven-a of this chapter, or to adjudicate the liability
20 of owners for violations of subdivision (d) of section eleven hundred
21 eleven of this chapter in accordance with section eleven hundred
22 eleven-b of this chapter as added by [section] SECTIONS sixteen of [the
23 chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED
24 EIGHTY-THREE of the laws of two thousand nine [which amended this
25 section], or to adjudicate the liability of owners for violations of
26 toll collection regulations as defined in and in accordance with the
27 provisions of section two thousand nine hundred eighty-five of the
28 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
29 of chapter seven hundred seventy-four of the laws of nineteen hundred
30 fifty, OR TO ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVI-
31 SIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
32 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such
33 tribunal and the rules and regulations pertaining thereto shall be
34 constituted in substantial conformance with the following sections.

35 S 1-b. Section 235 of the vehicle and traffic law, as separately
36 amended by sections 3 of chapters 20, 21, 22 and 383 of the laws of
37 2009, is amended to read as follows:

38 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any
39 general, special or local law or administrative code to the contrary, in
40 any city which heretofore or hereafter is authorized to establish an
41 administrative tribunal to hear and determine complaints of traffic
42 infractions constituting parking, standing or stopping violations, or to
43 adjudicate the liability of owners for violations of subdivision (d) of
44 section eleven hundred eleven of this chapter in accordance with section
45 eleven hundred eleven-b of this chapter as added by [section] SECTIONS
46 sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND
47 THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which
48 amended this section], or to adjudicate the liability of owners for
49 violations of toll collection regulations as defined in and in accord-
50 ance with the provisions of section two thousand nine hundred eighty-
51 five of the public authorities law and sections sixteen-a, sixteen-b and
52 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
53 hundred fifty, OR TO ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF
54 SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-
55 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER,
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1 such tribunal and the rules and regulations pertaining thereto shall be
2 constituted in substantial conformance with the following sections.

3 S 1-c. Section 235 of the vehicle and traffic law, as separately
4 amended by chapter 715 of the laws of 1972 and chapter 379 of the laws
5 of 1992, is amended to read as follows:

6 S 235. Jurisdiction. Notwithstanding any inconsistent provision of any
7 general, special or local law or administrative code to the contrary, in
8 any city which heretofore or hereafter is authorized to establish an
9 administrative tribunal to hear and determine complaints of traffic
10 infractions constituting parking, standing or stopping violations, or to
11 adjudicate the liability of owners for violations of toll collection
12 regulations as defined in and in accordance with the provisions of
13 section two thousand nine hundred eighty-five of the public authorities
14 law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven
15 hundred seventy-four of the laws of nineteen hundred fifty, OR TO ADJU-
16 DICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
17 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
18 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, such tribunal and the rules and
19 regulations pertaining thereto shall be constituted in substantial
20 conformance with the following sections.

21 S 2. Subdivision 1 of section 236 of the vehicle and traffic law, as
22 separately amended by sections 4 of chapters 20, 21, 22 and 383 of the
23 laws of 2009, is amended to read as follows:

24 1. Creation. In any city as hereinbefore or hereafter authorized such
25 tribunal when created shall be known as the parking violations bureau
26 and shall have jurisdiction of traffic infractions which constitute a
27 parking violation and, where authorized by local law adopted pursuant to
28 subdivision (a) of section eleven hundred eleven-a of this chapter or
29 subdivision (a) of section eleven hundred eleven-b of this chapter as
30 added by [section] SECTIONS sixteen of [the chapter] CHAPTERS TWENTY,
31 TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two
32 thousand nine [which amended this subdivision], shall adjudicate the
33 liability of owners for violations of subdivision (d) of section eleven
34 hundred eleven of this chapter in accordance with such section eleven
35 hundred eleven-a or such section eleven hundred eleven-b as added by
36 [section] SECTIONS sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,
37 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand
38 nine [which amended this subdivision] and shall adjudicate the liability
39 of owners for violations of toll collection regulations as defined in
40 and in accordance with the provisions of section two thousand nine
41 hundred eighty-five of the public authorities law and sections
42 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
43 of the laws of nineteen hundred fifty, AND SHALL ADJUDICATE LIABILITY OF
44 OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN
45 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
46 EIGHTY-B OF THIS CHAPTER. Such tribunal, except in a city with a popu-
47 lation of one million or more, shall also have jurisdiction of abandoned
48 vehicle violations. For the purposes of this article, a parking
49 violation is the violation of any law, rule or regulation providing for
50 or regulating the parking, stopping or standing of a vehicle. In addi-
51 tion for purposes of this article, "commissioner" shall mean and include
52 the commissioner of traffic of the city or an official possessing
53 authority as such a commissioner.

54 S 2-a. Subdivision 1 of section 236 of the vehicle and traffic law, as
55 separately amended by sections 5 of chapters 20, 21, 22 and 383 of the
56 laws of 2009, is amended to read as follows:

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1 1. Creation. In any city as hereinbefore or hereafter authorized such
2 tribunal when created shall be known as the parking violations bureau
3 and shall have jurisdiction of traffic infractions which constitute a
4 parking violation and, where authorized by local law adopted pursuant to
5 subdivision (a) of section eleven hundred eleven-b of this chapter as

6 added by [section] SECTIONS sixteen of [the chapter] CHAPTERS TWENTY,
7 TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two
8 thousand nine [which amended this subdivision], shall adjudicate the
9 liability of owners for violations of subdivision (d) of section eleven
10 hundred eleven of this chapter in accordance with such section eleven
11 hundred eleven-b as added by [section] SECTIONS sixteen of [the chapter]
12 CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE
13 of the laws of two thousand nine which amended this subdivision, AND
14 SHALL ADJUDICATE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVISIONS (C)
15 AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE
16 WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER. For the purposes
17 of this article, a parking violation is the violation of any law, rule
18 or regulation providing for or regulating the parking, stopping or
19 standing of a vehicle. In addition for purposes of this article,
20 "commissioner" shall mean and include the commissioner of traffic of the
21 city or an official possessing authority as such a commissioner.

22 S 2-b. Subdivision 1 of section 236 of the vehicle and traffic law, as
23 added by chapter 715 of the laws of 1972, is amended to read as follows:

24 1. Creation. In any city as hereinbefore or hereafter authorized such
25 tribunal when created shall be known as the parking violations bureau
26 and shall have jurisdiction of traffic infractions which constitute a
27 parking violation, AND SHALL ADJUDICATE LIABILITY OF OWNERS FOR
28 VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY
29 OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF
30 THIS CHAPTER. For the purposes of this article, a parking violation is
31 the violation of any law, rule or regulation providing for or regulating
32 the parking, stopping or standing of a vehicle. In addition for purposes
33 of this article, "commissioner" shall mean and include the commissioner
34 of traffic of the city or an official possessing authority as such a
35 commissioner.

36 S 3. Subdivision 11 of section 237 of the vehicle and traffic law, as
37 added by chapter 379 of the laws of 1992, is amended to read as follows:

38 11. To adjudicate the liability of owners for violations of toll
39 collection regulations as defined in and in accordance with the
40 provisions of section two thousand nine hundred eighty-five of the
41 public authorities law and sections sixteen-a, sixteen-b and sixteen-c
42 of chapter seven hundred seventy-four of the laws of nineteen hundred
43 fifty[.];

44 S 4. Section 237 of the vehicle and traffic law is amended by adding a
45 new subdivision 12 to read as follows:

46 12. TO ADJUDICATE THE LIABILITY OF OWNERS FOR VIOLATIONS OF SUBDIVI-
47 SIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
48 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

49 S 5. Paragraph f of subdivision 1 of section 239 of the vehicle and
50 traffic law, as separately amended by sections 8 of chapters 20, 21, 22
51 and 383 of the laws of 2009, is amended to read as follows:

52 f. "Notice of violation" means a notice of violation as defined in
53 subdivision nine of section two hundred thirty-seven of this article,
54 but shall not be deemed to include a notice of liability issued pursuant
55 to authorization set forth in section eleven hundred eleven-a of this
56 chapter or section eleven hundred eleven-b of this chapter as added by
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1 [section] SECTIONS sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,
2 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand
3 nine [which amended this paragraph], and shall not be deemed to include
4 a notice of liability issued pursuant to section two thousand nine
5 hundred eighty-five of the public authorities law and sections

6 sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four
7 of the laws of nineteen hundred fifty AND SHALL NOT BE DEEMED TO INCLUDE
8 A NOTICE OF LIABILITY PURSUANT TO SECTION ELEVEN HUNDRED EIGHTY-B OF
9 THIS CHAPTER.

10 S 5-a. Paragraph f of subdivision 1 of section 239 of the vehicle and
11 traffic law, as separately amended by sections 9 of chapters 20, 21, 22
12 and 383 of the laws of 2009, is amended to read as follows:

13 f. "Notice of violation" means a notice of violation as defined in
14 subdivision nine of section two hundred thirty-seven of this article but
15 shall not be deemed to include a notice of liability issued pursuant to
16 authorization set forth in section eleven hundred eleven-b of this chap-
17 ter as added by [section] SECTIONS sixteen of [the chapter] CHAPTERS
18 TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the
19 laws of two thousand nine [which amended this paragraph] AND SHALL NOT
20 BE DEEMED TO INCLUDE A NOTICE OF LIABILITY PURSUANT TO SECTION ELEVEN
21 HUNDRED EIGHTY-B OF THIS CHAPTER.

22 S 5-b. Paragraph f of subdivision 1 of section 239 of the vehicle and
23 traffic law, as added by chapter 180 of the laws of 1980, is amended to
24 read as follows:

25 f. "Notice of violation" means a notice of violation as defined in
26 subdivision nine of section two hundred thirty-seven of this article AND
27 SHALL NOT BE DEEMED TO INCLUDE A NOTICE OF LIABILITY PURSUANT TO SECTION
28 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER.

29 S 6. Subdivision 4 of section 239 of the vehicle and traffic law, as
30 amended by chapter 379 of the laws of 1992, is amended to read as
31 follows:

32 4. Applicability. The provisions of paragraph b of subdivision two and
33 subdivision three of this section shall not be applicable to determi-
34 nations of owner liability for the failure of an operator to comply with
35 subdivision (d) of section eleven hundred eleven of this chapter and
36 shall not be applicable to determinations of owner liability imposed
37 pursuant to section two thousand nine hundred eighty-five of the public
38 authorities law and sections sixteen-a, sixteen-b and sixteen-c of chap-
39 ter seven hundred seventy-four of the laws of nineteen hundred fifty AND
40 SHALL NOT BE APPLICABLE TO DETERMINATIONS OF OWNER LIABILITY FOR
41 VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF SECTION ELEVEN HUNDRED EIGHTY
42 OF THIS CHAPTER.

43 S 6-a. Section 239 of the vehicle and traffic law is amended by adding
44 a new subdivision 4 to read as follows:

45 4. APPLICABILITY. THE PROVISIONS OF PARAGRAPH B OF SUBDIVISION TWO AND
46 SUBDIVISION THREE OF THIS SECTION SHALL NOT BE APPLICABLE TO DETERMI-
47 NATIONS OF OWNER LIABILITY FOR VIOLATIONS OF SUBDIVISIONS (C) AND (D) OF
48 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER.

49 S 7. Subdivision 1 of section 240 of the vehicle and traffic law, as
50 separately amended by sections 10 of chapters 20, 21, 22 and 383 of the
51 laws of 2009, is amended to read as follows:

52 1. Notice of hearing. Whenever a person charged with a parking
53 violation enters a plea of not guilty or a person alleged to be liable
54 in accordance with section eleven hundred eleven-a of this chapter or
55 section eleven hundred eleven-b of this chapter as added by [section]
56 SECTIONS sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,
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1 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand
2 nine [which amended this paragraph subdivision], for a violation of
3 subdivision (d) of section eleven hundred eleven of this chapter
4 contests such allegation, or a person alleged to be liable in accordance
5 with the provisions of section two thousand nine hundred eighty-five of

6 the public authorities law or sections sixteen-a, sixteen-b and
7 sixteen-c of chapter seven hundred seventy-four of the laws of nineteen
8 hundred fifty, OR A PERSON ALLEGED TO BE LIABLE IN ACCORDANCE WITH THE
9 PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER FOR A
10 VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF
11 THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau shall advise such
12 person personally by such form of first class mail as the director may
13 direct of the date on which he or she must appear to answer the charge
14 at a hearing. The form and content of such notice of hearing shall be
15 prescribed by the director, and shall contain a warning to advise the
16 person so pleading or contesting that failure to appear on the date
17 designated, or on any subsequent adjourned date, shall be deemed an
18 admission of liability, and that a default judgment may be entered thereon.
19

20 S 7-a. Subdivision 1 of section 240 of the vehicle and traffic law, as
21 separately amended by sections 11 of chapters 20, 21, 22 and 383 of the
22 laws of 2009, is amended to read as follows:

23 1. Notice of hearing. Whenever a person charged with a parking
24 violation enters a plea of not guilty or a person alleged to be liable
25 in accordance with section eleven hundred eleven-b of this chapter as
26 added by [section] SECTIONS sixteen of [the chapter] CHAPTERS TWENTY,
27 TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two
28 thousand nine [which amended this subdivision] for a violation of subdivision
29 (d) of section eleven hundred eleven of this chapter contests
30 such allegation, OR A PERSON ALLEGED TO BE LIABLE IN ACCORDANCE WITH THE
31 PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER FOR A
32 VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF
33 THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau shall advise such
34 person personally by such form of first class mail as the director may
35 direct of the date on which he or she must appear to answer the charge
36 at a hearing. The form and content of such notice of hearing shall be
37 prescribed by the director, and shall contain a warning to advise the
38 person so pleading or contesting that failure to appear on the date
39 designated, or on any subsequent adjourned date, shall be deemed an
40 admission of liability, and that a default judgment may be entered thereon.
41

42 S 7-b. Subdivision 1 of section 240 of the vehicle and traffic law, as
43 added by chapter 715 of the laws of 1972, is amended to read as follows:

44 1. Notice of hearing. Whenever a person charged with a parking
45 violation enters a plea of not guilty, OR A PERSON ALLEGED TO BE LIABLE
46 IN ACCORDANCE WITH THE PROVISIONS OF SECTION ELEVEN HUNDRED EIGHTY-B OF
47 THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN
48 HUNDRED EIGHTY OF THIS CHAPTER CONTESTS SUCH ALLEGATION, the bureau
49 shall advise such person personally by such form of first class mail as
50 the director may direct of the date on which he must appear to answer
51 the charge at a hearing. The form and content of such notice of hearing
52 shall be prescribed by the director, and shall contain a warning to
53 advise the person so pleading that failure to appear on the date designated,
54 or on any subsequent adjourned date, shall be deemed an admission
55 of liability, and that a default judgment may be entered thereon.

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1 S 8. Subdivision 1-a of section 240 of the vehicle and traffic law, as
2 separately amended by sections 10 of chapters 20, 21, 22 and 383 of the
3 laws of 2009, is amended to read as follows:

4 1-a. Fines and penalties. Whenever a plea of not guilty has been
5 entered, or the bureau has been notified that an allegation of liability
6 in accordance with section eleven hundred eleven-a of this chapter or

7 section eleven hundred eleven-b of this chapter as added by [section]
8 SECTIONS sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,
9 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand
10 nine [which amended this subdivision] or an allegation of liability in
11 accordance with section two thousand nine hundred eighty-five of the
12 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
13 chapter seven hundred seventy-four of the laws of nineteen hundred fifty
14 OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
15 EIGHTY-B OF THIS CHAPTER, is being contested, by a person in a timely
16 fashion and a hearing upon the merits has been demanded, but has not yet
17 been held, the bureau shall not issue any notice of fine or penalty to
18 that person prior to the date of the hearing.

19 S 8-a. Subdivision 1-a of section 240 of the vehicle and traffic law,
20 as separately amended by sections 11 of chapters 20, 21, 22 and 383 of
21 the laws of 2009, is amended to read as follows:

22 1-a. Fines and penalties. Whenever a plea of not guilty has been
23 entered, or the bureau has been notified that an allegation of liability
24 in accordance with section eleven hundred eleven-b of this chapter, as
25 added by [section] SECTIONS sixteen of [the chapter] CHAPTERS TWENTY,
26 TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two
27 thousand nine which amended this subdivision, is being contested, OR AN
28 ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
29 Y-B OF THIS CHAPTER, by a person in a timely fashion and a hearing upon
30 the merits has been demanded, but has not yet been held, the bureau
31 shall not issue any notice of fine or penalty to that person prior to
32 the date of the hearing.

33 S 8-b. Subdivision 1-a of section 240 of the vehicle and traffic law,
34 as added by chapter 365 of the laws of the 1978, is amended to read as
35 follows:

36 1-a. Fines and penalties. Whenever a plea of not guilty has been
37 entered, OR THE BUREAU HAS BEEN NOTIFIED THAT AN ALLEGATION OF LIABILITY
38 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, IS
39 BEING CONTESTED, by a person in a timely fashion and a hearing upon the
40 merits has been demanded, but has not yet been held, the bureau shall
41 not issue any notice of fine or penalty to that person prior to the date
42 of the hearing.

43 S 9. Paragraphs a and g of subdivision 2 of section 240 of the vehicle
44 and traffic law, as separately amended by sections 10 of chapters 20,
45 21, 22 and 383 of the laws of 2009, are amended to read as follows:

46 a. Every hearing for the adjudication of a charge of parking violation
47 or an allegation of liability in accordance with section eleven hundred
48 eleven-a of this chapter or in accordance with section eleven hundred
49 eleven-b of this chapter as added by [section] SECTIONS sixteen of [the
50 chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED
51 EIGHTY-THREE of the laws of two thousand nine [which amended this para-
52 graph] or an allegation of liability in accordance with section two
53 thousand nine hundred eighty-five of the public authorities law or
54 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
55 seventy-four of the laws of nineteen hundred fifty OR AN ALLEGATION OF
56 LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS
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1 CHAPTER shall be held before a hearing examiner in accordance with rules
2 and regulations promulgated by the bureau.

3 g. A record shall be made of a hearing on a plea of not guilty or of a
4 hearing at which liability in accordance with section eleven hundred
5 eleven-a of this chapter or in accordance with section eleven hundred
6 eleven-b of this chapter as added by [section] SECTIONS sixteen of [the

7 chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED
8 EIGHTY-THREE of the laws of two thousand nine [which amended this para-
9 graph] is contested or of a hearing at which liability in accordance
10 with section two thousand nine hundred eighty-five of the public author-
11 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
12 seven hundred seventy-four of the laws of nineteen hundred fifty OR A
13 HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
14 EIGHTY-B OF THIS CHAPTER is contested. Recording devices may be used for
15 the making of the record.

16 S 9-a. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
17 cle and traffic law, as separately amended by sections 11 of chapters
18 20, 21, 22 and 383 of the laws of 2009, are amended to read as follows:

19 a. Every hearing for the adjudication of a charge of parking violation
20 or an allegation of liability in accordance with section eleven hundred
21 eleven-b of this chapter, as added by [section] SECTIONS sixteen of [the
22 chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED
23 EIGHTY-THREE of the laws of two thousand nine [which amended this para-
24 graph] OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN
25 HUNDRED EIGHTY-B OF THIS CHAPTER shall be held before a hearing examiner
26 in accordance with rules and regulations promulgated by the bureau.

27 g. A record shall be made of a hearing on a plea of not guilty or of a
28 hearing at which liability in accordance with section eleven hundred
29 eleven-b of this chapter, as added by [section] SECTIONS sixteen of [the
30 chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED
31 EIGHTY-THREE of the laws of two thousand nine [which amended this para-
32 graph] OR A HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN
33 HUNDRED EIGHTY-B OF THIS CHAPTER IS CONTESTED. Recording devices may be
34 used for the making of the record.

35 S 9-b. Paragraphs a and g of subdivision 2 of section 240 of the vehi-
36 cle and traffic law, as added by chapter 715 of the laws of 1972, are
37 amended to read as follows:

38 a. Every hearing for the adjudication of a charge of parking violation
39 OR AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
40 EIGHTY-B OF THIS CHAPTER shall be held before a hearing examiner in
41 accordance with rules and regulations promulgated by the bureau.

42 g. A record shall be made of a hearing on a plea of not guilty OR A
43 HEARING AT WHICH LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
44 EIGHTY-B OF THIS CHAPTER IS CONTESTED. Recording devices may be used
45 for the making of the record.

46 S 10. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
47 law, as separately amended by sections 12 of chapters 20, 21, 22 and 383
48 of the laws of 2009, are amended to read as follows:

49 1. The hearing examiner shall make a determination on the charges,
50 either sustaining or dismissing them. Where the hearing examiner deter-
51 mines that the charges have been sustained he or she may examine either
52 the prior parking violations record or the record of liabilities
53 incurred in accordance with section eleven hundred eleven-a of this
54 chapter or in accordance with section eleven hundred eleven-b of this
55 chapter as added by [section] SECTIONS sixteen of [the chapter] CHAPTERS
56 TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the
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1 laws of two thousand nine [which amended this subdivision] or the record
2 of liabilities incurred in accordance with section two thousand nine
3 hundred eighty-five of the public authorities law or sections sixteen-a,
4 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
5 laws of nineteen hundred fifty of the person charged OR THE RECORD OF
6 LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B

7 OF THIS CHAPTER, as applicable prior to rendering a final determination.
8 Final determinations sustaining or dismissing charges shall be entered
9 on a final determination roll maintained by the bureau together with
10 records showing payment and nonpayment of penalties.

11 2. Where an operator or owner fails to enter a plea to a charge of a
12 parking violation or contest an allegation of liability in accordance
13 with section eleven hundred eleven-a of this chapter or in accordance
14 with section eleven hundred eleven-b of this chapter as added by
15 [section] SECTIONS sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,
16 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand
17 nine [which amended this subdivision] or fails to contest an allegation
18 of liability in accordance with section two thousand nine hundred eight-
19 y-five of the public authorities law or sections sixteen-a, sixteen-b
20 and sixteen-c of chapter seven hundred seventy-four of the laws of nine-
21 teen hundred fifty OR FAILS TO CONTEST AN ALLEGATION OF LIABILITY IN
22 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, or
23 fails to appear on a designated hearing date or subsequent adjourned
24 date or fails after a hearing to comply with the determination of a
25 hearing examiner, as prescribed by this article or by rule or regulation
26 of the bureau, such failure to plead or contest, appear or comply shall
27 be deemed, for all purposes, an admission of liability and shall be
28 grounds for rendering and entering a default judgment in an amount
29 provided by the rules and regulations of the bureau. However, after the
30 expiration of the original date prescribed for entering a plea and
31 before a default judgment may be rendered, in such case the bureau shall
32 pursuant to the applicable provisions of law notify such operator or
33 owner, by such form of first class mail as the commission may direct;
34 (1) of the violation charged, or liability in accordance with section
35 eleven hundred eleven-a of this chapter or in accordance with section
36 eleven hundred eleven-b of this chapter as added by [section] SECTIONS
37 sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND
38 THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which
39 amended this subdivision] alleged or liability in accordance with
40 section two thousand nine hundred eighty-five of the public authorities
41 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
42 hundred seventy-four of the laws of nineteen hundred fifty alleged OR
43 LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS
44 CHAPTER ALLEGED, (2) of the impending default judgment, (3) that such
45 judgment will be entered in the Civil Court of the city in which the
46 bureau has been established, or other court of civil jurisdiction or any
47 other place provided for the entry of civil judgments within the state
48 of New York, and (4) that a default may be avoided by entering a plea or
49 contesting an allegation of liability in accordance with section eleven
50 hundred eleven-a of this chapter or in accordance with section eleven
51 hundred eleven-b of this chapter as added by [section] SECTIONS sixteen
52 of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE
53 HUNDRED EIGHTY-THREE of the laws of two thousand nine [which amended
54 this subdivision] or contesting an allegation of liability in accordance
55 with section two thousand nine hundred eighty-five of the public author-
56 ities law or sections sixteen-a, sixteen-b and sixteen-c of chapter
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1 seven hundred seventy-four of the laws of nineteen hundred fifty OR
2 CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN
3 HUNDRED EIGHTY-B OF THIS CHAPTER, as appropriate, or making an appear-
4 ance within thirty days of the sending of such notice. Pleas entered and
5 allegations contested within that period shall be in the manner
6 prescribed in the notice and not subject to additional penalty or fee.

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

18 § 10-a. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
19 law, as separately amended by sections 13 of chapters 20, 21, 22 and 383
20 of the laws of 2009, are amended to read as follows:

21 1. The hearing examiner shall make a determination on the charges,
22 either sustaining or dismissing them. Where the hearing examiner deter-
23 mines that the charges have been sustained he or she may examine either
24 the prior parking violations record or the record of liabilities
25 incurred in accordance with section eleven hundred eleven-b of this
26 chapter as added by [section] SECTIONS sixteen of [the chapter] CHAPTERS
27 TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the
28 laws of two thousand nine [which amended this subdivision] of the person
29 charged, OR THE RECORD OF LIABILITIES INCURRED IN ACCORDANCE WITH
30 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, as applicable prior to
31 rendering a final determination. Final determinations sustaining or
32 dismissing charges shall be entered on a final determination roll main-
33 tained by the bureau together with records showing payment and nonpay-
34 ment of penalties.

35 2. Where an operator or owner fails to enter a plea to a charge of a
36 parking violation or contest an allegation of liability in accordance
37 with section eleven hundred eleven-b of this chapter as added by
38 [section] SECTIONS sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE,
39 TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the laws of two thousand
40 nine [which amended this subdivision], OR FAILS TO CONTEST AN ALLEGATION
41 OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS
42 CHAPTER, or fails to appear on a designated hearing date or subsequent
43 adjourned date or fails after a hearing to comply with the determination
44 of a hearing examiner, as prescribed by this article or by rule or regu-
45 lation of the bureau, such failure to plead, contest, appear or comply
46 shall be deemed, for all purposes, an admission of liability and shall
47 be grounds for rendering and entering a default judgment in an amount
48 provided by the rules and regulations of the bureau. However, after the
49 expiration of the original date prescribed for entering a plea and
50 before a default judgment may be rendered, in such case the bureau shall
51 pursuant to the applicable provisions of law notify such operator or
52 owner, by such form of first class mail as the commission may direct;
53 (1) of the violation charged, or liability in accordance with section
54 eleven hundred eleven-b of this chapter, as added by [section] SECTIONS
55 sixteen of [the chapter] CHAPTERS TWENTY, TWENTY-ONE, TWENTY-TWO AND
56 THREE HUNDRED EIGHTY-THREE of the laws of two thousand nine [which
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1 amended this subdivision], alleged, OR LIABILITY IN ACCORDANCE WITH
2 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER ALLEGED, (2) of the
3 impending default judgment, (3) that such judgment will be entered in
4 the Civil Court of the city in which the bureau has been established, or
5 other court of civil jurisdiction or any other place provided for the
6 entry of civil judgments within the state of New York, and (4) that a

7 default may be avoided by entering a plea or contesting an allegation of
8 liability in accordance with section eleven hundred eleven-b of this
9 chapter as added by [section] SECTIONS sixteen of [the chapter] CHAPTERS
10 TWENTY, TWENTY-ONE, TWENTY-TWO AND THREE HUNDRED EIGHTY-THREE of the
11 laws of two thousand nine [which amended this subdivision] OR CONTESTING
12 AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
13 EIGHTY-B OF THIS CHAPTER, as appropriate, or making an appearance within
14 thirty days of the sending of such notice. Pleas entered and allegations
15 contested within that period shall be in the manner prescribed in the
16 notice and not subject to additional penalty or fee. Such notice of
17 impending default judgment shall not be required prior to the rendering
18 and entry thereof in the case of operators or owners who are non-resi-
19 dents of the state of New York. In no case shall a default judgment be
20 rendered or, where required, a notice of impending default judgment be
21 sent, more than two years after the expiration of the time prescribed
22 for entering a plea or contesting an allegation. When a person has
23 demanded a hearing, no fine or penalty shall be imposed for any reason,
24 prior to the holding of the hearing. If the hearing examiner shall make
25 a determination on the charges, sustaining them, he or she shall impose
26 no greater penalty or fine than those upon which the person was
27 originally charged.

28 S 10-b. Subdivisions 1 and 2 of section 241 of the vehicle and traffic
29 law, subdivision 1 as added by chapter 715 of the laws of 1972 and
30 subdivision 2 as amended by chapter 365 of the laws of 1978, are amended
31 to read as follows:

32 1. The hearing examiner shall make a determination on the charges,
33 either sustaining or dismissing them. Where the hearing examiner deter-
34 mines that the charges have been sustained he OR SHE may examine EITHER
35 the prior parking violations record of the person charged, OR THE RECORD
36 OF LIABILITIES INCURRED IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
37 Y-B OF THIS CHAPTER, AS APPLICABLE, prior to rendering a final determi-
38 nation. Final determinations sustaining or dismissing charges shall be
39 entered on a final determination roll maintained by the bureau together
40 with records showing payment and nonpayment of penalties.

41 2. Where an operator or owner fails to enter a plea to a charge of a
42 parking violation OR FAILS TO CONTEST AN ALLEGATION OF LIABILITY IN
43 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, or
44 fails to appear on a designated hearing date or subsequent adjourned
45 date or fails after a hearing to comply with the determination of a
46 hearing examiner, as prescribed by this article or by rule or regulation
47 of the bureau, such failure to plead, appear or comply shall be deemed,
48 for all purposes, an admission of liability and shall be grounds for
49 rendering and entering a default judgment in an amount provided by the
50 rules and regulations of the bureau. However, after the expiration of
51 the original date prescribed for entering a plea and before a default
52 judgment may be rendered, in such case the bureau shall pursuant to the
53 applicable provisions of law notify such operator or owner, by such form
54 of first class mail as the commission may direct; (1) of the violation
55 charged OR LIABILITY IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B
56 OF THIS CHAPTER ALLEGED, (2) of the impending default judgment, (3) that
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1 such judgment will be entered in the Civil Court of the city in which
2 the bureau has been established, or other court of civil jurisdiction or
3 any other place provided for the entry of civil judgments within the
4 state of New York, and (4) that a default may be avoided by entering a
5 plea, OR CONTESTING AN ALLEGATION OF LIABILITY IN ACCORDANCE WITH
6 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, or making an appearance

7 within thirty days of the sending of such notice. Pleas entered within
8 that period shall be in the manner prescribed in the notice and not
9 subject to additional penalty or fee. Such notice of impending default
10 judgment shall not be required prior to the rendering and entry thereof
11 in the case of operators or owners who are non-residents of the state of
12 New York. In no case shall a default judgment be rendered or, where
13 required, a notice of impending default judgment be sent, more than two
14 years after the expiration of the time prescribed for entering a plea.
15 When a person has demanded a hearing, no fine or penalty shall be
16 imposed for any reason, prior to the holding of the hearing. If the
17 hearing examiner shall make a determination on the charges, sustaining
18 them, he OR SHE shall impose no greater penalty or fine than those upon
19 which the person was originally charged.

20 S 11. Subparagraph (i) of paragraph a of subdivision 5-a of section
21 401 of the vehicle and traffic law, as separately amended by sections 1
22 of chapters 19 and 23 and sections 14 of chapters 20, 21, 22 and 383 of
23 the laws of 2009, is amended to read as follows:

24 (i) If at the time of application for a registration or renewal there-
25 of there is a certification from a court, parking violations bureau,
26 traffic and parking violations agency or administrative tribunal of
27 appropriate jurisdiction or administrative tribunal of appropriate
28 jurisdiction that the registrant or his or her representative failed to
29 appear on the return date or any subsequent adjourned date or failed to
30 comply with the rules and regulations of an administrative tribunal
31 following entry of a final decision in response to a total of three or
32 more summonses or other process in the aggregate, issued within an eight-
33 teen month period, charging either that (i) such motor vehicle was
34 parked, stopped or standing, or that such motor vehicle was operated for
35 hire by the registrant or his or her agent without being licensed as a
36 motor vehicle for hire by the appropriate local authority, in violation
37 of any of the provisions of this chapter or of any law, ordinance, rule
38 or regulation made by a local authority or (ii) the registrant was
39 liable in accordance with section eleven hundred eleven-a of this chap-
40 ter or section eleven hundred eleven-b of this chapter for a violation
41 of subdivision (d) of section eleven hundred eleven of this chapter OR
42 (III) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN
43 HUNDRED EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (C) OR
44 (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the commissioner
45 or his or her agent shall deny the registration or renewal application
46 until the applicant provides proof from the court, traffic and parking
47 violations agency or administrative tribunal wherein the charges are
48 pending that an appearance or answer has been made or in the case of an
49 administrative tribunal that he or she has complied with the rules and
50 regulations of said tribunal following entry of a final decision. Where
51 an application is denied pursuant to this section, the commissioner may,
52 in his or her discretion, deny a registration or renewal application to
53 any other person for the same vehicle and may deny a registration or
54 renewal application for any other motor vehicle registered in the name
55 of the applicant where the commissioner has determined that such regis-
56 trant's intent has been to evade the purposes of this subdivision and
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1 where the commissioner has reasonable grounds to believe that such
2 registration or renewal will have the effect of defeating the purposes
3 of this subdivision. Such denial shall only remain in effect as long as
4 the summonses remain unanswered, or in the case of an administrative
5 tribunal, the registrant fails to comply with the rules and regulations
6 following entry of a final decision.

7 S 11-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
8 and traffic law, as separately amended by sections 2 of chapters 19 and
9 23 and sections 15 of chapters 20, 21, 22 and 383 of the laws of 2009,
10 is amended to read as follows:

11 a. If at the time of application for a registration or renewal thereof
12 there is a certification from a court or administrative tribunal of
13 appropriate jurisdiction that the registrant or his or her represen-
14 tative failed to appear on the return date or any subsequent adjourned
15 date or failed to comply with the rules and regulations of an adminis-
16 trative tribunal following entry of a final decision in response to a
17 total of three or more summonses or other process in the aggregate,
18 issued within an eighteen month period, charging either that (i) such
19 motor vehicle was parked, stopped or standing, or that such motor vehi-
20 cle was operated for hire by the registrant or his or her agent without
21 being licensed as a motor vehicle for hire by the appropriate local
22 authority, in violation of any of the provisions of this chapter or of
23 any law, ordinance, rule or regulation made by a local authority or (ii)
24 the registrant was liable in accordance with section eleven hundred
25 eleven-b of this chapter for a violation of subdivision (d) of section
26 eleven hundred eleven of this chapter OR (III) THE REGISTRANT WAS LIABLE
27 IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER FOR A
28 VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF
29 THIS CHAPTER, the commissioner or his or her agent shall deny the regis-
30 tration or renewal application until the applicant provides proof from
31 the court or administrative tribunal wherein the charges are pending
32 that an appearance or answer has been made or in the case of an adminis-
33 trative tribunal that he or she has complied with the rules and regu-
34 lations of said tribunal following entry of a final decision. Where an
35 application is denied pursuant to this section, the commissioner may, in
36 his or her discretion, deny a registration or renewal application to any
37 other person for the same vehicle and may deny a registration or renewal
38 application for any other motor vehicle registered in the name of the
39 applicant where the commissioner has determined that such registrant's
40 intent has been to evade the purposes of this subdivision and where the
41 commissioner has reasonable grounds to believe that such registration or
42 renewal will have the effect of defeating the purposes of this subdivi-
43 sion. Such denial shall only remain in effect as long as the summonses
44 remain unanswered, or in the case of an administrative tribunal, the
45 registrant fails to comply with the rules and regulations following
46 entry of a final decision.

47 S 11-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
48 and traffic law, as separately amended by chapters 339 and 592 of the
49 laws of 1987, is amended to read as follows:

50 a. If at the time of application for a registration or renewal thereof
51 there is a certification from a court or administrative tribunal of
52 appropriate jurisdiction that the registrant or his representative
53 failed to appear on the return date or any subsequent adjourned date or
54 failed to comply with the rules and regulations of an administrative
55 tribunal following entry of a final decision in response to three or
56 more summonses or other process, issued within an eighteen month period,

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14

1 charging that: (A) such motor vehicle was parked, stopped or standing,
2 or that such motor vehicle was operated for hire by the registrant or
3 his OR HER agent without being licensed as a motor vehicle for hire by
4 the appropriate local authority, in violation of any of the provisions
5 of this chapter or of any law, ordinance, rule or regulation made by a
6 local authority, OR (B) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH

7 SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER FOR A VIOLATION OF
8 SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER,
9 the commissioner or his OR HER agent shall deny the registration or
10 renewal application until the applicant provides proof from the court or
11 administrative tribunal wherein the charges are pending that an appear-
12 ance or answer has been made or in the case of an administrative tribu-
13 nal that he has complied with the rules and regulations of said tribunal
14 following entry of a final decision. Where an application is denied
15 pursuant to this section, the commissioner may, in his discretion, deny
16 a registration or renewal application to any other person for the same
17 vehicle and may deny a registration or renewal application for any other
18 motor vehicle registered in the name of the applicant where the commis-
19 sioner has determined that such registrant's intent has been to evade
20 the purposes of this subdivision and where the commissioner has reason-
21 able grounds to believe that such registration or renewal will have the
22 effect of defeating the purposes of this subdivision. Such denial shall
23 only remain in effect as long as the summonses remain unanswered, or in
24 the case of an administrative tribunal, the registrant fails to comply
25 with the rules and regulations following entry of a final decision.

26 S 12. The vehicle and traffic law is amended by adding a new section
27 1180-b to read as follows:

28 S 1180-B. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH
29 APPLICABLE MAXIMUM SPEED LIMIT. 1. NOTWITHSTANDING ANY OTHER PROVISION
30 OF LAW, EACH CITY WITH A POPULATION OF ONE MILLION OR MORE IS HEREBY
31 AUTHORIZED AND EMPOWERED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING
32 MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR
33 THEREOF TO COMPLY WITH THE APPLICABLE MAXIMUM SPEED LIMIT IN SUCH CITY
34 IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH CITY, FOR
35 PURPOSES OF THE IMPLEMENTATION OF SUCH PROGRAM, SHALL OPERATE SPEED
36 LIMIT PHOTO DEVICES WITHIN SUCH CITY AT NO MORE THAN FORTY AND NO FEWER
37 THAN TWENTY LOCATIONS AT ANY ONE TIME DURING ANY YEAR OF SUCH PROGRAM.
38 SUCH SPEED LIMIT PHOTO DEVICES MAY BE STATIONARY OR MOBILE AND SHALL BE
39 ACTIVATED AT LOCATIONS SELECTED BY SUCH CITY.

40 2. IN ANY CITY THAT HAS ESTABLISHED A DEMONSTRATION PROGRAM PURSUANT
41 TO SUBDIVISION ONE OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE
42 LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE
43 WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR
44 IMPLIED, IN VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN
45 HUNDRED EIGHTY OF THIS ARTICLE, AND SUCH VIOLATION IS EVIDENCED BY
46 INFORMATION OBTAINED FROM A SPEED LIMIT PHOTO DEVICE; PROVIDED HOWEVER
47 THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSU-
48 ANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN
49 CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (C) OR (D) OF
50 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

51 3. FOR PURPOSES OF THIS SECTION, "OWNER" SHALL HAVE THE MEANING
52 PROVIDED IN SECTION TWO HUNDRED THIRTY-NINE OF THIS CHAPTER. FOR
53 PURPOSES OF THIS SECTION, "SPEED LIMIT PHOTO DEVICE" SHALL MEAN EQUIP-
54 MENT THAT TAKES A FILM OR DIGITAL CAMERA-BASED PHOTOGRAPH, MICROPHOTO-
55 GRAPH, VIDEO, OR OTHER RECORDED IMAGE WHICH IS LINKED WITH A VIOLATION
56 DETECTION SYSTEM THAT SYNCHRONIZES THE TAKING OF SUCH IMAGE OF A VEHICLE
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1 AT THE TIME THE VEHICLE IS USED OR OPERATED IN VIOLATION OF SUBDIVISION
2 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

3 4. A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY THE
4 CITY IN WHICH THE CHARGED VIOLATION OCCURRED OR ITS VENDOR OR CONTRAC-
5 TOR, OR A FACSIMILE THEREOF, BASED UPON INSPECTION OF PHOTOGRAPHS,
6 MICRPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY A SPEED

Lindsey Lusher Shute 3/11/10 5:06 PM

Comment [1]: When does this end? I don't see language.

Lindsey Lusher Shute 3/11/10 5:06 PM

Comment [2]: At what speed over are we ticketing?

Lindsey Lusher Shute 3/11/10 5:07 PM

Comment [3]: No specification as to the kind of location, signage, etc.

Lindsey Lusher Shute 3/11/10 5:09 PM

Comment [4]: No specification of what the photos will be taken of—just the license plate?

Lindsey Lusher Shute 3/11/10 5:08 PM

Comment [5]: No protection for other offenses or restrictions on use of footage.

7 LIMIT PHOTO DEVICE, SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED
8 THEREIN. ANY PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
9 IMAGES EVIDENCING SUCH A VIOLATION SHALL BE AVAILABLE FOR INSPECTION IN
10 ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH VIOLATION PURSUANT
11 TO THIS SECTION.

12 5. AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
13 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE SHALL BE LIABLE FOR MONE-
14 TARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND PENALTIES
15 PROMULGATED BY THE PARKING VIOLATIONS BUREAU OF SUCH CITY; PROVIDED,
16 HOWEVER, THAT THE MONETARY PENALTY FOR DRIVING AT A SPEED ONE TO TEN
17 MILES PER HOUR IN EXCESS OF THE MAXIMUM SPEED LIMIT SHALL NOT EXCEED
18 FIFTY DOLLARS, THE MONETARY PENALTY FOR DRIVING AT A SPEED MORE THAN TEN
19 AND LESS THAN THIRTY MILES PER HOUR IN EXCESS OF THE MAXIMUM SPEED LIMIT
20 SHALL NOT EXCEED SEVENTY-FIVE DOLLARS, AND THE MONETARY PENALTY FOR
21 DRIVING THIRTY MILES PER HOUR OR MORE IN EXCESS OF THE MAXIMUM SPEED
22 LIMIT SHALL NOT EXCEED ONE HUNDRED FIFTY DOLLARS; PROVIDED, FURTHER,
23 THAT AN OWNER SHALL BE LIABLE FOR AN ADDITIONAL PENALTY NOT TO EXCEED
24 TWENTY-FIVE DOLLARS FOR EACH VIOLATION FOR THE FAILURE TO RESPOND TO A
25 NOTICE OF LIABILITY WITHIN THE PRESCRIBED TIME PERIOD.

26 6. AN IMPOSITION OF LIABILITY PURSUANT TO THIS SECTION SHALL NOT BE
27 DEEMED A CONVICTION AS AN OPERATOR AND SHALL NOT BE MADE PART OF THE
28 OPERATING RECORD OF THE PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR
29 SHALL IT BE USED FOR INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHI-
30 CLE INSURANCE COVERAGE.

31 7. (A) A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL IN
32 ACCORDANCE WITH THIS SECTION TO EACH PERSON ALLEGED TO BE LIABLE AS AN
33 OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN
34 HUNDRED EIGHTY OF THIS ARTICLE. PERSONAL DELIVERY ON THE OWNER SHALL NOT
35 BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE
36 ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
37 CONTAINED THEREIN.

38 (B) A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
39 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
40 (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, THE REGIS-
41 TRATION NUMBER OF THE VEHICLE INVOLVED IN SUCH VIOLATION, THE LOCATION
42 WHERE SUCH VIOLATION TOOK PLACE, THE DATE AND TIME OF SUCH VIOLATION AND
43 THE IDENTIFICATION NUMBER OF THE SPEED LIMIT PHOTO DEVICE WHICH RECORDED
44 THE VIOLATION OR OTHER DOCUMENT LOCATOR NUMBER.

45 (C) THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
46 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
47 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL ALSO
48 CONTAIN A WARNING TO ADVISE THE PERSONS CHARGED THAT FAILURE TO CONTEST
49 IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMISSION OF LIABIL-
50 ITY AND THAT A DEFAULT JUDGEMENT MAY BE ENTERED THEREON.

51 (D) THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE AGENCY
52 OR AGENCIES DESIGNATED BY SUCH CITY.

53 8. IF AN OWNER OF A VEHICLE RECEIVES A NOTICE OF LIABILITY PURSUANT TO
54 THIS SECTION FOR ANY TIME PERIOD DURING WHICH SUCH VEHICLE WAS REPORTED
55 TO THE POLICE DEPARTMENT AS HAVING BEEN STOLEN, IT SHALL BE A VALID
56 DEFENSE TO AN ALLEGATION OF LIABILITY FOR A VIOLATION OF SUBDIVISION (C)
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1 OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE THAT THE VEHICLE
2 HAD BEEN REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE
3 VIOLATION OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES
4 OF ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION IT SHALL BE SUFFI-
5 CIENT THAT AN ORIGINAL INCIDENT FORM ISSUED BY THE POLICE ON THE STOLEN
6 VEHICLE BE SENT BY FIRST CLASS MAIL TO THE PARKING VIOLATIONS BUREAU OF

Lindsey Lusher Shute 3/11/10 5:10 PM

Comment [6]: Can points accrue on a license for failure to respond?

7 SUCH CITY.
8 9. (A) AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF
9 LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION SHALL
10 NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION
11 ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, PROVIDED THAT:
12 (I) PRIOR TO THE VIOLATION, THE LESSOR HAS FILED WITH SUCH PARKING
13 VIOLATIONS BUREAU IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO
14 HUNDRED THIRTY-NINE OF THIS CHAPTER; AND
15 (II) WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM SUCH BUREAU
16 OF THE DATE AND TIME OF A LIABILITY, TOGETHER WITH THE OTHER INFORMATION
17 CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY, THE LESSOR SUBMITS TO
18 SUCH BUREAU THE CORRECT NAME AND ADDRESS OF THE LESSEE OF THE VEHICLE
19 IDENTIFIED IN THE NOTICE OF LIABILITY AT THE TIME OF SUCH VIOLATION,
20 TOGETHER WITH SUCH OTHER ADDITIONAL INFORMATION CONTAINED IN THE RENTAL,
21 LEASE OR OTHER CONTRACT DOCUMENT, AS MAY BE REASONABLY REQUIRED BY SUCH
22 BUREAU PURSUANT TO REGULATIONS THAT MAY BE PROMULGATED FOR SUCH PURPOSE.
23 (B) FAILURE TO COMPLY WITH SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS
24 SUBDIVISION SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN
25 THIS SECTION.
26 (C) WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH (A) OF
27 THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH
28 VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES
29 OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSU-
30 ANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO
31 SUBDIVISION SEVEN OF THIS SECTION.
32 10. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
33 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION
34 WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE VIOLATION, THE
35 OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST THE OPERATOR.
36 11. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY
37 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (C) OR (D)
38 OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.
39 12. ANY CITY THAT ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO SUBDIVI-
40 SION ONE OF THIS SECTION SHALL SUBMIT A REPORT ON THE RESULTS OF THE USE
41 OF SPEED LIMIT PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF
42 THE SENATE AND THE SPEAKER OF THE ASSEMBLY BY APRIL FIRST, TWO THOUSAND
43 FOURTEEN. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO:
44 (A) A DESCRIPTION OF THE LOCATIONS WHERE SPEED LIMIT PHOTO DEVICES
45 WERE USED;
46 (B) THE NUMBER OF VIOLATIONS RECORDED AT EACH SUCH LOCATION AND IN THE
47 AGGREGATE ON A DAILY, WEEKLY AND MONTHLY BASIS;
48 (C) THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED;
49 (D) THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER FIRST
50 NOTICE OF LIABILITY;
51 (E) THE NUMBER OF VIOLATIONS ADJUDICATED AND RESULTS OF SUCH ADJUDI-
52 CATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE;
53 (F) THE TOTAL AMOUNT OF REVENUE REALIZED BY SUCH CITY; AND
54 (G) QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.
55 S 13. The opening paragraph and paragraph (c) of subdivision 1 of
56 section 1809 of the vehicle and traffic law, as separately amended by
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1 sections 4 of chapters 19 and 23 and sections 17 of chapters 20, 21, 22
2 and 383 of the laws of 2009, are amended to read as follows:
3 Whenever proceedings in an administrative tribunal or a court of this
4 state result in a conviction for an offense under this chapter or a
5 traffic infraction under this chapter, or a local law, ordinance, rule
6 or regulation adopted pursuant to this chapter, other than a traffic

Lindsey Lusher Shute 3/11/10 5:12 PM

Comment [7]: Add: the reduction injuries and fatalities.

7 infraction involving standing, stopping, or parking or violations by
8 pedestrians or bicyclists, or other than an adjudication of liability of
9 an owner for a violation of subdivision (d) of section eleven hundred
10 eleven of this chapter in accordance with section eleven hundred
11 eleven-a of this chapter, or other than an adjudication of liability of
12 an owner for a violation of subdivision (d) of section eleven hundred
13 eleven of this chapter in accordance with section eleven hundred
14 eleven-b of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF
15 AN OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF SECTION ELEVEN
16 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
17 EIGHTY-B OF THIS CHAPTER, there shall be levied a crime victim assist-
18 ance fee and a mandatory surcharge, in addition to any sentence required
19 or permitted by law, in accordance with the following schedule:

20 (c) Whenever proceedings in an administrative tribunal or a court of
21 this state result in a conviction for an offense under this chapter
22 other than a crime pursuant to section eleven hundred ninety-two of this
23 chapter, or a traffic infraction under this chapter, or a local law,
24 ordinance, rule or regulation adopted pursuant to this chapter, other
25 than a traffic infraction involving standing, stopping, or parking or
26 violations by pedestrians or bicyclists, or other than an adjudication
27 of liability of an owner for a violation of subdivision (d) of section
28 eleven hundred eleven of this chapter in accordance with section eleven
29 hundred eleven-a of this chapter, or other than an adjudication of
30 liability of an owner for a violation of subdivision (d) of section
31 eleven hundred eleven of this chapter in accordance with section eleven
32 hundred eleven-b of this chapter, or other than an infraction pursuant
33 to article nine of this chapter or other than an adjudication of liabil-
34 ity of an owner for a violation of toll collection regulations pursuant
35 to section two thousand nine hundred eighty-five of the public authori-
36 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
37 hundred seventy-four of the laws of nineteen hundred fifty, OR OTHER
38 THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDI-
39 VISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
40 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there
41 shall be levied a crime victim assistance fee in the amount of five
42 dollars and a mandatory surcharge, in addition to any sentence required
43 or permitted by law, in the amount of fifty-five dollars.

44 S 13-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
45 as separately amended by sections 5 of chapters 19 and 23 and sections
46 18 of chapters 20, 21, 22 and 383 of the laws of 2009, is amended to
47 read as follows:

48 1. Whenever proceedings in an administrative tribunal or a court of
49 this state result in a conviction for a crime under this chapter or a
50 traffic infraction under this chapter, or a local law, ordinance, rule
51 or regulation adopted pursuant to this chapter, other than a traffic
52 infraction involving standing, stopping, parking or motor vehicle equip-
53 ment or violations by pedestrians or bicyclists, or other than an adju-
54 dication of liability of an owner for a violation of subdivision (d) of
55 section eleven hundred eleven of this chapter in accordance with section
56 eleven hundred eleven-a of this chapter, or other than an adjudication
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1 of liability of an owner for a violation of subdivision (d) of section
2 eleven hundred eleven of this chapter in accordance with section eleven
3 hundred eleven-b of this chapter, OR OTHER THAN AN ADJUDICATION OF
4 LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
5 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
6 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be levied a manda-

7 tory surcharge, in addition to any sentence required or permitted by
8 law, in the amount of twenty-five dollars.

9 S 13-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
10 as separately amended by chapter 16 of the laws of 1983 and chapter 62
11 of the laws of 1989, is amended to read as follows:

12 1. Whenever proceedings in an administrative tribunal or a court of
13 this state result in a conviction for a crime under this chapter or a
14 traffic infraction under this chapter other than a traffic infraction
15 involving standing, stopping, parking or motor vehicle equipment or
16 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION
17 OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (C) OR (D) OF
18 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
19 ELEVEN HUNDRED EIGHTY-B OF THIS CHAPTER, there shall be levied a manda-
20 tory surcharge, in addition to any sentence required or permitted by
21 law, in the amount of seventeen dollars.

22 S 14. Subdivision 2 of section 87 of the public officers law is
23 amended by adding a new paragraph (1) to read as follows:

24 (1) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
25 IMAGES PRODUCED BY A SPEED LIMIT PHOTO DEVICE PREPARED UNDER AUTHORITY
26 OF SECTION ELEVEN HUNDRED EIGHTY-B OF THE VEHICLE AND TRAFFIC LAW.

27 S 15. This act shall take effect on the thirtieth day after it shall
28 have become a law and shall expire 5 years after such effective date
29 when upon such date the provisions of this act shall be deemed repealed;
30 and provided further that any rules necessary for the implementation of
31 this act on its effective date shall be promulgated on or before such
32 date;

33 (a) provided, however, that the amendments to subdivision 1 of section
34 235 of the vehicle and traffic law made by section one of this act shall
35 be subject to the expiration and reversion of such section pursuant to
36 subdivision (p) of section 406 of chapter 166 of the laws of 1991, as
37 amended, when upon such date the provisions of section one-a of this act
38 shall take effect;

39 (b) provided, further that the amendments to section 235 of the vehi-
40 cle and traffic law made by section one-a of this act shall be subject
41 to the expiration and reversion of such section pursuant to section 17
42 of chapter 746 of the laws of 1988, as amended, when upon such date the
43 provisions of section one-b of this act shall take effect;

44 (c) provided, further, that the amendments to section 235 of the vehi-
45 cle and traffic law made by section one-b of this act shall be subject
46 to the expiration and reversion of such section pursuant to section 18
47 of chapter 379 of the laws of 1992, as amended, when upon such date the
48 provisions of section one-c of this act shall take effect;

49 (d) the amendments made to subdivision 1 of section 236 of the vehicle
50 and traffic law made by section two of this act shall be subject to the
51 expiration and reversion of such subdivision pursuant to section 17 of
52 chapter 746 of the laws of 1988, as amended, when upon such date the
53 provisions of section two-a of this act shall take effect;

54 (e) provided, further, that the amendments to section 236 of the vehi-
55 cle and traffic law made by section two-a of this act shall not affect
56 the expiration and reversion of such section pursuant to chapters 20,
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1 21, 22 and 383 of the laws of 2009, as amended, when upon such date the
2 provisions of section two-b of this act shall take effect;

3 (f) provided, further, that the amendments made to paragraph f of
4 subdivision 1 of section 239 of the vehicle and traffic law made by
5 section five of this act shall be subject to the expiration and rever-
6 sion of such paragraph pursuant to section 17 of chapter 746 of the laws

7 of 1988, as amended, when upon such date the provisions of section
8 five-a of this act shall take effect;

9 (g) provided, further, the the amendments to paragraph f of subdivi-
10 sion 1 of section 239 of the vehicle and traffic law made by section
11 five-a of this act shall be subject to the expiration and reversion of
12 such paragraph pursuant to chapters 20, 21, 22 and 383 of the laws of
13 2009, as amended, when upon such date the provisions of section five-b
14 of this act shall take effect;

15 (h) provided, further, that the amendments to subdivision 4 of section
16 239 of the vehicle and traffic law made by section six of this act shall
17 not affect the repeal of such subdivision and shall be deemed repealed
18 therewith, when upon such date the provisions of section six-a of this
19 act shall take effect;

20 (i) provided, further, that the amendments to subdivision 1 of section
21 240 of the vehicle and traffic law made by section seven of this act
22 shall be subject to the expiration and reversion of such subdivision
23 pursuant to section 17 of chapter 746 of the laws of 1988, as amended,
24 when upon such date the provisions of section seven-a of this act shall
25 take effect;

26 (j) provided, further, that the amendments to subdivision 1 of section
27 240 of the vehicle and traffic law made by section seven-a of this act
28 shall be subject to the expiration and reversion of such subdivision
29 pursuant to chapters 20, 21, 22 and 383 of the laws of 2009, as amended,
30 when upon such date the provisions of section seven-b shall take effect;

31 (k) provided, further, that the amendments to subdivision 1-a of
32 section 240 of the vehicle and traffic law made by section eight of this
33 act shall be subject to the expiration and reversion of such subdivision
34 pursuant to section 17 of chapter 746 of the laws of 1988, as amended,
35 when upon such date the provisions of section eight-a of this act shall
36 take effect;

37 (l) provided, further, that the amendments to subdivision 1-a of
38 section 240 of the vehicle and traffic law made by section eight-a of
39 this act shall be subject to the expiration and reversion of such subdivi-
40 sion pursuant to chapters 20, 21, 22 and 383 of the laws of 2009, as
41 amended, when upon such date the provisions of section eight-b of this
42 act shall take effect;

43 (m) provided, further, that the amendments to paragraphs a and g of
44 subdivision 2 of section 240 of the vehicle and traffic law made by
45 section nine of this act shall be subject to the expiration and rever-
46 sion of such paragraph pursuant to section 17 of chapter 746 of the laws
47 of 1988, as amended, when upon such date the provisions of section
48 nine-a of this act shall take effect;

49 (n) provided, further, that the amendments to paragraphs a and g of
50 subdivision 2 of section 240 of the vehicle and traffic law made by
51 section nine-a of this act shall be subject to the expiration and rever-
52 sion of such paragraphs pursuant to chapters 20, 21, 22 and 383 of the
53 laws of 2009, as amended, when upon such date the provisions of section
54 nine-b of this act shall take effect;

55 (o) provided, further, that the amendments to subdivisions 1 and 2 of
56 section 241 of the vehicle and traffic law made by section ten of this
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1 act shall be subject to the expiration and reversion of such subdivi-
2 sions pursuant to section 17 of chapter 746 of the laws of 1988, as
3 amended, when upon such date the provisions of section ten-a of this act
4 shall take effect;

5 (p) provided, further, that the amendments to subdivisions 1 and 2 of
6 section 241 of the vehicle and traffic law made by section ten-a of this

7 act shall be subject to the expiration and reversion of such subdivi-
8 sions pursuant to chapters 20, 21, 22 and 383 of the laws of 2009, as
9 amended, when upon such date the provisions of section ten-b of this act
10 shall take effect;

11 (q) provided, further, that the amendments to subparagraph (i) of
12 paragraph a of subdivision 5-a of section 401 of the vehicle and traffic
13 law made by section eleven of this act shall be subject to the expira-
14 tion and reversion of such paragraph pursuant to section 17 of chapter
15 746 of the laws of 1988, as amended, when upon such date the provisions
16 of section eleven-a of this act shall take effect;

17 (r) provided, further, that the amendments to paragraph a of subdivi-
18 sion 5-a of section 401 of the vehicle and traffic law made by section
19 eleven-a of this act shall be subject to the expiration and reversion of
20 such paragraph pursuant to chapters 19, 20, 21, 22, 23 and 383 of the
21 laws of 2009, as amended, when upon such date the provisions of section
22 eleven-b of this act shall take effect;

23 (r-1) provided, further, that the amendments to subdivision 1 of
24 section 1809 of the vehicle and traffic law made by sections thirteen,
25 thirteen-a and thirteen-b of this act shall not affect the expiration of
26 such subdivision and shall be deemed repealed therewith;

27 (s) provided, further, that the amendments to the opening paragraph
28 and paragraph (c) of subdivision 1 of section 1809 of the vehicle and
29 traffic law made by section thirteen of this act shall be subject to the
30 expiration and reversion of such paragraphs pursuant to section 10 of
31 chapter 19, sections 24 of chapters 20 and 383, sections 22 of chapters
32 21 and 22 and section 9 of chapter 23 of the laws of 2009, as amended,
33 when upon such date the provisions of section thirteen-a of this act
34 shall take effect;

35 (t) provided, further, that the amendments to subdivision 1 of section
36 1809 of the vehicle and traffic law made by section thirteen-a of this
37 act shall be subject to the expiration and reversion of such subdivi-
38 sions pursuant to section 17 of chapter 746 of the laws of 1988, as
39 amended, when upon such date the provisions of section thirteen-b of
40 this act shall take effect.