

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 36

Introduced by Council Members Lander, Torres, Reynoso, Richards, Menchaca, Adams, Levin, Van Bramer, Gibson, Treyger, Rosenthal, Powers, Brannan, Ayala, Rodriguez, Rivera, Ampry-Samuel, Holden, Koslowitz, Constantinides, Chin, the Public Advocate (Mr. Williams), Cumbo, Levine, Salamanca, Cornegy, Kallos, Dromm, Moya, Barron, Louis, Cohen, Rose and Eugene.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to a creating a dangerous vehicle abatement program

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The council finds and declares that more than 200 people in New York city are killed each year in traffic crashes. Being struck by a vehicle is the leading cause of injury-related death for children under 14, and the second leading cause for senior citizens. The council notes that in a recent analysis by the New York city department of transportation, vehicles with the most school speed camera violations per year or the most red light camera violations per year were more likely to be involved in injury crashes than vehicles with few or no violations. The council believes that vehicles which have been involved in multiple red light camera and school speed camera violations would be less dangerous if their registered owners were educated regarding the dangers of exceeding speed limits and failing to comply with traffic signals. The council therefore finds it necessary and appropriate to establish a program to require such education for the registered owners of such vehicles to the extent practicable.

§ 2. Chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new subchapter 4 to read as follows:

Subchapter 4

Dangerous Vehicle Abatement Law

§ 19-199.2 *Definitions.* For the purposes of this subchapter, the following terms have the following meanings:

Covered vehicle. The term “covered vehicle” means any motor vehicle that, in accordance with the records of the department of finance, has accumulated five or more finally adjudicated red light camera violations as determined by the department, or 15 or more finally adjudicated school speed camera violations as determined by the department, within any 12-month period. Such term shall not include any vehicle owned or leased by the United States government or any state or local government.

Person. The term “person” means a natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.

Predicate violation. The term “predicate violation” means a red light camera violation or school speed camera violation.

Red light camera violation. The term “red light camera violation” means the notice of liability issued for failure of a vehicle operator to comply with section 1111-a of the vehicle and traffic law or section 19-210.

School speed camera violation. The term “school speed camera violation” means the notice of liability issued for failure of a vehicle operator to comply with section 1180-b of the vehicle and traffic law.

Safe vehicle operation course. The term “safe vehicle operation course” means a course approved by the department that educates vehicle owners about the dangers resulting from vehicle operators exceeding posted speed limits and failing to comply with traffic signals, including the potential to cause injury or death, by utilizing a skilled facilitator to actively engage participants in self-reflection and discussion to identify and commit to specific safe driving practices. The goal of such course is to prevent vehicles from becoming dangerous instruments by educating owners about responsible vehicle ownership.

§ 19-199.3 Notice to vehicle owners. The department shall send by first-class mail, to all persons receiving a red light camera violation or a school speed camera violation, a notice that pursuant to this subchapter, a vehicle that incurs five or more red light camera violations or 15 or more school speed camera violations within any 12-month period may be determined to be a covered vehicle, and that such vehicle’s registered owner may thereafter be required to enroll in and complete a safe vehicle operation course pursuant to this subchapter and the rules of the department. Such notice shall also contain a warning that failure to enroll in and complete such course may result in the seizure and impoundment of such vehicle, pending completion of such course.

§ 19-199.4 Covered vehicle notice. a. The department may require a registered owner of a covered vehicle, pursuant to this subchapter, to complete a safe vehicle operation course in accordance with rules promulgated by the department and to certify completion of such course to the department within the time period set forth in such rules. The department shall serve a notice of such requirement by first-class mail to the registered owner.

b. The registered owner may request review of the notice by the department, within the time period set forth in rules promulgated by the department. The registered owner shall have the opportunity to contest such notice from the department made pursuant to subdivision a of this section before the office of administrative trials and hearings. At such hearing, the owner may assert defenses, including but not limited to:

(1) a person other than the registered owner was driving the vehicle when the predicate violations were issued, provided that such other person has or will complete the course on behalf of the registered owner;

(2) there are insufficient finally adjudicated predicate violations for such covered vehicle notice;

(3) the registered owner in good faith attempted to enroll in the safe vehicle operation course but was unable to do so, due to no fault of their own; or

(4) employment, health or family circumstances beyond the control of the registered owner would cause undue hardship and prevent them from completing the safe vehicle operation course within the time frame required by this subchapter.

c. Notwithstanding any inconsistent provision of subdivision b of this section, where the registered owner of a covered vehicle is a person other than a natural person, the registered owner shall identify to the department the natural person who operated or is responsible for overseeing the operation of such covered vehicle. The department may require proof that such person operated or is responsible for the operation of such covered vehicle. Such person shall complete the safe vehicle operation course on behalf of the registered owner, as set forth in rules promulgated by the department.

d. If the office of administrative trials and hearings finds that such registered owner must complete the safe vehicle operation course, such registered owner shall complete such course within a period of time after such determination, as set forth in rules promulgated by the department.

§ 19-199.5 Seizure and impoundment. a. Where a registered owner fails to complete the safe vehicle operation course in accordance with this subchapter, the covered vehicle may be subject to impoundment in accordance with this section.

b. The department shall serve an order by first-class mail upon the registered owner of such covered vehicle. Such order shall require the owner to complete the safe vehicle operation course and certify to the department completion of such course within a period of time to be set forth in such order, or appear at a hearing before the office of administrative trials and hearings at a time and place set forth in such order, at which such registered owner may present reasons why their covered vehicle should not be seized and impounded until such registered owner completes the safe vehicle operation course. The determination of the office of administrative trials and hearings shall be a final determination for purposes of review, pursuant to article 78 of the civil practice law and rules.

c. If the office of administrative trials and hearings sustains the order of seizure and impoundment, the department shall direct the city sheriff, after twenty days have passed from the date of such final determination, to seize and impound the covered vehicle. Such covered vehicle shall not be released until the owner provides certification of completion of the safe vehicle operation course, in accordance with rules promulgated by the department, and pays fees in the amount of the city's expenses for the seizure and impoundment of such covered vehicle.

§ 19-199.6 Successful completion of safe vehicle operation course. If within six months after completing a safe vehicle operation course a vehicle does not accumulate any additional predicate violations, any red light camera or school speed camera violations accrued prior to the completion of such course shall not be counted as predicate violations for purposes of this subchapter.

§ 19-199.7 Program evaluation. The department shall publish on its website and report to the mayor and the speaker of the city council on the implementation of this subchapter and the department's efforts to reduce dangerous driving, which shall contain, at a minimum, the following information:

a. no later than 13 months after the effective date of the local law that added this subchapter, and every year thereafter, a report on the number of individuals who registered for the safe vehicle operation course and the number of individuals who completed such program, during the previous 12-month period;

b. no later than 13 months after the effective date of the local law that added this subchapter, and every year thereafter, a report on the number of vehicles impounded pursuant to this subchapter, within the previous 12-month period;

c. no less than three months prior to the expiration of the program established by the local law that added this subchapter, an evaluation of the effectiveness of the safe vehicle operation course, including, but not limited to, the number of individuals who completed such course found liable for a predicate violation following completion of such course and the number of such violations;

d. no less than three months prior to the expiration of the program established by the local law that added this subchapter, a study of driving behavior to identify specific behaviors indicating a

pattern of dangerous driving associated with traffic crashes, injuries, and fatalities, including, but limited to, and to the extent feasible, an analysis of hit-and-run police reports, convictions for traffic-related violations or crimes, including convictions pursuant to section 19-190 and section 1212 of the vehicle and traffic law; MV104AN crash reports attributing dangerous conduct to the driver, driving activity of vehicles registered to people with suspended or revoked licenses; and

e. no less than three months prior to the expiration of the program established by the local law that added this subchapter, changes in patterns of dangerous driving and any additional interventions undertaken by the department or another city agency designed to address dangerous driving.

§ 3. This local law takes effect eight months after it becomes law and applies to red light camera and school speed camera violations, as defined in section 19-199.2 of subchapter 4 of chapter 1 of title 19 of the administrative code of the city of New York, as added by section two of this local law, committed on and after such effective date, provided that:

(i) section 19-199.4, 19-199.5 and 19-199.6 of subchapter 4 of chapter 1 of title 19 of the administrative code of the city of New York, as added by section two of this local law, shall take effect twelve months after it becomes law;

(ii) that the department of transportation, the department of finance, the office of administrative trials and hearings, and the city sheriff shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date; and

(iii) this local law shall remain in effect for 36 months, after which it is deemed repealed.

Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any registered owner required to take a safe vehicle operation course pursuant to

subchapter 4 of chapter 1 of title 19 of the administrative code of the city of New York, as added by this local law, prior to such repeal.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 11, 2020 and approved by the Mayor on February 26, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 36 of 2020, Council Int. No. 971-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.