

New York City Department of Finance

Notice of Adoption

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the New York City Department of Finance (DOF) by sections 1043 and 1504 of the New York City Charter, sections 19-203 and 19-610 of the Administrative Code of the City of New York and section 1174-a of the Vehicle and Traffic Law (VTL), DOF promulgates and adds section 39-23 of Title 19 of the Rules of the City of New York.

These rules were published on July 31, 2023. A hearing for public comment was held on August 31, 2023. DOF received written comments. One commenter expressed opposition on policy grounds; others expressed support.

Statement of Basis and Purpose

On August 6, 2019, the Governor signed Chapter 145 of the Laws of 2019, which enacted VTL § 1174-a, authorizing the City to establish a demonstration program to enforce state laws prohibiting the passing of stopped school buses with a school bus photo violation monitoring system. On January 9, 2022, New York City Council enacted Local Law 10 of 2022 to establish the demonstration program in New York City.

School bus photo violation monitoring systems record vehicles that fail to stop when a school bus is stopped while passengers are being picked up or discharged. A violation would be issued to vehicle owners whose vehicles are recorded as failing to stop.

VTL § 1174-a(e) authorizes the New York City Parking Violations Bureau, a division of DOF, to promulgate a schedule of fines and penalties for such violations. VTL § 1174-a(g) establishes the requirements for notices of liability, while VTL § 1174-a(h) and Administrative Code § 19-610 authorize the PVB to adjudicate such notices.

The rule establishes the fines and penalty for such violations, states the requirements for the notices of liability, and specifies that the PVB will adjudicate allegations of liability.

VTL § 1174-a, Administrative Code §§ 19-203 and 19-610, and Charter §§ 1043 and 1504 authorize DOF to issue the rule.

The new rule is as follows:

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Amendments to Rules Relating to Parking Violations

Section 1. Title 19 of the Rules of the City of New York is amended by adding a new section 39-23 to read as follows:

§ 39-23 School Bus Camera Violation Monitoring System

(a) *Liability.* The liability of an owner pursuant to § 1174-a of the Vehicle and Traffic Law shall be \$250.00 for a first violation within an eighteen-month period, \$275.00 for a second violation within an eighteen-month period, and \$300.00 for a third or subsequent violation within an eighteen-month period. For the purposes of this subdivision, the “eighteen-month period” is defined as the eighteen months going backward from the date of the most recent violation.

(b) *Penalty.* If the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability, a penalty of \$25.00 may be assessed pursuant to subdivision (e) of § 1174-a of the Vehicle and Traffic Law.

(c) *Notice of liability.* The notice of liability must be in accordance with the requirements of subdivision (g) of § 1174-a of the Vehicle and Traffic Law and in the form and substance prescribed by the director of the New York City Parking Violations Bureau.

(d) *Adjudication.* The New York City Parking Violations Bureau will adjudicate liability imposed upon owners pursuant to § 1174-a of the Vehicle and Traffic Law.

(e) *Effective date.* This section shall remain in effect for as long as § 1174-a of the Vehicle and Traffic Law shall remain in effect.