

Suffolk County, Article VII: Traffic Signal Monitoring System

Sec. 818-54 Defenses

A.

An owner shall have a valid defense to an allegation of liability under this article if the vehicle in question had been reported to a police department or agency as stolen prior to the time the violation occurred, and had not been recovered by the time the violation occurred. For the purposes of asserting this defense, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the court having jurisdiction.

B.

An owner who is a lessor of a vehicle to which a notice of liability is issued shall not be liable for the violation, provided that he or she sends to the court having jurisdiction a copy of the rental, lease or other such contract covering such vehicle on the day of the violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice of such violation. Failure to send such information within the thirty-seven-day time period shall render the owner liable for the penalty prescribed in this article. When the lessor complies with the provisions of this subsection, the lessee of such vehicle on the date of the violation shall be deemed to be the owner of such vehicle for the purposes of this article and shall be subject to liability for the violation of § 1111(d) of the New York State Vehicle and Traffic Law and shall be sent a notice of liability.

C.

No owner of a vehicle shall be subject to a monetary fine under this article, if the operator of such vehicle was operating the vehicle without the consent of the owner at the time of the violation. However, there shall be a presumption that the operator of such vehicle was operating the vehicle with the consent of the owner at the time the violation occurred.

D.

It shall be a defense to an allegation of liability under this article that the traffic control indications were malfunctioning at the time of the alleged violation.