



**Office of the Town Clerk**  
*James M. Wooten, Town Clerk*

**Registrar of Vital Statistics**

**Records Management Officer**

**Marriage Officer**

July 17, 2025

General Code Publishers  
781 Elmgrove Road  
Rochester, NY 14624  
Attn: Jan Medina

Dear Ms. Medina:

ENCLOSED HEREWITH please find the following resolution which was adopted by the Riverhead Town Board at a Regular Town Board meeting on July 15, 2025.

**#23- Resolution #630-Adopted 7/15/2025** Adopts a Local Law Amending Chapter 105 of the Riverhead Town Code Entitled "Boards, Commissions and Councils, Article XVIII, "Traffic Violations Bureau: Liability for Failure to Stop for School Buses"

Sincerely,

James M. Wooten  
Town Clerk  
JW:cd

TOWN OF RIVERHEAD

TB Resolution 2025-630

**ADOPTS A LOCAL LAW AMENDING CHAPTER 105 OF THE RIVERHEAD TOWN CODE ENTITLED "BOARDS, COMMISSIONS AND COUNCILS", ARTICLE XVIII, "TRAFFIC VIOLATIONS BUREAU: LIABILITY FOR FAILURE TO STOP FOR SCHOOL BUSES"**

Supervisor Hubbard offered the following resolution,  
which was seconded by Councilman Kern

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Article I of Chapter 105 of the Riverhead Town Code entitled, "Boards, Commissions And Councils", Article XVIII thereof titled, "Traffic Violations Bureau: Liability For Failure to Stop For School Buses"; and

**WHEREAS**, a public hearing was held on the 1st day of July 2025 at 2:10 p.m. at Town Hall, 4 West Second Street, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW, THEREFORE, BE IT RESOLVED**, that a local law to amend Chapter 105 of the Riverhead Town Code entitled, ""Boards, Commissions And Councils", Article XVIII thereof titled, "Traffic Violations Bureau: Liability For Failure to Stop For School Buses" is hereby adopted as specified in the attached notice of adoption; and be it further,

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review Newspaper and to post same on the signboard at Town Hall; and be it further,

**RESOLVED**, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

|                  |                                                          |
|------------------|----------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED</b>                                           |
| <b>MOVER:</b>    | Supervisor Tim Hubbard                                   |
| <b>SECONDER:</b> | Councilman Robert Kern                                   |
| <b>AYES:</b>     | Tim Hubbard, Robert Kern, Denise Merrifield, Joann Waski |
| <b>NAYS:</b>     | None                                                     |

**ADOPTS A LOCAL LAW AMENDING CHAPTER 105 OF THE RIVERHEAD TOWN  
CODE TITLED "BOARDS, COMMISSIONS AND COUNCILS", ARTICLE XVIII  
THEREOF TITLED, "TRAFFIC VIOLATIONS BUREAU: LIABILITY FOR FAILURE  
TO STOP FOR SCHOOL BUSES"**

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Article I of Chapter 105 of the Riverhead Town Code entitled, "Boards, Commissions And Councils", Article XVIII thereof titled, "Traffic Violations Bureau: Liability For Failure to Stop For School Buses"; and

**WHEREAS**, a public hearing was held on the 1<sup>st</sup> day of July 2025 at 2:10 p.m. at Town Hall, 4 West Second Street, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

**NOW THEREFORE BE IT RESOLVED**, that a local law to amend Chapter 105 of the Riverhead Town Code entitled, "Boards, Commissions And Councils", Article XVIII thereof titled, "Traffic Violations Bureau: Liability For Failure to Stop For School Buses" is hereby adopted as specified in the attached notice of adoption; and be it further,

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review Newspaper and to post same on the signboard at Town Hall; and be it further,

**RESOLVED**, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

# Chapter 105 Boards, Commissions and Councils

## Article XVIII Traffic Violations Bureau: Liability for Failure to Stop for School Buses

§ 105-81 Purpose.

§ 105-83 Hearing before administrative law judge.

§ 105-84 Jurisdiction.

§ 105-85 Authorization of program.

§ 105-86 Costs of program.

§ 105-87 Vehicle owner liability for operator violations.

§ 105-88 Adjudication of liability.

§ 105-89 Payment of fines without court appearance.

§ 105-90 Penalties for offenses.

§ 105-81 Purpose.

In order to provide additional protection to school-aged children boarding and de-boarding school buses that are legally stopped upon highways and roads while engaging in transportation services, the State of New York imposed liability on the owners of motor vehicles for failing to stop when school buses display red visual signals and the bus stop-arm is deployed. The Town of Riverhead hereby enacts this chapter in order to ratify procedures for adjudication of VTL 1174-a liability notices.

§ 105-82 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

### **ADMINISTRATIVE LAW JUDGE**

A lawyer qualified and appointed by the Riverhead Town Board for the limited purpose of conducting administrative hearings and adjudicating VTL 1174-a liability notices following such hearings.

### **COUNTY**

County of Suffolk.

### **MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES OR MUTCD**

The manual and specifications for a uniform system of traffic control devices maintained pursuant to NYS VTL § 1680.

### **NYS VTL**

New York State Vehicle and Traffic Law.

### **OWNER**

Shall have the meaning provided in NYS VTL § 239.

### **RECORDED IMAGES AND DATA**

Photographs, microphotographs, videotapes, other recorded images or data created with respect to the program authorized by this chapter.

### **SCHOOL BUS PHOTO VIOLATION MONITORING SYSTEM**

A device that is capable of operating independently of an operator or enforcement officer, specifically installed to work in conjunction with a school bus stop-arm, which device when triggered produces records of images of a vehicle being used or operated in violation of NYS VTL § 1174-a.

#### **§ 105-83 Hearing before administrative law judge.**

An administrative law judge/s designated by the Justice Court to conduct and adjudicate VTL 1174-a notices of liability. Such hearings shall take place at a Town facility outside of the Riverhead Town Justice Court during the same hours as the Justice Court. Hearings may be conducted virtually. Nothing contained within this chapter shall authorize an administrative law judge operating under the authority of the Traffic Violation Bureau to deprive a person of their right to counsel, or prevent a person from exercising their right to appear to answer to, explain, or defend any charge of violation of NYS VTL § 1174-a. An administrative law judge shall not have the power to issue a warrant. An administrative law judge shall not set any form of bail in any instance.

#### **§ 105-84 Jurisdiction.**

An administrative law judge/s designated by the Town Board to conduct and adjudicate VTL 1174-a notices of liability shall only have jurisdiction to hold hearings for such purpose for the Town of Riverhead, pursuant to a duly executed intermunicipal agreement conferring such jurisdiction upon the Town Board's designated administrative law judge/s.

#### **§ 105-85 Authorization of program.**

Pursuant to the authorization provided by NYS VTL § 1174-a, there is hereby established a program imposing monetary liability on owners of vehicles where operators of the owner's vehicle violate NYS VTL § 1174-a.

#### **§ 105-86 Costs of program.**

**A.** The total cost to the school district of the installation, maintenance and use of school bus photo violation monitoring systems pursuant to an agreement authorized by this chapter shall be borne entirely by the county/school district.

**B.** Any cost or expense not addressed by NYS VTL § 1174-a, Subdivision (a)1-b, shall be allocated by agreement, or as otherwise required by law.

#### **§ 105-87 Vehicle owner liability for operator violations.**

**A.** Subject to the procedures, rules and standards of conduct set forth in NYS VTL § 1174-a, the owner of a vehicle shall be liable for a penalty imposed pursuant to this chapter if the owner's vehicle was used or operated with the permission of the owner, express or implied, in violation of NYS VTL § 1174-a.

**B.** The Riverhead Town Police Department shall review allegations of violations from the school districts with whom the county contracts under this program.

**(1)** The Riverhead Town Police Department may contract with a nonmunicipal entity to formulate notices that contain the content required by NYS VTL § 1174-a, Subdivision (g).

The contracted nonmunicipal entity shall take such steps as necessary to ensure notices are delivered in the manner described in NYS VTL § 1174-a, Subdivision (g).

**§ 105-88 Adjudication of liability.**

Where an operator of a vehicle violates the standards set forth in NYS VTL § 1174-a, Subdivision (b), liability may be imposed upon a vehicle owner by a Town Board appointed administrative law judge, as designated by the court, and serving the court of competent jurisdiction that has jurisdiction over the location where the violation occurred in the manner, and upon the proof permitted by, NYS VTL § 1174-a, or in any other manner or other proof permitted by law. An administrative law judge shall only have jurisdiction to find a vehicle "liable" or "not liable" for an alleged offense of NYS VTL § 1174-a. An administrative law judge may not engage in any plea bargaining or render any decision outside of a determination of "liable" or "not liable."

**§ 105-89 Payment of fines without court appearance.**

An owner of a vehicle who has received a notice of liability charging NYS VTL § 1174-a, within the time specified in said notice, may answer online (website address must be provided upon the notice of liability) writing, waiving a hearing in court, pleading guilty to the charge pay the applicable fine. Acceptance of the prescribed fine shall be deemed complete satisfaction for the violation, and the violator shall be given a receipt.

**§ 105-90 Penalties for offenses.**

**A.** An owner liable for a violation of this chapter shall be liable for those monetary penalties set forth in NYS VTL § 1174-a, Subdivision (e); and fines shall be paid. Payment instructions shall be provided upon the notice of liability.

**B.** An additional penalty for each violation for the failure to respond to a notice of liability within the prescribed time period.

**C.** For purpose of this chapter, there is a rebuttable presumption that a vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of NYS VTL § 1174-a.

**D.** If the owner receives a notice of liability pursuant to this chapter for a violation, it shall be a valid defense that the alleged violation took place at a time during which the vehicle was reported to the police as having been stolen and that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subsection, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to a court of competent jurisdiction or parking violations bureau having jurisdiction where any contested notice of liability would otherwise be determined.

**E.** No owner of a vehicle shall be liable for a penalty imposed pursuant to this chapter where the operator of such vehicle has been convicted of the underlying violation of NYS VTL § 1174-a.

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 105 of the Riverhead Town Code Titled “Boards, Commissions, and Councils”, Article XVII thereof titled, “Traffic Violations Bureau: Liability for Failure to Stop for School Buses” at its regular meeting held on July 1, 2025.

The intent of the proposed legislation is to create a venue to adjudicate cases specific to school bus arm cameras which are otherwise unable to be heard in the Town Justice Court.

A copy of the entire text of the adopted local law may be reviewed at the Office of the Town Clerk, 4 West Second Street, Riverhead, New York 11901, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday and can be accessed on the Town of Riverhead website at: [www.townofriverheadny.gov](http://www.townofriverheadny.gov) under the Agenda and Minutes for the July 15, 2025 Town Board Meeting.

Dated: Riverhead, New York  
July 15, 2025

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

JAMES WOOTEN, Town Clerk

Chapter 105 Boards, Commissions and Councils

Article XVIII Traffic Violations Bureau: Liability for Failure to Stop for School Buses

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- B. An additional penalty for each violation for the failure to respond to a notice of liability within the prescribed time period.

- C. For purpose of this chapter, there is a rebuttable presumption that a vehicle was used and operated with the consent of the owner at the time it was used and operated in violation of NYS VTL § 1174-a.
- D. If the owner receives a notice of liability pursuant to this chapter for a violation, it shall be a valid defense that the alleged violation took place at a time during which the vehicle was reported to the police as having been stolen and that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subsection, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent or delivered to a court of competent jurisdiction or parking violations bureau having jurisdiction where any contested notice of liability would otherwise be determined.
- E. No owner of a vehicle shall be liable for a penalty imposed pursuant to this chapter where the operator of such vehicle has been convicted of the underlying violation of NYS VTL § 1174-a.