SUPREME COURT OF THE STATE OF NEW YORK
I.A.S. PART 30 SUFFOLK COUNTY

PRESENT:
HON. DAVID T. REILLY, J.S.C.

INDEX NO.: 608155-2016

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ROBERT MCGRATH, JR., on behalf of himself and all others similarly situated,

Plaintiffs,

-against-

SUFFOLK COUNTY and the SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATION AGENCY,

Defendants..

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-and-

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MOTION DATE:		02/07/17
SUBMITTED:		05/22/19
MOTION SEQ. NO.:		1 & 2
MOTION:	001	MD
	002	MG

Upon the reading and filing of the following papers in this matter: (1) Defendants' Notice of Motion (001) filed on October 27, 2016 and supporting papers; (2) Plaintiffs' Notice of Cross-Motion (002) filed on January 4, 2017 and supporting papers; (3) Defendants' Affirmation in Reply and In Opposition dated June 20, 2017 and supporting papers; (4) Plaintiffs' Affirmation In Reply and supporting papers filed on July 14, 2017; (5) Plaintiffs' Supplemental Memorandum of Law filed on March 20, 2019; (6) Defendants' Supplemental Reply filed on April 2, 2019 and supporting papers; and after hearing counsel in support of and in opposition to the motions on May 22, 2019 it is,

ORDERED, that Mot. Seq. 001 and Mot. Seq. 002 are hereby consolidated for purposes of this determination and are determined as set forth below.

In this action plaintiffs challenge the imposition by defendants of a $30.00 administrative fee on vehicle owners liable for a violation of VTL §1111(d) under Suffolk County's red-light-camera

program as *ultra vires* and unconstitutional. Defendants have moved and plaintiffs have cross-moved for summary judgment pursuant to CPLR 3212. Both parties assert that there are no issues of fact necessitating a trial and that this matter may be determined as a matter of law.

Initially, defendants do not dispute the underlying facts stated in the complaint (*see* NYCEF Doc. No. 20, Page 8).[1] Plaintiff alleges that in March 2009 the New York State Legislature enacted VTL §1111-b authorizing Suffolk County to adopt a local law establishing a red-light-camera program. In June 2009 Suffolk passed Local Law 20-2009, implementing its Red Light Safety Program as authorized by VTL §1111-b with an effective date of July 15, 2010. The Local Law adopted by Suffolk County provides that a vehicle owner is liable for a "monetary penalty" of $50.00 in the event a driver of the owner's vehicle is found to have run a red light in violation of VTL §1111(d) through its Red Light Safety Program (*see* Suffolk County Code §§ 818-49 and 818-50). Suffolk County retained a contractor which instituted and maintains the Red Light Safety Program at no cost to Suffolk County. Between 2010 and 2012 the Red Light Safety Program generated approximately $13 million in revenue for Suffolk County.

With the passage of State enabling legislation, in 2013 Suffolk County doubled its Red Light Safety Program from 50 to 100 intersection locations. In that same year Suffolk County created the Suffolk County Traffic and Parking Violations Agency for the "disposition and administration of traffic and parking violations" (*see* Suffolk County Code § 818-77). Suffolk County also created a fee schedule for this Agency which includes an "Administrative fee for red light tickets: $30" (***Id.***, § 818-78. According to the plaintiffs' complaint, in 2013 Suffolk County also amended the contractor's terms of payment excluding it from receiving any portion of "administrative fees" now being generated through the Red Light Safety Program.

On December 1, 2015 Robert McGrath, Jr. (McGrath), a vehicle owner, was mailed a "Notice of Liability" under Suffolk's Red Light Safety Program which set forth a fine amount of $50.00 and an administrative fee in the amount of $30.00, for a total amount due of $80.00. McGrath challenged the ticket before the Suffolk County Traffic Parking Violations Agency and on February 3, 2016 was found liable. On that same day he paid defendants $80.00 which consisted of a $50.00 fine and $30.00 administrative fee.

McGrath's Notice of Liability for the red-light-camera violation bears no indicia of the Suffolk County Traffic and Parking Violations Agency (*see* NYCEF Doc. 39). However, the notice does instruct owners to go to the Agency's offices in Hauppauge if payment (of the fine) is to be made in person. For those wishing to pay the fine by mail a direction in the notice states:

> Check or money order should be made payable to: **Suffolk County Treasurer**. Mail your payment and remittance stub in the enclosed envelope to: Suffolk County Red Light Safety Program, PO Box 778,

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[1]All page numbers refer to the NYSCEF pagination, not the page of the document when initially printed by the party.

Baltimore, MD 21203-0778

The owner may contest the Notice of Liability by mailing the remittance notice, "... to request an appearance before the Suffolk County Traffic and Parking Violations Agency."

On May 27, 2016 plaintiffs commenced this action by filing a summons and complaint and issue was joined on July 20, 2016 by the filing of defendants' answer. Plaintiff asserts four (4) causes of action. First, plaintiffs seek a declaratory judgment that the $30.00 administrative fee implemented by Suffolk County in 2013 is unconstitutional as inconsistent with VTL §1111-b and New York State's general laws. Second, plaintiffs claim that Suffolk County has been unjustly enriched by virtue of the imposition of the "unauthorized, *ultra vires* and unconstitutional" administrative fee. In the third count plaintiffs allege that Suffolk County committed a common-law fraud when it sent Notices of Liability which included the administrative fee when defendant knew that it was "unauthorized, *ultra vires* and unconstitutional." Lastly, plaintiffs allege that Suffolk County negligently represented that plaintiff and other similarly situated persons were liable for $80.00, rather than the $50.00 maximum liability for owners as mandated in VTL §1111-b.

Defendants contend that all of plaintiffs' causes of action are premised solely on the allegation that the $30.00 administrative fee is unconstitutional as inconsistent with provisions of New York State Law and that this Court's determination of the constitutionality of the administrative fee will be determinative of all claims asserted by the plaintiffs. Defendants further maintain that Suffolk County is authorized by the New York State Constitution and the New York State Municipal Home Rule Law to fix and collect the $30.00 administrative fee. Defendants argue that the recent enactment of VTL §1804 (Chapter 16 of the Laws of 2016) acknowledges Suffolk County's authority to impose the administrative fee. Suffolk County also cites New York Statutes of Local Government §10(5) as additional authority for the implementation of the $30.00 fee.

Plaintiffs maintain the defendants' imposition of the $30.00 administrative fee, in addition to the $50.00 fine, conflicts with and violates VTL §1111-b because the plain reading of the statute establishes a $50.00 cap on owner liability under a red light demonstration program.[2] As such plaintiffs argue that the Suffolk County law imposing a $30.00 administrative fee on Red Light Safety Program violations is un-constitutional, *ultra vires* and void as a matter of law. Plaintiffs likewise contend that the administrative fee is inconsistent with State Law and that Suffolk County is impliedly preempted from instituting such a fee within the State approved red light programs.

STANDARD OF REVIEW

Plaintiffs and defendants each agree that there are no material issues of fact to be tried and that

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[2] Each party acknowledges that VTL §1111-b also provides for the imposition of an additional $25.00 late fee in certain circumstances. In this opinion the Court will not further reference this fee as it does not relate to the dispute between the parties.

judgment may be directed as a matter of law. The proponent of a summary judgment motion must make a prima facie showing of entitlement to judgment as a matter of law by tendering evidence in admissible form sufficient to eliminate any material issues of fact from the case (*see* ***Alvarez v Prospect Hosp.***, 68 NY2d 320, 508 NYS2d 923 [1986]; ***Winegrad v New York Univ. Med. Ctr.***, 64 NY2d 851, 87 NYS2d 316 [1985]). The movant has the initial burden of proving entitlement to summary judgment (***Winegrad v New York Univ. Med. Ctr.***, *supra*). Once the movant demonstrates a prima facie entitlement to judgment as a matter of law, the burden shifts to the party opposing the motion to produce evidentiary proof in admissible form sufficient to establish the existence of material issues of fact which require a trial of the action (*see* ***Vega v Restani Constr. Corp.***, 18 NY3d 499, 942 NYS2d 13 [2012]; ***Alvarez v Prospect Hosp.***, *supra*; ***Zuckerman v City of New York***, 49 NY2d 557; 427 NYS2d 595 [1980]; *see also* CPLR 3212 [b]). Defendant does not contest plaintiff's standing in this motion, but reserves its right to contest his class status.

STATUTORY HISTORY

Since 1988 the New York State Legislature has authorized the City of New York to implement a red-light-camera demonstration program (*see* VTL §1111-a, Chapter 746 of the Laws of 1988). Beginning in or about 2002 the Suffolk County Legislature requested through multiple Home Rule Messages to the New York State Assembly, Senate and Governor for legislation to allow Suffolk County to initiate its own red-light-camera program. These Home Rule Messages often asked for fines not to exceed $50.00, but in two of these messages the Suffolk County Legislature mirrored existing New York State statutory language (*see* §VTL §1111-a(e) and sought legislation that would provide for a "monetary liability" not to exceed $50.00 (*see* NYCEF Doc. 41, Home Rule Messages No. 1-2004 and No.7-2006).

When the enabling New York State legislation was adopted for Suffolk's Red Light Camera Safety Program the statutory language did not track the Suffolk Legislature's "maximum fine" request cited in many of its Home Rule Messages, but rather stated: " The liability of the owner pursuant to this section shall not exceed fifty dollars for each violation..." (*see* VTL §1111-b(e).

In the debate preceding the passage of this legislation in the New York State Assembly, the Bill's sponsor stated that there would be no other surcharges other than the maximum fifty dollar fine. The colloquy, in pertinent part, is as follows:

> MR. CAHILL: The $50 fine that is associated with this violation, is that the only charge that a person will suffer as a result of their vehicle going through this; or it is possible that they would be subject to other surcharges under the law?
>
> MR. LAVINE: No other surcharges. However, in the event that the fines are not paid, the municipality or the county can levy an additional $25 fine.

> MR. CAHILL: But the usual administrative fees that we see sometimes tacked on to the Vehicle and Traffic Law violations do not apply in this instance?
>
> MR. LAVINE: They do not.

The Division of the Budget, Bill Memorandum recommended approval of this legislation and contemporaneously recognized the financial assistance these red-light-camera demonstration programs could provide local governments:

> Subject and Purpose:
>
> To improve public safety and raise additional revenue for Suffolk County, this bill would authorize the County to adopt a red light camera traffic safety demonstration program.
>
> * * * *
>
> Arguments in Support:
>
> New York City's red light camera program has been shown to be a cost-effective approach to improving traffic safety for over 20 years. In recent years, Suffolk County and a number of other larger municipalities have requested similar authorization to both improve public safety and raise additional revenue to offset the local property tax burden (*see* NYCEF Doc 42, page 8 and 9).

The New York State Legislature first authorized New York City to adopt a red light camera demonstration program (*see* VTL §1111-a). Thereafter, the State passed numerous VTL §1111-b statutes authorizing various municipalities and counties, including Suffolk County, to institute a red-light-camera "demonstration program." The language in all of the New York State statutes approving these programs is very similar, and each contain the language of an earlier revision to the statute.

When New York City's red-light-camera program was first adopted VTL §1111-a read:

> [T]he amount of monetary penalties for each such violation *shall not exceed the maximum amount of monetary penalties* authorized pursuant to section two hundred thirty-seven of this chapter [which was $50.00 at the time[3]]" (VTL §1111-a(e) [1988]; *see* NYCEF Doc. No. 56). [*Emphasis added*].

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[3]See NYCEF Doc. No. 54

In 1994 the New York State Legislature amended the statute as set forth above by eliminating that language and in its stead inserted:

> The *liability of the owner pursuant to this section shall not exceed fifty dollars* for each violation; provided however, that such local law or ordinance my provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period (see NYCEF Doc. No. 57). [*Emphasis added*].

This 1994 revised statutory language was included in the New York State statute authorizing Suffolk County's Red Light Camera Safety Program(*see* VTL §1111-b[1]-[4]).

Pursuant to the New York State statute authorizing Suffolk County to implement its red-light-camera demonstration program, the Suffolk County Legislature passed Local Law 20-2009, codified as Suffolk County Code § 818-46 *et seq*. The Local Law states, in pertinent part:

> **§ 818-49 Owner liability.**
> The owner of a vehicle shall be liable for a penalty imposed pursuant to this article if such vehicle is used or operated with the permission of the owner, express or implied, in violation of §1111(d) of the New York Vehicle and Traffic Law, and such violation is evidenced by information obtained from a traffic control signal photo violation-monitoring system...
>
> **§ 818-50 Penalties for offenses.**
> **A.** An owner liable for a violation of §1111(d) of the New York Vehicle and Traffic Law, in accordance with § 818-49 of this article, shall be liable for a monetary penalty of $50 for each violation. An owner shall be liable for an additional penalty of $25 for each violation for the failure to respond to a notice liability within the time prescribed in the notice of violation.
>
> **B.** An imposition of liability under this article shall not be deemed a conviction and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of the motor vehicle insurance coverage

(*see* NYCEF Doc. No. 20, pages 8 and 9).

In 2013 the New York State Legislature authorized Suffolk County to establish a Traffic and Parking Violation Agency (*see* New York Gen. Mun. Law § 370(3). Pursuant to Local Law No. 9-2013 the Suffolk County Traffic and Parking Violations Agency was created (*see* Suffolk County Code

§818-77). In addition to the foregoing, Suffolk County Code §818-78 created a fee schedule for the Suffolk County Traffic and Parking Violations Agency which includes an administrative fee for "red light tickets" in the amount of $30.00 (*see* NYCEF Doc. No. 46). In addition to the $50.00 monetary penalty imposed for each violation of VTL §1111(d) under its Red Light Safety Program, Suffolk County also imposed this $30.00 administrative fee for a total monetary liability of $80.00.

STATUTORY REVIEW

Municipal enactments, like State statutes, are conferred with an exceedingly strong presumption of constitutionality (***Lighthouse Shores v. Town of Islip***, 41 NY2d 7, 11, 390 NYS2d 827 [1976]). This principle of law is applicable to the Suffolk County Code, including the enactment of its Red Light Safety Program and the creation of the Suffolk County Traffic and Parking Violations Agency with its fee schedule.

Under Article 9 of the New York State Constitution local governments including Suffolk County are authorized to, "to adopt and amend local laws not inconsistent with the provisions of this constitution or any general law relating to its property, affairs or government..." (*see* NY Constitution Article 9(c)(1). In addition to the powers granted to Suffolk County in the Constitution, New York Municipal Home Rule Law §10(1)(a)9-a provides that a County Legislature may adopt local laws fixing, levying and collecting fees. This authority is limited to the extent that:

> [E]very local government shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law relating to its property, affairs or government ... (Mun. Home Rule Law §10(1)(I).

Generally, local laws and general state laws are not inconsistent when the local law does not prohibit what the state law permits nor allow what the state law forbids (see ***Wholesale Laundry Board of Trade, Inc. v City of New York***, 17 AD.2d 327, 234 NYS2d 862 [1st Dept 1962]).

A general law is defined as "[a] law which in terms and in effect applies alike to all counties, all counties other than those wholly within a city, all cities, all towns or all villages" (NY Const. Art. 9, §3(d)(1). Local laws will be preempted where there is a direct conflict with a state statute or where the legislature has occupied a particular field (*see* ***Eric M. Berman, P.C. v City of New York***, 25 NY3d 684, 690, 16 NYS3d 25 [2015]).

A special law is "[a] law which in terms and effect applies to one or more, but not all, counties other than those wholly included within a city, cities, town or villages" (NY Const. Art 9, §3(d)(4). A municipality or county may enact legislation inconsistent with a special law (*see* ***Jancyn Mfg. Corp. v County of Suffolk***, 583 F.Supp.1364, 1984 U.S. Dist. LEXIS 17838 [EDNY1984]). Therefore, a determination as to whether VTL §1111-b is a general law or special law is necessary.

VTL §1111-b authorizes the County of Suffolk to adopt or amend a local law to establish a demonstration program for using red light cameras in the political subdivision. The detailed provisions of VTL §1111-b for Suffolk County are substantially similar in scope to other red light camera programs in the State. For example there are statutes for the City of Buffalo and the City of Rochester under VTL §1111-b which are similar in scope to VTL §1111-a which authorizes the City of New York to establish a red light camera demonstration program.

The State has provided counties and cities with a general unified plan as to the scope and implementation of the various red-light demonstration programs. The language in all of the New York State's statutes approving these programs is almost identical and evinces a systematic approach by the State of New York for the implementation of these "demonstration programs." In addition, there are yearly reporting requirements and sunset provisions for these programs, however, there appears to be no expansive regulation of these programs.

This Court concludes that New York State's multiple statutes authorizing the red light camera programs creates a common statutory scheme and, as such, the subject matter of this legislation is of sufficient importance to New York State generally. Therefore, VTL §1111-b, Suffolk County's enabling statute, cannot be considered a special or local law even though the actual statute pertains only to the Suffolk County (see ***Hotel Dorset Co. v Trust for Cultural Resources***, 46 NY2d 358, 413 NYS2d 357 [1978]). Accordingly, VTL §1111-b is a general law and, therefore, a review of the Suffolk County's local laws is necessary to determine if they are inconsistent or conflict with the New York State legislation.

A local law may be inconsistent if it is in express conflict with the State law, or the State law evidences an intention to preempt local regulation, or when the State law indicates a purpose to occupy an entire field of regulation (*see* ***Ames v. Smoot***, 98 AD2d 216, 218, 471 NYS2d 128 [2d Dept [1983]). The intent to preempt may be expressed in the statute's language, the nature of the subject matter being regulated and the purpose and scope of the State legislative scheme (*see* ***Id.***, at 218-219).

Upon this record the Court cannot conclude that the State has preempted localities in the field of red-light-camera programs. Thus, in determining if there are any inconsistencies or conflicts between the State and local laws, a further review of the plain meaning of VTL §1111-b is necessary.

This Court's primary consideration when evaluating statutes is to ascertain and give effect to the intention of the Legislature (*see* ***Riley v. County of Broome***, 95 NY2d 455, 463, 719 NYS2d 623 [2000]). Where the statutory language is clear and unambiguous, the court should construe it so as to give effect to the plain meaning of the words used (*see* ***Raritan Dev. Corp. v Silva***, 91 NY2d 98, 667 NYS2d 327 [1997]). Inasmuch as "[t]he text of a statute is the clearest indicator of such legislative intent," where the disputed language is "unambiguous," we are bound "to give effect to its plain meaning" (***Makinen v. City of New York***, 30 NY3d 81, 85, 64 NYS3d 622 [2017]) [Internal citation omitted]. Moreover, "[w]here, [as here,] the legislative language is clear, [we have] no occasion [to] examin[e] ... extrinsic evidence to discover legislative intent" (***Id.***, citing McKinney's Cons Laws of NY, Book 1, Statutes §120, Comment at 242).

The State legislation VTL §1111-b was enacted in 2009 and the Suffolk County Local Law 20-2009 establishing its Red Light Camera Safety Program followed soon thereafter under the State's enabling law. The Court notes that neither party contends that the language of Suffolk County Local Law 20-2009 is in conflict with the State law. In 2013 Suffolk County adopted Local Law 9-2013 which created the Suffolk County Traffic and Parking Violations Agency providing for the adjudication of red light camera liability imposed on vehicle owners (*see* VTL §1111-b(h). The County also established a fee schedule for its Traffic and Parking Violations Agency which includes: "(1) Administrative fee for red light tickets: $30." Again, at issue here is Suffolk County's imposition of this administrative fee which creates an $80.00 monetary liability for the vehicle owner.

Plaintiffs maintain that the plain language of VTL §1111-b (e) places a cap on owner's monetary liability for red light camera violations and thereby does not permit Suffolk County to collect any penalties, fines or fees, in excess of the $50.00 limit. Defendants contend that the County has the general authority to adopt and collect fees, and in the case of Local Law §818-78, enacted a $30.00 administrative fee for red light tickets administered by the Suffolk County Traffic and Parking Violations Bureau.

The Court finds that Suffolk County has the general authority to adopt administrative fees for red light tickets administered by its Traffic and Parking Violations Agency. Standing alone there is nothing contained in §818-78A.(1) which conflicts with New York State general law VTL §1111-b(e). In fact Suffolk County Code §818-78A(1) is certainly applicable to red light tickets issued outside the Red Light Safety Program. If the County had not already allocated a $50.00 fine to the owner's liability for a Red Light Safety Program violation then any other combination of fee or fine, as determined by the County, would not be in conflict with the VTL §1111-b(e), as long as the owner's liability did not exceed $50.00. Neither Suffolk County Codes §§ 818-50 or 818-78 are in conflict individually with VTL §1111-b(e), but it is statutorily impermissible to combine the penalty and fees in a Red Light Safety Program violation because added together they exceed the $50.00 liability cap.

Stated otherwise, the plain reading of the New York State statute precludes the County from collecting anything more than the $50.00 per violation. The designation of which portion of the maximum liability is fee or fine is entirely in the discretion of Suffolk County. This finding is in harmony with ***People v. Villatoro*** (61 Misc3rd 148A, 111 NYS3d 785 [App Term, 2018]). In ***Villatoro*** the Appellate Term determined that the $30.00 administrative fee imposed by the Suffolk County Traffic and Parking Violations Agency is not preempted by State law. This Court does not disagree with this limited finding. However, if the issue of combining penalties and fees over the limits of monetary liability set in VTL §1111-b(e) was considered by the Court in ***Villatore***, then this Court stands in disagreement. The actions of Suffolk County in combining fees, fines, or penalties above the monetary cap set by VTL §1111-b(e) are in conflict, not the local laws themselves.

Although not required because of the plain meaning of the State statute (*see* ***Riley v County of Bloome***, supra), this Court cites to the legislative history of the statute, including the Assembly floor debate and the 1998 revision to the New York City enabling legislation in VTL §1111-a which first implemented the term "monetary liability" and thereby capped owner liability. At the Assembly

debate assurances were given by the sponsor that there would be no additional "surcharges" or "administrative fees" above the $50.00 liability cap (*see* NYCEF Doc. No. 39, pp 45-46). Even the New York State Assembly Memorandum in Support of the Legislation notes that the law imposes "monetary liability of up to fifty dollars" (***see*** NYCEF Doc. No. 42, p. 8; *cf* ***Guthart v Nassau County***, 55Misc3d 827, 831, 52 NYS2d 821 [Sup Ct, Nassau Cty 2017]; ***rev'd*** 178 AD3d 777, 111 NYS3d 886 [2d Dept 2019]).

This Court concludes that the term "owner liability" is broad in scope, should be given its intended meaning and cannot be limited to just fines and penalties. A statutory modification of the existing statute, VTL §1111-a, which authorized the red light program in the City of New York supports a finding that the Legislature set a $50.00 total liability cap for an owner irrespective of whether or not it is a fine, penalty, surcharge or administrative fee.

In 1994 the New York State legislature amended VTL §1111-a to replace the "monetary penalty" cap with a "liability" cap. It is a well settled tenet of statutory construction that [t]he Legislature, by enacting an amendment of a statute changing the language thereof, is deemed to have intended a material change in the law (*see* ***Commonwealth of the N. Mariana Is. v Canadian. Imperial Bank of Commerce***, 21 NY3d 55, 61, 967 NYS2d 876 [2013]; McKinney's NY Statutes, §193).

The plain language of VTL §1111-b(e) read in the context of said paragraph and the statute as a whole reveals that the Legislature intended to cap owner's total liability for red-light-camera violations, not just fines, penalties or fees To suggest otherwise or reflect on the absence of certain other language that could have been chosen by the Legislature distorts the judiciary's role as co-equal branch of government, but not a legislative equal. The broader "liability of the owner" cap language is contained in the New York State legislation authorizing Suffolk's red light program and should be given its plain meaning (*see* VTL §1111-b(e). Accordingly, Suffolk County's imposition of a $30.00 administrative fee, in addition to the $50.00 fine, is *ultra vires* and unconstitutional.

It is noted that New York State demands annual reports seeking information with regard to revenues generated from Suffolk County's Red Light Camera Safety Program. It is clear to this Court that the State Legislature was and is aware of both the safety and revenue benefits the red light camera programs provide cities and counties. This interest can be reasonably inferred from New York State's continued oversight over the various red light camera programs in the state including the mandated revenue reporting requirements.

The determinations made by this Court raise serious fiscal implications for the County of Suffolk and before its intendments are carried to fruition, defendants must be afforded a further opportunity to be heard on this important matter. To that end it is hereby,

ORDERED, that defendants' motion for summary judgment is denied; and its further

ORDERED, that plaintiffs' motion for summary judgment is granted to the extent that it is;

ADJUDGED, that defendants' imposition of a monetary liability for vehicle owners in excess of $50.00, or $75.00 with a statutory authorized late fee, for a red light violation issued through the Red Light Safety Program is void as a matter of law; and it is further

ORDERED, defendants are enjoined from collecting any fines, penalties or fees under its Red Light Safety Program beyond that provided for in Vehicle and Traffic Law (VTL) §1111-b(e) as heretofore determined by this Court; and it is further

ORDERED, that the Court stays the Order set forth in the preceding decretal paragraph until such time as defendants serve notice of appeal upon plaintiffs pursuant to CPLR 5519 (a) or until the time for filing a notice of appeal has expired.

Any other relief requested herein not otherwise granted is denied.

This constitutes the decision and Order of the Court.

Dated: **April 27, 2020**
Riverhead, New York

DAVID T. REILLY
JUSTICE OF THE SUPREME COURT

_____ FINAL DISPOSITION ___X___ NON-FINAL DISPOSITION