

STATE OF NEW YORK

187

2017-2018 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2017

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to providing parking spaces for veterans injured in the line of duty

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding four new
2 sections 1205, 1205-a, 1205-b and 1205-c to read as follows:

3 § 1205. Parking permits for veterans injured in the line of duty. 1.
4 The commissioner shall distribute special vehicle identification parking
5 permits to the governing bodies of all cities, town and villages in the
6 state. Notwithstanding any local law or ordinance to the contrary, such
7 permits shall entitle any vehicle displaying such permit to park in any
8 area in any city, town or village of the state which has been designated
9 by such city, town or village or pursuant to the provisions of section
10 twelve hundred five-c of this article as a place for parking for veter-
11 ans injured in the line of duty. The design, period of validity, and
12 procedures for reissuance of such permits shall be as determined by the
13 commissioner. A city, town or village issuing a permit pursuant to this
14 subdivision shall indelibly inscribe or otherwise mark, on the face of
15 such permit, the last three digits of the identification number of the
16 driver's license or non-driver identification card of the person to whom
17 the permit is issued. The governing bodies of cities, towns and villages
18 in the state shall appoint an issuing agent to issue such permits. Any
19 person issued a permit pursuant to this section who holds a driver's
20 license or non-driver identification card shall make the last three
21 digits of such license or identification card available to an issuing
22 agent at the time of permit issuance or renewal by presenting such
23 license or identification card to such issuing agent. Any person issued
24 a permit pursuant to this section who holds a driver's license or non-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 driver identification card shall carry and make available to a law
2 enforcement officer upon demand, or as soon as practicable thereafter,
3 his or her driver's license or non-driver identification card which
4 shall be presumptive evidence of the validity of his or her special
5 vehicle identification parking permit. Failure to make available such
6 driver's license or non-driver identification card upon demand shall not
7 be deemed a violation. The permits shall be issued to any resident of
8 New York state who is a veteran, as defined in section eighty-five of
9 the civil service law, who has been injured in the line of duty upon
10 application of such person, provided, however, that an issuing agent
11 shall issue permits only to residents of the city, town or village in
12 which such issuing agent is located, except that, an issuing agent, in
13 his or her discretion, may issue a permit to a veteran who has been
14 injured in the line of duty who is not a resident of the city, town, or
15 village in which such issuing agent is located where such person resides
16 in a city, town, or village in which the governing body has not
17 appointed an issuing agent.

18 2. Such permit shall be for use exclusively in a vehicle in which the
19 person to whom it has been issued is being transported and such permit
20 shall not be transferable and shall be forfeited if presented by any
21 other person. Any abuse by any person, facility or agency to whom such
22 permit has been issued of any privilege, benefit, precedence or consid-
23 eration granted pursuant to the issuance of such permit, shall be suffi-
24 cient cause for revocation of said permit.

25 3. The special vehicle identification parking permit issued by the
26 commissioner shall be recognized statewide.

27 4. A person who knowingly and wilfully with the intent to deceive
28 makes a false statement or gives information which such individual knows
29 to be false to a public official to obtain a parking permit for veterans
30 injured in the line of duty or to prevent the marking on such permit of
31 the last three digits of a driver's license or non-driver identification
32 card held by such person, in addition to any other penalty provided by
33 law, shall be subject to a civil penalty of not less than two hundred
34 fifty dollars nor more than one thousand dollars.

35 § 1205-a. Parking spaces; veterans. 1. Parking spaces for veterans
36 injured in the line of duty. A veterans permit issued in accordance
37 with the provisions of section one thousand two hundred five of this
38 article shall entitle the veteran-driver to park in such parking spac-
39 es. Parking spaces for veterans shall be those parking spaces accorded
40 to a holder of a veterans parking permit provided in accordance with
41 section one thousand two hundred five of this article.

42 2. It shall be a violation for any person to stop, stand or park a
43 vehicle in any area designated as a place for veteran parking unless the
44 vehicle bears a permit issued under section one thousand two hundred
45 five of this article and such vehicle is being used for the transporta-
46 tion of a veteran. This subdivision shall not apply to a violation of
47 section twelve hundred five-c of this article.

48 § 1205-b. Veterans parking enforcement. 1. A county, city, town or
49 village may, by adoption of a local law or ordinance, establish a veter-
50 ans parking violation unit to assist in the enforcement of veterans
51 parking laws or ordinances. Persons appointed to such unit shall be
52 volunteers, shall serve without compensation, and shall be authorized to
53 provide evidence of violations of veterans parking laws or ordinances to
54 the appropriate local enforcement authority. Such evidence may include
55 photographing a violation, provided that such photograph is taken and
56 handled in compliance with the requirements of this section.

1 2. A local law or ordinance enacted in accordance with the provisions
2 of this section shall:

3 (a) establish a training program of no less than two hours in length
4 and require each volunteer to participate in and complete such training
5 program;

6 (b) provide for the assignment of an identification number to each
7 volunteer, and provide official identification and equipment to assist
8 volunteer personnel in the conduct of their duties;

9 (c) establish uniform procedures for volunteers to follow in determin-
10 ing whether a violation has occurred;

11 (d) establish procedures for the uniform reporting of violations,
12 which reporting shall include the identification number of the volunteer
13 making the report;

14 (e) if such local law or ordinance provides for the taking of photo-
15 graphs of violations, (i) grant only the enforcement agency the authori-
16 ty to process or to contract for the processing of all film submitted by
17 volunteers; (ii) require any photographs evidencing a violation to be
18 available for inspection in any proceeding to adjudicate the liability
19 for such violation; (iii) provide that a certificate, sworn to or
20 affirmed by a technician employed by the locality in which the charged
21 violation occurred, or a facsimile thereof, based upon inspection of
22 photographs produced from film submitted by volunteers, shall be prima
23 facie evidence of the facts contained therein; and (iv) prohibit the use
24 of such a photograph for any purpose other than as evidence of a hand-
25 icapped parking violation; and

26 (f) provide the following with respect to notices of violation: (i) a
27 notice of violation shall be sent by first class mail to each person
28 alleged to be liable as an owner for a violation of a veterans parking
29 law or ordinance. A manual or automatic record of mailing prepared in
30 the ordinary course of business shall be prima facie evidence of the
31 facts contained therein; (ii) a notice of violation shall reference the
32 law which was allegedly violated, and shall contain the name and address
33 of the person alleged to be liable as an owner for a violation of a
34 veterans parking law or ordinance, the registration number of the vehi-
35 cle involved in such violation, the location where such violation took
36 place, the date and time of such violation, and the identification
37 number of the volunteer who recorded the violation; (iii) a notice of
38 violation shall contain information advising the person charged of the
39 manner and the time in which he or she may contest the violation alleged
40 in the notice, and shall also contain a warning to advise the persons
41 charged that failure to contest in the manner and time provided shall be
42 deemed an admission of liability and that a default judgment may be
43 entered thereon.

44 § 1205-c. Off street parking spaces for veterans injured in the line
45 of duty. 1. Any person, firm or corporation owning a shopping center or
46 facility with at least five separate retail stores and at least twenty
47 off street parking spaces which are provided for use by the shopping
48 public must designate as only for veterans injured in the line of duty
49 and clearly mark for use by veterans a minimum of three percent of such
50 parking spaces or six such spaces whichever is less. These spaces must
51 be located as close as reasonably practicable to the shopping center
52 facility and reasonably distributed so as to provide convenient access
53 for use by veteran drivers. Such parking spaces are to be used by veter-
54 an drivers displaying a special municipal parking permit (as defined in
55 section twelve hundred five of this article and distributed by the

1 commissioner of motor vehicles to local governing bodies to be issued to
2 veterans who reside in such locality).

3 2. (a) The parking spaces designated pursuant to the provisions of
4 this section shall be clearly identified for use by veterans injured in
5 the line of duty which designation shall include conspicuous and perma-
6 nently installed above grade signs and which shall be positioned from
7 the parking space surface at a height of not less than five feet nor
8 more than seven feet and may include the use of green painted lines or
9 markings. Such parking spaces also may be marked as tow-away zones.

10 (b) Whenever a person, firm or corporation creates an off-street park-
11 ing lot or parking garage, or repaves or repaints more than one-half of
12 the total number of parking spaces in an off-street parking lot or park-
13 ing garage, which contains designated veteran parking spaces, or creates
14 designated veteran parking spaces in an off-street parking lot or park-
15 ing garage, or repaves or repaints more than one-half of the total
16 number of designated veteran parking spaces in an off-street parking lot
17 or parking garage, the size of designated veteran parking spaces shall
18 be at least eight feet wide.

19 3. A violation of this section by any person, firm or corporation
20 owning a shopping center or facility with at least five separate retail
21 stores and at least twenty off street parking spaces which are provided
22 for use by the shopping public who fails to provide spaces only for
23 veterans injured in the line of duty and clearly marked for use by such
24 veterans in accordance with this section, shall be punishable by a fine
25 up to two hundred fifty dollars.

26 4. Except as otherwise provided by local law which imposes a larger
27 maximum fine, any person who stops, stands or parks in spaces clearly
28 marked for use by veterans injured in the line of duty in accordance
29 with this section, without a special vehicle identification parking
30 permit or a special municipal parking permit and being used for the
31 transportation of a veteran injured in the line of duty; or with such
32 permit or registration and such person is not the one to whom the permit
33 or registration was issued or is not transporting the person issued the
34 permit or registration; shall be subject to a fine of not less than
35 fifty dollars nor more than seventy-five dollars for the first offense
36 and seventy-five to one hundred fifty dollars for the second offense
37 occurring within a period of two years within the same municipality. The
38 arresting or ticketing officer shall issue a summons to violators of
39 this section. A ticketing officer issuing a summons pursuant to this
40 section may provide for the removal and storage of a motor vehicle ille-
41 gally parked in a veteran parking space.

42 5. Notwithstanding any other state or local law to the contrary, a
43 state, county or municipal law enforcement officer seeking to enforce
44 subdivision four of this section, may enter onto the parking lot of any
45 shopping center or facility as described in subdivision one of this
46 section regardless of the existence or absence of any state or local law
47 or rule otherwise permitting or restricting such access for such law
48 enforcement officer.

49 § 2. This act shall take effect immediately.