

STATE OF NEW YORK

4927

2019-2020 Regular Sessions

IN SENATE

March 29, 2019

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring photographs of all parking violations

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 a new
2 section 223-a to read as follows:

3 § 223-a. Photographs required for parking violations. 1. The commis-
4 sioner shall require that all parking violations issued pursuant to
5 article two-b of this title be accompanied with a photograph of the
6 alleged violation. Such photograph shall be time/date stamped and
7 conspicuously display the vehicle and relevant parking sign, if applica-
8 ble.

9 2. Such photographs shall be stored with the bureau to be furnished
10 whenever requested by the person charged pursuant to subdivision six-a
11 of section two hundred thirty-seven of this title.

12 § 2. Section 237 of the vehicle and traffic law is amended by adding a
13 new subdivision 6-a to read as follows:

14 6-a. To compile and maintain the photographs associated with each
15 parking violation issued. The bureau shall furnish within a reasonable
16 period of time to the person charged on his or her request, a copy of
17 such photograph;

18 § 3. Subdivision 2 of section 238 of the vehicle and traffic law, as
19 amended by chapter 224 of the laws of 1995, is amended to read as
20 follows:

21 2. A notice of violation shall be served personally upon the operator
22 of a motor vehicle who is present at the time of service, and his name,
23 together with the plate designation and the plate type as shown by the
24 registration plates of said vehicle and the expiration date; the make or
25 model, and body type of said vehicle; a description of the charged

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

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1 violation, including but not limited to a reference to the applicable
2 traffic rule or provision of this chapter; information as to the days
3 and hours the applicable rule or provision of this chapter is in effect,
4 unless always in effect pursuant to rule or this chapter and where
5 appropriate the word ALL when the days and/or hours in effect are every-
6 day and/or twenty-four hours a day; the meter number for a meter
7 violation, where appropriate; [and] the date, time and particular place
8 of occurrence of the charged violation; and a notice and information
9 regarding how the person charged may request a photograph of the alleged
10 violation, shall be inserted therein. A mere listing of a meter number
11 in cases of charged meter violations shall not be deemed to constitute a
12 sufficient description of a particular place of occurrence for purposes
13 of this subdivision. The notice of violation shall be served upon the
14 owner of the motor vehicle if the operator is not present, by affixing
15 such notice to said vehicle in a conspicuous place. Whenever such notice
16 is so affixed, in lieu of inserting the name of the person charged with
17 the violation in the space provided for the identification of said
18 person, the words "owner of the vehicle bearing license" may be inserted
19 to be followed by the plate designation and plate type as shown by the
20 registration plates of said vehicle together with the expiration date;
21 the make or model, and body type of said vehicle; a description of the
22 charged violation, including but not limited to a reference to the
23 applicable traffic rule or provision of this chapter; information as to
24 the days and hours the applicable rule or provision of this chapter is
25 in effect unless always in effect pursuant to rule or this chapter and
26 where appropriate the word ALL when the days and/or hours in effect are
27 every day and/or twenty-four hours a day; the meter number for a meter
28 violation where appropriate; [and] the date, time and particular place
29 of occurrence of the charged violation; and a notice and information
30 regarding how the person charged may request a photograph of the alleged
31 violation. Service of the notice of violation, or a duplicate thereof
32 by affixation as herein provided shall have the same force and effect
33 and shall be subject to the same penalties for disregard thereof as
34 though the same was personally served with the name of the person
35 charged with the violation inserted therein.

36 § 4. Subdivision 2-a of section 238 of the vehicle and traffic law is
37 amended by adding a new paragraph (b-1) to read as follows:

38 (b-1) The time/date stamped photograph required pursuant to section
39 two hundred twenty-three-a of this title shall be preserved to use as
40 evidence until a final determination on the notice is made pursuant to
41 this article.

42 § 5. This act shall take effect on the thirtieth day after it shall
43 have become a law. Effective immediately, the addition, amendment
44 and/or repeal of any rule or regulation necessary for the implementation
45 of this act on its effective date are authorized to be made or completed
46 on or before such effective date.