S T A T E O F N E W Y O R K

2667

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to abandoned vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 207 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

1. Except as otherwise provided, the commissioner shall be authorized to prescribe the form of summons and complaint in all cases involving a violation of any provision of this chapter, including [section] SECTIONS twelve hundred three-c AND TWELVE HUNDRED TWENTY-FOUR, or of any provision of the tax law or of the transportation law regulating traffic, or of any ordinance, rule or regulation relating to traffic, and to establish procedures for proper administrative controls over the disposition thereof. The commissioner is not authorized to prescribe the form of summons and complaint for parking, stopping or standing violations or a violation of article forty-seven or forty-eight of this chapter.

S 2. Paragraphs (b), (c), (d), and (e) of subdivision 7 of section 1224 of the vehicle and traffic law are relettered paragraphs (c), (d), (e), and (f) and a new paragraph (b) is added to read as follows:

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN ADDITION TO THOSE PERSONS OTHERWISE AUTHORIZED TO ENFORCE THIS SUBDIVISION AND ADJUDICATE VIOLATIONS THEREOF, THIS SUBDIVISION SHALL ALSO BE ENFORCEABLE, EXCEPT IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, IN A CITY COURT, DISTRICT COURT, OR JUSTICE COURT WITHIN THE MUNICIPALITY IN WHICH A VIOLATION OF THIS SUBDIVISION IS ALLEGED TO HAVE OCCURRED. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SERVICE OF A NOTICE OF VIOLATION FOR A VIOLATION OF THIS SUBDIVISION COMMITTED IN SUCH MUNICIPALITY SHALL BE MADE UPON AN OWNER BY FIRST-CLASS MAIL, POSTAGE PREPAID, ACCOMPANIED BY

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

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A CERTIFICATE OF MAILING FROM THE UNITED STATES POSTAL SERVICE AND ANY SUCH NOTICE SERVED BY MAIL SHALL BE RETURNABLE TO SUCH MUNICIPALITY. SERVICE SHALL BE DEEMED COMPLETE UPON MAILING OF THE NOTICE OF VIOLATION, TO THE OWNER'S LAST KNOWN PLACE OF RESIDENCE OR LAST KNOWN POST-OFFICE ADDRESS, UNLESS THE NOTICE OF VIOLATION IS RETURNED TO THE SENDER BY THE UNITED STATES POSTAL SERVICE FOR ANY REASON OTHER THAN REFUSAL OF DELIVERY.

S 3. Subdivision 9 of section 1224 of the vehicle and traffic law, as amended by chapter 795 of the laws of 1974, is amended to read as follows:

9. The last owner of an abandoned vehicle shall be liable to such local authority for the costs of removal [and], storage AND DISPOSAL of such vehicle.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.