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

5046

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. SCARBOROUGH -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the expiration of parking violations

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

Section 1. Section 241 of the vehicle and traffic law is amended by adding a new subdivision 2-a to read as follows:

2-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CHARGE OF A PARKING VIOLATION SHALL BE DISMISSED AND SHALL NOT BE ENFORCED IF NO JUDGMENT HAS BEEN RENDERED AND THE TIME PERIOD FOR RENDERING A DEFAULT JUDGMENT HAS EXPIRED; PROVIDED, HOWEVER, THAT NOTHING CONTAINED IN THIS SUBDIVISION SHALL REQUIRE THE DISMISSAL, OR PRECLUDE THE ENFORCEMENT, OF A CHARGE OF A PARKING VIOLATION WHERE THE LIABLE PARTY WAS IMMUNE FROM JUDGMENT ENTRY UNDER APPLICABLE LAW, TREATY, OR COURT ORDER, EXCEPT THAT WHERE SUCH IMMUNITY IS TEMPORARY, SUCH CHARGE SHALL ONLY BE DISMISSED AFTER THE EXPIRATION OF THE TIME PERIOD FOR RENDERING DEFAULT JUDGMENT AND A TIME PERIOD EQUAL TO THE PERIOD OF SUCH TEMPORARY IMMUNITY; AND PROVIDED FURTHER, HOWEVER, THAT NOTHING CONTAINED IN THIS SUBDIVISION SHALL PRECLUDE THE SERVICE OF A NOTICE FOR THE REINSTATEMENT AND ENFORCEMENT OF A CHARGE OF A PARKING VIOLATION WITHIN TWO YEARS OF THE TIME THAT THE ENFORCING AUTHORITY DISCOVERS, OR COULD WITH REASONABLE DILIGENCE HAVE DISCOVERED, THAT THE DISMISSAL WAS DUE TO THE KNOWING FRAUD, FALSE TESTIMONY, MISREPRESENTATION, OR OTHER MISCONDUCT, OR THE KNOWING ALTERATION OF A NOTICE OF PARKING VIOLATION, BY THE PERSON SO CHARGED OR HIS OR HER AGENT, EMPLOYEE, OR REPRESENTATIVE.

S 2. Section 1806-a of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CHARGE OF A PARKING VIOLATION SHALL BE DISMISSED AND SHALL NOT BE ENFORCED IF NO JUDGMENT HAS BEEN RENDERED AND THE TIME PERIOD FOR RENDERING A DEFAULT JUDG-

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

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MENT HAS EXPIRED; PROVIDED, HOWEVER, THAT NOTHING CONTAINED IN THIS SUBDIVISION SHALL REQUIRE THE DISMISSAL, OR PRECLUDE THE ENFORCEMENT, OF A CHARGE OF A PARKING VIOLATION WHERE THE LIABLE PARTY WAS IMMUNE FROM JUDGMENT ENTRY UNDER APPLICABLE LAW, TREATY, OR COURT ORDER, EXCEPT THAT WHERE SUCH IMMUNITY IS TEMPORARY, SUCH CHARGE SHALL ONLY BE DISMISSED AFTER THE EXPIRATION OF THE TIME PERIOD FOR RENDERING DEFAULT JUDGMENT AND A TIME PERIOD EQUAL TO THE PERIOD OF SUCH TEMPORARY IMMUNITY; AND PROVIDED FURTHER, HOWEVER, THAT NOTHING CONTAINED IN THIS SUBDIVISION SHALL PRECLUDE THE SERVICE OF A NOTICE FOR THE REINSTATEMENT AND ENFORCEMENT OF A CHARGE OF A PARKING VIOLATION WITHIN TWO YEARS OF THE TIME THAT THE ENFORCING AUTHORITY DISCOVERS, OR COULD WITH REASONABLE DILIGENCE HAVE DISCOVERED, THAT DISMISSAL WAS DUE TO THE KNOWING FRAUD, FALSE TESTIMONY, MISREPRESENTATION, OR OTHER MISCONDUCT, OR THE KNOWING ALTERATION OF A NOTICE OF PARKING VIOLATION, BY THE PERSON SO CHARGED OR HIS OR HER AGENT, EMPLOYEE, OR REPRESENTATIVE.

S 3. This act shall take effect immediately.