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

6550

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to a plea of not guilty by a defendant charged with a traffic infraction

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

Section 1. Section 1806 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

S 1806. Plea of not guilty by a defendant charged with a traffic infraction. In addition to appearing personally OR BY ATTORNEY to enter a plea of not guilty to a violation of any provision of the tax law or the transportation law regulating traffic, or to a traffic infraction for the violation of any of the provisions of [the vehicle and traffic law] THIS CHAPTER or of any local law, ordinance, order, rule or regulation relating to the operation of motor vehicles or motor cycles, a defendant may enter a plea of not guilty by mailing PERSONALLY OR BY ATTORNEY, to the court of appropriate jurisdiction the ticket making the charge and a signed statement indicating such plea OR AN ATTORNEY MAY, BY LETTER, ENTER A PLEA OF NOT GUILTY ON BEHALF OF HIS OR HER CLIENT. Such plea must be sent[: (a)] by registered or certified mail, return receipt requested or by first class mail[;] and [(b) within forty-eight hours after receiving such ticket] MUST BE POSTMARKED NOT LATER THAN THE APPEARANCE DATE SET FORTH ON THE TICKET, OR IF THE DEFENDANT IS REQUIRED TO APPEAR IN COURT LESS THAN SEVEN DAYS AFTER THE ISSUANCE OF THE TICKET, POSTMARKED WITHIN SEVEN DAYS OF RECEIPT OF THE TICKET. Upon receipt of such ticket and statement, the court shall advise the violator of the trial date by first class mail but no warrant of arrest for his failure to appear can be issued until the violator is notified of a new trial date by registered or certified mail, return receipt requested, and he fails to appear.

S 2. This act shall take effect immediately.

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

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