

8498

I N   S E N A T E

October 12, 2010

---

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

AN ACT to amend the vehicle and traffic law, in relation to notice of parking violation

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

1     Section 1. Subdivision 2 of section 238 of the vehicle and traffic  
2 law, as amended by chapter 224 of the laws of 1995, is amended to read  
3 as follows:  
4     2. A notice of violation shall be served personally upon the operator  
5 of a motor vehicle who is present at the time of service, and his name,  
6 together with the plate designation and the plate type as shown by the  
7 registration plates of said vehicle and the expiration date; the make or  
8 model, and body type of said vehicle; a description of the charged  
9 violation, including but not limited to a reference to the applicable  
10 traffic rule or provision of this chapter; information as to the days  
11 and hours the applicable rule or provision of this chapter is in effect,  
12 unless always in effect pursuant to rule or this chapter and where  
13 appropriate the word ALL when the days and/or hours in effect are every-  
14 day and/or twenty-four hours a day; the meter number for a meter  
15 violation, where appropriate; and the date, time and particular place of  
16 occurrence of the charged violation, shall be inserted therein. A mere  
17 listing of a meter number in cases of charged meter violations shall not  
18 be deemed to constitute a sufficient description of a particular place  
19 of occurrence for purposes of this subdivision. The notice of violation  
20 shall be served upon the owner of the motor vehicle if the operator is  
21 not present, by affixing such notice to said vehicle in a conspicuous  
22 place. Whenever such notice is so affixed, in lieu of inserting the name  
23 of the person charged with the violation in the space provided for the  
24 identification of said person, the words "owner of the vehicle bearing  
25 license" may be inserted to be followed by the plate designation and  
26 plate type as shown by the registration plates of said vehicle together  
27 with the expiration date; the make or model, and body type of said vehi-  
28 cle; a description of the charged violation, including but not limited

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

LBD18138-02-0

1 to a reference to the applicable traffic rule or provision of this chap-  
2 ter; information as to the days and hours the applicable rule or  
3 provision of this chapter is in effect unless always in effect pursuant  
4 to rule or this chapter and where appropriate the word ALL when the days  
5 and/or hours in effect are every day and/or twenty-four hours a day; the  
6 meter number for a meter violation where appropriate; and the date, time  
7 and particular place of occurrence of the charged violation. Service of  
8 the notice of violation, or a duplicate thereof by affixation as herein  
9 provided shall have the same force and effect and shall be subject to  
10 the same penalties for disregard thereof as though the same was  
11 personally served with the name of the person charged with the violation  
12 inserted therein. WHERE AN OPERATOR OF A MOTOR VEHICLE REFUSES TO  
13 ACCEPT PERSONAL SERVICE OF THE NOTICE OF VIOLATION, NOTICE SHALL BE  
14 SERVED ON THE OWNER BY CERTIFIED MAIL TO THE LAST KNOWN REGISTERED  
15 ADDRESS. IF NOTICE IS SERVED BY CERTIFIED MAIL, THE NOTICE OF VIOLATION  
16 SHALL STATE THAT THE OPERATOR WAS PRESENT AND REFUSED PERSONAL SERVICE.  
17 S 2. This act shall take effect immediately.