

5003

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sen. MARTINS -- 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 notices of parking violations

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
16 of occurrence of the charged violation; AND THE PRINTED NAME, SIGNATURE
17 AND BADGE NUMBER OR OTHER IDENTIFYING NUMBER OF THE OFFICER ISSUING SUCH
18 NOTICE, shall be inserted therein. A mere listing of a meter number in
19 cases of charged meter violations shall not be deemed to constitute a
20 sufficient description of a particular place of occurrence for purposes
21 of this subdivision. The notice of violation shall be served upon the
22 owner of the motor vehicle if the operator is not present, by affixing
23 such notice to said vehicle in a conspicuous place. Whenever such notice
24 is so affixed, in lieu of inserting the name of the person charged with
25 the violation in the space provided for the identification of said

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

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1 person, the words "owner of the vehicle bearing license" may be inserted
2 to be followed by the plate designation and plate type as shown by the
3 registration plates of said vehicle together with the expiration date;
4 the make or model, and body type of said vehicle; a description of the
5 charged violation, including but not limited to a reference to the
6 applicable traffic rule or provision of this chapter; information as to
7 the days and hours the applicable rule or provision of this chapter is
8 in effect unless always in effect pursuant to rule or this chapter and
9 where appropriate the word ALL when the days and/or hours in effect are
10 every day and/or twenty-four hours a day; the meter number for a meter
11 violation where appropriate; and the date, time and particular place of
12 occurrence of the charged violation. Service of the notice of
13 violation, or a duplicate thereof by affixation as herein provided shall
14 have the same force and effect and shall be subject to the same penal-
15 ties for disregard thereof as though the same was personally served with
16 the name of the person charged with the violation inserted therein.
17 S 2. This act shall take effect on the one hundred twentieth day after
18 it shall have become a law.