

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

138--B

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. MONTESANO, SALADINO, N. RIVERA, BURLING, M. MILLER, JORDAN -- Multi-Sponsored by -- M. of A. BARCLAY, JOHNS, MURRAY -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to penalties for certain handicapped 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 1203-b of the vehicle and traffic
2 law, as amended by chapter 203 of the laws of 1981, is amended to read
3 as follows:
4 2. [It] NOTWITHSTANDING ANY OTHER PROVISION OF LAW OR REGULATION IT
5 shall be a violation for any person to stop, stand or park a vehicle in
6 any area designated as a place for handicapped parking unless the vehi-
7 cle bears a permit issued under section [one thousand two hundred
8 three-a] TWELVE HUNDRED THREE-A OF THIS ARTICLE or a registration issued
9 under section four hundred four-a of this chapter and such vehicle is
10 being used for the transportation of a severely disabled or handicapped
11 person. [This subdivision shall not apply to a violation of section
12 twelve hundred three-c of this chapter.] ANY PERSON WHO VIOLATES THE
13 PROVISIONS OF THIS SUBDIVISION SHALL BE SUBJECT TO A FINE OF NOT LESS
14 THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS FOR THE FIRST
15 OFFENSE AND ONE HUNDRED TO ONE HUNDRED FIFTY DOLLARS AND THE IMPOSITION
16 OF TWO POINTS ON THE VIOLATOR'S RECORD FOR THE SECOND OFFENSE OCCURRING
17 WITHIN A PERIOD OF TWO YEARS WITHIN THE SAME MUNICIPALITY.
18 S 2. Subdivision 4 of section 1203-c of the vehicle and traffic law,
19 as amended by chapter 613 of the laws of 2003, is amended to read as
20 follows:

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

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1 4. Except as otherwise provided by local law which imposes a larger
2 maximum fine, any person who stops, stands or parks in spaces clearly
3 marked for use by the handicapped in accordance with this section, with-
4 out a special vehicle identification parking permit, a special municipal
5 parking permit or whose motor vehicle is not registered in accordance
6 with section four hundred four-a of this chapter and being used for the
7 transportation of a handicapped person; or with such permit or registra-
8 tion and such person is not the one to whom the permit or registration
9 was issued or is not transporting the person issued the permit or regis-
10 tration; or any person who parks in a handicapped parking access aisle;
11 shall be subject to a fine of not less than fifty dollars nor more than
12 [seventy-five] ONE HUNDRED dollars for the first offense and [seventy-
13 five] ONE HUNDRED to one hundred fifty dollars AND THE IMPOSITION OF TWO
14 POINTS ON THE VIOLATOR'S RECORD for the second offense occurring within
15 a period of two years within the same municipality. The arresting or
16 ticketing officer shall issue a summons to violators of this section. A
17 ticketing officer issuing a summons pursuant to this section may provide
18 for the removal and storage of a motor vehicle illegally parked in a
19 handicapped parking space, or a handicapped parking access aisle.
20 S 3. This act shall take effect on the one hundred eightieth day after
21 it shall have become a law; provided, however, that effective immediate-
22 ly, the addition, amendment and/or repeal of any rule or regulation
23 necessary for the implementation of this act on its effective date are
24 authorized and directed to be made and completed on or before such
25 effective date.