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

4719

2011-2012 Regular Sessions

I N A S S E M B L Y

February 7, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to illegally parking in zones marked for handicapped persons

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

Section 1. Paragraph (a) of subdivision 2 of section 1203-c of the vehicle and traffic law, as amended by chapter 199 of the laws of 2005, is amended to read as follows:

(a) The parking spaces designated pursuant to the provisions of this section shall be clearly identified for use by handicapped persons which designation shall include conspicuous and permanently installed above grade signs which display the international symbol of access and which shall be positioned from the parking space surface at a height of not less than five feet nor more than seven feet and may include the use of blue painted lines or markings. Such parking spaces also [may] SHALL be marked as tow-away zones AND CARS ILLEGALLY PARKED IN SUCH SPACES SHALL BE TOWED AWAY AT THE CAR OWNER'S EXPENSE.

S 2. Subdivision 4 of section 1203-c of the vehicle and traffic law, as amended by chapter 613 of the laws of 2003, is amended to read as follows:

4. Except as otherwise provided by local law which imposes a larger maximum fine, any person who stops, stands or parks in spaces clearly marked for use by the handicapped in accordance with this section, without a special vehicle identification parking permit, a special municipal parking permit or whose motor vehicle is not registered in accordance with section four hundred four-a of this chapter and being used for the transportation of a handicapped person; or with such permit or registration and such person is not the one to whom the permit or registration was issued or is not transporting the person issued the permit or registration; or any person who parks in a handicapped parking access aisle;

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

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shall be subject to a fine of [not less than fifty dollars nor more than seventy-five dollars for the first offense and seventy-five to one hundred fifty dollars for the second offense occurring within a period of two years within the same municipality] TWO HUNDRED FIFTY DOLLARS. The arresting or ticketing officer shall issue a summons to violators of this section. A ticketing officer issuing a summons pursuant to this section may provide for the removal and storage of a motor vehicle illegally parked in a handicapped parking space, or a handicapped parking access aisle.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.