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

5280

2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

Introduced by M. of A. BRENNAN, DINOWITZ, COLTON, MAISEL -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, CAHILL, GLICK, HOOPER, JACOBS, JAFFEE, PHEFFER, REILLY, ROBINSON, SCARBOROUGH, SWEENEY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to parking violations and adjudications

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

Section 1. The vehicle and traffic law is amended by adding a new section 237-a to read as follows:

S 237-A. EXCUSED VIOLATIONS. STOPPING, STANDING OR PARKING VIOLATIONS CAUSED SOLELY BY LACK OF FUEL OR A MECHANICAL FAILURE WITHIN THE MOTOR VEHICLE CITED SHALL NOT CONSTITUTE A VIOLATION UNDER THIS ARTICLE PROVIDED THE OWNER SUBMITS ADEQUATE PROOF THEREOF TO THE BUREAU WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO A TOWING OR REPAIR BILL FROM A SERVICE OR REPAIR SHOP.

S 2. Subdivision 1 of section 241 of the vehicle and traffic law, as amended by section 7 of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with section eleven hundred eleven-a of this chapter or in accordance with sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine or the record of liabilities incurred in accordance with section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty of the person charged, or the record of liabilities

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

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incurred in accordance with section eleven hundred eleven-c of this chapter, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties AND A NOTICE TO THAT EFFECT SHALL BE SENT PROMPTLY TO THE OPERATOR OR OWNER OF THE VEHICLE DESCRIBED IN THE NOTICE OF VIOLATION. IF THE CHARGES ARE SUSTAINED, THE NOTICE OF FINAL DETERMINATION SHALL STATE WITH CLARITY AND DETAIL THE REASONS FOR THE DETERMINATION.

S 3. Subdivision 1 of section 241 of the vehicle and traffic law, as amended by section 7-a of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine either the prior parking violations record or the record of liabilities incurred in accordance with sections eleven hundred eleven-b of this chapter as added by sections sixteen of chapters twenty, twenty-one, and twenty-two of the laws of two thousand nine of the person charged, or the record of liabilities incurred in accordance with section eleven hundred eleven-c of this chapter, as applicable prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties AND A NOTICE TO THAT EFFECT SHALL BE SENT PROMPTLY TO THE OPERATOR OR OWNER OF THE VEHICLE DESCRIBED IN THE NOTICE OF VIOLATION. IF THE CHARGES ARE SUSTAINED, THE NOTICE OF FINAL DETERMINATION SHALL STATE WITH CLARITY AND DETAIL THE REASONS FOR THE DETERMINATION.

S 4. Subdivision 1 of section 241 of the vehicle and traffic law, as amended by section 7-b of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he or she may examine the prior parking violations record of the person charged, or the record of liabilities incurred in accordance with section eleven hundred eleven-c of this chapter, as applicable, prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties AND A NOTICE TO THAT EFFECT SHALL BE SENT PROMPTLY TO THE OPERATOR OR OWNER OF THE VEHICLE DESCRIBED IN THE NOTICE OF VIOLATION. IF THE CHARGES ARE SUSTAINED, THE NOTICE OF FINAL DETERMINATION SHALL STATE WITH CLARITY AND DETAIL THE REASONS FOR THE DETERMINATION.

S 5. Subdivision 1 of section 241 of the vehicle and traffic law, as added by chapter 715 of the laws of 1972, is amended to read as follows:

1. The hearing examiner shall make a determination on the charges, either sustaining or dismissing them. Where the hearing examiner determines that the charges have been sustained he may examine the prior parking violations record of the person charged prior to rendering a final determination. Final determinations sustaining or dismissing charges shall be entered on a final determination roll maintained by the bureau together with records showing payment and nonpayment of penalties AND A NOTICE TO THAT EFFECT SHALL BE SENT PROMPTLY TO THE OPERATOR OR OWNER OF THE VEHICLE DESCRIBED IN THE NOTICE OF VIOLATION. IF THE CHARG-

ES ARE SUSTAINED, THE NOTICE OF FINAL DETERMINATION SHALL STATE WITH CLARITY AND DETAIL THE REASONS FOR THE DETERMINATION.

S 6. This act shall take effect on the first of September next succeeding the date on which it shall have become a law; provided that:

1. the amendments to subdivision 1 of section 241 of the vehicle and traffic law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 17 of chapter 746 of the laws of 1988, as amended, when upon such date the provisions of section three of this act shall take effect;

2. the amendments to subdivision 1 of section 241 of the vehicle and traffic law made by section three of this act shall be subject to the expiration and reversion of such subdivision pursuant to chapters 20, 21, 22 and 383 of the laws of 2009, as amended, when upon such date the provisions of section four of this act shall take effect;

3. the amendments to subdivision 1 of section 241 of the vehicle and traffic law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 14 of part II of chapter 59 of the laws of 2010, as amended, when upon such date the provisions of section five of this act shall take effect.