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

9282

I N A S S E M B L Y

February 11, 2016

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

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

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 1605 to read as follows:

S 1605. SERVICE OF NOTICE OF PARKING VIOLATION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A NOTICE OF ANY PARKING VIOLATION MAY BE SENT BY FIRST CLASS MAIL TO ANY PERSON ALLEGED TO BE LIABLE AS AN OWNER OF THE MOTOR VEHICLE WITHIN FOURTEEN BUSINESS DAYS IF SUCH OWNER IS A RESIDENT OF THIS STATE AND WITHIN FORTY-FIVE BUSINESS DAYS IF SUCH OWNER IS A NON-RESIDENT. PERSONAL DELIVERY ON THE OWNER OF THE MOTOR VEHICLE SHALL NOT BE REQUIRED.

S 2. Subdivision 2 of section 238 of the vehicle and traffic law, as amended by chapter 224 of the laws of 1995, is amended to read as follows:

2. A notice of violation shall be served personally upon the operator of a motor vehicle who is present at the time of service, and his name, together with the plate designation and the plate type as shown by the registration plates of said vehicle and the expiration date; the make or model, and body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect, unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are every-day and/or twenty-four hours a day; the meter number for a meter violation, where appropriate; and the date, time and particular place of occurrence of the charged violation, shall be inserted therein. A mere listing of a meter number in cases of charged meter violations shall not be deemed to constitute a sufficient description of a particular place of occurrence for purposes of this subdivision. The notice of violation

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

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shall be served upon the owner of the motor vehicle if the operator is not present, by affixing such notice to said vehicle in a conspicuous place, OR BY FIRST CLASS MAIL AS SET FORTH IN SECTION SIXTEEN HUNDRED FIVE OF THIS CHAPTER. Whenever such notice is so affixed, in lieu of inserting the name of the person charged with the violation in the space provided for the identification of said person, the words "owner of the vehicle bearing license" may be inserted to be followed by the plate designation and plate type as shown by the registration plates of said vehicle together with the expiration date; the make or model, and body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are every day and/or twenty-four hours a day; the meter number for a meter violation where appropriate; and the date, time and particular place of occurrence of the charged violation. Service of the notice of violation, or a duplicate thereof by affixation as herein provided shall have the same force and effect and shall be subject to the same penalties for disregard thereof as though the same was personally served with the name of the person charged with the violation inserted therein.

S 3. This act shall take effect immediately.