

6822

I N S E N A T E

February 25, 2016

Introduced by Sen. AMEDORE -- 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 the service of notice of parking violations

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1605 to read as follows:

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

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

13 2. A notice of violation shall be served personally upon the operator
14 of a motor vehicle who is present at the time of service, and his name,
15 together with the plate designation and the plate type as shown by the
16 registration plates of said vehicle and the expiration date; the make or
17 model, and body type of said vehicle; a description of the charged
18 violation, including but not limited to a reference to the applicable
19 traffic rule or provision of this chapter; information as to the days
20 and hours the applicable rule or provision of this chapter is in effect,
21 unless always in effect pursuant to rule or this chapter and where
22 appropriate the word ALL when the days and/or hours in effect are every-
23 day and/or twenty-four hours a day; the meter number for a meter
24 violation, where appropriate; and the date, time and particular place of
25 occurrence of the charged violation, shall be inserted therein. A mere
26 listing of a meter number in cases of charged meter violations shall not
27 be deemed to constitute a sufficient description of a particular place
28 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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1 shall be served upon the owner of the motor vehicle if the operator is
2 not present, by affixing such notice to said vehicle in a conspicuous
3 place, OR BY FIRST CLASS MAIL AS SET FORTH IN SECTION SIXTEEN HUNDRED
4 FIVE OF THIS CHAPTER. Whenever such notice is so affixed, in lieu of
5 inserting the name of the person charged with the violation in the space
6 provided for the identification of said person, the words "owner of the
7 vehicle bearing license" may be inserted to be followed by the plate
8 designation and plate type as shown by the registration plates of said
9 vehicle together with the expiration date; the make or model, and body
10 type of said vehicle; a description of the charged violation, including
11 but not limited to a reference to the applicable traffic rule or
12 provision of this chapter; information as to the days and hours the
13 applicable rule or provision of this chapter is in effect unless always
14 in effect pursuant to rule or this chapter and where appropriate the
15 word ALL when the days and/or hours in effect are every day and/or twen-
16 ty-four hours a day; the meter number for a meter violation where appro-
17 priate; and the date, time and particular place of occurrence of the
18 charged violation. Service of the notice of violation, or a duplicate
19 thereof by affixation as herein provided shall have the same force and
20 effect and shall be subject to the same penalties for disregard thereof
21 as though the same was personally served with the name of the person
22 charged with the violation inserted therein.

23 S 3. This act shall take effect immediately.