STATE OF NEW YORK

5179

2017-2018 Regular Sessions

IN SENATE

March 10, 2017

Introduced by Sen. PERALTA -- 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 adjudication of parking infractions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 240 of the vehicle and traffic law is amended by adding a new paragraph h to read as follows:

h. (i) in every instance, the state of New York mandatory surcharge shall be paid by the respondent or operator unless a hearing officer dismisses the notice of violation;

(ii) a notice of violation shall only be reduced or dismissed with the express written determination of a hearing examiner upon completion of a hearing based specifically on the merits presented by the respondent for each violation a respondent is charged with;

(iii) when a respondent or operator is issued a notice of violation, the respondent or their representative shall be given the opportunity to exercise the option to have a hearing on the merits on a ticket by ticket basis; and

(iv) the hearing examiner shall write out his or her determination and the actual basis in law for his or her particular rationale for a guilty or not guilty decision, so respondents are fully informed as to the basis for the underlying decision and from which the respondent may take an appeal. The respondent or his or her representative may waive this requirement on a ticket by ticket basis, on the record, by doing so orally or in writing.

§ 2. This act shall take effect immediately.

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

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