STATE OF NEW YORK

187

2017-2018 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2017

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

AN ACT to amend the vehicle and traffic law, in relation to providing parking spaces for veterans injured in the line of duty

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 four new sections 1205, 1205-a, 1205-b and 1205-c to read as follows:

§ 1205. Parking permits for veterans injured in the line of duty. 1. The commissioner shall distribute special vehicle identification parking permits to the governing bodies of all cities, town and villages in the state. Notwithstanding any local law or ordinance to the contrary, such permits shall entitle any vehicle displaying such permit to park in any area in any city, town or village of the state which has been designated by such city, town or village or pursuant to the provisions of section twelve hundred five-c of this article as a place for parking for veterans injured in the line of duty. The design, period of validity, and procedures for reissuance of such permits shall be as determined by the commissioner. A city, town or village issuing a permit pursuant to this subdivision shall indelibly inscribe or otherwise mark, on the face of such permit, the last three digits of the identification number of the driver's license or non-driver identification card of the person to whom the permit is issued. The governing bodies of cities, towns and villages in the state shall appoint an issuing agent to issue such permits. Any person issued a permit pursuant to this section who holds a driver's license or non-driver identification card shall make the last three digits of such license or identification card available to an issuing agent at the time of permit issuance or renewal by presenting such license or identification card to such issuing agent. Any person issued a permit pursuant to this section who holds a driver's license or non-

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

LBD05253-01-7

driver identification card shall carry and make available to a law enforcement officer upon demand, or as soon as practicable thereafter, his or her driver's license or non-driver identification card which shall be presumptive evidence of the validity of his or her special vehicle identification parking permit. Failure to make available such driver's license or non-driver identification card upon demand shall not be deemed a violation. The permits shall be issued to any resident of New York state who is a veteran, as defined in section eighty-five of the civil service law, who has been injured in the line of duty upon application of such person, provided, however, that an issuing agent shall issue permits only to residents of the city, town or village in which such issuing agent is located, except that, an issuing agent, in his or her discretion, may issue a permit to a veteran who has been injured in the line of duty who is not a resident of the city, town, or village in which such issuing agent is located where such person resides in a city, town, or village in which the governing body has not appointed an issuing agent.

2. Such permit shall be for use exclusively in a vehicle in which the person to whom it has been issued is being transported and such permit shall not be transferable and shall be forfeited if presented by any other person. Any abuse by any person, facility or agency to whom such permit has been issued of any privilege, benefit, precedence or consideration granted pursuant to the issuance of such permit, shall be sufficient cause for revocation of said permit.

3. The special vehicle identification parking permit issued by the commissioner shall be recognized statewide.

4. A person who knowingly and wilfully with the intent to deceive makes a false statement or gives information which such individual knows to be false to a public official to obtain a parking permit for veterans injured in the line of duty or to prevent the marking on such permit of the last three digits of a driver's license or non-driver identification card held by such person, in addition to any other penalty provided by law, shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than one thousand dollars.

§ 1205-a. Parking spaces; veterans. 1. Parking spaces for veterans injured in the line of duty. A veterans permit issued in accordance with the provisions of section one thousand two hundred five of this article shall entitle the veteran-driver to park in such parking spaces. Parking spaces for veterans shall be those parking spaces accorded to a holder of a veterans parking permit provided in accordance with section one thousand two hundred five of this article.

2. It shall be a violation for any person to stop, stand or park a vehicle in any area designated as a place for veteran parking unless the vehicle bears a permit issued under section one thousand two hundred five of this article and such vehicle is being used for the transportation of a veteran. This subdivision shall not apply to a violation of section twelve hundred five-c of this article.

§ 1205-b. Veterans parking enforcement. 1. A county, city, town or village may, by adoption of a local law or ordinance, establish a veterans parking violation unit to assist in the enforcement of veterans parking laws or ordinances. Persons appointed to such unit shall be volunteers, shall serve without compensation, and shall be authorized to provide evidence of violations of veterans parking laws or ordinances to the appropriate local enforcement authority. Such evidence may include photographing a violation, provided that such photograph is taken and handled in compliance with the requirements of this section.

2. A local law or ordinance enacted in accordance with the provisions of this section shall:

(a) establish a training program of no less than two hours in length and require each volunteer to participate in and complete such training program;

(b) provide for the assignment of an identification number to each volunteer, and provide official identification and equipment to assist volunteer personnel in the conduct of their duties;

(c) establish uniform procedures for volunteers to follow in determining whether a violation has occurred;

(d) establish procedures for the uniform reporting of violations, which reporting shall include the identification number of the volunteer making the report;

(e) if such local law or ordinance provides for the taking of photographs of violations, (i) grant only the enforcement agency the authority to process or to contract for the processing of all film submitted by volunteers; (ii) require any photographs evidencing a violation to be available for inspection in any proceeding to adjudicate the liability for such violation; (iii) provide that a certificate, sworn to or affirmed by a technician employed by the locality in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs produced from film submitted by volunteers, shall be prima facie evidence of the facts contained therein; and (iv) prohibit the use of such a photograph for any purpose other than as evidence of a handicapped parking violation; and

(f) provide the following with respect to notices of violation: (i) a notice of violation shall be sent by first class mail to each person alleged to be liable as an owner for a violation of a veterans parking law or ordinance. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein; (ii) a notice of violation shall reference the law which was allegedly violated, and shall contain the name and address of the person alleged to be liable as an owner for a violation of a veterans parking law or ordinance, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation, and the identification number of the volunteer who recorded the violation; (iii) a notice of violation shall contain information advising the person charged of the manner and the time in which he or she may contest the violation alleged in the notice, and shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

§ 1205-c. Off street parking spaces for veterans injured in the line of duty. 1. Any person, firm or corporation owning a shopping center or facility with at least five separate retail stores and at least twenty off street parking spaces which are provided for use by the shopping public must designate as only for veterans injured in the line of duty and clearly mark for use by veterans a minimum of three percent of such parking spaces or six such spaces whichever is less. These spaces must be located as close as reasonably practicable to the shopping center facility and reasonably distributed so as to provide convenient access for use by veteran drivers. Such parking spaces are to be used by veteran drivers displaying a special municipal parking permit (as defined in section twelve hundred five of this article and distributed by the

commissioner of motor vehicles to local governing bodies to be issued to veterans who reside in such locality).

2. (a) The parking spaces designated pursuant to the provisions of this section shall be clearly identified for use by veterans injured in the line of duty which designation shall include conspicuous and permanently installed above grade signs 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 green painted lines or markings. Such parking spaces also may be marked as tow-away zones.

(b) Whenever a person, firm or corporation creates an off-street parking lot or parking garage, or repaves or repaints more than one-half of the total number of parking spaces in an off-street parking lot or parking garage, which contains designated veteran parking spaces, or creates designated veteran parking spaces in an off-street parking lot or parking garage, or repaves or repaints more than one-half of the total number of designated veteran parking spaces in an off-street parking lot or parking garage, the size of designated veteran parking spaces shall be at least eight feet wide.

3. A violation of this section by any person, firm or corporation owning a shopping center or facility with at least five separate retail stores and at least twenty off street parking spaces which are provided for use by the shopping public who fails to provide spaces only for veterans injured in the line of duty and clearly marked for use by such veterans in accordance with this section, shall be punishable by a fine up to two hundred fifty dollars.

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 veterans injured in the line of duty in accordance with this section, without a special vehicle identification parking permit or a special municipal parking permit and being used for the transportation of a veteran injured in the line of duty; 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; 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. 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 veteran parking space.

5. Notwithstanding any other state or local law to the contrary, a state, county or municipal law enforcement officer seeking to enforce subdivision four of this section, may enter onto the parking lot of any shopping center or facility as described in subdivision one of this section regardless of the existence or absence of any state or local law or rule otherwise permitting or restricting such access for such law enforcement officer.

§ 2. This act shall take effect immediately.