

# STATE OF NEW YORK

2463

2019-2020 Regular Sessions

## IN ASSEMBLY

January 22, 2019

Introduced by M. of A. FAHY, PRETLOW -- Multi-Sponsored by -- M. of A. ABBATE, CROUCH, PALUMBO, SIMON -- 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:

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

3 § 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 § 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

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

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1 occurrence of the charged violation, shall be inserted therein. A mere  
2 listing of a meter number in cases of charged meter violations shall not  
3 be deemed to constitute a sufficient description of a particular place  
4 of occurrence for purposes of this subdivision. The notice of violation  
5 shall be served upon the owner of the motor vehicle if the operator is  
6 not present, by affixing such notice to said vehicle in a conspicuous  
7 place, or by first class mail as set forth in section sixteen hundred  
8 five of this chapter. Whenever such notice is so affixed, in lieu of  
9 inserting the name of the person charged with the violation in the space  
10 provided for the identification of said person, the words "owner of the  
11 vehicle bearing license" may be inserted to be followed by the plate  
12 designation and plate type as shown by the registration plates of said  
13 vehicle together with the expiration date; the make or model, and body  
14 type of said vehicle; a description of the charged violation, including  
15 but not limited to a reference to the applicable traffic rule or  
16 provision of this chapter; information as to the days and hours the  
17 applicable rule or provision of this chapter is in effect unless always  
18 in effect pursuant to rule or this chapter and where appropriate the  
19 word ALL when the days and/or hours in effect are every day and/or twenty-  
20 four hours a day; the meter number for a meter violation where appropriate;  
21 and the date, time and particular place of occurrence of the  
22 charged violation. Service of the notice of violation, or a duplicate  
23 thereof by affixation as herein provided shall have the same force and  
24 effect and shall be subject to the same penalties for disregard thereof  
25 as though the same was personally served with the name of the person  
26 charged with the violation inserted therein.  
27 § 3. This act shall take effect immediately.