

STATE OF NEW YORK

9562

IN SENATE

May 16, 2024

Introduced by Sen. COONEY -- 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 providing for service of parking tickets by mail

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

1 Section 1. Subdivisions 1 and 2 of section 238 of the vehicle and
2 traffic law, subdivision 1 as added by chapter 715 of the laws of 1972,
3 and subdivision 2 as amended by chapter 224 of the laws of 1995, are
4 amended to read as follows:

5 1. The notice of violation shall contain information advising the
6 person charged of the manner and the time in which [~~he~~] such person may
7 plead either guilty or not guilty to the violation alleged in the
8 notice. Such notice of violation shall also contain a warning to advise
9 the person charged that failure to plead in the manner and time provided
10 shall be deemed an admission of liability and that a default judgment
11 may be entered thereon. Where such notice is served by first-class mail
12 to a post office box address pursuant to subdivision two of this
13 section, the person charged shall be given an additional sixty days to
14 respond to the notice. The form and wording of the notice of violation
15 shall be prescribed by the director. A duplicate of each notice of
16 violation shall be served on the person charged in the manner hereinaft-
17 er provided. The original or a facsimile thereof shall be filed and
18 retained by the bureau, and shall be deemed a record kept in the ordi-
19 nary course of business, and shall be prima facie evidence of the facts
20 contained therein.

21 2. A notice of violation shall be served personally upon the operator
22 of a motor vehicle who is present at the time of service, and [~~his~~]
23 their name, together with the plate designation and the plate type as
24 shown by the registration plates of said vehicle and the expiration
25 date; the make or model, and body type of said vehicle; a description of
26 the charged violation, including but not limited to a reference to the
27 applicable traffic rule or provision of this chapter; information as to
28 the days and hours the applicable rule or provision of this chapter is

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

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

33 § 2. This act shall take effect immediately.