

# STATE OF NEW YORK

2342

2025-2026 Regular Sessions

## IN ASSEMBLY

January 16, 2025

Introduced by M. of A. WOERNER -- read once and referred 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 date  
25 where available; the make or model, and body type of said vehicle; a

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

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

39 § 2. Section 238 of the vehicle and traffic law is amended by adding a  
40 new subdivision 4 to read as follows:

41 4. When an owner of a vehicle is served the initial parking violation  
42 notice by first class mail pursuant to this section but did not in fact  
43 receive such notice in a timely fashion, such owner may send by first  
44 class mail a written notarized statement made under penalty of perjury  
45 stating that they did not receive such notice until the time to pay the  
46 fine had elapsed. Such statement shall be accompanied by full payment  
47 of the original parking violation fine. Upon receipt of such statement  
48 and payment, any late fees for payment of the parking violation fee  
49 shall be waived and no new late fees may be imposed.

50 § 3. This act shall take effect immediately.