STATE OF NEW YORK

2108--B

2025-2026 Regular Sessions

IN SENATE

January 15, 2025

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

2. A notice of violation shall be served personally upon the operator of a motor vehicle who is present at the time of service, and [~~his~~]

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

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their name, together with the plate designation and the plate type as shown by the registration plates of said vehicle and the expiration date **where available**; the make or model, and body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect, unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are everyday and/or twenty-four hours a day; the meter number for a meter violation, where appropriate; and the date, time and particular place of occurrence of the charged violation, shall be inserted therein. A mere listing of a meter number in cases of charged meter violations shall not be deemed to constitute a sufficient description of a particular place of occurrence for purposes of this subdivision. The notice of violation shall be served upon the owner of the motor vehicle if the operator is not present, by affixing such notice to said vehicle in a conspicuous place **or by sending notice to such owner by first-class mail within fourteen business days if the motor vehicle is registered in New York or within forty-five business days if the motor vehicle is registered out of state. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein**. Whenever such notice is so affixed **or mailed**, in lieu of inserting the name of the person charged with the violation in the space provided for the identification of said person, the words "owner of the vehicle bearing license" may be inserted to be followed by the plate designation and plate type as shown by the registration plates of said vehicle together with the expiration date **where available**; the make or model, and body type of said vehicle; a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; information as to the days and hours the applicable rule or provision of this chapter is in effect unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are every day and/or twenty-four hours a day; the meter number for a meter violation where appropriate; and the date, time and particular place of occurrence of the charged violation. Service of the notice of violation, or a duplicate thereof by affixation **or mail** as herein provided shall have the same force and effect and shall be subject to the same penalties for disregard thereof as though the same was personally served with the name of the person charged with the violation inserted therein.

3. For purposes of this section, an operator of a vehicle who is not the owner thereof but who uses or operates such vehicle with the permission of the owner, express or implied, shall be deemed to be the agent of such owner to receive notices of violation, whether personally served on such operator**,** or served by affixation **or by sending notice to the owner by first-class mail** in the manner aforesaid, and service made in [~~either~~] **any** manner as herein provided shall also be deemed to be lawful service upon such owner.

§ 2. Section 238 of the vehicle and traffic law is amended by adding two new subdivisions 4 and 5 to read as follows:

4. When an owner of a vehicle is served the initial parking violation notice by first-class mail pursuant to this section but did not in fact receive such notice in a timely fashion, such owner may send by first-class mail a written notarized statement made under penalty of perjury stating that they did not receive such notice until the time to pay the

fine had elapsed. Such statement shall be accompanied by full payment of the original parking violation fine. Upon receipt of such statement and payment, any late fees for payment of the parking violation fee shall be waived and no new late fees may be imposed.

5. In any instance where a photograph is taken for the purpose of documenting an alleged parking violation:

(a) The photograph shall be reviewed and approved by a municipal employee or agent designated by the applicable local authority prior to the issuance of a notice of violation;

(b) Such photograph shall be used exclusively for the purpose of enforcing parking violations occurring in no stopping, standing or no parking zones or any other designated zone where dangerous parking occurs and shall not be used or shared for any other purpose except as required by law;

(c) To the extent practicable, photographs shall be captured in such a way as to avoid recording any images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of violation issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of the vehicle;

(d) Any photographs taken pursuant to this section shall be retained only as long as necessary to adjudicate the parking violation and fulfill administrative or legal obligations, and shall be expunged or destroyed no later than ninety days after final disposition of the notice of violation, unless subject to court order or other legally mandated retention requirement; and

(e) Wherever parking enforcement is conducted using a camera or other photographic equipment, signage shall be posted on or near existing parking signs indicating that camera enforcement is in use.

§ 3. This act shall take effect immediately.