

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

30 § 3. This act shall take effect immediately.