

STATE OF NEW YORK

4795

2025-2026 Regular Sessions

IN SENATE

February 12, 2025

Introduced by Sen. SANDERS -- 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 prohibiting the issuance of late fees prior to a finding of liability for a parking violation; and repealing certain provisions of such law relating thereto

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

1 Section 1. Paragraph a of subdivision 2 of section 235 of the vehicle
2 and traffic law, as separately amended by chapters 421, 460 and 773 of
3 the laws of 2021, is amended to read as follows:

4 a. Notice. (1) Whenever a city issues a notice of violation for a
5 parking violation, it shall be served in the manner prescribed by subdi-
6 vision two of section two hundred thirty-eight of this article.

7 (2) Whenever a person has been issued a notice of violation for a
8 parking violation and has not responded in the manner described in the
9 notice, a city shall give the owner a second notice of the violation by
10 regular first class mail: (i) within forty days of issuance of the first
11 notice of violation for a parking violation where the vehicle is a vehi-
12 cle registered in this state; or (ii) within forty days of the receipt
13 by such city of the name and address of the owner of the vehicle where
14 the vehicle is a vehicle registered in any other state. Such second
15 notice shall include, but not be limited to, the following information:

16 (A) that the owner has a period of twenty days from issuance of the
17 second notice in which to respond to the notice of violation for a park-
18 ing violation;

19 (B) that failure to respond to the notice of violation for a parking
20 violation may result in the suspension and non-renewal of the owner's
21 registration;

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

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1 (C) [~~that failure to respond to the notice of violation for a parking~~
2 ~~violation may subject the owner to additional penalties as provided in~~
3 ~~paragraph b of this subdivision;~~

4 (D)] that failure to respond to the notice of violation for a parking
5 violation shall subject the owner to a default judgment as provided in
6 paragraph [e] b of this subdivision [~~and the additional penalties~~
7 ~~imposed upon parking violations pursuant to paragraph b of this subdivi-~~
8 ~~sion~~]; and

9 [(E)] (D) that submission of a plea of guilty to the parking violation
10 makes the owner liable for payment of the stated fine [~~and additional~~
11 ~~penalties imposed pursuant to paragraph b of this subdivision~~] and the
12 mandatory surcharge of fifteen dollars imposed upon parking violations
13 pursuant to section eighteen hundred nine-a of this chapter.

14 § 2. Paragraphs b, b-1 and b-2 of subdivision 2 of section 235 of the
15 vehicle and traffic law are REPEALED and paragraph c of subdivision 2 is
16 relettered paragraph b.

17 § 3. Subparagraph (iii) of paragraph (c) of subdivision 2-a of section
18 238 of the vehicle and traffic law, as added by chapter 409 of the laws
19 of 2001, is amended to read as follows:

20 (iii) Upon a finding by a hearing examiner that the dismissal of a
21 charged parking violation has been procured due to the knowing fraud,
22 false testimony, misrepresentation, or other misconduct, or the knowing
23 alteration of a notice of parking violation, by the person so charged or
24 [~~his or her~~] such person's agent, employee, or representative, the
25 dismissal shall be set aside and a determination may be rendered against
26 the owner on the charged parking violation. The hearing examiner may
27 impose monetary penalties for the charged parking violation of up to
28 three times the scheduled fine for the violation [~~and three times the~~
29 ~~additional penalties that may be imposed for failure to respond to a~~
30 ~~notice of violation pursuant to section two hundred thirty-five of this~~
31 ~~article. For purposes of determining the amount of such additional~~
32 ~~penalties, the hearing examiner shall disregard the plea that procured~~
33 ~~the dismissal that has been set aside and shall calculate such penalties~~
34 ~~as if there had been no plea or appearance in the proceeding]. In any
35 proceeding under this paragraph to set aside a determination and to
36 impose penalties for the violation, it shall not be necessary for the
37 hearing examiner to find that the owner personally committed the unlaw-
38 ful acts that procured the dismissal of the violation.~~

39 § 4. The vehicle and traffic law is amended by adding a new section
40 238-a to read as follows:

41 § 238-a. Prohibition of certain late fees. Notwithstanding any incon-
42 sistent provision of this article, or any general, special, or local law
43 or administrative code to the contrary, an owner shall not be subject to
44 additional penalties for failure to respond to a notice of violation but
45 only, in the event such owner is found liable for such violation, fail-
46 ure to pay the imposed fine in a timely fashion.

47 § 5. This act shall take effect immediately.