

STATE OF NEW YORK

1425--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. DINOWITZ, ALVAREZ, TAYLOR, RAGA, COLTON, JACOBSON, SHIMSKY, GLICK, CHANG, WEPRIN, HEVESI, DAVILA, SEPTIMO, HAWLEY, HYNDMAN, LUNSFORD, ROZIC, STECK, P. CARROLL, ZACCARO, GRIFFIN -- read once and referred to the Committee on Transportation -- 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 electronic appearances for parking violations; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 3 of section 237 of the vehicle and traffic
2 law, as added by chapter 715 of the laws of 1972, is amended to read as
3 follows:

4 3. (a) To adopt rules and regulations not inconsistent with any appli-
5 cable provision of law to carry out the purposes of this article,
6 including but not limited to rules and regulations prescribing the
7 internal procedures and organization of the bureau, the manner and time
8 of entering pleas, the conduct of hearings in person and by electronic
9 appearance, and the amount and manner of payment of penalties.

10 (b) With respect to electronic appearance: (i) Such rules and regu-
11 lations shall provide that the physical appearance of a person charged
12 with a parking violation may be dispensed of where the person charged or
13 their authorized representative has requested an electronic appearance;

14 (ii) Any hearing conducted by means of electronic appearance shall
15 provide an appropriate opportunity for any attorney or legal advisor of
16 such person, if any, to confidentially consult with such person during
17 the proceeding;

18 (iii) Where, due to technological problems or limitations, a party to
19 an electronic appearance can hear and be heard but cannot see and/or
20 cannot be seen, the bureau may conduct the proceeding notwithstanding

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

LBD02077-02-5

1 such limitation, unless a party objects, in which case the electronic
2 appearance shall be terminated and adjourned;

3 (iv) If, for any reason other than the circumstances justifying a
4 termination and adjournment pursuant to subparagraph (iii) of this
5 subdivision, a party requests that an electronic appearance be termi-
6 nated and adjourned after it has commenced, the bureau shall grant that
7 application for good cause shown. Under this subparagraph, good cause
8 shall include, but not be limited to, a determination that due to tech-
9 nological problems the proceeding cannot be properly conducted, or an
10 attorney or legal advisor does not have an adequate opportunity to
11 confidentially consult with a client;

12 (v) Electronic appearances shall be recorded to the same extent as
13 would be required were the appearance conducted with such individuals
14 physically present at the hearing. No recording of an electronic appear-
15 ance shall be made, viewed or inspected except as may be authorized by
16 this article;

17 (vi) Where a person charged with a parking violation is under the age
18 of eighteen an electronic appearance shall not be conducted;

19 (vii) Nothing in this article shall be construed as limiting a
20 bureau's authority to excuse a charged person's appearance, either where
21 they would be physically present or appearing by electronic means,
22 during a proceeding;

23 (viii) For the purposes of this article, the term "electronic appear-
24 ance" shall mean an appearance in which one or more of the participants
25 in the hearing are not physically present in the bureau where the hear-
26 ing is convened but rather appear electronically at the hearing through
27 a computer or other digital medium in a manner that allows participants
28 to see and hear each other; and

29 (ix) Notwithstanding the provisions of this subdivision, the require-
30 ments of this article relating to electronic appearance at hearings
31 shall not apply to any locality which elects not to provide parking
32 violation hearings by electronic appearance pursuant to a duly enacted
33 or adopted local law, ordinance or regulation.

34 § 2. Subdivision 1 of section 238 of the vehicle and traffic law, as
35 added by chapter 715 of the laws of 1972, is amended to read as follows:

36 1. (a) The notice of violation shall contain information advising the
37 person charged of the manner and the time in which [~~he~~] such person may
38 plead either guilty or not guilty to the violation alleged in the
39 notice. Such notice of violation shall also contain a warning to advise
40 the person charged that failure to plead in the manner and time provided
41 shall be deemed an admission of liability and that a default judgment
42 may be entered thereon.

43 (b) The form and wording of the notice of violation shall be
44 prescribed by the director. A duplicate of each notice of violation
45 shall be served on the person charged in the manner hereinafter
46 provided. The original or a facsimile thereof shall be filed and
47 retained by the bureau, and shall be deemed a record kept in the ordi-
48 nary course of business, and shall be prima facie evidence of the facts
49 contained therein.

50 (c) If a person charged with a parking violation denies all or part of
51 the violation as charged in the notice of violation, they may enter a
52 plea of not guilty, personally or through an authorized representative,
53 in person at any parking violations bureau office or in any other form
54 and manner authorized by such bureau, within the time allowed for entry
55 of such plea, and request a hearing. The parking violations bureau shall
56 advise the party entering the plea that the hearing shall be available

either in person or by electronic appearance, at the option of the person charged or their authorized representative.

§ 3. Subdivision 1 of section 240 of the vehicle and traffic law, as amended by section 4 of part N of chapter 58 of the laws of 2025, is amended to read as follows:

1. Notice of hearing. Whenever a person charged with a parking violation enters a plea of not guilty; or a person alleged to be liable in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof: to comply with traffic-control indications in violation of subdivision (d) of section eleven hundred eleven of this chapter through the installation and operation of traffic-control signal photo violation-monitoring systems, in accordance with article twenty-four of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with bus lane restrictions as defined by article twenty-four of this chapter through the installation and operation of bus lane photo devices, in accordance with article twenty-four of this chapter; or to comply with toll collection regulations of certain public authorities through the installation and operation of photo-monitoring systems, in accordance with the provisions of section two thousand nine hundred eighty-five of the public authorities law and sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the laws of nineteen hundred fifty; or to stop for a school bus displaying a red visual signal in violation of section eleven hundred seventy-four of this chapter through the installation and operation of school bus photo violation monitoring systems, in accordance with article twenty-nine of this chapter; or to comply with certain posted maximum speed limits in violation of subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter within a highway construction or maintenance work area through the installation and operation of photo speed violation monitoring systems, in accordance with article thirty of this chapter; or to comply with gross vehicle weight and/or axle weight restrictions in violation of section three hundred eighty-five of this chapter and the rules of the applicable covered agency or covered authority as such terms are defined in article ten of this chapter through the installation and operation of weigh in motion violation monitoring systems, in accordance with article ten of this chapter; or to comply with bus operation-related traffic regulations as defined by article twenty-four of this chapter in violation of the rules of the department of transportation of the city of New York through the installation and operation of bus operation-related photo devices, in accordance with article twenty-four of this chapter, contests such allegation, the bureau shall advise such person personally by such form of first class mail as the director may direct of the date on which such person must appear, either in person or through electronic appearance, at the option of such person, to answer the charge at a hearing. The form and content of such notice of hearing shall be prescribed by the director, and shall contain (a) a warning to advise the person so pleading or contesting that failure to appear either in person or through electronic appearance on the date designated, or on any subsequent adjourned date, shall be deemed an admission of liability, and that a default judgment may be entered thereon; (b) a statement advising the person that they may request that the hearing be either in person or

1 held by electronic appearance; and (c) a statement of the hardware and
2 software requirements for access to an electronic appearance.

3 § 3. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law; and shall expire and be deemed repealed
5 September 1, 2028.