

STATE OF NEW YORK

2108--A

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

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

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

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

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

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

52 § 3. This act shall take effect immediately.