

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1993**

No. 33

Introduced by Council Members Berman and Cerullo III (by request of the Mayor); also Council Members Harrison and Abel (Passed under a Message of Necessity from the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to penalties for parking violations and limiting removal of vehicles from streets to satisfy parking violation judgments.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of Title 19 of the Administrative Code of the City of New York is amended by adding two new sections, 19-211 and 19-212, to read as follows:

Section 19-211. Additional penalties for parking violations. In accordance with paragraph b-1 of subdivision two of section two hundred thirty-five of the vehicle and traffic law, the parking violations bureau may adopt a rule providing for the imposition of the additional penalties set forth in the following schedule for failure to respond to a notice of violation for a parking violation:

a. Failure to respond to a notice of violation for a parking violation within thirty days shall result in liability, commencing on the thirty-first day, for an additional penalty in an amount, not to exceed ten dollars, indicated on the notice of violation for a parking violation; where a city has given a second notice pursuant to paragraph a of subdivision two of section two hundred thirty-five of the vehicle and traffic law failure to respond to a notice of violation for a parking violation within forty-five days may result in liability, commencing on the forty-sixth day, for the penalty prescribed above for failure to respond within thirty days and an additional penalty not to exceed twenty dollars; and where a city has given a second notice pursuant to paragraph a of subdivision two of section two hundred thirty-five of the vehicle and traffic law failure to respond to a notice of violation for a parking within seventy-five days may result in liability, commencing on the seventy-sixth day, for the penalty prescribed above for failure to respond within thirty days and for a failure to respond within forty-five days and an additional penalty not to exceed thirty dollars.

b. Notwithstanding the foregoing schedule of additional penalties, if an owner makes a plea or appears within twenty days after the issuance of a second notice of violation in accordance with paragraph a of subdivision two of section two hundred thirty-five of the

vehicle and traffic law, or prior to such mailing, such additional penalty shall not exceed ten dollars.

Section 19-212. Limitation on removal of motor vehicles for purposes of satisfying parking violation judgments. Notwithstanding any other provision of law, a motor vehicle shall not be removed from any street or other public area solely for the purpose of satisfying an outstanding judgment or judgments for parking violations against the owner unless the total amount of such judgment or judgments is greater than (1) the maximum fines which the parking violations bureau may impose pursuant to the vehicle and traffic law for two parking violations, plus (2) the maximum penalties that would accrue for failure to respond to a notice of parking violation pursuant to section 19-211 for two parking violations, plus (3) the amount of any surcharge which might be imposed for two parking violations; and for which interest has begun to accrue after entry of judgment. The provisions of this section shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.

Section 3. Where a judgment or judgments have been entered based upon notices of violation issued against a motor vehicle charging that such motor vehicle is parked, stopped or standing in violation of any provision of the vehicle and traffic law or any law or rule promulgated pursuant to thereto, for a period of ninety days from the effective date of this local law, such motor vehicle shall not be removed from any street or other public area solely for the purpose of satisfying such judgment or judgments unless the total amount of such judgment or judgments exceeds two hundred and fifty dollars. The provisions of this section shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.

Section 4. This local law shall take effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on April 21, 1993, and approved by the Mayor on May 5, 1993.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 33 of 1993, Council Int. No. 708) contains the correct text and:

Received the following vote at the meeting of the New York City Council on April 1, 1993: 48 for, 3 against.

Was approved by the Mayor on May 5, 1993.

Was returned to the City Clerk on May 6, 1993.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel