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**COMMITTEE ON GOVERNMENTAL OPERATIONS**

**HON. FERNANDO CABRERA**

##### April 29, 2019

##### Oversight: Department of Finance’s Parking Violations Bureau

**INT. NO. 122:** By Council Members Lander, Yeger and Holden

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the removal of motor vehicles to satisfy parking violations.

**ADMINISTRATIVE CODE:** Amends §19-212 of the Administrative Code

**INT. NO. 168:** By Council Members Maisel, Constantinides, Yeger and Ulrich

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to transferring the parking violations bureau from the department of finance to the office of administrative trials and hearings

**ADMINISTRATIVE CODE:** Amends §§19-200 to -203 and -215 of the Administrative Code

**INT. NO. 176:** By Council Member Maisel, Holden, Chin and Ulrich

**TITLE:** A Local Law in relation to creating an interagency task force on removing parked vehicles from public streets

**INT. NO. 504:** By Council Member Koslowitz

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to temporary parking restriction permits

**ADMINISTRATIVE CODE:** Adds § 19-103.1 to the Administrative Code

**INT. NO. 506:** By Council Members Koslowitz and Holden

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the limitation on parking of mobile homes and trailers on residential streets

**ADMINISTRATIVE CODE:** Adds § 19-170.1 to the Administrative Code

**INT. NO. 661:** By Council Member Rodriguez

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on motor vehicles removed to satisfy an outstanding judgment for parking violations

**ADMINISTRATIVE CODE:** Amends §19-212 of the Administrative Code

**INT. NO. 1066:** By Council Members Lancman, Ampry-Samuel, Cornegy, Rosenthal, Yeger, Koo, Maisel, Rose, Vallone, Barron, Holden, King, Grodenchik, Adams, Richards and Kallos

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to granting hearing examiners discretion to reduce or waive additional penalties for parking violations

**ADMINISTRATIVE CODE:** Amends §19-211 of the Administrative Code

**INT. NO. 1141:** By Council Members Constantinides, Rodriguez, Reynoso, Levin, Deutsch, Levine, Rosenthal, Grodenchik, Maisel, Rose, Barron, Holden, King, Adams, Moya, Kallos, Chin, Treyger, Cohen, Brannan, Ayala, Cornegy, Cumbo and Ulrich

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the dismissal of notices of violation and reduction of fines

**ADMINISTRATIVE CODE:** Adds §19-216 to the Administrative Code

**INT. NO. 1187:** By Council Members Gjonaj, Brannan and Holden

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to towing vehicles that lack license plates or registration stickers

**ADMINISTRATIVE CODE:** Amends § 16-128 of the Administrative Code

adds § 19-169.3 to the Administrative Code; and

amends § 20-519 of the Administrative Code

**INT. NO. 1188:** By Council Members Gjonaj, Brannan, Holden and Yeger

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to penalizing the removal of license plates and registration stickers from motor vehicles and increasing the penalty for leaving, abandoning, dismantling or removing components from motor vehicles

**ADMINISTRATIVE CODE:** Amends § 16-122 of the Administrative Code

**INT. NO. 1520:** By Council Member Dromm

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on the parking violations bureau

**ADMINISTRATIVE CODE:** Adds §19-216 to the Administrative Code

1. **Introduction**

On April 29, 2019, the Committee on Finance, chaired by Council Member Daniel Dromm, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, and the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera will hold a joint hearing on the Parking Violations Bureau (PVB) within the Department of Finance (DOF). The hearing will also consider several pieces of legislation that propose to adjust PVB’s adjudication and collection function or to otherwise adjust the City’s parking rules and enforcement regime, including Int. No. 122, in relation to the removal of motor vehicles to satisfy parking violations; Int. No. 168, in relation to transferring the parking violations bureau from the department of finance to the office of administrative trials and hearings; Int. No. 176, in relation to creating an interagency task force on removing parked vehicles from public streets; Int. No. 504, in relation to temporary parking restriction permits; Int. No. 506, in relation to the limitation on parking of mobile homes and trailers on residential streets; Int. No. 661, in relation to requiring the department of finance to report on motor vehicles removed to satisfy an outstanding judgment for parking violations; Int. No. 1066, in relation to granting hearing examiners discretion to reduce or waive additional penalties for parking violations; Int. No. 1141, in relation to the dismissal of notices of violation and reduction of fines; Int. No. 1187, in relation to towing vehicles that lack license plates or registration stickers; Int. No. 1188, in relation to penalizing the removal of license plates and registration stickers from motor vehicles and increasing the penalty for leaving, abandoning, dismantling or removing components from motor vehicles; and Int. No. 1520, in relation to requiring the department of finance to report on the parking violations bureau.

This is the first hearing for all pieces of legislation. Those invited to testify include representatives from DOF and members of the public.

1. **History and Background**

“It is common knowledge that the streets of New York City have become one vast parking lot, day and night, sometimes to the profit of the city.” – Judge Arnold Fein, 1967[[1]](#footnote-2)

Traffic Enforcement Agents (TEA) and officers of the New York Police Department (NYPD), as well as representatives of several other City agencies and other entities,[[2]](#footnote-3) issue parking tickets in the form of affirmed notices of violation to vehicles parked in violation of the Department of Transportation (DOT) traffic rules and regulations.[[3]](#footnote-4) The PVB is responsible for collecting the fines for these parking violations and, when owners dispute the violations, adjudicating such disputes.[[4]](#footnote-5)

Long before the PVB was set up within the DOF, the 1938 Charter granted the NYPD exclusive authority to promulgate and enforce parking regulations, the violation of which were criminal offences.[[5]](#footnote-6) Hearings on those offenses were held at New York City Criminal Court, and failure to pay the fines was a criminal offense. Courts were overburdened, whereby a defendant pleading not guilty to a single parking ticket had to wait ten months for a trial.[[6]](#footnote-7) Moreover, partially because judges were hesitant to send people to jail for parking violations, 72 percent of fines went uncollected.[[7]](#footnote-8)

To shift the case volume and improve collections, the 1969 State Legislature decriminalized parking violations in New York City and established the PVB within the City’s DOT to take over the adjudication function.[[8]](#footnote-9) The success of administrative adjudication in the city induced the 1972 State Legislature to extend administrative adjudication to Buffalo and Rochester.[[9]](#footnote-10) A 1974 dissertation comparing judicial and administrative adjudication of parking violations concluded that administrative adjudication “is more economical, speedier, and more effective.”[[10]](#footnote-11)

The PVBs adjudicative efficiency was partially overshadowed by a series of bribery and influence scandals. Successful federal prosecutions in 1986 of DOT leadership, politicians, and PVB contractors, revealed a pattern of corrupt contracting by the PVB with collection agencies and with Datacom Systems, a technology company manufacturing and maintaining computerized traffic ticket issuing devices.[[11]](#footnote-12) Then, in 1993, a report from the City's Investigation Commissioner, found that Lockheed IMS, successor-in-interest to Datacom Systems (and with several executives remaining from the earlier scandal), had induced inappropriate favor from several senior aides to Mayor David Dinkins in pursuing a contract to run PVB operations for five years, leading the Mayor to cancel the contract and barring the company from City contracting.[[12]](#footnote-13)

Ultimately, in 1994 Mayor Giuliani, who as United States Attorney for the Southern District had overseen the 1980s PVB corruption prosecutions, asked the City Council to introduce legislation that would consolidate PVB into DOF in 1994.[[13]](#footnote-14) The Administration’s memorandum in support stated that, as a result of the transfer, it was expected that “administrative and operating costs will be reduced, revenue collection will be enhanced, and there will be an increased sharing of knowledge, data and technology flowing from resulting efficiencies,” making further reference to DOF’s collections unit already active in the administration of New York City taxes and to likely economies of scale.[[14]](#footnote-15)

The present PVB is diffuse in form within DOF, with 106 per diem staff and 193 full-time equivalent staff in Fiscal 2019 assigned to several units working together to execute several core PVB functions.[[15]](#footnote-16) These functions are: “to hear and determine, charges of parking violations,”[[16]](#footnote-17) “to enter judgments and enforce them,”[[17]](#footnote-18) “to compile and maintain complete and accurate records relating to all charges and dispositions,”[[18]](#footnote-19) and “to remit to the…appropriate finance officer…all monetary penalties or fees received.”[[19]](#footnote-20) State and local laws require the DOF Commissioner to appoint a PVB Director[[20]](#footnote-21) and hearing examiners who have been admitted to the practice of law in New York for at least five years.[[21]](#footnote-22) In addition, the Commissioner must appoint senior hearing examiners who preside at hearings, supervise, and administer the PVB, and serve on an appeals board.[[22]](#footnote-23) Such appeals board is required to be within the PVB, consisting of three or more senior hearing examiners, and is authorized to hear appeals from judgments of hearing officers and to reverse or modify any judgement appealed for error of fact or law.[[23]](#footnote-24) As discussed further below, the adjudications are currently performed by 106 Administrative Law Judges (ALJs) who receive a per-diem wage and are *not* City employees so as preserve their independent judgement.[[24]](#footnote-25)

In Fiscal 2018, there were 10,488,520 parking tickets issued. While parking tickets are to be served on drivers when present, they may also be issued to the registered owner of the vehicle “by affixing such notice to said vehicle in a conspicuous place,” with the same force and effect as though personally served.[[25]](#footnote-26) The PVB converts violations of the DOT traffic rules into 99 unique violation codes, the most common of which in Fiscal 2017 were:

|  |  |  |
| --- | --- | --- |
| Code | Violation | # tickets |
| 21 | No Parking-Street Cleaning | 1,527,341 |
| 36 | Photo School Zone Speed Violation | 1,349,725 |
| 38 | Failure To Display Muni Meter Receipt | 1,059,066 |
| 14 | No Standing-Day/Time Limits | 890,749 |
| 20 | No Parking-Day/Time Limits | 620,802 |
| 46 | Double Parking | 597,563 |
| 37 | Expired Muni Meter | 593,439 |
| 71 | Insp. Sticker-Expired/Missing | 520,671 |
| 40 | Fire Hydrant | 519,520 |
| 19 | No Standing-Bus Stop | 289,607 |

Source: Department of Finance

1. **Encounters with the PVB upon Receiving a Notice of Violation for a Parking Infraction**

*Responding to the Notice of Violation*

There are several options for a respondent to plead guilty and pay the fine listed on the notice of violation. The respondent may use DOF’s “NYC Pay or Dispute” Mobile App[[26]](#footnote-27) or go online to <http://nyc.gov/citypay> to submit payment either by credit card, with a two percent convenience fee, or by eCheck/ACH without a fee.[[27]](#footnote-28) While it can take up to three weeks for a handwritten parking ticket or camera violation to appear in DOF’s Summons Tracking and Accounts Receivable System (STARS), the respondent may still make a payment via App or CityPay using the violation number.[[28]](#footnote-29) The respondent may also mail a personal check or money order.[[29]](#footnote-30) Finally, the respondent may pay in person, either at one of the five borough-based Finance Business Centers,[[30]](#footnote-31) or at participating 7-Eleven and CVS stores using PayNearMe, with a convenience fee of $2.99 (per payment).[[31]](#footnote-32)

There are likewise several options for a respondent to plead not guilty and request a hearing. The respondent may use the DOF “NYC Pay or Dispute” Mobile App[[32]](#footnote-33) or go online to <http://nyc.gov/disputeticket> to contest the ticket and upload evidence online, upon the review of which the ALJ’s decision will be emailed back to the email address supplied.[[33]](#footnote-34) The respondent may also contest the ticket and mail evidence, upon the review of which the ALJ’s decision will be mailed back.[[34]](#footnote-35) Finally, the respondent may visit any Finance Business Center for a walk-in hearing on a first-come, first-served basis between 8:30 am and 4:30 pm, Monday-Friday.[[35]](#footnote-36) The respondent may also send an authorized representative to contest the ticket, including a spouse, family member, friend, a registered ticket broker, counsel, or in limited circumstances, an employee.[[36]](#footnote-37) The identification requirements and the conduct regulations for such authorized representatives are spelled out in the New York City Rules.[[37]](#footnote-38)

If a respondent pleads not guilty and requests a hearing, an ALJ will conduct a hearing and write a decision and order that includes a finding of fact and conclusion of law after a review of all the evidence presented.[[38]](#footnote-39) The parking ticket is “prima facie evidence of the statements contained therein” have the effect of placing the burden of proof on petitioner, which is contrary to the rule in civil proceedings that the charge must be established by a preponderance of the evidence.[[39]](#footnote-40) ALJs have limited discretion and must sustain or dismiss the ticket, and are not vested with discretion to reduce the fine.[[40]](#footnote-41)

ALJs must dismiss a ticket if it is shown to be facially deficient because certain elements required by Vehicle and Traffic Law § 238(2) are missing, illegible, or mis-described.[[41]](#footnote-42)

There are several other complete defenses to a ticket. ALJs must dismiss if: the respondent died prior to or within 90 days of the issuance of the ticket; the respondent has proof that the vehicle was stolen prior to ticket issuance and before recovery of the car; if the respondent has proof that the vehicle was sold, gifted, or otherwise transferred the vehicle prior to ticket issuance; if duplicate tickets were issued on the same day, for the same violation, at the same location, within three hours of the first ticket, or where multiple tickets were issued for status violations (registration or inspection) if the repeat summons were issued on the same date as the first ticket.[[42]](#footnote-43)

There are additional defenses that are more fact intensive and which will require an ALJ to weigh the evidence, including: if the parking rules sign a respondent is cited for violating was missing, illegible, ambiguous, or wrongly stated; if the respondent’s vehicle suddenly became disabled and was ticketed for parking illegally and the respondent then removed it from the location expeditiously; or, in the case of a broken parking meter, a respondent may be able to prove that they attempted to purchase a parking meter receipt from the next nearest machine on the same block, or within the same municipal lot, and unsuccessfully tried to make the purchase with all methods of payment accepted by the machine.[[43]](#footnote-44)

If the ALJ sustains the violation, the respondent can appeal the decision to an appeals board within 30 days, during which time no penalties or fees for late payment are assessed.[[44]](#footnote-45) However, unless enforcement has been stayed by the appeals board, filing an appeal does not stay the enforcement of a judgment upon a sustained charge unless the appellant has posted a bond in the amount of such determination, at the time of, or before the service of such notice of appeal.[[45]](#footnote-46) The appeals panel shall consist of three or more hearing examiners, but in no event shall the hearing examiner from whose decision the appeal is taken be included in the panel determining said appeal.[[46]](#footnote-47) The appeals panel may review the case for errors of fact or law or jurisdictional defects in the summons and is bound by the record established at the hearing and shall only consider evidence which was not presented to the ALJ in the interests of justice and upon consent of the respondent.[[47]](#footnote-48) The appeals panel will make one of the following decisions: affirm (uphold) the original hearing decision; modify the original hearing decision; reverse the hearing decision; return the case for a completely new hearing; decide that there was no cognizable issue on which to base an appeal.[[48]](#footnote-49)

*Failure to Respond to a Notice of Violation or to Satisfy a Judgment of Guilt*

If a respondent fails to pay a parking ticket or plead not guilty, late penalties begin to accrue after 30 days: after 30 days, an additional $10 is added to the fine amount (however, payments of a base fine received no later than seven days after the DOF has sent a notice of the $10 additional penalty will be deemed payment in full of the violation); after 60 days, an additional $20 is added to the fine and first penalty; after 90 days, an additional $30 is added to the fine and both penalties.[[49]](#footnote-50) After about 100 days of non-response, the violation is entered into judgment and nine percent interest per year is added to the total amount due until the debt is paid.[[50]](#footnote-51) A hearing on a ticket in judgment once it is more than one year old requires a written application showing excusable neglect and a substantial defense to the charge.[[51]](#footnote-52)

In the case of any vehicle with an outstanding judgement or judgements for parking violations, including interest, totaling $350 or more, the DOF Sheriff and the City Marshall are authorized to immobilize or remove such vehicle to a tow pound.[[52]](#footnote-53) Booting, towing, and storage fees will be added to the amount owed. In Fiscal 2018, the City collected poundage revenues of $3.6 million and booting revenues of $14.7 million. If judgment debt remains unpaid despite booting, towing, and other collection efforts, the City can take additional enforcement actions, up to and including auctioning off the vehicle to satisfy the judgement.[[53]](#footnote-54)

If a respondent owes at least $350 in parking/camera judgment debt, the respondent may also go to a Finance Business Center and apply for a Parking Ticket Payment Plan to forestall Sheriff and Marshall enforcement actions.[[54]](#footnote-55) A down payment of 33 percent is required, followed by equal monthly installments, while towed vehicles can be redeemed by entering into a payment plan with a down payment tow or boot fees plus of 50 percent of the judgment amount.[[55]](#footnote-56) A payment plan will increase the total amount a respondent will owe because nine percent annual interest will continue to be added to the balance until the amount owed is completely paid off.

There are additional administrative consequences to having tickets in judgement. New York State will not register or renew a vehicle registration if a respondent has three or more outstanding tickets and/or camera violations in judgment within an 18-month period.[[56]](#footnote-57) Morever, if a respondent has had five or more outstanding parking tickets in judgment within a 12-month period, the respondent’s registration will be suspended.[[57]](#footnote-58) A respondent cannot obtain or renew a registration until the respondent resolves the tickets either by paying or having them dismissed at a hearing.[[58]](#footnote-59) Entering into a payment agreement will not satisfy the State registration requirement.

*The Office of the Parking Summons Advocate*

In April 2018, the DOF Commissioner created the position of the Parking Summons Advocate. According to testimony by the DOF Commissioner before the City Council, the purpose of the position is to “focus on identifying and resolving systemic issues regarding parking infractions.”[[59]](#footnote-60) The Commissioner further testified that at the time, New York City was “one of only two major cities in the country with an office devoted to advocating on behalf of parking ticket recipients.”[[60]](#footnote-61) In 2019, the DOF Commissioner reported that the Office of the Parking Summons Advocate (OPSA) was launched on December 21, 2018.[[61]](#footnote-62)

According to OPSA’s website, the mission of the office:

“is to independently assist unrepresented and underrepresented members of the public with parking and camera violation issues and complaints that cannot be resolved through normal Department of Finance channels. The office acts as an intermediary between the public, DOF units, and other agencies involved in the parking summons adjudication process; informs the public about parking laws, rules, regulations, and related Department of Finance policies and procedures; and identifies, reports, and recommends solutions to systemic problems and issues in the parking summons adjudication process.”[[62]](#footnote-63)

The OPSA has developed a Parking Summons Recipient Bill of Rights, which includes the right to:

1. prompt, honest, and respectful service;
2. clear and simple communications;
3. clear explanations;
4. timely, courteous, and professional help;
5. pay only the amount you legitimately owe;
6. dispute your summons to an impartial hearing officer;
7. appeal a decision;
8. fair and efficient action;
9. receive assistance; and
10. receive a copy of the Parking Summons Recipient Bill of Rights.[[63]](#footnote-64)

The Parking Summons Advocate has a presence in each of DOF’s five, borough-based Business Centers to assist members of the public with parking and camera violation issues and complaints that cannot be resolved through normal DOF process.[[64]](#footnote-65) The OPSA’s website contains tips for avoiding parking tickets, advice on what to do if a parking ticket is received, and evidence recommendations.[[65]](#footnote-66) In addition, the OPSA has developed and published a brochure entitled “A Guide to Paying or Disputing Parking Violations,” which is available in 11 languages.[[66]](#footnote-67)

According to news articles critical of the OPSA, it was reported that in the first eight months of the tenure of the Parking Summons Advocate, 274 tickets were investigated.[[67]](#footnote-68) It was also reported that as of December 2018, the only way to reach the OPSA by telephone was through 311, but that 311 was unaware of the OPSA and unable to connect the caller to the appropriate personnel at DOF.[[68]](#footnote-69)

1. **Available Commercial Programs**

DOF has established several voluntary enrollment commercial programs in the interest of efficiency. Enrolled businesses receive a report each week listing their new and outstanding violations on all of their fleet vehicles and can access an online portal to add and terminate enrolled license plates.[[69]](#footnote-70) Prior to enrollment, all unpaid summonses (judgment and non-judgment) on all company plates must be satisfied.[[70]](#footnote-71)

*The Regular Fleet Program*

The Regular Fleet Program is for businesses with at least one vehicle in their fleet. In this program, businesses can decide whether to pay the full amount of their parking fines or request a hearing.[[71]](#footnote-72) Enrolled companies have longer to pay before late penalties accrue, and the date of collection runs from the DOF system entry date rather than the summons date: 60 days to contest or pay before a $10 penalty, 90 days before an additional $20 penalty, 135 days before an additional $30 penalty, and at 142 days any unpaid ticket goes into judgment.[[72]](#footnote-73)

*The Stipulated Fine and Commercial Abatement Programs*

There are also two fleet programs in which enrolled businesses waive their right to contest tickets and agree to pay a pre-set, reduced fine amount for each offense: the Stipulated Fine Program, for businesses that make deliveries,[[73]](#footnote-74) and the Commercial Abatement Program for businesses that make pick-ups or service calls.[[74]](#footnote-75) DOF initiated these programs as a pilot in 2004 to reduce adjudicatory burden.[[75]](#footnote-76)

Enrolled companies have less time than regular fleet program enrollees before the first $10 late penalty accrues – 45 days rather than 60 days. Significantly, any tickets that remain unpaid after 142 days go to judgement at the original unreduced fine amount plus late penalties.[[76]](#footnote-77) Moreover, when judgement debt with interest exceeds $350, participants shall be removed from the program.[[77]](#footnote-78)

In prior iterations of the Stipulated Fine and Commercial Abatement program fine schedules, DOF had reduced stipulated fines for several violation codes down to zero because the DOT parking rules provide affirmative defenses to commercial vehicles for some violations, such as for parking in no parking zones “temporarily for the purpose of and while expeditiously receiving or discharging passengers or loading or unloading property to or from the curb.”[[78]](#footnote-79)

However, DOF developed a new fine schedule, effective December 3, 2018, which raised several of these zero fines and which also eliminated some minor distinctions between the two programs’ fine schedules. DOF represents that the reduced fine schedule now corresponds to the expected value of each summons type if it were appealed, using appeals outcomes in the Regular Fleet Program.

The new fine schedule is as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **DOF Code** | **Violation Description** | **Below 96th Street** | | **Everywhere Else** | |
| **Regular Fine** | **Stip/C.A.** | **Regular Fine** | **Stip/C.A.** |
| 1 | Failure To Display Bus Permit | 515 | 515 | 515 | 515 |
| 2 | No Operator Nam/Add/Ph Display | 515 | 515 | 515 | 515 |
| 3 | Unauthorized Passenger Pick-Up | 515 | 515 | 515 | 515 |
| 4 | Bus Parking In Lower Manhattan | 115 | 115 | 115 | 115 |
| 5 | Bus Lane Violation | 115 | 115 | 115 | 115 |
| 6 | Overnight Tractor Trailer Pkg | 265 | 265 | 265 | 265 |
| 7 | Failure To Stop At Red Light | 50 | 50 | 50 | 50 |
| 8 | Idling | 115 | 115 | 115 | 115 |
| 9 | Obstructing Traffic/Intersect | 115 | 115 | 115 | 115 |
| 10 | No Stopping-Day/Time Limits | 115 | 100 | 115 | 100 |
| 11 | No Standing-Hotel Loading | 115 | 100 | 115 | 100 |
| 12 | No Standing-Snow Emergency | 95 | 60 | 95 | 60 |
| 13 | No Standing-Taxi Stand | 115 | 100 | 115 | 100 |
| 14 | No Standing-Day/Time Limits | 115 | 100 | 115 | 100 |
| 15 | No Standing-Off-Street Lot | 115 | 100 | 115 | 100 |
| 16 | No Standing-Exc. Truck Loading | 95 | 0 | 95 | 0 |
| 17 | No Standing-Exc. Auth. Vehicle | 95 | 60 | 95 | 60 |
| 18 | No Standing-Bus Lane | 115 | 100 | 115 | 100 |
| 19 | No Standing-Bus Stop | 115 | 100 | 115 | 100 |
| 20 | No Parking-Day/Time Limits | 65 | 25 | 60 | 25 |
| 21 | No Parking-Street Cleaning | 65 | 25 | 45 | 25 |
| 22 | No Stand Taxi/Fhv Relief Stand | 115 | 115 | 115 | 115 |
| 23 | No Parking-Taxi Stand | 65 | 25 | 60 | 25 |
| 24 | No Parking-Exc. Auth. Vehicle | 65 | 25 | 60 | 25 |
| 25 | No Standing-Commuter Van Stop | 115 | 100 | 115 | 100 |
| 26 | No Standing-For Hire Veh Stnd | 115 | 100 | 115 | 100 |
| 27 | No Parking-Exc. Dsblty Permit | 180 | 180 | 180 | 180 |
| 28 | Overtime Standing Dp | 95 | 60 | 95 | 60 |
| 29 | Altering Intercity Bus Permit | 515 | 515 | 515 | 515 |
| 30 | No Stop/Standng Except Pas P/U | 515 | 515 | 515 | 515 |
| 31 | No Standing-Comm Meter Zone | 115 | 35 | 115 | 35 |
| 32 | Ot Parking-Missing/Broken Metr | 65 | 25 | 35 | 25 |
| **DOF Code** | **Violation Description** | **Below 96th Street** | | **Everywhere Else** | |
| **Regular Fine** | **Stip/C.A.** | **Regular Fine** | **Stip/C.A.** |
| 33 | Feeding Meter | 65 | 25 | 35 | 25 |
| 34 | Expired Meter | 65 | 25 | 35 | 25 |
| 35 | Selling/Offering Mchndse-Meter | 65 | 40 | 35 | 30 |
| 36 | Phto School Zn Speed Violation | 50 | 50 | 50 | 50 |
| 37 | Expired Muni Meter | 65 | 40 | 35 | 40 |
| 38 | Fail To Dsply Muni Meter Recpt | 65 | 40 | 35 | 30 |
| 39 | Overtime Pkg-Time Limit Posted | 65 | 25 | 60 | 25 |
| 40 | Fire Hydrant | 115 | 115 | 115 | 115 |
| 41 | N/A |  |  |  |  |
| 42 | Expired Muni Mtr-Comm Mtr Zn | 65 | 40 | 35 | 30 |
| 43 | Expired Meter-Comm Meter Zone | 65 | 60 | 35 | 30 |
| 44 | Pkg In Exc. Of Lim-Comm Mtr Zn | 65 | 60 | 35 | 30 |
| 45 | Traffic Lane | 115 | 100 | 115 | 100 |
| 46 | Double Parking | 115 | 35 | 115 | 35 |
| 47 | Double Parking-Midtown Comml | 115 | 100 | 115 | 100 |
| 48 | Bike Lane | 115 | 100 | 115 | 100 |
| 49 | Excavation-Vehicle Obstr Traff | 95 | 60 | 95 | 60 |
| 50 | Crosswalk | 115 | 100 | 115 | 100 |
| 51 | Sidewalk | 115 | 100 | 115 | 100 |
| 52 | Intersection | 115 | 100 | 115 | 100 |
| 53 | Safety Zone | 115 | 100 | 115 | 100 |
| 54 | Tunnel/Elevated/Roadway | 40 | 40 | 25 | 25 |
| 55 | Elevated/Divided Highway/Tunnl | 115 | 100 | 115 | 100 |
| 56 | Divided Highway | 115 | 100 | 115 | 100 |
| 57 | Blue Zone | 65 | 25 | 65 | 25 |
| 58 | Marginal Street/Water Front | 65 | 40 | 45 | 30 |
| 59 | Angle Parking-Comm Vehicle | 115 | 25 | 115 | 100 |
| 60 | Angle Parking | 65 | 40 | 45 | 30 |
| 61 | Wrong Way | 65 | 40 | 45 | 30 |
| 62 | Beyond Marked Space | 65 | 25 | 45 | 25 |
| 63 | Nighttime Std/ Pkg In A Park | 95 | 60 | 95 | 60 |
| 64 | No Standing Excp D/S | 95 | 60 | 95 | 60 |
| 65 | Overtime Stdg D/S | 95 | 60 | 95 | 60 |
| 66 | Detached Trailer | 65 | 40 | 45 | 30 |
| 67 | Pedestrian Ramp | 165 | 165 | 165 | 165 |
| 68 | Non-Compliance W/ Posted Sign | 65 | 25 | 60 | 25 |
| 69 | Fail To Disp. Muni Meter Recpt | 65 | 40 | 35 | 30 |
| 70 | Reg. Sticker-Expired/Missing | 65 | 40 | 65 | 30 |
| 71 | Insp. Sticker-Expired/Missing | 65 | 40 | 65 | 30 |
| 72 | Insp Sticker-Mutilated/C'Feit | 65 | 40 | 65 | 30 |
| 73 | Reg Sticker-Mutilated/C'Feit | 65 | 40 | 65 | 30 |
| 74 | Front Or Back Plate Missing | 65 | 40 | 65 | 30 |
| **DOF Code** | **Violation Description** | **Below 96th Street** | | **Everywhere Else** | |
| **Regular Fine** | **Stip/C.A.** | **Regular Fine** | **Stip/C.A.** |
| 75 | No Match-Plate/Sticker | 65 | 40 | 65 | 30 |
| 76 | Vin Obscured | 65 | 40 | 65 | 30 |
| 77 | Parked Bus-Exc. Desig. Area | 65 | 40 | 45 | 30 |
| 78 | Nght Pkg On Resid Str-Comm Veh | 65 | 40 | 65 | 30 |
| 79 | Unauthorized Bus Layover | 115 | 100 | 115 | 100 |
| 80 | Missing Equipment | 60 | 40 | 45 | 30 |
| 81 | No Standing Excp Dp | 95 | 60 | 95 | 60 |
| 82 | Comml Plates-Unaltered Vehicle | 115 | 100 | 115 | 100 |
| 83 | Improper Registration | 65 | 40 | 65 | 30 |
| 84 | Pltfrm Lfts Lwrd Pos Comm Veh | 65 | 40 | 45 | 30 |
| 85 | Storage-3Hr Commercial | 65 | 40 | 65 | 30 |
| 86 | Midtown Pkg Or Std-3Hr Limit | 115 | 100 | 115 | 100 |
| 87 | Unaltered Comm Vehicle | 115 | 100 | 115 | 100 |
| 88 | Unaltered Comm Veh-Nme/Address | 115 | 0 | 115 | 0 |
| 89 | No Std(Exc Trks/Gmtdst No-Trk) | 115 | 25 | 115 | 25 |
| 90 | Veh-Sale/Wshng/Rprng/Driveway | 40 | 25 | 25 | 25 |
| 91 | Vehicle For Sale(Dealers Only) | 65 | 40 | 45 | 30 |
| 92 | Wash/Repair Vehcl-Repair Only | 65 | 40 | 45 | 30 |
| 93 | Remove/Replace Flat Tire | 65 | 40 | 65 | 30 |
| 96 | Railroad Crossing | 95 | 60 | 95 | 60 |
| 97 | Vacant Lot | 65 | 40 | 45 | 30 |
| 98 | Obstructing Driveway | 95 | 60 | 95 | 60 |
| 99 | Other | 105 | 25 | 105 | 25 |

There is presently legislation pending in the State Assembly Transportation Committee that would provide that parking violations may only be reduced or dismissed upon a written determination of a hearing examiner on the merits.[[79]](#footnote-80) If this legislation were to become law, it would preempt and prohibit DOF from continuing the Stipulated Fine and the Commercial Abatement Programs.

1. **Jurisdiction Over the Parking Violations Bureau**

*Office of Administrative Trials and Hearings*

The Office of Administrative Trials and Hearings (OATH) was originally established by an executive order in 1979, in the Department of Personnel with a purpose of conducting administrative trials and hearings at the direction of the Mayor or upon the written request and delegation of the head of a City agency, however such delegation was expressly required for civil service related hearings, such as disciplinary matters.[[80]](#footnote-81) In 1988, as part of the Charter revision ballot question that enacted the City Administrative Procedure Act, OATH was made a full agency, and given greater responsibility to act as a tribunal separate from the referring agencies.[[81]](#footnote-82)

In subsequent years, the number and variety of cases referred to OATH grew significantly. Through a series of executive orders, court rulings, and local laws, OATH’s jurisdiction was expanded, with entire agency tribunals being transferred to the agency.[[82]](#footnote-83) With the exception of the PVB, discussed in more detail below, all significant agency tribunals are now adjudicated by OATH.

OATH, as currently constituted, is directed by a Chief Administrative Law Judge, appointed by the Mayor and who in turn is empowered to appoint ALJs, for a term of five years each, removable only for cause after notice and opportunity for a hearing.[[83]](#footnote-84) Cases referred to OATH are adjudicated in either the Hearings Division, which in 2017 handled 877,544 summonses from the City’s various enforcement agencies, such as the Departments of Sanitation, Buildings, Health and Mental Hygiene, Environmental Protection, Fire, and the Taxi & Limousine Commission, among others; and the Trials Division, which handles other disputes, such as disciplinary hearings, city contract disputes or vehicles forfeiture cases.[[84]](#footnote-85) OATH’s Trials Division resolved 2,696 cases in 2017, and the Hearings Division conducted 310,831 hearings in 2017, more than 31,000 hearings than in 2016.[[85]](#footnote-86) OATH has also tried to make hearings more accessible by offering remote hearings, by phone or online, and by offering mediation services.[[86]](#footnote-87) The current Chief Administrative Law Judge has said that “it is OATH’s sole mission to provide fair and timely trials or hearings on the City’s administrative matters” and that OATH has focused “efforts on making it easier for people to handle their cases on their own so that they do not need to hire someone to represent them at OATH hearings.”[[87]](#footnote-88)

*Criticism of the DOF’s Handling of the Parking Violations Bureau*

As discussed, PVB has jurisdiction over allegations of violations of any law, rule, or regulation regarding the parking, stopping, or standing of a motor vehicle.[[88]](#footnote-89) As mentioned above, it is perhaps the last major tribunal that has not been transferred to OATH, since it is housed within DOF.[[89]](#footnote-90) Tickets may be disputed online, by mobile app, by mail, or in-person.[[90]](#footnote-91) Additionally, a “Pay Near Me” partnership enables customers to pay parking tickets at partnering 7-Eleven and CVS stores.[[91]](#footnote-92) In Fiscal Year 2018, DOF held a total of 1,126,557 parking ticket hearings.[[92]](#footnote-93) Of those, 563,406 were online, 347,045 were hearings by mail, and 216,106 were in-person hearings.[[93]](#footnote-94) Additionally, there were 620,882 uses of the new “pay or dispute” app.[[94]](#footnote-95)

Some criticism concerning the impartiality of the PVB can be found, including from a former Administrative Law Judge of the unit.[[95]](#footnote-96) Arguably, much of the rationale that, in part, motivated the transfer of other agency tribunals to OATH might also apply to this unit, that is, OATH’s independence from City agencies, as well as from its expertise in the administration of judicial proceedings, ameliorates public perception that such agencies have an unfair advantage in the hearing process.[[96]](#footnote-97) However, a distinction should be noted that, unlike the Department of Buildings or the Department of Consumer Affairs, the parking tickets adjudicated by DOF were not issued by DOF but were instead likely issued by agents and officers of the New York Police Department. That might grant a greater degree of independence than it has been feared a tribunal located within an issuing agency would have. However, the appearance of conflict may still exist, considering that among the Department of Finance’s other responsibilities is the collection of revenues.[[97]](#footnote-98)

1. **Parking Rules**

*Abandoned and Unregistered Vehicles*

Curb space is in high demand, especially in certain residential and commercial areas. Residents of the Bronx have frequently complained about vehicles being parked without license plates for long periods of time. Auto body repair shops are reportedly removing license plates from motor vehicles and parking these motor vehicles in the street.[[98]](#footnote-99) This problem is not limited to the Bronx, as residents in Sheepshead Bay, Brooklyn have also complained about cars without license plates parked for extended periods of time in the street, taking up valuable street parking.[[99]](#footnote-100) Additionally, Staten Island and Queens residents have had similar complaints.[[100]](#footnote-101) Under state law, a motor vehicle cannot be operatedwithout being registered by the state, or parked without proof of registration.[[101]](#footnote-102) Registration is evidenced by a registration sticker. Motor vehicles are also required to have license plates with numbers that match the motor vehicle’s registration number.[[102]](#footnote-103) The registration sticker must also have the motor vehicle’s vehicle identification number.[[103]](#footnote-104) By parking motor vehicles with neither a registration sticker nor a license plate, it is difficult for NYPD to identify the owners of, and therefore ticket, these motor vehicles.[[104]](#footnote-105)

A vehicle with either one or two license plates can be reported as abandoned if it is left on public property for at least 48 hours.[[105]](#footnote-106) An individual can call their local police precinct or file a complaint with 311 to have the vehicle towed.[[106]](#footnote-107) The vehicle’s owner is responsible for towing and storage fees. If a vehicle is reported on city property without license plates, the Department of Sanitation (DSNY) will investigate the complaint to determine whether or not the vehicle is so dilapidated that it should be disposed of.[[107]](#footnote-108) If DSNY determines it is in fact derelict, they will tag the vehicle and the vehicle will be picked up within three business days.[[108]](#footnote-109) If DSNY does not view the vehicle as derelict they will tag the vehicle and refer it to the local police precinct.[[109]](#footnote-110) Despite residents’ complaints, they often find nothing is done to remove these vehicles.[[110]](#footnote-111)

*Parking Mobile Homes and Trailers*

A mobile home cannot be parked on New York City streets for more than 24 hours.[[111]](#footnote-112) And trailer or semi-trailer can only be parked while being unloaded. Semi-trailer cannot be parked on the street unless it is attached to a vehicle towing it.[[112]](#footnote-113) Certain areas have specific time frames where an unattached semi-trailer can be parked, but this varies by neighborhood.[[113]](#footnote-114) Moreover, residential areas in New York City have limited street parking and it can be difficult for residents to find parking overnight. Both mobile homes and trailers are large vehicles that occupy a substantial amount of street parking space. Reports indicate that individuals will park mobile homes on the City’s streets for either longer than 24 hours or just under 24 hours to avoid enforcement.[[114]](#footnote-115) This has sparked the outrage of local residents, who consider them an eyesore and an encumbrance.[[115]](#footnote-116)

*Parking in Construction Sites*

Building contractors can apply to the Department of Transportation (“DOT”) to request a temporary parking restriction.[[116]](#footnote-117) Construction-related temporary parking restrictions can vary in hours specified; some may be “anytime” and others may be just for certain hours of the day or days of the week.[[117]](#footnote-118) In the same way, restrictions can be granted for a period of just a few days or for weeks. Similarly, given the scarcity of on street parking available in New York City any additional restrictions on parking can disrupt many neighborhoods.

1. **Analysis of Int. No. 122**

Section 1 of Int. No. 122 would increase the monetary threshold for the removal of motor vehicles for the purposes of satisfying parking violation judgments from $350 to $500 dollars and permit motor vehicles to be removed for the purpose of satisfying parking violation judgments where there are more than five parking violations.

Section 2 of Int. No. 122 would require that such local law would take effect 30 days after it becomes law.

1. **Analysis of Int. No. 168**

Int. No. 168 would transfer the Parking Violations Bureau from the Department of Finance to the Office of Administrative Trials and Hearings (OATH). All employees, business, rules, regulations, records, property, and equipment would be accordingly transferred to OATH. Remittance payments would, however, still be collected by the Department of Finance, or any such other agency designated by the Mayor. No pending proceedings are to be affected or abated by the transfer. Int. No. 168 would take effect 90 days after it becomes law or as soon as practicable thereafter as a transfer of functions may be effectuated.

1. **Analysis of Int. No. 176**

Section 1 of Int. No. 176 would establish an interagency task force to examine the city’s current system of removing from city streets vehicles that are abandoned or parked without license plates or proper registration and develop recommendations to improve existing removal practices, including recommendations on the creation of rules and proposals for new legislation regarding removing vehicles from public streets. The task force would consist of the Commissioner of Transportation, the Director of City planning, the Commissioner of Sanitation, and the Police Commissioner, or the respective designee of such commissioner or chair, as well as at least two additional members appointed by the mayor. The task force would also be required to invite representatives from the New York State Department of Motor Vehicles, the New York State Department of Transportation, and representatives of any other relevant state agency or state elected official, as identified by the task force, to participate. The task force would serve for one year, meet at least five times, convene a public hearing in each of the five boroughs, and issue and submit a report of its findings and recommendations to the mayor and speaker of the City Council.

Section 2 of Int. No. 176 would require that such local law would take effect immediately.

1. **Analysis of Int. No. 504**

Section 1 of Int. No. 504 would allow the Commissioner of Transportation to issue temporary parking restriction permits, provided, however, that any temporary parking restriction permit related to building construction may only be in effect from 7 a.m. to 6 p.m., and if an after-hours variance permit is obtained from the Department of Buildings, during the hours specified in such variance permit. Further, the permittee would be responsible for posting such temporary parking restriction at least 48 hours before such temporary parking restriction takes effect.

Section 2 of Int. No. 504 would require that such local law take effect 120 days after it becomes law, except that the commissioner of Transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

1. **Analysis of Int. No. 506**

Section 1 of Int. No. 506 would make it a violation for a person to park a mobile home or trailer in excess of three hours on a residential street or between 9:00 p.m. and 5:00 a.m. on a residential street. Any mobile home or trailer parked in violation of these restrictions would be subject to impoundment by the Department of Transportation, Police Department, or any other authorized agency.

Section 2 of Int. No. 506 would require that such local law would take effect 90 days after it becomes law.

1. **Analysis of Int. No. 661**

Section 1 of Int. No. 661 would require the Department of Finance to issue a biannual report on the number of motor vehicles towed because the owner owed more than $350 in outstanding parking tickets.

Section 2 of Int. No. 661 would require that such local law would take effect immediately.

1. **Analysis of Int.No.1066**

Section 1 of Int. No. 1066 would permit an administrative law judge adjudicating for the Parking Violations Bureau to reduce or waive, in the interest of justice, penalties for failure to respond to a notice of a violation for a parking violation.

Section 2 of Int. No. 1066 would require that such local law would take effect 120 days after it becomes law, except that the department of finance or other agency housing the parking violations bureau shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

1. **Analysis of Int. No. 1141**

Section 1 of Int. No. 1141 would prohibit any city agency from agreeing to reduce fines for parking violations in exchange for a waiver of the right to contest parking violations and would also require that any dismissal of a parking violation or reduction of a fine, other than for certain technical reasons, would require a hearing on the merits of each charge and a written determination by an administrative law judge.

Section 2 of Int. No. 1141 would require that such local law would take effect immediately.

1. **Analysis of Int. No. 1187**

Section 1 of Int. No. 1187 would require the removal of a vehicle that is an encumbrance within 24 hours, where practicable, but not more than 72 hours after the Department of Sanitation has received notice of such an encumbrance. Section 2 would require any vehicle parked in violation of paragraph (a) of subdivision 1 of section 402 of the Vehicle and Traffic Law or subdivision (j) of Section 4-08 of title 34 of the Rules of the City of New York to be removed by a tow truck of the towing company participating in the rotation tow program within 24 hours when directed to do so by the Police Department if not already removed by the Department of Sanitation. It would also require the Police Department to direct the towing company to remove the vehicle as soon as practicable upon notification from the Department of Sanitation or from the city or, in the case of vehicles parked in violation of paragraph (3) of subdivision (j) of section 4-08 of title 34 of the Rules of the City of New York only, discovery or notification from the general public, the Department of Sanitation or from the city.

Section 3 of Int. No. 1187 would add removal of a vehicle pursuant to Administrative Code § 19-169.3 to the purview of the rotation tow program. Section 4 would require removal pursuant to Administrative Code § 19-169.3 when a participant of the rotation tow program is directed to do so by the Police Department. Section 5 of Int. No. 1187 would entitle towing companies participating in the rotation tow program and the Police Department to charge certain amounts to the owner of a vehicle removed pursuant to Administrative Code § 19-169.3.

Section 6 of Int. No. 1187 would require that such local law would take effect 120 days after it becomes law, except that the commissioner of Sanitation and the Police Commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

1. **Analysis of Int. No. 1188**

Section 1 of Int. No. 1188 would make it unlawful for any person to dismantle, or to remove any component part of any motor vehicle—including any sign or sticker affixed to a vehicle displaying a series of letters or numbers and indicating that the vehicle has been registered with a state-level government agency that administers vehicle registration and driver licensing in any marginal or public street or any public area—whether or not such vehicle is owned by such person. Section 1 of Int. No. 1188 would also increase the fines for violations of Administrative Code § 16-122.

Section 2 of Int. No. 1188 would require that such local law would take effect 90 days after it becomes law.

1. **Analysis of Int. No. 1520**

Section 1 of Int. No. 1520 would require that every September 30, the Department of Finance must submit a report on the PVB’s performance in the previous fiscal year, including the number and types of parking violations issued, the PVB’s efficiency of collection of parking violations penalties, and its adjudication efficiency and outcomes.

Section 2 of Int. No. 1520 would require that such local law would take effect immediately.

Int. No. 122

By Council Members Lander, Yeger and Holden

A Local Law to amend the administrative code of the city of New York, in relation to the removal of motor vehicles to satisfy parking violations.

Be it enacted by the Council as follows:

Section 1.  Section 19-212 of the administrative code of the city of New York is amended to read as follows:

                     § 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, including interest, is greater than [three hundred fifty] five hundred dollars, or such judgments exceed five parking violations.  The provisions of this section shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.

                     § 2.  This local law takes effect 30 days after it becomes law.

Int. No. 168

By Council Members Maisel, Constantinides, Yeger and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to transferring the parking violations bureau from the department of finance to the office of administrative trials and hearings

Be it enacted by the Council as follows:

Section 1. Section 19-200 of the administrative code of the city of New York is amended to read as follows:

§ 19-200 Definitions. Whenever used in this chapter, the following terms shall have the following meanings:

a. “Chief administrative law judge” means the director of the office of administrative trials and hearings pursuant to section 1048 of the New York city charter.

 b. “Commissioner” means the commissioner of finance.

[b] c.“Department means the department of finance.

                     § 2. Section 19-201 of the administrative code of the city of New York is amended to read as follows:

§ 19-201 Parking violations bureau created. There is hereby created in the [department] office of administrative trials and hearings a parking violations bureau which shall have the jurisdiction of allegations of traffic infractions which constitute a parking violation. For the purpose of this chapter, a parking violation is the violation of any local law, rule or regulation provided for or regulating the parking, stopping or standing of a motor vehicle.

                     § 3. Section 19-202 of the administrative code of the city of New York is amended to read as follows:

§ 19-202 Personnel of the bureau. a. The head of such bureau shall be the director, who shall be appointed by the [commissioner] chief administrative law judge. The director may delegate any of the powers and duties conferred upon him or her by this chapter.

b. The [commissioner] chief administrative law judge may appoint a deputy director and may employ such officers and employees as may be required to perform the work of the bureau, within the amounts available therefor by appropriation.

c. The [commissioner] chief administrative law judge shall appoint senior hearing examiners, not to exceed ten in number. The duties of each senior hearing examiner shall include, but not be limited to: (1) presiding at hearings for the adjudication of charges of parking violations;  (2) the supervision and administration of the work of the bureau; and (3) membership on the appeals board of the bureau, as herein provided.

d. The [commissioner] chief administrative law judge shall appoint hearing examiners who shall preside at hearings for the adjudication of charges of parking violations. The [commissioner] chief administrative law judge may also designate non-compensated hearing examiners as he or she may deem necessary. Every hearing examiner shall have been admitted to the practice of law in this state for a period of at least five years.

§ 4. Subdivision g of section 19-203 of the administrative code of the city of New York is amended to read as follows:

g. To remit to the [commissioner] department of finance or any such agency as the mayor shall designate, on or before the fifteenth day of each month, all monetary penalties or fees received by the bureau during the prior calendar month, along with a statement thereof, and, at the same time, to file a duplicate copy of such statement with the comptroller;

§ 5. Subdivision c of section 19-215 of the administrative code of the city of New York is amended to read as follows:

c. The [department] -parking violations bureau shall keep a record of all notices of violation canceled pursuant to subdivision b of this section. On or before March 31, 2013 and annually thereafter on or before March 31, the [commissioner] director of the parking violations bureau shall send a report to the city council detailing the number of notices of violation canceled pursuant to subdivision b of this section in the prior calendar year.

§ 6.  Any agency or officer which are assigned any functions, powers and duties by or pursuant to this local law shall exercise such functions, powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant to this local law.

§ 7. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency or officer whose power to promulgate such type of rule or regulation is assigned by or pursuant to this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§ 8. If any of the functions, powers or duties of any agency or part thereof is by or pursuant to this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivered to the agency to which such function, power or duty is so assigned.

§ 9 No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the adoption of this local law.

§ 10. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by or pursuant to this local law.

§ 11. Whenever by or pursuant to any provision of this local law, functions, powers or duties may be assigned to any agency or officer which have been heretofore exercised by any other agency or officer, officers and employees in the classified city civil service who are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties may be assigned by or pursuant to this local law.

§ 12. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the provisions of this local law, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city generally or officers or employees of any agency.

§ 13. Officers and employees in the classified municipal services who are transferred pursuant to the enactment of this local law shall be transferred without further examination or qualification and shall retain their respective civil service classification and status; and shall be transferred without affecting existing compensation or pension or retirement rights, or other privileges or obligations of such officers and employees.

§ 14. It is the intent of this local law to protect those rights enumerated herein as they apply to officers and employees in the classified municipal services who are affected by the enactment of this local law. In the event of a reduction in force or the elimination of a job title at the parking violations bureau, all affected employees, including employees who were transferred as a result of the enactment of this local law, shall be entitled to all the protections afforded under applicable provisions of the civil service law and collective bargaining agreements.

§ 15. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power of such agency to issue such license, permit or authorization is assigned by or pursuant to this local law to another agency or officer, shall continue in force as the license, permit or authorization of such other agency, or officer, except as such license, permit or authorization may expire or be altered, suspended or revoked by the appropriate agency or office pursuant to law. Such license, permit or authorization shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to law, including this local law.

§ 16. The provisions of this local law shall be severable and if any phrase, clause, sentence, paragraph, subdivision or section of this local law, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this local law and the application thereof shall not be affected thereby.

§ 17. This local law takes effect 90 days after it becomes law, or as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to section 70 of the civil service law.

Int. No. 176

By Council Members Maisel, Holden, Chin and Ulrich

A Local Law in relation to creating an interagency task force on removing parked vehicles from public streets

Be it enacted by the Council as follows:

Section 1. Vehicle removal task force. a. The department shall establish an interagency task force to examine the city’s current system of removing from city streets vehicles that are abandoned or parked without license plates or proper registration. Such task force shall develop recommendations to improve existing removal practices in response to complaints from local residents. Such recommendations shall include, but not be limited to, the creation of rules and proposals for new legislation regarding removing vehicles from public streets.

b. Such task force shall consist of the commissioner of transportation, the director of city planning, the commissioner of sanitation, and the police commissioner, or the respective designee of such commissioner or chair. The mayor shall appoint at least two additional members.

c. The task force shall invite representatives from the New York state department of motor vehicles, the New York state department of transportation, and representatives of any other relevant state agency or state elected official, as identified by the task force, to participate in the development of the task force report pursuant to subdivision f of this section.

d. Such task force shall serve for a term of one year. Any vacancy shall be filled in the same manner as the original appointment.

e. All members of such task force shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other city expenses.

f. Such task force shall meet at least five times and shall convene a public hearing in each of the five boroughs. The commissioner of transportation shall serve as the chair of such task force and shall convene the first meeting of such task force within 90 days after the effective date of the local law that added this section. Such task force shall issue and submit a report of its findings and recommendations to the mayor and the speaker of the city council no later than 12 months after the effective date of the local law that added this section.

g. The task force shall terminate upon the issuance of its final report.

§ 2. This local law takes effect immediately. Int. No. 504

By Council Member Koslowitz

A Local Law to amend the administrative code of the city of New York, in relation to temporary parking restriction permits

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-103.1 to read as follows:

                     § 19-103.1 Permits related to temporary parking restrictions. a. Notwithstanding any other local law or rule, the commissioner may issue temporary parking restriction permits, provided, however, that any temporary parking restriction permit related to building construction may only be in effect from 7 a.m. to 6 p.m., and if an after-hours variance permit is obtained from the department of buildings, during the hours specified in such variance permit. The permittee shall be responsible for posting such temporary parking restriction at least 48 hours before such temporary parking restriction takes effect.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

Int. No. 506

By Council Members Koslowitz and Holden

A Local Law to amend the administrative code of the city of New York, in relation to the limitation on parking of mobile homes and trailers on residential streets

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-170.1 to read as follows:

§ 19-170.1 Limitation on parking of mobile homes and trailers. a. Definitions. As used in this subchapter, the following terms shall have the following meanings:

Mobile home. The term “mobile home” shall have the same meaning as set forth in section 122-c of the vehicle and traffic law or any successor provision.

Trailer. The term “trailer” shall have the same meaning as set forth in section 156 of the vehicle and traffic law or any successor provision.

Residential street. The term “residential street” shall mean those streets, or parts thereof, which are unmetered where there is one or more residential units.

b. When parking is not otherwise restricted, it shall be a violation for a person to park a mobile home or trailer in excess of three hours on a residential street.

c. Notwithstanding the foregoing, it shall be a violation for a person to park a mobile home or trailer on a residential street from nine o’clock in the night until five o’clock in the morning.

d. Any mobile home or trailer parked in violation of subdivision b or c of this section shall be subject to impoundment by the department, the police department or any other authorized agency. The commissioner and the police commissioner shall be authorized to promulgate  rules and regulations concerning the procedure for the impoundment of mobile homes or trailers.

§ 2.                     This local law takes effect 90 days after it becomes law.

Int. No. 661

By Council Member Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on motor vehicles removed to satisfy an outstanding judgment for parking violations

Be it enacted by the Council as follows:

Section 1. Section 19-212 of chapter 2 of title 19 of the administrative code of the city of New York, as amended by local law number 63 for the year 2005, is amended to read as follows:

a. 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, including interest, is greater than three hundred 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.

b. No later than January 15 and July 15 of each year, the department shall submit to the speaker of the council and post on its website a report on motor vehicles removed pursuant to subdivision a of this section. The report due no later than January 15 shall cover the period of July 1 through December 31 of the prior calendar year and the report due no later than July 15 shall cover the period of January 1 through June 30 of the current calendar year. Such report shall be provided in a non-proprietary format that permits automated processing and shall include, but not be limited to, the following information for each motor vehicle removed:

1. the date of removal;

2. the location from which the motor vehicle was removed;

3. the council district from which the motor vehicle was removed;

4. the amount of the outstanding judgment or judgments for parking violations that led to the removal of the motor vehicle;

5. whether the motor vehicle had been booted prior to being removed;

6. whether the motor vehicle was redeemed or sold at auction; and

7. any other information deemed relevant by the department.

§2. This local law takes effect immediately.

Int. No. 1066

By Council Members Lancman, Ampry-Samuel, Cornegy, Rosenthal, Yeger, Koo, Maisel, Rose, Vallone, Barron, Holden, King, Grodenchik, Adams, Richards and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to granting hearing examiners discretion to reduce or waive additional penalties for parking violations

Be it enacted by the Council as follows:

Section 1. Section 19-211 of the administrative code of the city of New York, as added by local law number 33 for the year 1993, is amended by adding a new subdivision c to read as follows:

c. Hearing examiners, as designated in section 19-202, may in the interest of justice reduce or waive the amount of any such additional penalty. Upon reducing or waiving an additional penalty, a hearing examiner shall set forth the reasons for such reduction or waiver in the record.

§ 2. This local law takes effect 120 days after it becomes law, except that the department of finance or other agency housing the parking violations bureau shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Int. No. 1141

By Council Members Constantinides, Rodriguez, Reynoso, Levin, Deutsch, Levine, Rosenthal, Grodenchik, Maisel, Rose, Barron, Holden, King, Adams, Moya, Kallos, Chin, Treyger, Cohen, Brannan, Ayala, Cornegy, Cumbo and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to the dismissal of notices of violation and reduction of fines

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 a new section 19-216 to read as follows:

§ 19-216 Dismissal of notice of violation or reduction of fine. Except for the dismissal or cancellation of a notice of violation for a technical reason pursuant to paragraph (b) of subdivision 2-a of section 238 of the vehicle and traffic law, paragraph (3) of subdivision (a) of section 39-02 of title 19 of the rules of the city of New York, subdivision 2 of section 19-162 or section 19-215, no notice of violation may be dismissed, or the associated fine reduced, without the issuance of a written determination by an administrative law judge after completion of a hearing on the merits of each individual charge. No city agency may agree to reduce fines for parking violations in exchange for a waiver of the right to contest such violations.

§ 2. This local law takes effect 90 days after it becomes law.

Int. No. 1187

By Council Members Gjonaj, Brannan and Holden

A Local Law to amend the administrative code of the city of New York, in relation to towing vehicles that lack license plates or registration stickers

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-128 of the administrative code of the city of New York is amended to read as follows:

§ 16-128 Removal of [incumbrances] encumbrances from streets. a. The commissioner shall remove, or cause to be removed any vehicle, box, barrel, bale of merchandise or other movable property or article or thing whatsoever found upon any street, in accordance with regulations adopted by the [board of estimate] department of sanitation. A vehicle shall be removed within 24 hours, where practicable, but not more than 72 hours after the department of sanitation has received notice of such an encumbrance.

§ 2. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-169.3 to read as follows:

§ 19-169.3 Removal of improperly parked motor vehicles. a. Except as may otherwise be provided by law, rule or regulation, any vehicle that is parked in violation of paragraph (a) of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York shall be removed by a tow truck of the towing company participating in the rotation tow program within 24 hours when directed to do so by the police department if not already removed by the department of sanitation. The police department shall direct the towing company to remove the vehicle as soon as practicable upon notification from the department of sanitation or from the city or, in the case of vehicles parked in violation of  paragraph (3) of subdivision (j) of section 4-08 of title 34 of the rules of the city of New York only, discovery or notification from the general public, the department of sanitation or from the city.

b. A person who removes a vehicle pursuant to section 19-169.3 may collect charges from the owner or other person in control of such vehicle, payable before the vehicle is released, in accordance with the provisions of subdivision c of section 20-519. No charge may be collected for removal or storage of a vehicle pursuant to this section by a person who is not licensed to engage in towing pursuant to subchapter 31 of chapter 2 of title 20 of the code.

§ 3. Subdivision a of section 20-519 of the administrative code of the city of New York, as amended by local law number 110 for the year 1993, is amended to read as follows:

a. 1. The commissioner shall establish a program to be known as the "rotation tow program" for the purpose of removing evidence vehicles, vehicles suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law, the removal pursuant to section 19-169 of the code of vehicles blocking a private driveway, [and] the removal pursuant to section 24-221 of the code of vehicles with certain alarm devices, and the removal pursuant to section 19-169.3.

2. The commissioner, after consultation with the police commissioner, shall divide the city into zones and shall create for each zone a list in random order of persons licensed to engage in towing who have been approved by the commissioner for participation in the rotation tow program. The commissioner may in his or her discretion create from such list separate lists for the removal of evidence vehicles, stolen and abandoned vehicles, the removal pursuant to section 19-169 of the code of vehicles blocking a private driveway, [and] the removal pursuant to section 24-221 of the code of vehicles with certain alarm devices[, respectively] and the removal pursuant to section 19-169.3. At any time subsequent to the initial establishment of zones and lists, the commissioner may, after consultation with the police commissioner, modify the zones and reformulate the lists to ensure sufficient towing services throughout the city. Where more than one towing company has been placed on a list of towing companies authorized to remove vehicles in a particular zone, the police department shall summon towing companies from such list on a rotating basis. Any towing company approved for participation in such program after such lists are initially established shall be placed on any such list at the point immediately preceding the last towing company summoned by the police department pursuant to this section. Such lists shall be available at the department for public inspection.

§ 4. Subdivision b of section 20-519 of the administrative code of the city of New York, as amended by local law number 110 for the year 1993, is amended to read as follows:

b. 1. Any vehicle that is suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law, any vehicle that is blocking a private driveway and subject to removal pursuant to section 19-169 of the code, [and] any vehicle with certain alarm devices which is subject to removal pursuant to section 24-221 of the code and any vehicle subject to removal pursuant to section 19-169.3 shall be removed by a tow truck of the towing company participating in the rotation tow program when directed to do so by the police department. If such vehicle appears to have a missing or altered vehicle identification number, the police may direct its removal to the police property clerk. All other vehicles shall be towed to the storage facility of such responding company which meets such specifications as the commissioner shall establish by rule, and shall at all times be stored within such storage facility while the vehicle is in the custody of the towing company. Such storage facility shall be the premises listed on the license of the towing company responding to the police department's direction to remove a vehicle or the premises approved by the commissioner for use by such towing company. Such premises shall be owned, operated or controlled by such towing company and shall not be used by any other towing company. The police department shall expeditiously make every reasonable effort to notify the owner and the national automobile theft bureau or the insurer, if any, of any vehicle that is suspected of having been stolen or abandoned of the vehicle's location and the procedure for retrieval. During the period commencing on the eighth day after the vehicle is removed to such storage facility and ending on the thirtieth day after such removal, such towing company shall transfer any vehicle which has not been claimed into the custody of the police department property clerk.

2. An evidence vehicle shall be removed by a towing company participating in the rotation tow program when directed to do so by the police department. Such vehicle shall be towed to a location designated by a police officer.

3. No tow truck operator shall knowingly remove a vehicle suspected of having been stolen or abandoned or an evidence vehicle without authorization by the police department. No tow truck operator shall knowingly remove a vehicle blocking a private driveway subject to removal pursuant to section 19-169 of the code except as authorized in such section. No tow truck operator shall knowingly remove a vehicle with certain alarm devices subject to removal pursuant to section 24-221 of the code except as authorized in such section. No tow truck operator shall knowingly remove a vehicle parked in violation of paragraph (a) of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York pursuant to section 19-169.3 except as authorized in such section.

§ 5. Subdivision c of section 20-519 of the administrative code of the city of New York, paragraph 1 of such subdivision as amended by local law number 41 for the year 2011 and paragraph 2 of such subdivision as amended by local law number 110 for the year 1993, are amended to read as follows:

1. Notwithstanding any other provision of law, the towing company shall be entitled to charge the owner or other person claiming a vehicle that is suspected of having been stolen or abandoned or a vehicle with certain alarm devices subject to removal pursuant to section 24-221 of the code or a vehicle subject to removal pursuant to section 19-169.3 which was directed to be towed by the police department pursuant to this section and which is claimed before the end of the thirtieth day after such vehicle is removed by such towing company amounts not in excess of the following: one hundred twenty-five dollars for the towing of a vehicle registered at a weight of ten thousand pounds or less; one hundred and forty dollars for the towing of a vehicle registered at a weight of more than ten thousand pounds; twenty-five dollars per day for the first three days and twenty-seven dollars for the fourth day of storage and each day thereafter. Upon the transfer of an unclaimed vehicle into the custody of the police department property clerk, the towing company shall be entitled to charge the police department amounts not in excess of the following: sixty dollars plus tolls for the towing of a vehicle suspected of having been stolen or abandoned, a vehicle that was blocking a private driveway and was removed pursuant to section 19-169 of the code, [or] a vehicle with certain alarm devices that was removed pursuant to section 24-221 of the code[,] or a vehicle subject to removal pursuant to section 19-169.3 to a storage facility and subsequent transfer of such vehicle into the custody of such property clerk during the period of time specified in paragraph one of subdivision b of this section; five dollars per day for the first three days of storage of such vehicle and eight dollars for the fourth day of storage and each day thereafter, provided that in no event shall any towing company be entitled to charge the police department for storage charges incurred after the tenth day of storage. The towing company shall be entitled to charge the police department an amount not in excess of sixty dollars plus tolls for the towing of an evidence vehicle to a location designated by a police officer.

2. The police department shall be entitled to charge an owner or other person who claims a vehicle that is suspected of having been stolen or abandoned, a vehicle that was blocking a private driveway and was removed pursuant section 19-169 of the code, [or] a vehicle with certain alarm devices that was removed pursuant to section 24-221 of the code [,] or a vehicle subject to removal pursuant to section 19-169.3 which is in the custody of the police department property clerk the charges for towing and storage permitted to be charged by the towing company pursuant to paragraph one of this subdivision, plus tolls, in addition to the fees for storage with the police department property clerk provided by subdivision i of section 14-140 of the code. No vehicle which is in the custody of the police department property clerk which had blocked a private driveway and was removed pursuant to section 19-169 of the code, or which was parked in violation of paragraph (a) of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York shall be released to the owner or other person claiming such vehicle unless such owner or other person shall, in addition to paying such charges to the police department property clerk as provided for in this subdivision, present to such property clerk a receipt from the towing company which removed the vehicle indicating payment to such company of the following amount: the charges for towing and storage which would have been due to the towing company pursuant to paragraph eight of subdivision c of section 19-169 or subdivision b of section 19-169.3 of the code had such owner or other person claimed the vehicle from such towing company less the amount paid to the police department for the towing and storage of such vehicle by such company.

§ 6. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation and the police commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Int. No. 1188

By Council Members Gjonaj, Brannan, Holden and Yeger

A Local Law to amend the administrative code of the city of New York, in relation to penalizing the removal of license plates and registration stickers from motor vehicles and increasing the penalty for leaving, abandoning, dismantling or removing components from motor vehicles

Be it enacted by the Council as follows:

Section 1. Subdivisions f, g and h of section 16-122 of the administrative code of the city of New York are amended to read as follows:

f. It shall be unlawful for any person to dismantle, or to remove any component part of any motor vehicle in any marginal or public street or any public area, whether or not such vehicle is owned by such person. For the purposes of this subdivision, the term “component” includes any sign or sticker affixed to a vehicle displaying a series of letters or numbers and indicating that the vehicle has been registered with a state-level government agency that administers vehicle registration and driver licensing.

g. Any person convicted of a violation of the provisions of subdivision e or f of this section shall be punished by a fine of not less than [one hundred dollars] $500, or imprisonment for not more than one year.

h. Any person violating the provisions of subdivision b or c of this section shall be liable and responsible for a civil penalty of not less than [twenty-five dollars] $100 nor more than [one hundred dollars] $500.

§ 2. This local law takes effect 90 days after it becomes law.

Int. No. 1520

By Council Member Dromm

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on the parking violations bureau

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 a new section 19-216 to read as follows:

§ 19-216 Parking violations bureau reporting. a. Definitions. For purposes of this section, the term “violation code” means the numerical reference assigned by the department to identify which local law, rule or regulation concerning the parking, stopping, or standing of motor vehicles has been violated.

b. On or before September 30 of each year, the department shall submit to the speaker of the council and post on its website a report on the parking violations bureau. Such report shall include, but need not be limited to, the following information with respect to the previous fiscal year:

1. the number of parking violations issued, broken down by violation code;

2. the percentage of parking violations paid within 30 days, paid after more than 30 days but within 60 days, paid after more than 60 days but within 90 days, and unpaid within 90 days;

3. the amount of revenue the department collected on parking violations, broken down by violation code, and by base fine, penalty and interest;

4. the number of hearings held for the adjudication of one or more parking violations, broken down by hearing type;

5. the average number of days a person who has pled not guilty to a parking violation and has requested an in-person hearing waited for the hearing;

6. the average number of days a person who has had a hearing waited for a decision, broken down by hearing type;

7. the number of parking violations dismissed as a result of a hearing, broken down by hearing type and by violation code;

8. the number of parking violation hearing results appealed, broken down by violation code and by hearing type;

9. the number of parking violations dismissed upon appeal, broken down by violation code and by hearing type;

10. for any program of the department that provides for the payment of a reduced fine for parking violations in exchange for a waiver of a right to a hearing:

(a) the number of participants in each such program;

(b) the number of parking violations issued to participants in each such program, broken down by violation code; and

(c) the amount of revenue the department collected on parking violations in each such program, broken down by violation code.

§2. This local law takes effect immediately.

1. Opinion, *Klotz v. El Morocco Intern., Ltd.*, 288 N.Y.S.2d 684, 691 (N.Y. City Civ. Ct., Nov. 28, 1967). Judge Fine retired in 1986 as a Justice of the Appellate Division, First Dept. [↑](#footnote-ref-2)
2. Pursuant to 19 RCNY §39-01, agents authorized to issue parking tickets also include members of the Fire Department; Department of Transportation; Department of Sanitation the Sheriff, the Under Sheriff, and Deputy Sheriffs of DOF's Office of the City Sheriff; Fraud and Associate Fraud Investigators at DOF; Department of Small Business Services; Business Integrity Commission; New York City Housing Authority Police; Port Authority of New York and New Jersey Police; Police of the Metropolitan Transportation Authority and its subsidiary authorities; United States Park Police; Department of Buildings Special Patrolmen; State Regional Park Police; Taxi and Limousine Commission; Waterfront Commission of New York Harbor; Department of Parks and Recreation; Department of Correction; Roosevelt Island Security Organization, Sea Gate Association Police; Snug Harbor Rangers with peace officer status; officers of the Co-op City Department of Public Safety; Amtrak Police Officers; Office of Court Administration Court Officers; Department of Health Police Officers; Health and Hospitals Corporation Police Officers; New York State Office of Mental Health Safety Officers; New York State Office of Mental Retardation and Developmental Disabilities Police Officers; Triborough Bridge and Tunnel Authority Police Officers; State University Maritime College Public Safety Officers; Department of Environmental Protection Police Officers; managers of the New York City Transit Authority; and Officers of the Federal Protective Service of the United States Department of Homeland Security. [↑](#footnote-ref-3)
3. New York City Charter §2903; 34 RCNY Ch. 4. [↑](#footnote-ref-4)
4. VEH. & TRAF. §240; Admin. Code §19-203(a). [↑](#footnote-ref-5)
5. New York City Charter (1938) §435. [↑](#footnote-ref-6)
6. Joseph F. Zimmerman, The Government and Politics of New York State (2nd Ed. 2008), p. 232. [↑](#footnote-ref-7)
7. Nancy Moran, *New Parking Violations Bureau Begins Operations*, N.Y. Times (July 2, 1970), *available at* <https://www.nytimes.com/1970/07/02/archives/new-parking-violations-bureau-begins-operations.html>. [↑](#footnote-ref-8)
8. N.Y. Laws 1968, c. 1074. [↑](#footnote-ref-9)
9. N.Y. Laws 1972 c. 359. [↑](#footnote-ref-10)
10. Joseph F. Zimmerman, The Government and Politics of New York State (2nd Ed. 2008), p. 232. [↑](#footnote-ref-11)
11. See, e.g., Josh Barbanel, *Deputy Chief of Parking Bureau Charged with Extorting $5000,* N.Y. Times (Jan. 16, 1986), *available at* <https://www.nytimes.com/1986/01/16/nyregion/deputy-chief-of-parking-bureau-charged-with-extorting-5000.html>; Richard Meislin, *Friedman is Guilty with 3 in Scandal*, N.Y. Times (Nov.26, 1986), *available at* <https://www.nytimes.com/1986/11/26/world/friedman-is-guilty-with-3-in-scandal.html>. [↑](#footnote-ref-12)
12. Alan Finder*, Report Says Top Dinkins Aides Showed Favoritism to Contractor*, N.Y. Times (Aug. 19, 1993), *available at* <https://www.nytimes.com/1993/08/19/nyregion/report-says-top-dinkins-aides-showed-favoritism-to-contractor.html>; James McKinley, Jr., *Dinkins Moves to Block Company from Contracts*, N.Y. Times (Aug 25, 1993), *available at* <https://www.nytimes.com/1993/08/25/nyregion/dinkins-moves-to-block-company-from-contracts.html>. [↑](#footnote-ref-13)
13. Local Law 25 of 1994. [↑](#footnote-ref-14)
14. Martha Hirst, Director, Office of Legislative Affairs, “Memorandum in Support of Local Law 25 of 1994” (Jun. 3, 1994). [↑](#footnote-ref-15)
15. Information provided by DOF to the Finance Committee. [↑](#footnote-ref-16)
16. VEH. & TRAF. §237(1). [↑](#footnote-ref-17)
17. VEH. & TRAF. §237(5). [↑](#footnote-ref-18)
18. VEH. & TRAF. §237(6). [↑](#footnote-ref-19)
19. VEH. & TRAF. §237(7). [↑](#footnote-ref-20)
20. Admin. Code §19-202(a). [↑](#footnote-ref-21)
21. Admin. Code §19-202(d). [↑](#footnote-ref-22)
22. Admin. Code §19-202(c). [↑](#footnote-ref-23)
23. Admin. Code §19-208. [↑](#footnote-ref-24)
24. VEH. & TRAF. §236(2)(d) (“[s]uch hearing examiners shall not be considered employees of the city in which the administrative tribunal has been established.”). [↑](#footnote-ref-25)
25. Admin. Code §19-204(b). (“A driver of a vehicle who uses such vehicle with the permission of the owner, express or implied, shall be deemed to be the agent of such owner to receive notices of violation, whether personally served on such operator or served by affixation in the manner aforesaid, and service made in either manner as herein provided shall also be deemed to be lawful service upon such owner.”) [↑](#footnote-ref-26)
26. DOF: Pay or Dispute, <https://www1.nyc.gov/site/finance/vehicles/nyc-pay-or-dispute.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-27)
27. NYC CityPay: Parking and Camera Violations, <https://a836-citypay.nyc.gov/> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-28)
28. DOF: Parking Tickets & Camera Violations, Violation Number Search, [https://secure24.ipayment.com/  
    NYCPayments/nycbookmark\_1.htm](https://secure24.ipayment.com/NYCPayments/nycbookmark_1.htm) *(last accessed* Apr. 23, 2019); DOF: Got a Parking Ticket or Camera Violation?, <https://www1.nyc.gov/assets/finance/downloads/pdf/brochures/parking_brochure.pdf> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-29)
29. DOF: Payments, Pay by Mail, <https://www1.nyc.gov/site/finance/pay-now/pay.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-30)
30. DOF: Payments, Pay In-Person at a DOF Business Center, <https://www1.nyc.gov/site/finance/pay-now/pay.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-31)
31. DOF: Payments, NEW! Pay Parking Tickets in Cash at a 7-Eleven or CVS Near You, [https://www1.nyc.gov/site/  
    finance/pay-now/pay.page](https://www1.nyc.gov/site/finance/pay-now/pay.page) *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-32)
32. DOF: Pay or Dispute, <https://www1.nyc.gov/site/finance/vehicles/nyc-pay-or-dispute.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-33)
33. DOF: Dispute a Ticket Online, <https://www1.nyc.gov/site/finance/vehicles/dispute-web.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-34)
34. DOF: Request a Hearing-by-Mail, <https://www1.nyc.gov/site/finance/vehicles/dispute-mail.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-35)
35. DOF: Request an In-Person Hearing, <https://www1.nyc.gov/site/finance/vehicles/dispute-person.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-36)
36. DOF: Eligible Representative, <https://www1.nyc.gov/site/finance/vehicles/dispute-eligible-representatives.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-37)
37. 19 RCNY §39-09. [↑](#footnote-ref-38)
38. Admin Code §19-207(a). [↑](#footnote-ref-39)
39. *Gruen v. Parking Violation Bureau*, 58 A.D. 2d 48 (1977). [↑](#footnote-ref-40)
40. Admin Code §19-207(a). Previously, the PVB offered a settlement program to all respondents appealing eligible violation types. Jo Craven McGinty and Ralph Blumenthal, *City Will Slash That Parking Fine, if You Ask*, N.Y. Times (Jan. 1, 2009). However, this settlement program ended on January 31, 2012. 19 RCNY §39-20(a). [↑](#footnote-ref-41)
41. *In re Wheels v. Parking Violations Bureau*, 607 N.E.2d 806 (N.Y. 1992). These elements are: (1) plate description; (2) plate type as shown by the registration of the vehicle; (3) registration expiration date; (4) make or model and body type of vehicle; (5) a description of the charged violation, including but not limited to a 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 this chapter is in effect, unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are everyday and/or twenty-four hours a day; (7) the meter number for a meter violation, where appropriate; and (8) the date, time and particular place of occurrence of the charged violation. [↑](#footnote-ref-42)
42. DOF: Common Reasons for Disputing a Ticket, <https://www1.nyc.gov/site/finance/vehicles/common-reasons.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-43)
43. *Id.* [↑](#footnote-ref-44)
44. Admin. Code §19-207(a). [↑](#footnote-ref-45)
45. 19 RCNY §39-12(a)(5). [↑](#footnote-ref-46)
46. VEH. & TRAF. §242; [↑](#footnote-ref-47)
47. 19 RCNY §39-12(a)(2). [↑](#footnote-ref-48)
48. DOF: Appeal a Hearing Decision, <https://www1.nyc.gov/site/finance/vehicles/dispute-a-ticket.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-49)
49. Admin. Code §19-211(a); 19 RCNY §39-07. While DOF rules provide for granting ALJs discretion to abate late penalties upon a “showing of good cause, made by the respondent under oath or on affirmation,” if it unclear if the PVB has established the necessary procedures to guide such exercise of discretion. 19 RCNY §39-07(b). [↑](#footnote-ref-50)
50. DOF: Tickets in Judgement, <https://www1.nyc.gov/site/finance/vehicles/services-tickets-in-judgment.page> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-51)
51. 19 RCNY §39-10(d)(1). [↑](#footnote-ref-52)
52. Admin. Code §19-212; [↑](#footnote-ref-53)
53. New York CPLR §5233. [↑](#footnote-ref-54)
54. DOF: Vehicle Payment Plans, <https://www1.nyc.gov/site/finance/vehicles/services-payment-plans.page> *(last accessed* Apr. 23, 2019); Parking/Camera Violations Payment Plan Request Form , Section III – Payment Plan Eligibility and Criteria (Rev. July 12. 2012), [https://www1.nyc.gov/assets/finance/downloads/pdf/  
    payment\_operations/pv\_payment\_plan\_request.pdf](https://www1.nyc.gov/assets/finance/downloads/pdf/payment_operations/pv_payment_plan_request.pdf) *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-55)
55. *Id*. [↑](#footnote-ref-56)
56. VEH. & TRAF. §401(5-a). [↑](#footnote-ref-57)
57. VEH. & TRAF. §510(4-c). [↑](#footnote-ref-58)
58. VEH. & TRAF. §401(5-a); VEH. & TRAF. §510(4-c). [↑](#footnote-ref-59)
59. Testimony of Commissioner Jacques Jiha before the Committee on Finance, March 5, 2018. [↑](#footnote-ref-60)
60. *Id*. [↑](#footnote-ref-61)
61. Testimony of Commissioner Jacques Jiha before the Committee on Finance, March 27, 2019. [↑](#footnote-ref-62)
62. DOF Office of the Parking Summons Advocate, <https://www1.nyc.gov/site/finance/vehicles/opsa.page> *(last accessed* Apr. 22, 2019). [↑](#footnote-ref-63)
63. *Id.* [↑](#footnote-ref-64)
64. *Id.* [↑](#footnote-ref-65)
65. *Id.* [↑](#footnote-ref-66)
66. *See* “A Guide to Paying or Disputing Parking Violations,” available in English at <https://www1.nyc.gov/assets/finance/downloads/pdf/brochures/opsa-brochure.pdf> *(last accessed* Apr. 22, 2019). [↑](#footnote-ref-67)
67. Max Jaegar, *$120K Parking Summons Advocate Job ‘Doesn’t Even Seem Real’: Stringer*, New York Post (December 11, 2018), *available at* <https://nypost.com/2018/12/11/120k-parking-summons-advocate-job-doesnt-even-seem-real-stringer/> *(last accessed* Apr. 23, 2019). [↑](#footnote-ref-68)
68. Kevin Sheehan and Max Jaegar, *Good Luck Getting Ahold of NYC’s Parking Summons Advocate* [↑](#footnote-ref-69)
69. DOF: Fleet Programs, <https://www1.nyc.gov/site/finance/vehicles/commercial-fleet-program.page> (*last accessed* Apr. 23, 2019). [↑](#footnote-ref-70)
70. 19 RCNY §39-03(a). [↑](#footnote-ref-71)
71. DOF: Fleet Programs, <https://www1.nyc.gov/site/finance/vehicles/commercial-fleet-program.page> (*last accessed* Apr. 23, 2019). [↑](#footnote-ref-72)
72. 19 RCNY §39-03(p). [↑](#footnote-ref-73)
73. 19 RCNY §39-03.1. [↑](#footnote-ref-74)
74. 19 RCNY §39-03.2. [↑](#footnote-ref-75)
75. Elizabeth Botwin, Deputy Commission for Administration and Planning, Department of Finance, Letter to Ms. Tina Kim, Deputy Comptroller for Audit, City of New York Office of the Comptroller, Oct. 15, 2012. [↑](#footnote-ref-76)
76. 19 RCNY §39-03.1(e), 19 RCNY §39-03.2(d). [↑](#footnote-ref-77)
77. 19 RCNY §39-03.1(c), 19 RCNY §39-03.2(b). [↑](#footnote-ref-78)
78. E.g., 34 RNCY 4-08(4). Note however, that on May 1, 2019 DOT will be holding a public hearing on a proposed rule that would limit this affirmative defense to “no more than 20 minutes, while actively engaged in receiving or discharging passengers or loading or unloading property to or from the curb.” Department of Transportation, Amendment of Double Parking Requirements (2018 RG 092), *available at* <http://rules.cityofnewyork.us/sites/default/files/proposed_rules_pdf/dot_notice_of_public_hearing_-_double_parking_rule.pdf>. [↑](#footnote-ref-79)
79. N.Y. Legis. Assemb. A-3914. Reg. Sess. 2019-2020 (2019). [↑](#footnote-ref-80)
80. Executive Order 32 of 1979, *available at* <http://www.nyc.gov/html/records/pdf/executive_orders/1979EO032.PDF>. [↑](#footnote-ref-81)
81. *See* Report of the New York City Charter Revision Commission, 1986-1988, p. 33, *available at* <https://www1.nyc.gov/assets/charter/downloads/pdf/1986-1988_final_report.pdf>. [↑](#footnote-ref-82)
82. *See* Executive Order 148 of 2011, Executive Order 18 of 2016, *Krimstock v. Kelly*, 464 F.3d 246, 249 (2d Cir. 2006), the Community Justice Reform Act of 2016, and Local Law 35 of 2008. [↑](#footnote-ref-83)
83. NYC Charter §1048 and §1049(a). [↑](#footnote-ref-84)
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85. *Id*. at pp. 7, 12. [↑](#footnote-ref-86)
86. *See id*. at pp. 20, 42. [↑](#footnote-ref-87)
87. *Id*. at p. 3. [↑](#footnote-ref-88)
88. NYC Administrative Code §19-201. [↑](#footnote-ref-89)
89. *See* Parking Ticket Services, NYC Department of Finance, [https://www1.nyc.gov/site/finance/  
    vehicles/services.page](https://www1.nyc.gov/site/finance/vehicles/services.page) (*last accessed* April 24, 2019); Got A Parking Ticket Or Camera Violation?, NYC Department of Finance, *available at* <https://www1.nyc.gov/assets/finance/downloads/pdf/brochures/parking_brochure.pdf>. [↑](#footnote-ref-90)
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91. NYC Preliminary Mayor’s Management Report, 2019, p. 309, *available at* <https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2019/2019_pmmr.pdf>. [↑](#footnote-ref-92)
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97. *See* NYC Preliminary Mayor’s Management Report, 2019, p. 309 (The Department of Finance (DOF) has a broad range of responsibilities, including the collection of nearly $39 billion annually in revenue for the City. . . .”). [↑](#footnote-ref-98)
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101. *See* Veh. & Traf. Law §§401(1)(a), 401(4). [↑](#footnote-ref-102)
102. *See* Veh. & Traf. Law §402(1)(a). [↑](#footnote-ref-103)
103. <https://dmv.ny.gov/registration/sample-registration-documents-0> [↑](#footnote-ref-104)
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105. Abandoned Vehicle, <http://www1.nyc.gov/nyc-resources/service/989/abandoned-vehicle> (*last accessed* April 24, 2019). [↑](#footnote-ref-106)
106. *Id.*; Admin Code §16-128. [↑](#footnote-ref-107)
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