Legislation Details (With Text)

File #:	Int 0264-2014 **Version:** *	**Name:**	Transferring the parking violations bureau from the department of finance to the office of administrative trials and hearings.
Type:	Introduction	**Status:**	Filed (End of Session)
		In control:	Committee on Governmental Operations
On agenda:	4/10/2014		
Enactment date:		**Enactment #:**	
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.		
Sponsors:			
Indexes:	Agency Rule-making Required		
Attachments:	1. Summary of Int. No. 264, 2. Committee Report 2/27/17, 3. Hearing Testimony 2/27/17, 4. Hearing Transcript 2/27/17		

Date	Ver.	Action By	Action	Result
4/10/2014	*	City Council	Introduced by Council	
4/10/2014	*	City Council	Referred to Comm by Council	
2/27/2017	*	Committee on Governmental Operations	Hearing Held by Committee	
2/27/2017	*	Committee on Governmental Operations	Laid Over by Committee	
12/31/2017	*	City Council	Filed (End of Session)	

Int. No. 264

By Council Members Maisel, Williams, Gentile, Cumbo, Espinal, King, Cabrera, Deutsch, Reynoso, Richards, Rose, Johnson, Constantinides, Greenfield, Palma, Koo, Torres, Grodenchik, Salamanca 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 March 31, 2014 [and annually thereafter on or before March 31], the commissioner 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. On or before March 31, 2015 and annually thereafter on or before March 31, the 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.

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§ 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 shall take effect ninety days after its enactment, or as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to section 70 of the civil service law.

KET 4/1/14 4:54PM
LS 171/2014