

**THE CITY OF NEW YORK
DEPARTMENT OF FINANCE**

NOTICE OF RULEMAKING

Pursuant to the power vested in me as Commissioner of Finance by sections 389(b) and 1043 of the New York City Charter, section 237 of the Vehicle and Traffic Law and section 19-203 of the Administrative Code of the City of New York, I hereby promulgate the within amendments to the Rules Relating to Parking Violations. These rules were published in proposed form on November 28, 2007. A hearing for public comment was held on January 2, 2008.

/s/Martha E. Stark
Commissioner of Finance

NOTE: New Matter is underlined; matter to be deleted is in [brackets]

Section 1. Subdivision (f) of section 39-05 of Title 19 of the Rules of the City of New York is amended, new subdivisions (h) and (i) are added, and subdivisions (h), (i), (j), (k), (l) and (m) are relettered, to read as follows:

§39-05 Amount of Fines. Scheduled fines. Except as otherwise provided for the specific violations within the Restricted Area, the following schedule of fines shall apply to violations listed below:

VIOLATION

* * *

(f) Standing or parking in violation of 34 RCNY 4-08(b)(4), (c)(1), <u>(c)(8)</u> , (f)(2), (3), (5), or (k)(2)	\$ 80.00
<u>(h) Standing or parking of unaltered vehicle with commercial plates in violation of 34 RCNY 4-08(k)(1)</u>	<u>\$ 100.00</u>
<u>(i) Standing or parking of vehicle with commercial plates without the name and address of the owner properly marked on the vehicle in violation of 34 RCNY 4-08(k)(1)</u>	<u>\$100.00</u>
[(h)](j) Parking in violations of 34 RCNY 4-08(n)(8)	\$ 50.00
[(i)](k) All parking meter violations	\$ 20.00
[(j)](l) All handicapped parking violations	\$150.00
[(k)](m) Parking a commercial vehicle in violation of 34 RCNY 4-08(k)(5) or (6)	\$ 50.00
[(l)](n) Parking in violation of officially posted street cleaning rules, unless such rules have been suspended by the Commissioner of Transportation or his or her designee	\$ 30.00
[(m)](o) Parking where parking is prohibited by officially posted rule other than street cleaning rules	\$ 45.00

* * *

BASIS AND PURPOSE OF AMENDMENT

Under section 4-08(k)(1) of Title 34 of the Rules of the City of New York, promulgated by the Department of Transportation, it is illegal to stand or park a vehicle with commercial license plates in New York City unless the vehicle has been permanently altered with all seats and rear seat fittings, except the front seats, removed, except that for vehicles designed with a passenger cab and a cargo area separated by a partition, the seating capacity within the cab shall not be considered in determining whether the vehicle is properly altered. In addition, a vehicle with commercial license plates must have the name and address of the owner plainly marked on both sides of the vehicle in letters and numerals not less than three inches in height, in compliance with section 10-127 of the New York City Administrative Code.

The New York City Charter and the Administrative Code authorize the Commissioner of Finance of the City of New York to promulgate rules listing the fines for parking violations in the City. This amendment to section 39-05 of Title 19 of the Rules of the City of New York is intended to establish the fines for both types of violations described in the preceding paragraph relating to commercial vehicles.

This amendment also clarifies subdivision (f) of section 39-05 of 19 RCNY by referencing 34 RCNY §4-08(c), relating to violation of posted no standing rules, to which the penalty set forth in subdivision (f) applies.