

## **New York City Department of Finance**

### **NOTICE OF ADOPTION**

Pursuant to the authority vested in the Commissioner of the New York City Department of Finance (DOF) by sections 1043 and 1504 of the New York City Charter (Charter), section 19-203 of the Administrative Code of the City of New York, and section 1111-c-1 of the Vehicle and Traffic Law (VTL), DOF promulgates and adopts amendments to Chapter 39 of Title 19 of the Rules of the City of New York (RCNY) relating to the adjudication of parking summonses issued in New York City.

A proposed version of these rules was published on May 29, 2024. A hearing for public comment was held on July 1, 2024. DOF received one written comment. No revisions were made to the proposed rules.

These rules will go into effect upon the earliest effective date authorized by section 1043(f) of the Charter.

### **STATEMENT OF BASIS AND PURPOSE**

Section 39-18 of title 19 of the Rules of the City of New York (“Rule 39-18”) sets forth the penalties, form of notice of liability and adjudication procedures for notices of liability issued pursuant to section 1111-c of the Vehicle and Traffic Law (“VTL”), which authorizes the City of New York to establish a program imposing liability on owners of vehicles for certain traffic violations recorded by bus lane photo devices. VTL section 1111-c provides that adjudications of liability under such section shall be by the New York City Parking Violations Bureau (“PVB”), which is within the Department of Finance.

Part MM of chapter 56 of the laws of 2023 (the “Law”) amends the VTL to add a new section 1111-c-1 authorizing the City of New York to establish a new program to impose liability upon an owner of a vehicle for failure of an operator of such vehicle to comply with certain “bus operation-related traffic regulations” recorded by means of bus operation-related photo devices. “Bus operation-related traffic regulation” is defined in the Law to include four specific provisions of chapter 4 of title 34 of the RCNY relating to restrictions on stopping, parking, or standing in or near bus lanes, bus stops, or bicycle lanes. The Law authorizes PVB to promulgate a schedule of fines and penalties for violations of bus operation-related traffic regulations, sets forth the maximum allowable amounts of such penalties, establishes minimum requirements relating to notices of liability issued pursuant to section 1111-c-1, and authorizes PVB to adjudicate such notices of liability. The Law also amends subdivision (e) of VTL section 1111-c to replace uses of the term “offense” with “violation,” among other changes.

In accordance with the Law, the New York City Department of Transportation (“DOT”) will implement the bus operation-related photo device program in conjunction with the Metropolitan Transportation Authority (“MTA”). DOT will send notices of liability to registered vehicle owners and transmit information relating to such notices of liability to PVB.

Section one of this rule amends Rule 39-18 to replace uses of the term “offense” with “violation,” and to change a reference to the Director of Adjudications to the Director of PVB. Section two of this rule amends chapter 39 of title 19 of the RCNY to add a new section 39-24 to set forth the penalties, the form of notice of liability and the adjudication procedures for notices of liability issued pursuant to section 1111-c-1 of the VTL, in accordance with such section. Such adjudication procedures are consistent with the existing procedures for notices of liability issued pursuant to VTL section 1111-c.

Sections 1043 and 1504 of the New York City Charter and sections 1111-c and 1111-c-1 of the VTL authorize DOF to promulgate this rule.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

### **Amendments to Chapter 39 of Title 19 of the Rules of the City of New York Relating to Parking Violations**

Section 1. Section 39-18 of chapter 39 of title 19 of the Rules of the City of New York is amended to read as follows:

#### § 39-18 Bus Lane Restriction Program.

(a) *Liability.* The liability of an owner pursuant to § 1111-c of the [vehicle and traffic law] Vehicle and Traffic Law shall be \$50.00 for a first [offense] violation within a twelve-month period, \$100.00 for a second [offense] violation within a twelve-month period, \$150.00 for a third [offense] violation within a twelve-month period, \$200.00 for a fourth [offense] violation within a twelve-month period, and \$250.00 for each subsequent [offense] violation within a twelve-month period. For the purposes of this subdivision, the twelve-month period is defined as the twelve months going backwards from the date of the most recent [offense] violation.

(b) *Additional penalties.* An additional penalty of \$25.00 may be assessed where the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability.

(c) *Notice of liability.* The notice of liability will be in accordance with § 1111-c of the [vehicle and traffic law] Vehicle and Traffic Law and in such form and substance as prescribed by the director of [Adjudications] the New York City Parking Violations Bureau.

(d) *Adjudication.* The Parking Violations Bureau will adjudicate liability imposed upon owners under § 1111-c of the Vehicle and Traffic Law.

(e) *Effective dates.* This section will remain in effect for as long as § 1111-c of the [vehicle and traffic law] Vehicle and Traffic Law will remain in effect.

§2. Chapter 39 of title 19 of the rules of the city of New York is amended by adding a new section 39-24 to read as follows:

§ 39-24 Bus Operation-Related Traffic Regulation Program.

(a) *Liability.* The liability of an owner pursuant to § 1111-c-1 of the Vehicle and Traffic Law shall be \$50.00 for a first violation within a twelve-month period, \$100.00 for a second violation within a twelve-month period, \$150.00 for a third violation within a twelve-month period, \$200.00 for a fourth violation within a twelve-month period, and \$250.00 for each subsequent violation within a twelve-month period. For the purposes of this subdivision, the twelve-month period is defined as the twelve months going backwards from the date of the most recent violation.

(b) *Additional penalties.* An additional penalty of \$25.00 may be assessed where the owner fails to make payment or contest the liability within thirty days after the mailing of the notice of liability.

(c) *Notice of liability.* The notice of liability will be in accordance with § 1111-c-1 of the Vehicle and Traffic Law and in such form and substance as prescribed by the director of the New York City Parking Violations Bureau.

(d) *Adjudication.* The Parking Violations Bureau will adjudicate liability imposed upon owners under § 1111-c-1 of the Vehicle and Traffic Law.

(e) *Effective dates.* This section will remain in effect for as long as § 1111-c-1 of the Vehicle and Traffic Law will remain in effect.