

NOTICE OF RULE MAKING

Pursuant to the power vested in me as Commissioner of Finance by section 237 of the New York State Vehicle and Traffic Law, section 19-203 of the Administrative Code of the City of New York, and sections 1043 and 1504 of the New York City Charter, I hereby promulgate the rule amending the Schedule of Parking Violation Fines to conform to rule amendments promulgated by the New York City Department of Transportation (“DOT”) to make clear that misuse and fraudulent use of agency authorized parking permits is a violation of DOT rules. This rule was published in the proposed form on April 10, 2018. A hearing for public comment was held on May 22, 2018.

S/S

Jacques Jiha, Commissioner of Finance

STATEMENT OF BASIS AND PURPOSE

Section 19-203(b) of the Administrative Code of the City of New York allows the Department to provide for penalties, other than imprisonment, for parking violations. The Department’s rule in 19 RCNY § 39-05 (“Rule 39-05”) codifies all fines pertaining to parking violations in violation of 34 RCNY § 4-08. The Department adjudicates and then collects and processes these fines, remitting the fines to the Commissioner. The Department cannot collect and process a fine without that fine being specified in Rule 39-05.

This rule is being amended to conform to the rule amendments to 34 RCNY § 4-08 that are in the process of being enacted by DOT. The rule amendments to 34 RCNY § 4-08 are being enacted by DOT to make clear that misuse and fraudulent use of agency authorized parking permits is a violation of DOT rules.

The Department’s authority for this rule is found in section 237 of the New York State Vehicle and Traffic Law, section 19-203 of the Administrative Code of the City of New York, and sections 1043 and 1504 of the New York City Charter.

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

Amendment to Rule Relating to Parking Violations

Section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York is amended by adding a new subdivision (x) to read as follows:

§ 39-05 Amount of Fines.

Scheduled fines. The following schedule of fines shall apply to violations listed below:

Violation	
<u>(x) Misuse and fraudulent use of a parking permit in violation of 34 RCNY § 4-08(o)(3)(iv)</u>	<u>\$50.00</u>