

The following provisions are contained in Chapter 39 of title 19 of the Official Compilation of Rules of the City of New York. Chapter 39 was adopted by the Commissioner of Finance to prescribe the internal procedures and organization of the Parking Violations Bureau, the manner and time of entering pleas, the conduct of hearings, the amount and manner of payment of penalties, and other purposes of article two-B of the Vehicle and Traffic Law. For N.Y.C. Traffic Rules applicable to the stopping, standing and parking of vehicles, refer to Chapter 4 of title 34 of the Official Compilation of Rules of the City of New York, adopted by the Commissioner of Transportation.

PARKING VIOLATIONS

Chapter 39

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§39-01 Definitions.

When used in this chapter, unless otherwise expressly stated, the following definitions shall apply:

Car rental program. "Car rental program" means a voluntary enrollment program whereby a lessor, upon registering vehicles and paying fees in accordance with §39-11(b) of these rules, receives computer-generated hearing logs and can schedule hearings in PVB's Commercial Adjudication Unit (CAU).

Commercial organization. "Commercial organization" means any owner or lessee of at least two vehicles which are used exclusively for the delivery of goods or services.

Director. Whenever used, the term "Director" shall refer to the head of the Parking Violations Bureau, "the Bureau", appointed by the Commissioner of New York City Department of Finance or other official within the Department of Finance responsible for supervising the operations of the Bureau.

Fiscal year. "Fiscal year" means a period of one year commencing on the first day of July and terminating on the thirtieth day of June.

Fleet Program. "Fleet Program" means a free voluntary enrollment program whereby commercial organizations receive computer-generated hearing logs and can schedule hearings in PVB's Commercial Adjudication Unit (CAU) pursuant to §39-03 of these rules.

Hearing examiners. "Hearing examiners" are persons appointed by the Commissioner to hear and determine charges of parking violations and fix fines and assess penalties as herein provided, and when so designated by the Director, be members of the appeals board of the Bureau.

Lessee. "Lessee" means any person, corporation, firm, partnership, agency, association or organization that rents, bails, leases or contracts for the use of one or more vehicles and has the exclusive use thereof for any period of time.

Lessor. "Lessor" means any person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee or bailee under a rental agreement, lease or otherwise, wherein the said lessee or bailee has the exclusive use of said vehicle for any period of time. "Lessor" shall be construed to include the "owner," as defined in this section 39-01, of a vehicle rented or leased in a vehicle renting or leasing business wherein the said lessee or bailee has the exclusive use of said vehicle for any period of time; provided, however, that a lessee of a vehicle shall not be construed to be a lessor even if it is a registrant or co-registrant of a vehicle.

Notice of violation (summons). "Notice of violation" shall mean:

(1) A form or duplicate thereof prepared and distributed by the Bureau substantially completed and sworn to or affirmed by authorized issuing agents which shall constitute a notice of violation when served as hereinafter provided.

(2) For purposes of this definition, authorized issuing agents shall be members of the Police Department, Fire Department, Department of Transportation, Traffic Enforcement Agents, Department of Sanitation, the Sheriff, Under Sheriff and Deputy Sheriffs of the Department of Finance's Office of the City Sheriff, Fraud and Associate Fraud Investigators of the Department of Finance, Department of 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, 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, and managers of the New York City Transit Authority.

(3) For purposes of this definition, authorized issuing agents shall also include special patrolmen appointed by the police commissioner pursuant to subdivision (c) of §14-106 of the administrative code of the City of New York to do special duty at Parkchester South Condominium, the New York City Hunts Point Terminal Market in the borough of the Bronx, Stuyvesant Town in the borough of Manhattan, and various facilities under the jurisdiction of the Department of Citywide Administrative Services.

Operator. Whenever used, the term "operator" shall mean any person, corporation, firm, agency, association or organization that uses, operates or is responsible for a vehicle at the time the violation occurs, with or without the permission of the owner, and an owner who operates his or her or its own vehicle.

Owner. "Owner" means any person, corporation, partnership, firm, agency, association, Lessor or organization who at the time of the issuance of a notice of violation in connection with a vehicle operated in the City of New York:

- (1) is the beneficial or equitable owner of such vehicle; or
- (2) has the title to such vehicle; or

- (3) is the registrant or co-registrant of such vehicle which is registered with the Department of Motor Vehicles of this state or any other state, territory, district, province, nation or other jurisdiction; or
- (4) used such vehicle in its vehicle renting and/or leasing business; or
- (5) is an owner of such vehicle as defined by sections 128 or 2101(a) of the Vehicle and Traffic Law.

Parking violations. "Parking violations" are traffic infractions constituting a violation of any law, rule or regulation providing for or regulating the parking, stopping or standing of a vehicle.

Parking Violations Bureau. "Parking Violations Bureau" is an administrative tribunal in the New York City Department of Finance established to accept pleas to, and to hear and determine charges of traffic infractions relating to parking violations within the City of New York, to provide for monetary fines, penalties and fees for such violations, and to enter and enforce judgments of the Bureau in the same manner as the enforcement of money judgments in civil actions.

Plea of guilty. As used herein, the term "plea of guilty" shall mean an admission of liability.

Plea of guilty with an explanation. As used herein, the term "plea of guilty with an explanation" shall mean an admission of liability with a statement offered in mitigation thereof.

Plea of not guilty. As used herein, the term "plea of not guilty" shall mean a denial of liability.

Primary filing. "Primary filing" means the initial filing of registration plate numbers by a lessor or commercial organization prior to the commencement of each fiscal year.

Respondent. Whenever used, the term "respondent" shall mean the person charged with a parking violation.

Supervising and senior hearing examiners. "Supervising and senior hearing examiners" shall mean persons heretofore appointed by the Commissioner of Transportation or hereinafter by the Commissioner of Finance to hear and determine charges of parking violations, assist the Director in the supervision and administration of the work of the Bureau, and when so designated by the Director, be members of the Appeals Board of the Bureau.

§39-02 Notice of Violation (Summons).

(a) *Contents.* (1) The notice of violation (summons) shall be in such form as may be prescribed by the Director and shall contain the registration plate number, the type of registration, the state of registration, the date of expiration, a description of the vehicle, a general statement of the violation alleged, including a reference to section 4-08 of title 34 of the official compilation of Rules of the City of New York or applicable provision of the Vehicle and Traffic Law or of the Administrative Code of the City of New York or any other law or rule, information as to the days and hours the applicable rule or provision is in effect, unless always in effect pursuant to the rule or provision and where appropriate the word "all" when the days and/or hours in effect are every day and/or twenty-hour hours a day, the date, time and place of occurrence, and, if a meter violation, the meter number. A mere listing of a meter number in cases of charged meter violations shall not be a sufficient description of a particular place of occurrence of the charged violation.

(2) Where the plate type or the expiration date are not shown on either the registration plates or sticker of a vehicle or where the registration sticker of a vehicle is covered, faded, defaced or mutilated so that it is unreadable, the plate type or the expiration date may be omitted from the notice of violation, provided that such condition is so described and inserted on the notice of violation.

(3) If any information that is required to be inserted in a notice of violation is omitted from the notice of violation, misdescribed, or illegible, the violation shall be dismissed upon application of the person charged with the violation.

(4) The notice of violation (summons) shall also contain information advising the respondent of the manner and time in which a plea with respect to the violation alleged in the said notice may be entered and information warning that failure to plead in the manner and time provided shall be deemed an admission of liability and that a default judgment may be rendered.

(b) *Service of notice of violation (summons).* Service of the notice of violation (summons) may be made as follows:

(1) *Personally on the operator of a vehicle.* In such case, the name of the person served shall also be inserted in the notice of violation (summons).

(2) If the operator is not present, the notice of violation (summons) shall be served on the owner of the vehicle by affixing the notice to the vehicle in a conspicuous place. Service of the notice of violation (summons) as herein provided shall have the same force and effect as if personally served.

(c) *Operator as agent for service.* The operator of a vehicle who is not the owner thereof but who uses or operates such vehicle with the permission of the owner, express or implied, shall be deemed to be the agent of such owner to receive notice of violation (summons).

(d) *Certified copies of notice of violation (summons).* The Bureau shall provide, upon request of the respondent or his or her attorney or authorized agent, certified copies of summonses issued to that respondent. The fee for such certified copies shall be one dollar (\$1.00) per copy. The Director may prescribe procedures for application for such copies, and/or the waiving of the aforementioned charge.

(e) (1) *Summons Copies.* A respondent is entitled to one request of up to five free summons copies (in judgment or not in judgment) within a thirty day period. Beginning with copy number 6 in any single request, or any additional requests within thirty days of the previous request, there will be a charge of \$1.00 per summons copy. This rule applies to all respondents, including commercial organizations except as provided in paragraph (2) of this subdivision. Note that the respondent is entitled to only five free copies per request, not per plate.

(2) *Indigent Respondents.* Notwithstanding any other provision of this subdivision, a Senior Hearing Examiner, a Supervising Hearing Examiner, the Chief Administrative Law Judge, the Special Counsel for Adjudications, the First Deputy Commissioner of Finance or the Commissioner of Finance may authorize, without fee, the provision of summons copies to which a fee is otherwise applicable under this subdivision, to a respondent who is a natural person for the purpose of defending against a charged parking violation or moving to open a default judgment, upon the respondent making affidavit or sworn statement on the record that the respondent is unable to pay the fee and demonstrating the indigence of the respondent. Such affidavit or sworn statement shall also state the reason the copy of each summons that was served at the time of occurrence is unavailable and, in the case of a motion to open default judgment, the basis of excusable neglect.

§39-03 PVB Fleet Program - Weekly Listing of Newly Issued Summonses.

(a) Prior to enrollment, all unpaid summonses (judgment and non-judgment) on all company plates must be satisfied.

(b) The company's fleet must consist of two or more vehicles.

(c) Plates must be registered with the Department of Motor Vehicles under the company's name and address upon enrollment and all times during enrollment. A vehicle leased by the company may be enrolled; provided, however, that if not registered by the company then the lease agreement must be in the name of the company or a subsidiary/

parent and the registrant must consent in writing to designate the company as its agent to receive notices of violation, notices of impending default judgment, and other PVB notices as if the registrant itself had been served. At PVBs' request, the company must supply copies of the registrations, lease agreements and other information. Failure to meet these requirements may result in the deletion of plates and/or termination of the company's enrollment in the Fleet Program without prior notice.

(d) Plates to be registered with the Fleet Program cannot be registered with the PVB Car Rental Program at the same time.

(e) The company is liable for any summonses issued to plates it has enrolled in the Fleet Program, including summonses issued during enrollment to leased vehicles not registered by the company.

(f) The company must comply with the procedures of PVB and the Fleet Program by responding to listed summonses in a timely manner. A company is required to notify the Fleet Program manager of all summonses for which it is entering a plea of Not Guilty within 14 days after issuance of the PVB computer-generated log (currently called the "155"). Within 45 days from the issuance of the computer-generated log (the "155"), the company must pay the fine for each summons it does not contest. Upon entry of a Not Guilty plea, the Fleet Program manager shall schedule a hearing date for such summonses. If the scheduled hearing is inconvenient, the company may contact the Fleet Program manager within two work days after receipt of the notice of the scheduled hearing, and must be prepared to arrange to appear within 45 days from the date of issuance of the PVB computer-generated hearing log (the "155") for a hearing.

(g) Adjournments shall not be requested less than seven days before a scheduled hearing date except upon good cause. Continual and excessive adjournment requests may constitute cause for disenrollment from the PVB Fleet Program. If a hearing adjournment is granted and marked "final" by PVB, no further adjournments will be granted except for extraordinary circumstances.

(h) The company is required to request any microfilm summons copies it may need through the PVB Fleet Unit in a prompt manner so as to prevent untimeliness or adjournment requests.

(i) As an alternative to requesting an in-person hearing, a company may enter an appearance within 14 days after issuance of the PVB computer-generated log (the "155") and thereafter either pay the fine for each summons it does not contest or submit its evidence to obtain a mail adjudication within 45 days after issuance of the PVB computer-generated log (the "155").

(j) Post Office Box Numbers may not be used as the business address. Companies with such business addresses will not be enrolled.

(k) On an annual basis, the company must provide PVB with verification, in such form as PVB shall prescribe, that the information on enrolled plates is correct and complete.

(l) The company is required to file a termination form within thirty days after an enrolled plate is disenrolled from the PVB Fleet Program. The company's liability under subparagraph (e) for summonses issued after the date of disenrollment shall cease upon the date the termination form is filed at PVB, unless the company is otherwise liable for such summonses.

(m) Failure to satisfy summonses which enter judgment status within three months of the date of entry or comply with the procedural requirements of this §39-03 may result in termination of the company's enrollment in the Fleet Program.

§39-03.1 Program of Stipulated Fines for Vehicles Enrolled in the Fleet Program.

Notwithstanding any inconsistent provision of Section 39-05 of these rules, the Commissioner of Finance may enter into agreements with the owners of vehicles enrolled in the Fleet Program for the payment of stipulated fines for parking violations. Such stipulated fines shall not apply to enrolled vehicles unless the owner of such vehicles enters into a written agreement with the Commissioner, in advance, in which the owner agrees to waive the right to contest all notices of violation issued against such owner's enrolled vehicles during a stated period of time and to pay the stipulated fines for all such violations. Such agreement shall further provide that if the owner fails to pay the stipulated fines for all violations when due in accordance with such agreement, the agreement shall be null and void and of no further force and effect and the notices of violation issued against such enrolled vehicles that are outstanding shall be subject to the provisions of this chapter and the penalties set forth in this chapter to the same extent and in the same manner as if such agreement had not been in effect. Enrollment in this program shall be voluntary and shall be subject to termination at the discretion of the Commissioner. This program shall be established and shall remain in effect at the pleasure of the Commissioner.

§39-04 Methods of Pleading and Payment of Fines. (a) Entry of plea.

(1) A plea shall be entered within thirty days after service of the notice of violation (summons).

(2) A plea may be entered in person or by representative at any borough hearing office listed in §39-08(a) of this chapter or by ordinary mail.

(3) The Bureau shall not reject any plea entered by mail if received by the Bureau within thirty days after service of the notice of violation (summons).

(b) Mailed pleas; completion of plea form. Pleas by mail entered by the respondent shall be made by:

(1) Entering the desired plea on the plea form on the back of the summons;

(2) Entering his or her name and address in the space provided on the plea form;

(3) Signing the plea form and;

(4) Mailing the notice of violation (summons) with the plea form completed, by appropriate form of mail, to the mailing address stated on the notice of violation (summons).

(c) Pleas of guilty; payment. Pleas of guilty shall be accompanied by a check or money order for the payment in full of the scheduled fines as listed in §39-05 and §39-06 and the penalties as listed in §39-07 of these rules.

(d) Pleas requesting hearings. (1) A respondent pleading not guilty or guilty with an explanation may request a specified date, time and place for a hearing.

(2) If a plea of not guilty or guilty with an explanation is made in person, an immediate hearing may be had on request of the respondent, if convenient to the Bureau.

(3) Upon receipt of the notice of violation (summons) with a plea of not guilty or guilty with an explanation entered as specified, the Bureau shall advise the respondent in person or by such form of first class mail as the Director shall prescribe of the date, time and place on which he or she must appear for a hearing.

(4) The Bureau reserves the right to set a date, time and place of hearing different from that selected by the respondent.

(e) *Failure to appear at hearing.* Failure by the respondent to appear on the date designated for a hearing or on any subsequent adjourned date, shall be deemed, for all purposes, an admission of liability and a default judgment sustaining the charges may be entered without further notice.

§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

(a) Stopping, standing or parking where stopping is prohibited unless otherwise specifically enumerated in this schedule	\$100.00
(b) Standing or parking where standing is prohibited unless specifically enumerated in this schedule	\$100.00
(c) Parking where parking is prohibited, unless otherwise specifically enumerated in this schedule	\$ 30.00
(d) Stopping, standing or parking in violation of 34 RCNY 4-08(e)(6)	\$ 80.00
(e) Stopping, standing or parking in violation of 34 RCNY 4-08(e)(11)	\$ 50.00
(f) Standing or parking in violation of 34 RCNY 4-08(b)(4), (c)(1), (f)(2), (3), (5), or (k)(2)	\$ 80.00
(g) Standing or parking in violation of 34 RCNY 4-08(j)	\$ 50.00
(h) Parking in violations of 34 RCNY 4-08(n)(8)	\$ 50.00
(i) All parking meter violations	\$ 20.00
(j) All handicapped parking violations	\$150.00

- (k) Parking a commercial vehicle in violation of 34 RCNY 4-08(k)(5) or (6) \$ 50.00
- (l) 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) Parking where parking is prohibited by officially posted rule other than street cleaning rules \$ 45.00

As used in this section, the term "Restricted Area" means all of Manhattan south of the building line on the north side of 96th Street, and between the Hudson River and the East River. Within the Restricted Area, the fine for violations enumerated in paragraphs (c) (l) (l) and (m) is \$50.00 and for paragraph (h) is \$45.00.

Fines following a hearing. (a) For persons found guilty after a hearing, a fine may be fixed by the hearing examiner in an amount not to exceed fifty (\$50) dollars for each parking violation.

(b) Upon any finding of liability for a parking violation, the Parking Violations Bureau shall levy a mandatory five dollar surcharge in addition to any other fine or penalty otherwise permitted or required by this chapter.

(c) Upon a showing of good cause, made by the respondent under oath or on affirmation, after a plea of not guilty or guilty with an explanation, any scheduled fine may be reduced. Procedures for such reduction may be fixed by the Director.

§39-06 Declaration of Emergency Conditions. When a civil emergency other than a snow emergency affecting traffic conditions within the City of New York has been declared by the Governor of the State of New York or the Mayor or Police Commissioner of the City of New York and which, upon request, has been confirmed by order of the Transportation Commissioner or Deputy Commissioner of Traffic, the fine of \$50.00 shall become effective, for all violations of a rule prohibiting parking and the fine of \$100.00 shall become effective for all violations of a rule prohibiting stopping or standing, twenty-four hours after the adoption of the order of the Transportation Commissioner or Deputy Commissioner of Traffic and shall apply to all notices of violation for such violations issued during the emergency.

§39-07 Penalties. (a) *Additional penalties.* Additional penalties may be assessed against the respondent for failure to plead or appear pursuant to these rules, or having appeared for a hearing, failing to make payment assessed thereat. The additional penalties shall be assessed according to the following schedule; provided, however, that if a respondent makes a plea or appears within 20 days after the Bureau mails a notice of violation to the owner pursuant to Vehicle and Traffic Law §235(2)(a) or prior to such mailing, the additional penalties which may be imposed pursuant to paragraphs (1), (2) and (3) of this subdivision shall not exceed the amount set forth in paragraph (1):

(1) Upon entry of a plea more than 30 days after date of summons an additional penalty in an amount of \$10.00.

(2) Upon entry of a plea more than 45 but less than 76 days after date of summons penalty as noted in paragraph (1) and additional penalty of \$20.00.

(3) Upon entry of a plea more than 75 days after date of summons or upon entry of default, final determination or judgment penalties as noted in paragraphs (1) and (2) and additional penalty of \$30.00.

(4) Upon failure to either pay in full within 7 days, the amount of fine and penalties fixed by a hearing examiner after a determination sustaining the charges, or otherwise comply with the provisions of §39-12 of these rules, the scheduled fine amount shall be restored and additional penalties shall become due in accordance with the amounts set forth in paragraphs (1), (2) and (3) of this subdivision as if there had been no plea or appearance.

(b) *Abatement of penalties.* Upon a showing of good cause, made by the respondent under oath or on affirmation, any additional penalty assessed against such respondent may be abated in whole or in part. Procedures for such abatement may be fixed by the Director.

(c) *Lessors.* (1) Lessors of a vehicle registered with the Bureau under §39-11(b) who otherwise comply with the provisions of §39-11(b) shall not be liable for penalties imposed pursuant to this §39-07.

(2) A lessor of a vehicle registered with the Bureau under §39-11(b) shall be liable for penalties imposed pursuant to this section only as provided in §39-11(b), unless such penalties shall be abated as provided in §39-07(b).

(d) *Vehicle release penalties.* For non-payment of a vehicle release penalty pursuant to §4-08(a)(9) of chapter 4 of title 34, the Parking Violations Bureau may assess additional penalties in the same manner and in the same amounts as set forth in subdivision (a) of this section.

§39-08 Hearings. (a) *Location of hearings.* (1) Hearings may be held or payments made at any locations designated by the Director.

(2) The Director, in his or her discretion, may establish such special purpose hearing parts, and at such locations as deemed necessary.

(b) *Time schedule for hearings.* (1) Non-scheduled hearings shall be held daily from 9:00 A.M. to 4:30 P.M. except Saturdays, Sundays and holidays.

(2) The Director, in his or her discretion, may set additional times and days for hearings or vary the time and days therefor, to meet the needs of the Bureau, upon appropriate notice to the public.

(3) No night hearings shall be held on holidays as defined in §39-14(a)(2) of this chapter or on the eve of New Year's Day, the first and second days of Passover, the first and second days of Rosh Hashanah, Yom Kippur and Christmas Day.

(c) *Hearing examiner to preside.* Every hearing shall be held before a Hearing Examiner, Senior Hearing Examiner, or Supervising Hearing Examiner. All hearings shall be public.

(d) *Counsel.* (1) A respondent may be represented by counsel.

(2) Appearance by Counsel shall not be recognized unless such attorney shall have filed a proper notice of appearance. The notice of appearance shall contain the name, office address and telephone number of the attorney. No other attorney shall be permitted to appear for the respondent in such matter without an order in writing or made at open hearing by a hearing examiner. (See §39-09 - Representatives at Parking Violations Bureau Hearings)

(e) *Substantial evidence required.* No charge may be established except upon proof by substantial credible evidence.

(f) *Rules of evidence.* (1) The hearing examiner shall not be bound by the rules of evidence in the conduct of the hearing, except rules relating to privileged communications.

(2) Evidence may be presented in any form. All testimony shall be given on oath or affirmation.

(3) The respondent shall have the right to present witnesses, to conduct examination and to introduce documentary evidence.

(4) The summons shall constitute prima facie evidence of the statements contained therein. A reproduction of the summons or the original thereof filed with the Bureau may be used at the hearing in lieu of the copy from which it was made.

(g) *Hearing record.* A record shall be made of every hearing either by stenographic recording or by mechanical or electronic methods, as the Director shall determine. A transcript of such record shall be supplied to the respondent on application and payment of a fee of \$2.00 and the cost of such transcript. The director may establish procedures for application for transcript.

(h) *Subpoenas.* The hearing examiner may, in his or her discretion, or at the request of the Respondent on a showing of good cause and need therefor, issue a subpoena to compel the appearance at a hearing of the officer who served the notice of violation or of other persons to give testimony, and may issue a subpoena duces tecum to compel the production for examination or introduction into evidence of any book, paper or other thing relevant to the charges alleged.

(i) *Consolidation.* The Bureau may, with or without request or consent of the respondent, consolidate for hearing or appeal, any and all matters within its jurisdiction pending against the respondent.

(j) *Adjournments.* An adjournment may be requested by the respondent prior to hearing. No more than two adjournments shall be granted in any matter except under extraordinary circumstances.

§39-09 Representatives at Parking Violations Bureau Hearings.

(a) *Brokers. (1) Definitions.*

Broker. "Broker" means a person who:

- (i) is not the owner or operator of the summonsed vehicle;
- (ii) represents another person or firm;
- (iii) requests a hearing three or more times within any six month period; and
- (iv) is not an employee of the respondent (as defined in §39-09(b)(1)).

(2) *Authorization.* Prior to any hearing, the person or company represented by a broker must file with PVB a Broker Authorization Form. The Broker Authorization Form must be:

- (i) signed by a duly authorized principal, officer or partner of the respondent;
- (ii) duly acknowledged before a Notary Public; and
- (iii) mailed to PVB by certified mail, return receipt requested, or hand-delivered to the Fleet Program manager, who will issue a receipt.

The Broker Authorization Forms will be filed in a central location in the Commercial Adjudication Unit (CAU).

Upon revocation of the authorization of a broker to represent a person or company, it is the joint and several responsibility of the broker and the person or company to notify PVB within seven days by certified mail, return receipt requested.

(3) *Presence of an attorney.* A broker, if not an attorney, must always be accompanied by an attorney when doing business with PVB.

(4) *Hearing location and schedule.* All hearings involving brokers shall be conducted by appointment only in CAU. No other location or unit (e.g. Help Centers) shall schedule or conduct hearings for respondents represented by brokers.

(5) *Fleet program and car rental program.* All respondents represented by a broker must register in the Fleet Program, if eligible. For vehicles registered in either the Fleet Program or the Car Rental Program, no hearing will be allowed without a PVB computer-generated log.

(6) *Hearing logs.* For vehicles not in the Fleet Program or Car Rental Program, brokers shall be responsible for the proper preparation of the hearing log as per instruction of the CAU manager.

(7) *Summons copy fees.* Companies represented by brokers are subject to the same summons copy fees as the general public §39-02(e).

(8) *Hearing procedures.*

(i) Before each hearing, brokers must submit to the CAU reception clerk all of the summonses scheduled to be adjudicated. These summonses will be delivered to the presiding judge before the hearing begins. No additional summonses may be submitted or accepted for adjudication at that hearing session once the hearing begins without the authorization of the CAU manager.

(ii) The hearing shall not be interrupted or stopped by the broker because of a dispute on a ruling. The determination of the presiding judge is final and may be overruled only by an appeal.

(iii) Except for the morning break and the lunch break, the hearing shall proceed without interruption until the end of the day, unless before then the ALJ adjudicates all of the summonses the broker has submitted or adjourns the hearing.

(iv) Absent such adjournment, if the broker is not present or otherwise fails to proceed at the hearing, the ALJ may render judgment on all of the unadjudicated summonses as if they were submitted for a hearing by mail.

(v) Any summons not adjudicated on the day of the hearing due to an adjournment for further evidence shall be retained by CAU together with documents attached thereto, and shall be adjudicated on the adjourned date by the same ALJ who began the hearing, if possible. On that adjourned date, the ALJ shall not hear any of the broker summonses except those left unadjudicated from the original hearing without special authorization from the CAU manager.

(9) Conduct while at PVB.

(i) PVB equipment. Brokers shall not operate any PVB terminal/equipment at any time.

(ii) Trespassing. Brokers shall not go into any non-public service area unless accompanied or authorized by a manager or supervisor.

(iii) Non-routine tasks. Brokers shall not request any PVB clerical staff to perform non-routine tasks. All such requests must be addressed directly to and approved by the CAU Manager. "Non-routine" means anything out of the ordinary/regular processing stream.

(10) Penalty for violation of these rules. Any broker who willfully or repeatedly violates these rules may be barred from representing clients at PVB for such time and subject to such conditions as may be determined by the Director of Adjudications.

(b) Employees. (1) Definitions.

Employee. As used in these regulations, the term "employee" refers to a person who:

(i) is a principal, partner, officer or salaried employee of the respondent;

(ii) was not the operator of vehicle at the time it was summonsed; and

(iii) is not a broker (as defined in §39-09(a)(1)).

(2) *Authorization.* Prior to any hearing, an employee must file with PVB a notarized "Authorization for Employee to act as Representative at PVB Hearings". Such Authorization must be:

- (i) on the letterhead of the registrant;
- (ii) signed by a duly authorized principal, officer or partner of the respondent; and
- (iii) duly acknowledged before a Notary Public.

Such Authorizations must be received by CAU before an employee may act on behalf of his or her company. They will be kept on file at CAU.

(3) *Hearing location and schedule.* All hearings in which employees act as representatives shall be conducted by appointment only in CAU. No other location or unit (e.g. Help Centers) shall schedule or conduct hearings for respondents represented by employees.

(4) *Fleet program and car rental program.* All respondents represented by an employee must register in the Fleet Program, if eligible. For vehicles registered in either the Fleet Program or the Car Rental Program, no hearing will be allowed without a computer-generated log.

(5) *Hearing logs.* For vehicles not in the Fleet Program or Car Rental Program, employees shall be responsible for the proper preparation of the hearing log as per instruction of the CAU manager.

(6) *Summons copy fees.* Companies represented by employees are subject to the same summons copy fees as the general public §39- 02(e)).

(7) *Hearing procedures.*

(i) Before each hearing, employees must submit to the CAU reception clerk all of the summonses scheduled to be adjudicated. These summonses will be delivered to the presiding judge before the hearing begins. No additional summonses may be submitted/accepted for adjudication at that hearing session once the hearing begins without the authorization of the CAU manager.

(ii) The hearing shall not be interrupted or stopped by the employee because of a dispute on a ruling. The determination of the presiding judge is final and may be overruled only by an appeal.

(iii) Except for the morning break and the lunch break, the hearing shall proceed without interruption until the end of the day, unless before then the ALJ adjudicates all the

summonses the employee has submitted or adjourns the hearing.

(iv) Absent such adjournment, if the employee is not present or otherwise fails to proceed at the hearing, the ALJ may render judgment on all of the unadjudicated summonses as if they were submitted for a hearing by mail.

(v) Any summons not adjudicated on the day of the hearing due to an adjournment for further evidence shall be retained by CAU together with documents attached thereto, and shall be adjudicated on the adjourned date by the same ALJ who began the hearing, if possible. On that adjourned date, the ALJ shall not hear any summonses except those left unadjudicated from the original hearing without special authorization from the CAU Manager.

(8) Conduct while at PVB.

(i) PVB equipment. Employees may not operate any PVB terminal/equipment at any time.

(ii) Authorized areas. Employees may not go into any non-public service area unless accompanied or authorized by a manager or supervisor.

(iii) Non-routine tasks. Employees shall not request any PVB clerical staff to perform non-routine tasks. All such requests must be addressed directly to and approved by the CAU Manager. "Non-routine" means anything out of the ordinary/regular processing stream.

(9) Penalty for violation of these rules. Any employee who willfully or repeatedly violates these rules may be barred from representing his or her employer at PVB for such time and subject to such conditions as may be determined by the Director of Adjudications.

(c) Unpaid representatives. (1) Definitions.

Unpaid representative. An "unpaid representative" is a person who:

- (i) is not the owner or operator of the summonsed vehicle;
- (ii) represents another person or firm;
- (iii) is not a broker (as defined in §39-09(a)(1)) or employee (as defined in §39-09(b)(1));
- (iv) is not representing the respondent as an attorney; and
- (v) receives no fee or other payment for representing respondents at PVB.

(2) *Authorization for summonses not in judgment.* Prior to any hearing involving summonses not in judgment, an unpaid representative must file with the administrative manager an "Affirmation of Authorization".

(3) *Authorization for summonses in judgment.* An unpaid representative may not have a hearing on summonses in judgment unless he or she submits to the administrative manager a notarized Motion to Vacate Judgment, signed by the registrant of the summonsed vehicle and duly acknowledged before a Notary Public.

§39-10 Decisions and Judgments. (a) *Rendering of decision.* The hearing examiner shall make a determination on the charges, either sustaining or dismissing them.

(b) *Examination of prior parking record.* (1) The hearing examiner shall not examine the respondent's parking violations record prior to making a determination on the charges, without the respondent's consent.

(2) Where a determination has been made sustaining the charges, the hearing examiner may examine the respondent's parking violations record prior to fixing fines and assessing penalties and fees.

(c) *Final determination.* Upon the making of a determination sustaining the charges and the fixing of fines and assessment of penalties or a determination dismissing the charges, the hearing examiner shall cause a final determination to be rendered incorporating such fines and penalties, if any.

(d) *Default judgments.* (1) Where a respondent has failed to plead within the time allowed or to appear for a hearing, or on any subsequent adjourned date, a default judgment sustaining the charges, fixing the fine and, in appropriate cases, assessing penalties and fees, may be entered against said respondent.

(2) Before such a default judgment is rendered, the Bureau shall notify the respondent by such form of first class mail as the Director may determine that a violation is outstanding, of the impending default judgment, and that such judgment may be avoided by entering a plea or making an appearance within thirty days of such notice. Failure or refusal to accept or claim such mail shall be deemed adequate notice for purposes of penalties and entry of a default judgment against the respondent.

(e) *Non-residents.* (1) Notice of an impending default judgment shall not be required prior to the rendering and entry thereof in the case of operators or owners who are non-residents of the State of New York.

(2) Registered owners of vehicles registered elsewhere than the State of New York shall be deemed to be non-residents of the State of New York.

(f) *Limitations.* In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea or making an appearance.

(g) *Entry and filing of judgments.* Any judgment rendered, whether after hearing or by default, shall be entered on a judgment roll maintained by the Bureau. A copy of the judgment roll may be filed and recorded in the Office of the Clerk of the Civil Court of the City of New York, or the Office of the Clerk of the county in which the respondent resides or such other county as the Bureau may determine.

(h) *Procedure following entry of judgments.* (1) All judgments are to be paid immediately upon entry.

(2) In the case of judgments rendered after hearing, the respondent shall pay such judgments in full immediately. However, for good cause shown, the Director or his or her designee may extend the time for such payment or set conditions therefor.

(3) Default judgments shall be paid in full by or on behalf of the respondent within seven days of the date of entry of such judgments. Nothing in this paragraph shall be construed to limit the Bureau's rights under law to collect such judgments.

(i) *Opening of defaults.* A default judgment may be opened within one year of its entry only upon written application showing excusable neglect and a substantial defense to the charge. Such application shall be presented to a hearing examiner, senior hearing examiner or supervising hearing examiner.

(j) *Vacatur of dismissals procured by knowing misconduct.* [Note: following is applicable to the setting aside of dismissals on or after November 1, 2001.] (1) A determination dismissing a charged parking violation that has been procured due to the knowing fraud, false testimony, misrepresentation or other misconduct or the knowing alteration of a notice of parking violation, by the person so charged or his or her agent, employee or representative may be set aside by a hearing examiner as hereinafter provided.

(2) Notice shall be served on the owner by mail to the last known registered address within two years of the time that the enforcing authority discovers, or could with reasonable diligence have discovered, that the dismissal was procured due to the knowing fraud, false testimony, misrepresentation, or other misconduct or the knowing alteration of a notice of parking violation, by the person so charged or his or her agent, employee or representative. Such notice shall fix a time when and place where a hearing

shall be held before a hearing examiner to determine whether or not a dismissal of a charged parking violation shall be set aside. Such notice shall set forth the basis for setting aside the dismissal and advise the owner that failure to appear at the date and time indicated in such notice shall be deemed an admission of liability and shall result in the setting aside of the dismissal and entry of a determination on the charged parking violation. Such notice shall also contain a warning that civil penalties may be imposed for the violation pursuant to this subdivision and that a default judgment may be entered thereon.

(3) Upon a finding by a hearing examiner that the dismissal of a charged parking violation has been procured due to the knowing fraud, false testimony, misrepresentation or other misconduct, or the knowing alteration of a notice of parking violation, by the person so charged, or his or her agent, employee or representative, the dismissal shall be set aside and a determination may be rendered against the owner on the charged parking violation. The hearing examiner may impose monetary penalties for the charged parking violation of up to three times the scheduled fine for the violation pursuant to Section 39-05 and three times the additional penalties that may be imposed for failure to respond to a notice of violation pursuant to Section 39-07. The hearing examiner shall also impose, without multiplying, the surcharge authorized by Section 1809-a of the Vehicle and Traffic Law. For purposes of determining the amount of such additional penalties, the hearing examiner shall disregard the plea that procured the dismissal that has been set aside and shall calculate such penalties as if there had been no plea or appearance in the proceeding. In any proceeding under this subdivision to set aside a determination and to impose penalties for the violation, it shall not be necessary for the hearing examiner to find that the owner personally committed the unlawful acts that procured the dismissal of the violation.

(4) Failure to appear at the hearing in response to a notice issued pursuant to this subdivision, or to pay, within 7 days, the amount assessed by a hearing examiner pursuant to paragraph 3, shall be deemed to be an admission of liability for the charged parking violations as set forth in the original notice of violation, and a default judgment may be entered against the owner in the maximum amount set forth in paragraph 3 of this subdivision.

(5) A default judgment pursuant to paragraph 4 of this subdivision may be entered more than two years after the expiration of the time prescribed pursuant to subdivision (f) of this section, but no more than two years after the time that the enforcing authority discovers, or could with reasonable diligence have discovered, that the dismissal was procured by fraud, false testimony, misrepresentation or other misconduct, or the knowing alteration of a notice of parking violation by the respondent or by his or her agent, employee or representative.

(6) The respondent shall have the right to appeal from any adverse decision in accordance with the appeal procedure set forth in §39-12 of this chapter.

§39-11 Liability. (a) *Operators and owners.* (1) The operator of a vehicle shall be liable for the fines or penalties imposed pursuant to §§39-05, 39-06 and 39-07 of these rules.

(2) Except as otherwise provided in §39-11(b), the owner of the vehicle, even if not the operator, shall be jointly and severally liable with the operator if such vehicle was used or operated with the permission of the owner, express or implied.

(b) *Lessors and lessees.* (1) The lessor of a motor vehicle shall not be liable for the fines and penalties imposed by §§39-05, 39-06 and 39-07 of these rules and regulations if prior to the issuance of a notice of a violation against the vehicle, the lessor has registered the vehicle with the Bureau as hereinafter provided, has paid the required filing fee provided for in paragraph (6) of this §39-11(b) and has otherwise complied with the provisions of this §39-11(b), and section 239 of the Vehicle and Traffic Law.

(2) A lessor may register a vehicle with the Bureau by filing with the Bureau the following information:

(i) Plate number

(ii) Plate type

(iii) State of registration.

Where more than one party meet the definition of the term "Lessor" set forth in section 39-01 of this chapter, then each such party is required to co-register. Such co-registrants may designate one of them for the service of notices given by the Bureau or elect to receive each notice separately.

(3) Any information required or permitted to be furnished under this §39-11(b) shall be on forms prescribed by the Bureau. Information will also be accepted by the Bureau if filed on magnetic tape or other recording media in a format prescribed by the Bureau. If requested by a lessor, the Bureau will give notices or provide other information to a lessor on magnetic tape or other similar media in a format prescribed by the Bureau.

(4) Lessor shall file the vehicle registration by first class mail to a post office box or shall personally deliver the registration to the office designated by the Bureau. Payment of the required filing fee shall be made by delivery of a check or money order payable to the "Parking Violations Bureau".

(5) A vehicle shall be deemed registered on the "effective date" of the filing of the registration as follows:

(i) For the primary filing:

(A) If the plate registration and the annual filing fee is received by the Bureau in connection with the lessor's primary filing at least 30 days prior to the commencement of the fiscal year, the effective date shall be the first day of the fiscal year.

(B) If the plate registration and the annual filing fee in connection with the lessor's primary filing, is received by the Bureau less than 30 days prior to the commencement of the fiscal year, the effective date of such filing shall be 30 days from such date. However, the Bureau may designate an earlier date as the effective date of such filing.

(ii) For a filing other than a primary filing: If the plate registration and the required filing fee is received by the Bureau during any month, the effective date shall be retroactive to the first day of that month.

The Bureau shall notify the lessor of the effective date of filing of the registration.

(6) The annual filing fee for each vehicle registration shall be twelve dollars for each fiscal year. If a lessor files a plate registration during the fiscal year, the filing fee shall be reduced at the rate of one dollar per month from the commencement of the fiscal year to the effective date of registration. The Bureau shall notify the lessor of receipt of the filing fee. Lessors shall not be entitled to a refund, credit or other reduction of filing fees for registrations withdrawn from service, destroyed, or surrendered during the fiscal year.

(7) Within 90 days after issuance of a Notice of Violation to a vehicle registered with the Bureau hereunder, the Bureau will give notice of such issuance to the lessor. Such notice will be given by first class mail or by personal delivery to the lessor's address on file with the Bureau. Within 37 days after receipt of the notice of outstanding violations, the lessor shall provide to the Bureau the name and address of the lessee. For the purpose of determining lessor's time to provide the information required hereunder, the lessor shall be presumed to have received the notice of the outstanding violations from the Bureau five days after such notice is mailed or delivered by the Bureau unless the lessor can demonstrate that such notice was actually received on a later date.

(8) In addition to the information required under paragraph (7) of this §39-11(b), upon the specific request from the Bureau, the lessor shall provide to the Bureau any or all of the following:

(i) The name and address of a lessee's employer and or billing address where contained in the rental agreement or lease;

(ii) A copy of the rental agreement or lease;

(iii) Such credit information about a lessee where contained in the rental agreement or lease;

(iv) A copy of the motor vehicle registration as filed with the State Motor Vehicle Department;

(v) The vehicle identification number.

(9) If the lessor elects to pay the fine and penalty for a violation issued against a vehicle registered under this §39-11(b) and such payment is received by the Bureau within 37 days after the lessor received notice of the outstanding violations, and if the Bureau subsequently collects the fine and penalty from the operator or lessee who is liable therefore, the Bureau shall refund to the lessor the amount received from such operator or lessee, less the Bureau's costs of collection.

(10) The Bureau shall give notice to a lessor if a notice of outstanding violation mailed to the name and address of a lessee provided by the lessor is returned to the Bureau by the United States postal authorities. The name and address provided by the lessor previously furnished to the Bureau shall be presumed to be an incorrect name and address unless the lessor shall furnish proof satisfactory to the Bureau, within 60 days after the lessor has received notification of said incorrect name and address, that the lessor has previously furnished the correct name and address. A copy of the rental agreement or lease setting forth the name and address previously furnished shall conclusively rebut the foregoing presumption.

(11) A lessor shall not be liable for a fine or penalty issued to any vehicle if such vehicle has been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. A sworn statement that the vehicle has not been recovered at the time of such violation, together with the police alarm number or a certified copy of the police report of the stolen vehicle, shall be sufficient to abate any liability imposed hereunder.

(12) After a lessor provides to the Bureau the name of the lessee, the Bureau shall give notice to the lessee of the outstanding violation and the entry of a default judgment by first class mail and otherwise in accordance with the provisions of section 241 of the Vehicle and Traffic Law.

(13) If a lessor has registered a vehicle with the Bureau, it shall be liable for fines and penalties if:

(i) the lessor fails to provide the name and address of the lessee or otherwise fails to respond by requesting a hearing or by payment of the original fine within 37 days after the lessor receives a notice of outstanding violation from the Bureau;

(ii) the lessor willfully and wrongfully provides fraudulent or incorrect information to the Bureau.

(14) *Penalties.* (i) In the event a lessor fails to provide the information specifically requested by the Bureau, under §39-11(b)(8) of these regulations, within 60 days of the request or in the event the lessor fails to comply with §39-11(b)(13) of these regulations, then the Bureau shall send a notice stating that the lessor is liable for the original fine and mandatory five dollar surcharge. If payment of the original fine and mandatory five dollar surcharge is not made within the time prescribed in said notice, which shall not be less than 30 days, the lessor shall be liable for penalties as prescribed in section 39-07 as if the vehicle had not been registered with the bureau pursuant to this subdivision on the date of the summons.

§39-12 Appeals. (a) *Appeals Board -- powers.* (1) There shall be an Appeals Board within the Bureau which will consist of three or more persons duly qualified as Hearing Examiners, Senior Hearing Examiners, or Supervising Hearing Examiners, as the Director shall determine, but in no event shall the Hearing Examiner from whose decision the appeal is taken be included in the panel determining said appeal.

(2) The Appeals Board may review the facts and the law in any matter and, except in the interests of justice and upon consent of the respondent, shall not consider any evidence which was not presented to the hearing examiner. A concurring vote by two members of the Appeals Board panel shall be required to reverse or modify any decision appealed from for error of fact or law, or to remand any matter in the interests of justice.

(3) Appeals shall be from final determinations or from decisions denying applications to open defaults, or from decisions to vacate dismissals only. No intermediate appeals shall be allowed, but all claimed errors shall be deemed to be incorporated in the decision appealed from.

(b) (1) A respondent aggrieved by the decision of a hearing examiner upon a plea of denying liability, may obtain a review thereof by serving upon the Bureau, within thirty days of the entry of such decision, a notice of appeal setting forth the reason why the decision should be reversed or modified. The notice of appeal shall be in such form and filed at such place as may be prescribed by the Director. No appeal may be had from a plea of guilty, which has been entered at the hearing.

(2) The filing of a notice of appeal shall not stay the enforcement of a final determination, unless so directed by the Appeals Board on written application or unless the respondent, on or before the filing of a notice of appeal, shall have posted a cash or recognized surety company bond in the full amount of the final determination appealed from. In lieu thereof, the respondent may pay the fines and penalties assessed, subject to reimbursement thereof in appropriate circumstances.

(3) No appeal shall be permitted unless the fines and penalties assessed by the Hearing Examiner are paid, or the respondent shall have posted a cash or recognized surety company bond in the full amount of the final determination appealed from.

(4) The requirements of service of a notice of appeal within thirty days of the entry of the decision and prepayment or posting a bond may be waived in the interests of justice by the Director or a Senior or Supervising Hearing Examiner designated for such purpose. If granted, such waiver shall be conditioned upon service of a notice of appeal within thirty days of the waiver, unless such notice has already been served.

(c) *Briefs.* (1) Briefs shall not be required. If the respondent desires to file a brief, it shall be in such form and number of copies as prescribed by the Director.

(2) In the event a respondent desires to file a brief, it shall be so indicated on the face of the notice of appeal.

(3) Briefs shall be filed in the same manner as notices of appeal, at the time of the filing of the notice of appeal, unless the time to do so is extended by the Appeals Board for good cause. Failure to file briefs within the time allowed shall be deemed an abandonment of the appeal.

(d) *Hearing of appeals.* (1) Appeals shall be heard upon the record of the hearing before the hearing examiner (if provided), the notice of appeal and such briefs as the respondent may file. The Appeals Board may request or accept briefs on behalf of other interested parties or by amici curiae. All appeals shall be submitted to the Appeals Board without oral argument, unless such oral argument is expressly requested by the appellant, or his or her attorney in the notice of appeal, and upon compliance with the rules and regulations of the Bureau. Procedures for oral argument and application therefor, shall be prescribed by the Director.

(2) The Bureau shall notify the respondent, either personally or by ordinary first class mail, of the date, time and place of such appearance. Failure or refusal to accept or claim such mail shall be deemed an abandonment of the appeal.

(e) *Determinations.* Within sixty days after the filing of the notice of appeal, respondent's briefs or completion of oral argument, whichever date shall come last, the Appeals Board shall render its determination in writing. A copy of such determination shall be sent by ordinary mail to the respondent or his or her counsel.

(f) *Finality.* The determination of the Appeals Board shall be the final determination of the Bureau.

(g) *Abandonment of appeals.* (1) Failure by any Respondent-Appellant to furnish or supply any relevant material required to process his or her appeal, within thirty days of a request by the Bureau therefor shall be deemed an abandonment of such appeal.

(2) Appeals which are abandoned shall be automatically dismissed. The Director may prescribe procedures for such dismissal.

§39-13 Certification to Motor Vehicle Commissioner.

(a) *Certification of final determinations.* In the event a Respondent shall have failed to comply with the provisions of §39-10(h) of this chapter in connection with final determinations or judgments entered on three or more summonses served within a period of eighteen months, the Bureau shall certify such fact to the Commissioner of Motor Vehicles of the State of New York.

(b) *Notification to respondent.* Upon such certification, the Bureau shall notify the respondent by registered or certified mail, return receipt requested, that such certification has been made and identifying the judgments or final determinations covered. The notification shall further inform the respondent that the Commissioner of Motor Vehicles will deny any registration or renewal of registration of respondent's vehicle until proof is provided that the respondent has complied with the provisions of §39-10(h) of these rules in connection with all judgments or final determinations for which the respondent is liable.

§39-14 Computing Times. (a) *Computation.* (1) In computing the period of time to perform any act under these rules, the first day on which an act may be performed, e.g. the date of issuance of the notice of violations (summons) shall not be included but the last day of the period shall be included unless it is a Saturday, Sunday, or holiday, in which event the period shall be extended until the next business day.

(2) A holiday is any day appointed as such by the President or Congress of the United States, the Governor or Legislature of the State of New York or the Mayor or Council of the City of New York.

(b) *Additional period for mailing.* In computing any times under this chapter, an additional three days shall be added if mail is used.

(c) Notwithstanding subdivisions (a) and (b) of this §39-14, the payment or response required by §39-04(a) of this chapter must be received by the due date.

(d) *Extensions.* The period of time in which any act required by this chapter is to be performed, may be extended by the Director or his or her designees for good cause, prior to the expiration of the original time period.

§39-15 Mail Proceedings. (a) *Adjudication by mail.* The Director may denominate certain classes of alleged violations as appropriate for adjudication by mail and may prescribe procedures for such adjudication.

(b) *Mail and telephone inquiries.* The Director may prescribe procedures for the handling of mail and telephone inquiries by the public, the places or numbers to which such inquiries are to be made and the responses thereto.

§39-16 Severability. If any provision of this chapter or the application of such provision to any person or circumstances shall be held unconstitutional or invalid, the constitutionality or validity of the remainder of this chapter and the applicability of such provision to other persons or circumstances shall not be affected thereby.

§39-17 Red Light Violation Monitoring Program. (a) *Liability.* The liability of an owner pursuant to §1111-a of the vehicle and traffic law for a violation of subdivision (d) of §1111 of such law shall be \$50.00.

(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 shall be in accordance with §1111-a 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) *Hearing examiners.* The hearing examiners heretofore or hereinafter appointed by the commissioner of the New York City department of transportation or the commissioner of the New York City department of finance for the adjudication of parking violations shall preside at hearings for the adjudication of allegations of liability in accordance with §1111-a of the vehicle and traffic law.

(e) *Effective dates.* This section shall remain in effect for as long as §1111-a of the vehicle and traffic law shall remain in effect.