

**THE CITY OF NEW YORK DEPARTMENT OF FINANCE  
NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED AMENDMENT  
TO THE RULES RELATING TO PARKING VIOLATIONS**

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE 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, and in accordance with section 1043 of the New York City Charter, that the New York City Department of Finance proposes to adopt the following proposed amendment to the Rules Relating to Parking Violations which is necessary to carry out the powers and duties delegated to the Commissioner of Finance by sections 19-201 of et seq. of the Administrative Code of the City of New York. This rulemaking proposal was not included in the regulatory agenda of the Department of Finance for fiscal year 2000 because the legislation upon which it is based had not been enacted as of the date of publication of the agenda.

Written comments regarding the proposed rule amendment may be sent to the office of Devora Cohn, Associate Commissioner for Legal Affairs, 345 Adams Street, 3<sup>rd</sup> floor, Brooklyn, New York 11201 on or before September 14, 2000. A hearing to public comment will be held on September 14 at 9:30 A.M. at 345 Adams Street, 3<sup>rd</sup> floor, Brooklyn, New York 11201. Persons seeking to testify are requested to notify Carol Tierney at (718) 403-3609 at least three business days prior to the date scheduled for the hearing, although such notice is not required by law. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Carol Tierney at the foregoing number by August 31, 2000. Written comments and a summary of oral comments received at the hearing will be available for public review within a reasonable time after receipt at the office of Gerald Koszer, Records Access Officer, 345 Adams Street, 3<sup>rd</sup> floor, Brooklyn, New York 11201 between the hours of 9:00 a.m. and 5:00 p.m.

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

**Section 1.** The violation letter (1) in the “Amount of Fines” provision of section 39-05 of Chapter 39 of title 19 of the Official Compilation of Rules of the City of New York (Rules relating to Parking Violations) is amended to read as follows:

**§39-05 Amount of Fines.** Scheduled Fines. The following schedule of fines shall apply to violations listed below:

Violation	Location of Offense	
	Outside Restricted Area	Within Restricted Area
(1) [Unauthorized parking in off-street space reserved for handicapped	\$50.00	\$50.00]
<u>All handicapped parking Violations</u>	<u>\$150.00</u>	<u>\$150.00</u>

**Section 2.** Subsection (b) of section 39-05 of such rules is amended to read as follows:

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

## **BASIS AND PURPOSE OF PORPOSED AMENDMENTS**

These proposed rule amendments are designed to bring the parking violation rules applicable to a surcharge into accord with a recent amendment of the Vehicle and Traffic law (the "VTL"). The VTL (Section 3 of Chapter 498 of the Laws of 1999, codified as VTL Section 1809-b) was amended to require a \$30.00 surcharge, instead of a \$5.00 surcharge, for handicapped parking violations, effective April 1, 2000. These proposed rule amendments cause the New York City Department of Finance's rule applicable to parking violations surcharges to be worded generally so as to accommodate not only this amendment of the VTL, but any future amendments regarding the amounts of surcharges that the Legislature might hereafter enact.

These proposed rule amendments would also effect an increase in the scheduled fine from \$50.00 to \$150.00 for all handicapped violations. This would conform the rule with §237(2) of the New York Vehicle and Traffic Law which empowers the parking violations bureau to provide for monetary penalties which shall not exceed \$150.00 for handicapped violations. These amendments are intended to deter illegal parking that blocks handicapped access by imposing the maximum fine allowable by law.

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ANDREW S. ERISTOFF  
Commissioner of Finance