



**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 amendment to the Rules Relating to Parking Violations. These rules were published in proposed form on November 17, 2008. A hearing for public comment was held on December 18, 2008.

Martha E. Stark
Commissioner of Finance

Section 1. Subdivision (b) of section 39-08 of the Rules Relating to Parking Violations (19 RCNY Chapter 39) is amended to read as follows

(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] Hearing parts shall meet on days and at times as the Director shall from time to time in his or her discretion determine, upon appropriate notice to the public.

(2) The Director, in his or her discretion, may set additional times and days for hearings or limit, reduce or vary the time and days [therefor] for hearings, 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.

BASIS AND PURPOSE OF AMENDMENT

The Rules Relating to Parking Violations provide the schedule during which the Department of Finance conducts hearings to adjudicate parking violations. This rulemaking action amends the provision of the rules that sets the days and times for hearings and provides instead that the director of the Department of Finance parking violations division is to determine the days and times during which hearings will be held upon appropriate notice to the public. The purpose of this rule amendment is to add flexibility in setting the dates and times for hearings, which is needed to adjust to changing volumes of hearings and to accommodate "walk-in" respondents. In this way, the Department of Finance will be able to quickly adapt to changing needs and to minimize waiting times for respondents.