

**CITY OF NEW YORK
DEPARTMENT OF FINANCE**

Pursuant to the power vested in me as Commissioner of Finance by section 389(b) and 1043 of the New York City Charter, section 19-203 of the Administrative Code of the City of New York, and section 237 of the Vehicle and Traffic Law, I hereby promulgate the within Amendment to the Rules Relating to Parking Violations.

MARTHA E STARK
Commissioner of Finance

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

Section 1. Section 39-01 of chapter 39 of title 19 of the Official Compilation of Rules of the City of New York is amended to read as follows:

§39-03.1 [Pilot program] 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 or 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 [pilot] program shall be voluntary and shall be subject to termination at the discretion of the Commissioner. This [pilot] program shall be established and shall remain in effect at the pleasure of the Commissioner[but for no more than one year after the effective date of this section].

STATEMENT OF BASIS AND PURPOSE

The New York City Department of Finance previously conducted a pilot program to expedite the disposition of parking tickets issued to commercial vehicles making pickups, deliveries and service calls in the City. Owners of vehicles who participated in the pilot program received reduced fines for some parking violations in accordance with a schedule of stipulated fines, pursuant to written agreements that were executed in advance. In exchange for a reduction in the amount of some fines, such owners waived the right to contest all notices of violation issued to vehicles enrolled in the program and agreed to pay the stipulated fines for these violations. Many owners of vehicles who were eligible to participate in the program did not choose to do so; however, based on the results for the owners who did participate, the Department has decided to make this program permanent -- subject to the right of the Commissioner in the future to decide not to continue the program in effect. At present, the Commissioner intends to continue the program in effect indefinitely, so long as it is mutually beneficial for the City and the participants.

For vehicles making pickups, deliveries and service calls in the City, some parking violations are unavoidable. In the give and take of adjudicating these violations before the PVB, some are dismissed for technical and other reasons, fines may be reduced after a hearing and vehicle owners may fail to answer some charged violations in a timely manner, incurring additional late penalties for owners and the additional expense of default hearings or appeals. These proceedings are expensive and time consuming for both the City and commercial respondents who must often hire brokers or agents. This program will streamline the process and save both the vehicle owners and the City time and expense.