

**THE CITY OF NEW YORK  
DEPARTMENT OF FINANCE**

**NOTICE OF RULE MAKING**

Pursuant to the power vested in me as Commissioner of Finance by New York City Administrative Code section 19-203 and sections 1043 and 1504 of the New York City Charter, I hereby promulgate the within amendments to the Rules concerning the Parking Violations Bureau Fleet Program. These rules were published in proposed form on November 28, 2014. A hearing for public comment was held on January 6, 2015.

S/S

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Jacques Jiha Commissioner of Finance

**STATEMENT OF BASIS AND PURPOSE**

The Fleet Program of the New York City Department of Finance (DOF) is a voluntary program that was established to assist companies with one or more commercial vehicles, used exclusively for the delivery of goods or services, in managing their parking summonses by providing them with weekly listings of new summonses issued to any of the company's vehicles with plates registered in the program. An enrolled company is currently allowed a period of forty-five days to resolve a summons by either paying the summons at a base fine, or by obtaining a hearing, without incurring penalties. This rule amendment will increase the period of time to resolve a summons to sixty days. It also clearly sets forth the penalties for failing to pay the fine amounts for summonses the company does not contest in a timely manner.

Matter underlined is new. Matter in brackets [] is to be deleted.

"Will" 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.

**Amendments to Rules Relating to Parking Violations**

Section 1. Subdivisions (f) and (i) of section 39-03 of Title 19 of the Rules of the City of New York are amended to read as follows:

- (f) Within [45] 60 days from the Department of Finance system entry date for the summons, the company must pay the fine for each summons it does not contest. If the company wishes to contest a summons at an in-person hearing, the company must request a hearing, in accordance with § 39-08 of this chapter, and be prepared to arrange to appear at such hearing, within [45] 60 days from the Department of Finance system entry date for the summons.
- (i) As an alternative to requesting an in-person hearing, a company may enter an appearance within 14 days after the Department of Finance system entry date for the summons and thereafter either pay the fine for each summons it does not

contest or submit its evidence to obtain a mail adjudication within [45] 60 days after the Department of Finance system entry date for the summons.

§ 2. Section 39-03 of Title 19 of the Rules of the City of New York is amended by adding a new subdivision (p) to read as follows:

(p) Penalties for failure to pay the fine amount for each summons the company does not contest in a timely manner. Notwithstanding any other provision of this chapter:

(1) the failure to pay the fine amount for each summons the company does not contest within 60 days after the Department of Finance system entry date for such summons will result in a penalty of \$10.00;

(2) the continued failure to pay the summons fine amount for an additional 30 days beyond the period stated in paragraph (1) of this subdivision will result in a further penalty of \$20.00 in addition to the penalty provided in paragraph (1) of this subdivision;

(3) the continued failure to pay the summons fine amount for an additional 45 days beyond the period stated in paragraph (2) of this subdivision will result in a further penalty of \$30.00 in addition to the penalties provided in paragraphs (1) and (2) of this subdivision; and

(4) the continued failure to pay the summons fine amount for an additional 7 days beyond the period stated in paragraph (3) of this subdivision will result in the entry of a judgment against the owner in the fine amount as provided in § 39-05 of these rules plus the penalties provided in paragraphs (1), (2) and (3) of this subdivision.

The penalties set forth in subdivision (a) of §39-07 of this title shall not apply to any company subject to this subdivision.