



Legislation Details (With Text)

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**Title:** A Local Law in relation to authorizing the commissioner of finance to establish a temporary parking penalty forgiveness program for the resolution of outstanding default judgments issued by the department of finance.

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Proposed Int. No. 22-A

By Council Members Nelson, the Public Advocate (Mr. de Blasio), Ferreras, Fidler, Gentile, James, Williams, Vacca, Dickens, Lander, Mark-Viverito, Vann, Reyna, Mealy, Barron, Van Bramer, Wills, Vallone and Halloran

A Local Law in relation to authorizing the commissioner of finance to establish a temporary parking penalty forgiveness program for the resolution of outstanding default judgments issued by the department of finance.

Be it enacted by the Council as follows:

Section 1. Temporary parking penalty forgiveness program.

a. For purposes of this section, the following definitions apply:

1. “Additional penalty” means a penalty imposed by the department of finance, pursuant to section 19-211 of the administrative code of the city of New York, for failure to respond to notices of violation.

2. “Base penalty” means, with respect to any notice of violation returnable to the department of finance, the penalty that would be imposed upon a timely admission by the respondent or finding of liability

after a hearing, pursuant to the department of finance penalty schedule.

3. “Default judgment” means a judgment of the department of finance, pursuant to subdivision b of section 19-207 of the administrative code of the city of New York, determining a respondent’s liability based upon that respondent’s failure to plead within the time allowed by the rules of the department of finance or failure to appear before the department of finance on a designated hearing date or on a subsequent date following an adjournment.

4. “Department of finance” means the department of finance of the city of New York, as described in chapter 58 of the charter of the city of New York.

5. “Department of finance penalty schedule” means the schedule of penalties adopted as a rule by the department of finance or such predecessor schedule as may have applied on the date of the parking violation.

6. “Notice of Violation” means a form or duplicate thereof prepared and distributed by the department of finance substantially completed and sworn to or affirmed by authorized issuing agents which shall constitute a notice of violation when served as provided for by the rules of the department of finance.

7. “Parking violation” means the traffic infractions constituting a violation of any law, rule or regulation providing for or regulating the parking, stopping or standing of a vehicle.

8. “Resolve” means, with respect to an outstanding judgment of the department of finance, to conclude all legal proceedings in connection with a notice of violation.

9. “Respondent” means a person charged with a parking violation.

10. “Temporary parking penalty forgiveness program” means the program authorized by this section.

b. Notwithstanding any other provision of law to the contrary, the commissioner of finance shall establish a temporary parking penalty forgiveness program for a sixty-day period, to be effective during the fiscal year of the city beginning July first, two thousand ten, to permit respondents who are subject to default

judgments of the department of finance to resolve such judgments by payment of base penalties without payment of additional penalties and associated interest.

c. Eligibility to participate in the temporary parking penalty forgiveness program shall be restricted to respondents who are subject to default judgments of the department of finance, and the program shall apply only to default judgments.

d. A respondent seeking resolution of a default judgment under the temporary parking penalty forgiveness program shall admit liability for the parking violation. A default judgment may not be resolved under the temporary parking penalty forgiveness program if the respondent seeking resolution of the judgment fails or refuses to admit liability.

e. A respondent seeking resolution of a default judgment under the temporary parking penalty forgiveness program shall pay the base penalty for the parking violation that is the subject of the default judgment to be resolved. The base penalty amount shall be determined by referring to the department of finance penalty schedule. A default judgment may not be resolved under the program unless the base penalty amount of the parking violation that is the subject of the default judgment can be determined from the notice of violation, default judgment and department of finance penalty schedule alone.

f. A respondent's resolution of a default judgment under the temporary default resolution program shall constitute a waiver of all legal and factual defenses to liability for the judgment at issue. A judgment resolved under the temporary parking penalty forgiveness program shall have the same legal force and effect as any other judgment issued by the department of finance.

g. A judgment of the department of finance may not be resolved under the temporary parking penalty forgiveness program if the judgment was issued on or after October first, two thousand eight.

h. The duration of the program shall be sixty days. After the program has concluded, any default judgment that remains outstanding and has not been resolved by this program shall continue to have full legal effectiveness and enforceability regardless of whether it could have been resolved under this program.

i. The commissioner of finance shall publicize the temporary parking penalty forgiveness program provided in this section so as to maximize public awareness of and participation in such program.

§2. This local law shall take effect immediately.

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