



Legislation Text

File #: Res 0519-2024, **Version:** *

Res. No. 519

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.8672/A.9250, in relation to electronic appearances for parking violations

By Council Members Brooks-Powers, Dinowitz, Riley and Williams

Whereas, The New York City (City or NYC) Department of Finance (DOF) is responsible for collecting and processing payments for parking tickets and camera violations issued in the City; and

Whereas, The Parking Violations Bureau (PVB), established under State law, is an administrative tribunal within DOF responsible for accepting pleas to and hearing and determining charges of traffic infractions relating to parking violations within the City, providing for monetary fines, penalties and fees for such violations, and entering and enforcing its judgments in the same manner as the enforcement of money judgments in civil actions; and

Whereas, According to the Rules of the City of New York, guilty pleas for parking tickets must be entered within 30 days after service of the notice of violation and accompanied by a check, money order, or other form of payment, and no hearing is held; and

Whereas, According to the Rules of the City of New York, parking tickets can be contested if a respondent pleads not guilty and if DOF receives a hearing request; and

Whereas, Currently, when an individual wishes to dispute a ticket, the individual must submit a request for a hearing, which can be done online, by mail, on a smartphone using the NYC Parking Ticket Pay or Dispute App, or in person; and

Whereas, In Fiscal Year 2023, out of a total of approximately 17.2 million parking tickets and camera violations issued, 1.7 million had hearings, of which 508,750, or approximately 30 percent, were dismissed

because of a not guilty hearing decision; and

Whereas, Although disputing parking tickets online, by mail, or on smartphones allows the defendant to remotely submit evidence such as photographs and a description of the scene to support the claim that the ticket should be dismissed, the defendant is not present for the hearing or judgment; and

Whereas, During the COVID-19 pandemic, courts around the country transitioned to virtual operations, including the use of teleconferencing, and in 2020, the New York State Unified Court System began scheduling virtual court appearances in consumer credit cases using Microsoft Teams and the New York State Department of Motor Vehicles (DMV) Traffic Violation Bureau (TVB) began offering virtual hearings using WebEx; and

Whereas, in July 2021, the Conferences of Chief Justices and the Conferences of State Court Administrators released a report titled “Guiding Principles for Post-pandemic Court Technology” and stated that courts should “[m]ove as many court processes as possible online” and “[a]llow for remote attendance at hearings”; and

Whereas, The City should follow the example of the State’s Unified Court System and the TVB by offering virtual hearings for ticket disputes; and

Whereas, According to the Rules of the City of New York, the Director of the PVB, as appointed by the DOF Commissioner, already may determine certain classes of alleged violations as appropriate for adjudication using virtual but contemporaneous videographic means; and

Whereas, S.8672, introduced by State Senator John Liu, and companion bill A.9250, introduced by Assembly Member Jeffrey Dinowitz, would amend the New York State vehicle and traffic law to authorize the parking violations bureau to adopt rules and regulations which would allow a person charged with a parking violation to enter a plea of not guilty to obtain a hearing either in person or through electronic appearance; and

Whereas, S.8672/A.9250 would further require a video recording to be made contemporaneously with any electronic appearance or hearing, which may be introduced as evidence in any further proceedings relating to such a violation; and

Whereas, With advancements in video conferencing technology, virtual court appearances under S.8672/A.9250 could allow a person charged with a parking violation who might not otherwise have been able to appear in person to argue their case and explain any submitted documentation to a judge at a hearing; and

Whereas, Allowing video recordings of virtual appearances for ticket dispute hearings and allowing the recordings to be introduced as evidence in any further proceedings could potentially aid New Yorkers in appealing parking ticket judgements; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.8672/A.9250, in relation to electronic appearances for parking violations.

JPB
LS # 14635
8/7/2024 5:00 PM