

New York City Department of Finance

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? This is an amendment to the New York City (“NYC”) Department of Finance rules concerning the Parking Violations Bureau Fleet Program and Car Rental Program.

When and where is the hearing? The Department of Finance will hold a public hearing on the proposed rule. The public hearing will take place at 11:00am on January 6, 2015. The hearing will be in the Department of Finance hearing room at 345 Adams Street, 3rd Floor, Brooklyn, N.Y. 11201.

How do I comment on the proposed rule? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to the Department of Finance through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to laroset@finance.nyc.gov.
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, N.Y. 11201, Attn: Timothy LaRose.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Timothy LaRose, at (718) 403-3650.
- **Hearing.** You can speak at the public hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Joan Best at (718) 403-3669, or you can sign up in the hearing room before the hearing begins on January 6, 2015. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is January 6, 2015.

What if I need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may tell us by mail at the address given above, sent to the attention of Joan Best; by telephone, by calling Joan Best at (718) 403-3669; or by e-mail at bestj@finance.nyc.gov. You must tell us by December 23, 2014.

Can I review the comments made on the proposed rule? You can review the comments that have been submitted online by visiting the NYC rules website: <http://rules.cityofnewyork.us/>. In addition, copies of all submitted comments concerning the proposed rule and a summary of oral comments from the hearing will be available to

the public a few days after the hearing at NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, N.Y. 11201.

What authorizes Department of Finance to adopt this rule? New York State Vehicle and Traffic Law sections 237 and 239, Section 19-203 of the Administrative Code of the City of New York and New York City Charter (“Charter”) §§ 1043 and 1504 authorize the Department of Finance to adopt this proposed rule.

Where can I find the Department of Finance’s rules? The Department of Finance’s rules can be found in Title 19 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department of Finance must meet the requirements of § 1043 of the Charter when creating or amending rules. This notice is made according to the requirements of § 1043 of the Charter.

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.

The Department’s Car Rental Program is a voluntary program that was established to assist vehicle rental companies in managing parking summonses issued to vehicles registered in the program. This program gives car rental companies the ability to transfer the liability for parking summonses issued to their vehicles to the lessees of these vehicles. This rule amendment will give DOF the ability to terminate a company’s enrollment in the program when the company fails to: (1) satisfy summonses that enter judgment status where such judgments total in the aggregate, including interest, more than \$350 or (2) fails to comply with the procedural requirements of the Car Rental Program.

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 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.

§ 3. Paragraph (14) of Subdivision (b) of Section 39-11 of Title 19 of the Rules of the City of New York is amended by adding a new subparagraph (ii) to read as follows:

- (ii) Failure to satisfy summonses that enter judgment status against the lessor where such judgments total in the aggregate, including interest, more than \$350 or failure to comply with the procedural requirements of this section 39-11 will result in termination of the lessor's enrollment in the Car Rental Program.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Amendment of Parking Violations Fleet Program Rules

REFERENCE NUMBER: 2014 RG 085

RULEMAKING AGENCY: Department of Finance

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 14, 2014

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Parking Violations Fleet Program Rules

REFERENCE NUMBER: DOF-15

RULEMAKING AGENCY: Department of Finance

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Establishes a new penalty schedule for the late payment of parking fine violations, the nature of which are not curable.

/s/ Norma Ponce
Mayor's Office of Operations

November 14, 2014
Date