

## New York City Department of Finance

### Notice of Public Hearing and Opportunity to Comment on Proposed Rule

**What are we proposing?** The New York City Department of Finance (“the Department”) is proposing to amend its rules by adding information that the Department may require from a lessor of a vehicle when the company that owns the vehicle enrolls or renews their enrollment in the Parking Violations Bureau Car Rental Program.

**When and where is the hearing?** The Department will hold a public hearing on the proposed rule. The public hearing will take place at 11:00am on March 27, 2017. The hearing will be in the Department hearing room at 345 Adams Street, 3<sup>rd</sup> Floor, Brooklyn, NY 11201.

**This location has the following accessibility option available:**

Wheelchair Accessible

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

- **Website.** You can submit comments to the Department through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [loewenbergerj@finance.nyc.gov](mailto:loewenbergerj@finance.nyc.gov).
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3<sup>rd</sup> Floor, Brooklyn, N.Y. 11201, Attn: Jeremy Loewenberger.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Jeremy Loewenberger at (718) 488-2491.
- **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) 488-2007, or you can sign up in the hearing room before the hearing begins on March 27, 2017. You can speak for up to three minutes.

**Is there a deadline to submit written comments?** The deadline to submit written comments is March 27, 2017.

**What if I need assistance to participate in the hearing?** The meeting will be held at 345 Adams Street, 3<sup>rd</sup> Floor, Brooklyn, NY 11201. The rear entrance (on Pearl Street) is accessible to persons using wheelchairs and others with disabilities. Accessible restrooms are available. Materials in alternative formats, ASL interpreters, real-time captioning and other accommodations will be made available upon request. Please contact Joan Best at (718) 488-2007; or by email at [bestj@finance.nyc.gov](mailto:bestj@finance.nyc.gov) to make your accommodation requests. Provide at

least 72 hours' notice prior to the meeting to ensure availability. In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are requested to refrain from using perfume, cologne, and other fragrances.

**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, 3<sup>rd</sup> Floor, Brooklyn, NY 11201.

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

**Where can I find the Department of Finance's rules?** The Department's rules can be found in Title 19 of the Rules of the City of New York at <http://rules.cityofnewyork.us>.

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

### **STATEMENT OF BASIS AND PURPOSE**

The Department's Car Rental Program is a voluntary program that was established to assist vehicle rental companies manage parking summonses issued to vehicles registered in the program.

Currently, the Car Rental Program allows a lessor to enroll a vehicle with the Department in order to transfer the liability for the fines and penalties incurred from parking summonses to the lessee. Collection and enforcement issues may arise, however, when a vehicle owner leases the vehicle after incurring a large amount of parking summons debt. The lessor should be responsible for payment of this debt. However, because State law prohibits judgment creditors from interfering with the rights of a lessee, enforcements efforts, like towing or booting a vehicle, for example, are not possible.

The Department is proposing to expand the information that it may require from a lessor of a vehicle when the company that owns the vehicle enrolls or renews their enrollment in the Car Rental Program. The additional information collected from lessors will assist the Department in collecting unpaid parking summons judgment debt incurred by lessors enrolled in the Car Rental Program.

Specifically, the Department proposes adding:

- the lessor's legal name and address at which it does business;
- a statement from the lessor indicating whether and how the lessor will inform the vehicle lessee that the lessee received a Notice of Violation (summons), including whether the lessor plans to collect fines and penalties originating from a Notice of Violation from the lessee; and,
- the lessor's bank and credit information.

The Department's authority for this rule is found in section 237 of the New York State Vehicle and Traffic Law, section 19-203 of the Administrative Code of the City of New York, and sections 1043 and 1504 of the New York City Charter.

New material underlined.

[Deleted material is in brackets.]

"Shall" 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.

### **Amendment to Rule Relating to Parking Violations**

Section 1. Paragraph (2) of subdivision (b) of section 39-11 of Title 19 of the Rules of the City of New York is amended to read as follows:

(2) A lessor may register a vehicle with the Bureau by filing with the Bureau the following information:

(i) Plate number

(ii) Plate type

(iii) State of registration. Where more than one party meets the definition of the term "Lessor" set forth in § 39-01 of this chapter, then each such party is required to co-register. Such co-registrants may designate one of them for the service of notices given by the Bureau or elect to receive each notice separately[.]

(iv) Lessor's legal name and the address at which it does business

(v) A statement from the lessor indicating whether and how it will inform the lessee of the lessee incurring a parking violation once the lessor is notified by the Department of the issuance of the parking violation. Such statement should indicate whether the lessor plans to collect parking violation amounts from the lessee

(vi) Such bank and credit information of the lessor as required by the Bureau.

**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 Rules Governing Parking Violations Bureau Car Rental Program

**REFERENCE NUMBER:** 2017 RG 013

**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: February 13, 2017

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

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

**RULE TITLE: Amendment of Rules Governing Parking Violations Bureau Car Rental Program**

**REFERENCE NUMBER: DOF-28**

**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) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

February 13, 2017  
Date