

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 an amendment to the Department’s rules concerning fines for parking violations to conform to proposed rule amendments promulgated by the New York City Department of Transportation (“DOT”) to update parking rule provisions to reflect current parking signage.

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 April 2, 2018. The hearing will be in the Department hearing room at 345 Adams Street, 3rd 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.
- **Mail.** You can mail written comments to NYC Department of Finance, Legal Affairs Division, 345 Adams Street, 3rd Floor, Brooklyn, NY 11201, Attn: Jeremy Loewenberger.
- **Fax.** You can fax written comments to NYC Department of Finance, Attn: Jeremy Loewenberger at (718) 488-2446.
- **By speaking at the 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 April 2, 2018. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is April 2, 2018.

What if I need assistance to participate in the hearing? The hearing will be held at 345 Adams Street, 3rd Floor, Brooklyn, NY 11201. The back 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; by telephone, by calling (718) 488-2007 or by email at bestj@finance.nyc.gov to make your accommodation requests. Please provide at least 72 hours’ notice prior to the hearing to ensure availability. In order to accommodate persons with severe allergies, environmental illness, multiple chemical

sensitivity or related disabilities, attendees at public hearings 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, 3rd Floor, Brooklyn, NY 11201.

What authorizes Department of Finance to make 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 make this proposed rule. This proposed rule was not included in the Department’s regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

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

Section 19-203(b) of the Administrative Code of the City of New York allows the Department to provide for penalties, other than imprisonment, for parking violations. The Department’s rule in 19 RCNY § 39-05 (“Rule 39-05”) codifies all fines pertaining to parking violations in violation of 34 RCNY § 4-08. The Department adjudicates and then collects and processes these fines, remitting the fines to the Commissioner. The Department cannot collect and process a fine without that fine being specified in Rule 39-05.

This proposed rule is being amended to conform to the proposed rule amendments to 34 RCNY § 4-08 that are in the process of being enacted by DOT. The proposed rule amendments to 34 RCNY § 4-08 are being enacted by DOT to update parking provisions to reflect current parking signage and terminology.

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 is 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

1. Section 39-05 of Chapter 39 of Title 19 of the Rules of the City of New York is amended to read as follows:

§ 39-05 Amount of Fines.

Scheduled fines. The following schedule of fines shall apply to violations listed below:

Violation	
(a) Stopping, standing or parking where stopping is prohibited, unless otherwise specifically enumerated in this schedule	\$100.00
(b) Standing or parking where standing is prohibited, unless specifically enumerated in this schedule	\$100.00
(c) Parking where parking is prohibited, unless otherwise specifically enumerated in this schedule	\$30.00
(d) Stopping, standing or parking in violation of 34 RCNY 4-08(e)(6)	\$80.00
(e) Stopping, standing or parking in violation of 34 RCNY 4-08(e)(11)	\$50.00
(f) Standing or parking in violation of 34 RCNY 4-08(b)(4), [(c)(1)], (c)(8), (f)(2), (3), (5), or (k)(2)	\$80.00
(g) Standing or parking in violation of 34 RCNY 4-08(j)	\$50.00
(h) Standing or parking of unaltered vehicle with commercial plates in violation of 34 RCNY 4-08(k)(1)	\$100.00
(i) Standing or parking of vehicle with commercial plates without the name and address of the owner properly marked on the vehicle in violation of 34 RCNY 4-08(k)(1)	\$100.00
(j) Parking in violation of 34 RCNY 4-08(n)(8)	\$50.00
(k) All parking meter violations	\$20.00
(l) All [handicapped parking violations] <u>parking violations concerning parking permits for people with disabilities</u>	\$150.00
(m) Parking a commercial vehicle in violation of 34 RCNY 4-08(k)(5) or (6), unless otherwise specifically enumerated in this schedule	\$50.00
(n) Parking a commercial vehicle that is a tractor-trailer combination, tractor, truck trailer or semi-trailer in violation of 34 RCNY 4-08(k)(6)	

First offense	\$250.00
Any subsequent offense within a six month period	\$500.00
(o) Parking in violation of officially posted street cleaning rules, unless such rules have been suspended by the Commissioner of Transportation or his or her designee	\$30.00
(p) Parking where parking is prohibited by officially posted rule other than street cleaning rules	\$45.00
(q) Obstructing traffic at an intersection in violation of 34 RCNY § 4-08(e)(12)	\$100.00
(r) Idling an engine in violation of 34 RCNY 4-08(p)	\$100.00
(s) Unauthorized passenger pickup or discharge in violation of 34 RCNY § 4-10(c)(1)	\$500.00
(t) Failure of an intercity bus to prominently display a copy of an intercity bus permit in violation of 34 RCNY § 4-10(d)(7)(ii)	\$500.00
(u) Failure of an intercity bus to properly display the operator's name, address and telephone number in violation of 34 RCNY § 4-10(d)(7)(iii)	\$500.00
(v) Stopping or standing by an intercity bus in its assigned on-street bus stop location except when actively engaged in the pick-up or discharge of passengers in violation of 34 RCNY § 4-10(d)(7)(v)	\$500.00
(w) Altering an intercity bus permit in violation of 34 RCNY § 4-10(d)(7)(vi)	\$500.00

**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 to Rule Relating to Parking Violations

REFERENCE NUMBER: 2017 RG 104

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 9, 2018

**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 to Rule Relating to Parking Violations

REFERENCE NUMBER: DOF-34

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 a cure period is not practicable under the circumstances.

/s/ Francisco X. Navarro

Mayor's Office of Operations

February 9, 2018

Date