

Int. No. 637

By Council Members Yassky, Weprin and Felder

A Local Law to amend the administrative code of the city of New York, in relation to creating a fleet and stipulated fines program within the department of finance.

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-213 to read as follows:

§19-213 Fleet program. a. For the purposes of this chapter, the term "commercial organization," shall mean any owner or lessee of at least one vehicle that is used exclusively for the delivery of goods or services.

b. The commissioner shall create a fleet program to facilitate the adjudication of parking violations. Commercial organizations shall be required to enroll their vehicles with the department in order to participate in such fleet program. The department shall periodically provide such commercial organizations with a log of violations issued to such commercial organization's enrolled vehicles. The participating commercial organization must notify the department in writing within fourteen days of receiving the log of all summonses on such log for which it is entering a plea of not guilty. The participating commercial organization must pay the fine for each summons that it does not contest within forty-five days of the receiving the log. The department shall schedule a hearing for the violation(s) for which the participating commercial organization is pleading not guilty pursuant to section 19-206 of this chapter.

c. Commercial organizations must meet the following conditions in order to participate in the fleet program:

1. Except as provided in paragraph 2 of this subdivision, the license plates of each enrolled vehicle must be registered with the department of motor vehicles under the participating commercial organization's name and address upon enrollment in the fleet program and at all times during enrollment.

2. The participating commercial organization's enrolled vehicles may include leased vehicles.

provided however, that if the license plates of any such vehicle are registered with the department of motor vehicles by an entity other than the participating commercial organization, the lease agreement must be in the name of the participating commercial organization, its subsidiary or parent company, and the entity that registered the leased vehicle's license plates must designate in writing the participating commercial organization as its agent to receive notices from the department.

3. The participating commercial organization shall provide copies of vehicle registrations, lease agreements, designations and any other information requested by the department to verify its eligibility to participate in the fleet program.

4. The participating commercial organization is liable for the payment of fines in connection with any summonses issued to the vehicles it has enrolled in the fleet program.

d. There shall be no fee to participate in this fleet program.

§2. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-214 to read as follows

§19-214. Stipulated fines program. a. The department shall create a stipulated fines program for commercial organizations enrolled in the fleet program established pursuant to section 19-213 of this chapter. Under such stipulated fines program, the participating commercial organization shall pay a fixed percentage of normal fines for parking violations based upon the historical record of actual hearings involving tickets issued to other commercial vehicles in similar circumstances, as determined by rules promulgated by the commissioner.

b. To participate in the stipulated fines program, the participating commercial organization shall enter into a written agreement with the department, in such form and manner as determined by the department, waiving such commercial organization's right to contest notices of violation issued against the commercial organization's vehicles enrolled in the program during a stated period of time and agreeing to pay the stipulated fines for all such violations. Such agreement shall also provide that if the participating commercial organization fails to pay the stipulated fines for violations due in accordance with such agreement, the agreement will become null and void and the notice(s) of violations issued against the participating commercial organization's vehicles enrolled in the program shall be adjudicated as if such agreement had not been in effect.

c. There shall be no fee to participate in this stipulated fines program.

§3. If any clause, sentence, paragraph or section of this law shall be adjudged by any court of co:

§4. This local law shall take effect ninety days after its enactment. Actions necessary to prepare for the implementation of this local law may be taken prior to its effective date.

PH
LS # 3430
10.12.07 - 3pm



FINANCE
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THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

February 28, 2008

Lindsey Lusher
Director, New York Street Renaissance Campaign
Transportation Alternatives
127 West 26th Street – Suite 1002
New York, N.Y. 10001

Dear Ms. Lusher:

This is in reply to your December 20, 2007 Freedom of Information Law request.

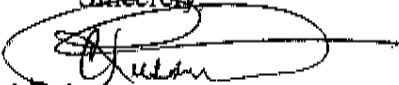
I have attached records responsive to your request for the criteria for eligibility in both the Commercial Abatement Program and the Delivery Solutions Program, including enrollment forms which are available on the Department of Finance website. I have also attached the fine schedule for participants in each program. The schedule shows the regular fines and the stipulated fine amounts individually for both programs as the amounts are different. If you have any questions interpreting the data please do not hesitate to call. You also asked for information pertaining to amenable, partly amenable and non-amenable violations. You can extrapolate these amounts by looking at the fine schedules and reduced amounts. Amenable violations are reduced to zero, partly amenable violations are partly reduced, and non-amenable violations are reduced by a very small percentage to account for summonses dismissed because they were not correctly completed.

You also asked for the total number of participants in the programs there are currently 339 entities enrolled in the Commercial Abatement Program and 517 entities enrolled in the Stipulated Fine Program. The Department of Finance does not run reports listing the total number of participants and the specific fines they are assessed nor the number and type of violation participants submit for evaluation. As such, I regret that we are unable to provide you with the documents or information responsive to this portion of your request.

The fee for processing your request is \$2.00 (\$.25cents per page; 8 pages) Kindly remit check or money order payable to the "NYC Department of Finance" and return it to me at the following address:

Jacqueline Gold, Record Access Officer
New York City Department of Finance
Office of Legal Affairs
345 Adams Street – 3rd Fl.
Brooklyn, N.Y. 11201

Sincerely

A handwritten signature in black ink, appearing to read 'Jacqueline Gold', is written over a horizontal line. The signature is enclosed within a hand-drawn oval.

401
Jacqueline Gold
Records Access Officer

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col J

STIP-FINE			
A	B		
105	105		
105	105		
35	35		
105	105		
105	105		
40	40		
0	0		
87	87		
105	105		
105	105		
0	0		
0	0		
0	0		
0	0		
0	0		
105	105		
105	105		
164	164		
87	87		
20	28		
20	28		
0	0		
0	0		
0	0		
0	0		
33	60		
42	60		
0	0		
20	28		
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105	105		
0	0		
33	60		
33	60		
33	60		
40	40		
0	0		
105	105		
105	105		
87	87		
105	105		
105	105		
105	105		
105	105		
24	38		
105	105		
105	105		
0	0		
42	60		
0	0		
42	60		
42	60		
0	0		

63	NIGHTTIME STD/ PKG IN A PARK	95	95	83	83
64	NO STANDING EXCP D/S	95	95	83	83
65	OVERTIME STDG D/S	95	95	83	83
66	DETACHED TRAILER	45	65	41	58
67	PEDESTRIAN RAMP	165	165	143	143
68	NON-COMPLIANCE W/ POSTED SIGN	60	65	38	40
69	FAIL TO DISP. MUNI METER RECPT	35	65	25	40
70	REG. STICKER-EXPIRED/MISSING	65	65	40	40
71	INSP. STICKER-EXPIRED/MISSING	65	65	40	40
72	INSP STICKER-MUTILATED/C'FEIT	65	65	40	40
73	REG STICKER-MUTILATED/C'FEIT	65	65	40	40
74	FRONT OR BACK PLATE MISSING	65	65	40	40
75	NO MATCH-PLATE/STICKER	65	65	58	58
76	VIN OBSCURED	65	65	0	0
77	PARKED BUS-EXC. DESIG. AREA	45	65	41	58
78	NGHT PKG ON RESID STR-COMM VEH	65	65	40	40
79	UNAUTHORIZED BUS LAYOVER	115	115	100	100
80	MISSING EQUIPMENT	45	60	41	53
81	NO STANDING EXCP DP	95	95	83	83
82	COMML PLATES-UNALTERED VEHICLE	115	115	100	100
83	IMPROPER REGISTRATION	65	65	58	58
84	PLTFRM LFTS LWRD POS COMM VEH	45	65	41	58
85	STORAGE-3HR COMMERCIAL	65	65	58	58
86	MIDTOWN PKG OR STD-3HR LIMIT	115	115	100	100
87		25	50	0	0
89	NO STD(EXC TRKS/GMTDST NO-TRK)	115	115	0	0
90	VEH-SALE/WSHNG/RPRNG/DRIVEWAY	25	40	24	36
91	VEHICLE FOR SALE (DEALERS ONLY)	45	65	41	58
92	WASH/REPAIR VEHCL-REPAIR ONLY	45	65	41	58
93	REMOVE/REPLACE FLAT TIRE	65	65	58	58
94		200	200	0	0
95		25	50	0	0
96	RAILROAD CROSSING	95	95	83	83
97	VACANT LOT	45	65	41	58
98	OBSTRUCTING DRIVEWAY	95	95	83	83
99	OTHER	105	105	60	60

	87	87		
	87	87		
	87	87		
	42	60		
	150	150		
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	28	28		
	60	60		
	0	0		
	23	28		
	28	28		
	40	40		
	23	26		
	87	87		
	40	40		
	60	60		
	23	28		
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	0	0		
	24	38		
	42	60		
	42	60		
	42	60		
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	0	0		
	87	87		
	42	60		
	35	35		
	36	38		