1. In the Matter of Ryder Truck Rental, Inc., et al., Appellants, v. Parking Violations Bureau of the Transportation Administration of the City of New York, Respondent.

Why is this case important?

- NY Court of Appeals ruled against the Parking Violation Bureau finding that the NY Legislature intended 5 identification elements in the statute to be mandatory, not directory
- The 5 required elements are expiration date, the plate designation, the plate type, the make or model, and the body type of the vehicle

Link to case...http://www.leagle.com/decision/198472962NY2d667_1648

Link to Blog Post...http://newyorkparkingticket.com/how-tomake-the-body-type-required-element-work-for-you/

2. Matter of Wheels, Inc. v. Parking Violations Bureau of the Dep't of Transp. of the City of New York

Why is this case important?

- In Matter of Ryder Truck, the NY Court of Appeals declared that five identification elements, including plate type, on a parking ticket were mandatory, and the omission of one element required dismissal
(*Matter of Ryder Truck Rental v Parking Violations Bur.,* 62 *N.Y.2d* 667).

- The Court in this case amplified that decision and held that a misdescription of any of the five mandatory identification elements also mandates dismissal.

Link to Case...http://www.leagle.com/decision/1992295185AD2d110_1266

3. Young v. City of NY Dept. of Finance Parking Violations Adjudications

Why is this case important?

• VTL sec. 240(b) and 19 RCNY sec. 39-08(e) provide that the Evil Empire must establish a parking violation upon proof by substantial evidence

• VTL sec. 238(1) and 19 RCNY sec. 39-08(f)(4) establish a parking ticket acts as prima facie evidence of the facts contained therein

• A parking ticket does not create a presumption of guilt but merely shifts the burden of proof to the alleged violator

• If the member of the driving public submits testimony refuting the charges that is "not patently incredible," then the parking ticket must be dismissed absent the submission of additional evidence by the respondent to meet its ultimate burden.

Link to case...http://newyorkparkingticket.com/wp-content/uploads/2009/03/NYPT-NY-Supreme-Court__Parking-ticketcase.pdf

Link to blog post...http://newyorkparkingticket.com/nysupreme-court-backs-citizen-against-the-parking-violationbureau/

4. Crichlow v. NYC Dept. of Fin. Adjudication Div.

Why is this case important?

• "This court finds that although the description of the body of the vehicle as a sedan was correct, it is not disputed that the vehicle was a two- door sedan and not a four-door sedan.

• Thus, the summons which described the body type as '4DSD' contained a misdescription of the vehicle.

• In respondent's memorandum of law they concede that the two-door vehicle was misdescribed, however, respondent contends that "the identification of the two-door sedan as a four-door sedan on a parking ticket is not a fatal mistake, because it does not reach the level of misdescription of the body type as required by VTL §238."

• The Court of Appeals clearly stated in Matter of Wheels, Inc., v Parking Violations Bureau, 80 NY2d 1014 [1992] that a misdescription of any of the five mandatory identification elements mandates dismissal.

• Contrary to the respondent's contention, the Court of Appeals ruling in Matter of Wheels, Inc, supra., does not provide for levels of misdescription and it does not provide for an exception for small errors.

• Because the body type of the car was clearly misdescribed, the Adjudication Bureau was mandated to dismiss the summons pursuant to VTL§ 238(2-b)(a).

• The determination of the Appeals Board was based upon an error of law, therefore, the determination of the Board with respect to Violation No. 7324225871 must be annulled.

Link to Case...http://law.justia.com/cases/new-york/othercourts/ 2011/2011-50765.html

Link to blog post...http://newyorkparkingticket.com/how-tomake- the-body-type-required-element-work-for-you/

Matter of Nestle Waters N. Am., Inc. v City of New York

Why is this case important?

- The Court is bound by the plain language of VTL 238(2). Therefore, New York City Parking Violations Bureau's policy of deeming "IRP" an accurate description of out-of-state "APPORTIONED" license plates for purposes of adjudicating parking violations violates the statute.

- As indicated, VTL § 238(2) requires that a notice of parking violation shall include the 'plate type' as shown by the registration plates of said 'vehicle' (emphasis added). It is undisputed that each ticket here described the "vehicle type" as "IRP," while the corresponding license plate described the vehicle type as 'APPORTIONED."

- The choice of the words in the statute "as shown" by the vehicle plate is evidence that the legislature intended strict compliance with the statute, and "new language cannot be imported into a statute to give it a meaning not otherwise found therein" (McKinney's Cons Laws of NY, Book 1, [*5]Statutes § 94, at 190); see Matter of Raritan Dev. Corp. v Silva, 91 NY2d 98, 104-105 [1997], quoting § 94).

- The Court is cognizant that the terms 'IRP' and 'APPORTIONED' are used interchangeably by the New York City Parking Violations Bureau as a convenience. For instance, the automatic coding machines issued to New York City parking enforcement personnel contain the short cut key of 'IRP," whereas 'APP' or 'APPORTIONED' must be keyed in manually.

- Nevertheless, the statute simply does not allow for such administrative expedience, and neither this Court nor an administrative agency is permitted to effectively amend a statute to permit such shortcut. That is a task for the Legislature,if it sees fit.

Link to case...http://law.justia.com/cases/new-york/appellatedivision-first-department/2014/104096-12-12015.html

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court-reverses-nyc-parking-violations-bureau/

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