



PATROL GUIDE

Section: Summonses		Procedure No: 209-01	
CONDITIONS OF SERVICE			
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PURPOSE

To inform uniformed members of the service of various sections of law under which summonses/notices of violations may be served.

PROCEDURE

A uniformed member of the service is authorized to issue a summons/notice of violation instead of arresting the violator, when the violator is 16 years old or more (except when violator is unable to care for self due to illness, injury, intoxication, or any other circumstance which would preclude the issuance of a summons/notice of violation), for the following:

1. ANY MISDEMEANOR OR VIOLATION LISTED IN THE:

- ◆ Agriculture and Markets Law, concerning animals
- ◆ General Business Law
- ◆ Labor Law
- ◆ Multiple Dwelling Law
- ◆ Workers Compensation Law
- ◆ New York State Tax Law, Article 21, Section 289, (Highway Use Tax)
- ◆ Alcoholic Beverage Control Law (Sections 64B, 65, 100, 101, 101a, 101b, 103, 104, 104a, 105, 105a, 106, 108, 114, 116 and 117)
- ◆ Navigation Law (Sections 33, 40, 41, 43, 44, 45, 47, 70, 71, and 73)
- ◆ Vehicle And Traffic Law, except:
 - Section 600 Leaving Scene Of Personal Injury Collision
 - Section 380 Motor Vehicle Transporting Dangerous Articles
 - Section 392 False Statement, Alteration Of Records Or Substitution In Connection With Examination
 - Section 392a Sale Of False License, Certificate Of Registration Or Number Plate
 - Section 421 Sale Of Motor Vehicle Or Motorcycle With Changed Identification Number



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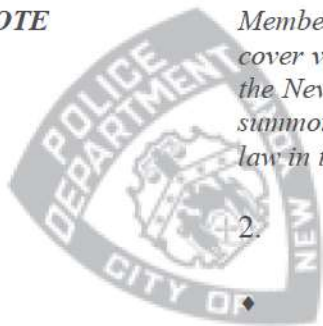
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**PROCEDURE
(continued)**

- Section 422 Wrongful Possession Of Motor Vehicle Or Motorcycle With Changed Identification Number
- Section 423 Peace Officer’s Duties Re: Stolen Motor Vehicles And Motorcycles With Changed Identification Number
- Section 426 False Statement, Sale or Transfer Of Stolen Motor Vehicle or Motorcycle
- Section 1192 Operating Motor Vehicle Or Motorcycle While In Intoxicated Condition Or Ability Is Impaired By Use Of Drugs Or Alcohol.
- ◆ New York City Charter
- ◆ New York City Administrative Code (except Section D46-18.0 Cigarette Tax)
- ◆ New York City Health Code
- ◆ New York City Traffic Regulations (except Section 148)
- ◆ New York Code Of Regulations - Part 1050
- ◆ For any misdemeanor or violation listed in any provisions of any code, rule, regulation or order enacted by any bureau, authority, agency or commissions affecting facilities located in the City of New York.

NOTE

Members of the service shall NOT ordinarily issue summonses for local license plate cover violations (Section 402 of the New York State Vehicle and Traffic Law/Code 74 of the New York City Traffic Rules) to vehicles bearing out-of-state license plates. Such a summons should be issued only if the member of the service is aware that the controlling law in the motorist’s home state also prohibits license plate covers.



2. ALL PENAL LAW VIOLATIONS, EXCEPT:

- ◆ Section 100 Criminal Solicitation
- ◆ Section 215.58 Failure To Respond To Appearance Ticket
- ◆ Section 240.40 Appearance In Public Under The Influence Of Narcotics Or A Drug Other Than Alcohol

NOTE

Individuals 16 years of age may receive Criminal Court summonses for all violations, subject to applicable Department policy, and only for misdemeanors outlined in the New York State Vehicle & Traffic Law (VTL), if otherwise eligible.