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TO: FILE
COPY: Village Manger's Office
FROM: Joshua Subin & Emily DiGiacomo, Esq.
DATE: January 30, 2026
RE: Enforceability of Parking Tickets

INTRODUCTION

This memorandum will address the enforceability of parking tickets over two years old, how to process parking tickets to convert them into default judgements, and the interactions with N.Y. Scofflaw.

ISSUES PRESENTED

- I. What is the enforceability of parking tickets over two years old?
- II. What is the best process for processing tickets and converting them into default judgements?
- III. How does Scofflaw interact with this process?

CONCLUSION

- I. If an individual answers a parking ticket and agrees to pay a fine, the determination of the hearing examiner will be good for eight years. Parking tickets with no response or final determination of a hearing examiner are enforceable for eight years, as long as default judgement is properly entered into within the first two years. The clock to enter default judgment starts to run when the expiration of the time to enter a plea or contest an allegation is hit and lasts for two years. During that two-year period, default judgement can be pursued. No default judgement can be pursued after the two-year period. If default judgment is properly entered into during the two-year period, it will be valid and enforceable for eight years.
- II. The best procedure for processing a ticket and converting it into a default judgement is to follow the requirements set in N.Y. Vehicle and Traffic Law § 241. After the

- expiration of the time to enter a plea or contest an allegation, a municipality can begin pursuing default judgment. First, notice must be sent to the offender. This notice, sent by first class mail, must include what is being charged, that default judgement is impending, that said judgement will be entered against them in the specified civil court, and that default can be avoided by responding within thirty days. After the thirty-day time period to respond is up, default judgment can be entered against the offender.
- III. The default judgement and scofflaw processes do not have much interaction besides providing a means of enforcement. Under scofflaw, if a person failed to appear on the return date or comply with a final decision three or more times within an eighteen-month period, the person's registration or renewal application will be denied. A person can be a scofflaw for having said three unanswered summons/decisions, while simultaneously having three default judgements against them for the same unanswered summons/decisions. Scofflaw is an alternate means of enforcement for unanswered summons/decisions, so long as there are multiple unanswered papers within an eighteen-month period.

ANALYSIS

I. Enforceability of Tickets over Two Years

If an offender entered a plea or contested an allegation of liability, a hearing examiner will make a final determination.¹ This judgement is good for up to eight years.² Parking tickets with no response or determination from a hearing examiner are enforceable for up to two years. Within that time, default judgement must be entered. Default judgement must be entered within two years of the expiration of time to enter a plea or contest an allegation, or it cannot be pursued. "In no case shall a default judgment be rendered or, where required, a notice of impending default judgment be sent, more than two years after the expiration of the time prescribed for entering a plea or contesting an allegation."³ If the default is not entered within two years that two year period, then the municipality loses the right to pursue default. As long as default is entered into within the two-year period as statutorily required, then the default will be good for eight years. "A judgment entered pursuant to the provisions of this section shall remain in full force and effect for eight years notwithstanding any other provision of law."⁴

II. Best Process for Processing and Converting Tickets to Default Judgement

Municipalities can enter default judgements when owners fail to enter a plea, contest an allegation, appear for hearings, or comply with determinations. N.Y. Vehicle and Traffic Law §

¹ N.Y. Veh. & Traf. § 241 (1).

² N.Y. Veh. & Traf. § 241 (3).

³ N.Y. Veh. & Traf. § 241 (2).

⁴ N.Y. Veh. & Traf. § 241 (3).

241 (2) states the best procedures for processing default judgements. After the time to respond has expired but before being able to enter default judgement, a municipality must provide the offender with notice by first class mail.⁵ This notice is to include:

- (1) of the violation charged, or liability alleged in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof;
- (2) of the impending default judgment;
- (3) that such judgment will be entered in the Civil Court of the city in which the bureau has been established, or other court of civil jurisdiction or any other place provided for the entry of civil judgments within the state of New York; and
- (4) that a default may be avoided by entering a plea or contesting an allegation of liability in accordance with any provisions of law specifically authorizing the imposition of monetary liability on the owner of a vehicle for failure of an operator thereof.

Village Justice Court is the entity that processes and prosecutes parking tickets. Under N.Y. Veh. & Traf. § 241(2)(3), Village Justice Court would be the appropriate civil jurisdiction to enter default judgement.⁶ Once the time to respond to a ticket has passed, the Village Justice Court should take the local judgement and issue a transcript of the judgement. This transcript of judgement must be certified and verified. Then, the Village Court must send a transcript of this judgement to the Supreme Court of Westchester County. It costs \$10 to file the transcript of judgement with the County Clerk. Once the transcript of judgement is sent to the County, it is on record for the County to have a record of. If the caption on the judgement says “The People of the State of New York”, the Village will have to recoup the judgement from the County once it is paid. If the caption on the judgement states “The Village of Croton on Hudson”, the judgement will be paid directly to the Village and will not need to be recouped.⁷

The offender has thirty days from the issuance of the notice to appear, or default judgement will be approved against the offender.⁸ Notice of impending default judgement is not required for offenders who are non-residents of New York, so long as notice in accordance with the above is properly sent.⁹ After the notice for default judgement is sent and thirty days passes, default judgement can be entered. It is very important for this entire process to occur within two years of the expiration of the time to respond, or else default judgement cannot be pursued. As long as the process does occur within two years of the expiration of the time to respond, the default judgement will be valid for eight years.

III. Scofflaw Interactions

⁵ N.Y. Veh. & Traf. § 241 (2).

⁶ N.Y. Veh. & Traf. § 241 (2).

⁷ Based upon communications with Westchester County Clerk’s Office.

⁸ N.Y. Veh. & Traf. § 241 (2).

⁹ N.Y. Veh. & Traf. § 241 (2).

The Village of Croton on Hudson is a scofflaw jurisdiction.¹⁰ A scofflaw is a person who fails to respond to a court summons or otherwise respond to a traffic ticket.¹¹ Scofflaws could have their license suspended and have to pay a fee for not answering their tickets. Under N.Y. Veh. & Traf. § 401 (5-a), if a person failed to appear on the return date or comply with a final decision three or more times within an eighteen-month period, the person's registration or renewal application will be denied.¹² Said registration or renewal application will be denied until proof from the court or tribunal where the charges are pending an appearance or answer has been made, or proof from the court or tribunal that the applicant has complied with the final decision.¹³ The denial is only effective as long as the summons remains unanswered or the final decision is not complied with.¹⁴ Now, Scofflaw reports can be transmitted electronically, which has sped up the process.¹⁵

The processes regarding default judgement and scofflaw vary based on the municipality. For example, the City of Buffalo has combined the process. The Buffalo Traffic Violations Agency FAQ page defines the two together. "A Scofflaw/Default Judgement is filed against a defendant-motorist when he/she fails to timely answer a ticket. Maximum fines and surcharges allowed by law are assessed."¹⁶ However, there is no connection between the two in New York Vehicle and Traffic Law. The Scofflaw three unanswered summons/decision rule under N.Y. Veh. & Traf. § 401 (5-a) applies regardless of whether default judgement was properly entered under N.Y. Veh. and Traf. Law § 241 (2).¹⁷ Both can be pursued conjunctively. Scofflaw provides an alternative process to pursuing default judgement; if it is too late to enter default judgement, enforcement can still be pursued against a scofflaw if they have three or more unanswered summons/final decisions.

¹⁰ <https://dmv.ny.gov/tickets/parking-scofflaw-jurisdictions>

¹¹ <https://www.benjamingoldmanlawoffice.com/blog/traffic-ticket-scofflaws.html>

¹² N.Y. Veh. & Traf. § 401 (5-a).

¹³ N.Y. Veh. & Traf. § 401 (5-a).

¹⁴ N.Y. Veh. & Traf. § 401 (5-a).

¹⁵ 15 NYCRR § 91.22.

¹⁶ <https://www.buffalony.gov/m/faq?cat=26#question-194>

¹⁷ N.Y. Veh. & Traf. § 401 (5-a); N.Y. Veh. & Traf. § 241 (2)