



STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

BARBARA J. FIALA
Commissioner

NEAL W. SCHOEN
Deputy Commissioner and Counsel

IDA L. TRASCHEN
First Assistant Counsel
Legal Bureau

August 20, 2014

Mr. Steve Vaccaro, Esq.
Vaccaro & White
The Transportation Building
225 Broadway, 13th Floor
New York, New York 10007

RE: Bicycle violations

Dear Mr. Vaccaro:

Deputy Commissioner and Counsel Neal Schoen has forwarded your letter of August 13, 2014, regarding bicycle-related violations, to me for consideration and reply.

You are correct that, pursuant to 15 NYCRR Part 131.3(b)(7), there are no points assigned for violations committed by bicyclists. In addition, Vehicle and Traffic Law §1809(1)(c) exempts bicycle violations from the mandatory surcharge. Therefore, we have revised your clients' records accordingly and are processing refunds, which will be mailed directly to Andreas Cohrsen and Robert Rakowitz. We will also remind our clerical staff of the need to be conscious of summonses with "bicycle" designated thereon so that the correct entry is made.

Thank you for bringing this matter to our attention and I apologize for any inconvenience to your clients.

Sincerely,

Ida L. Traschen
First Assistant Counsel

ILT/dmv