



**STATE OF NEW YORK  
DEPARTMENT OF MOTOR VEHICLES  
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**BARBARA J. FIALA  
COMMISSIONER**

**ANDREW M. CUOMO  
GOVERNOR**

September 15, 2014

Honorable Brad Hoylman  
New York State Senate  
322 Eighth Avenue, Suite 1700  
New York, NY 10001

Dear Senator Hoylman:

Thank you for giving me the opportunity to respond to your letter of September 2, 2014, regarding tickets issued to bicyclists and returnable to the Traffic Violations Bureaus ("TVB's").

On or about August 13, 2014, we became aware that some bicyclists had incorrectly been assigned points and/or had surcharges incorrectly imposed for certain bicycle related violations of the Vehicle and Traffic Law. As your letter correctly indicates, such violations should not result in the assessments of points or the imposition of mandatory surcharges.

As a result, we reviewed TVB convictions on our records for the last 25 years in an attempt to identify the bicycle tickets on our records that contained erroneous point assessments and/or mandatory surcharges. After completing that review, we issued 84 refunds and removed points from 222 records. In addition, we found 570 pending tickets that would have resulted in improper surcharges/point assessments had the motorist plead to or been found guilty of the offense.

Our review of those tickets did not discover any systemic issues in either the "plead and pay" application or the TVB database in general, or, as your letter suggests, any "practice" of "unlawfully" charging surcharges and/or levying points. Instead, it appears that the errors are caused by improper data entry. This can be caused by carelessness of the data entry operator in recognizing that the ticket was issued to a bicyclist and/or the failure of the police to clearly or uniformly report the facts. In fact, over 50,000 bicycle tickets have been recorded into our system over the past 5 calendar years. As you can see, the percentage of data entry errors, while regrettable, is relatively small.

In addition to the correction of errors and issuance of refunds, our investigation of the issue has revealed some opportunity for improvement in the manner in which bicycle tickets are completed and recorded.

First, and most importantly, we will soon be issuing a memo to all law enforcement agencies covering the proper and uniform way to write tickets to bicyclists so that TVB staff can easily and quickly identify such tickets and distinguish them from those issued to vehicle operators. We have also changed our internal procedures to identify and segregate such tickets earlier in the process.

We will also be adding language to the next and subsequent print run(s) of tickets to alert bicyclists that bicycle violations are not subject to a mandatory surcharge.

Finally, we will include a statement on our plead and pay website to clarify that bicycle violations are not surchargeable, nor do they result in the assessment of points on a driver's record.

In the meantime, if any other errors are brought to our attention, we will expeditiously correct records and issue refunds as appropriate.

I can assure you that we take this matter very seriously. We have corrected all of the errors we have been able to identify, and have taken a number of steps to proactively minimize the likelihood of any such errors in the future, and we will continue to monitor the situation to assess whether our efforts have been successful.

Please feel free to contact me if you have any additional questions.

Sincerely,

A handwritten signature in blue ink that reads "Barbara J. Fiala". The signature is written in a cursive style with a large initial 'B'.

Barbara J. Fiala

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