

# Moving 'violation'

## Drivers nailed for law no longer on books

By AL GUART

Some city drivers may have been charged and convicted under a state traffic law that was voided in the five boroughs four years ago, The Post has learned.

Tickets issued by city traffic cops regularly cite a violation of the state Vehicle and Traffic Law section 1180 (a). But that statute was wiped out for offenses within the city limits in an amendment to the law made on Dec. 23, 1998.

The statute, which still applies in other parts of the state, cites drivers who move at a "speed not reasonable or prudent" and allows for fines that range from \$40 to \$150.

One city driver hit with a 1180 (a) citation was Patrice Paul, 35, a Brooklyn auto mechanic, who was pulled over near JFK Airport last May 23. He was given a ticket because cops said he had exceeded the 35 mph speed limit.

Paul, a Guyanese national, has appeared four times in a DMV hearing room in Queens to contest the validity of the ticket.

"If the law is not valid, you cannot charge someone with it," Paul added. "They should get their act together."

Paul hired lawyer Susan Chana Lask, who argued in traffic court last Oct. 21 that the summons be dis-

missed since the law was void in the city.

But a state traffic judge balked, and the case was adjourned.

State Department of Motor Vehicles judges argued they can and do convict city drivers under law 1180 (a) because it mirrors a city traffic regulation.

The city rule, NYCRR 4-06 (a), sets the speed limit at 30 miles per hour and requires drivers move at a "reasonable or prudent" speed in order to avoid accidents.

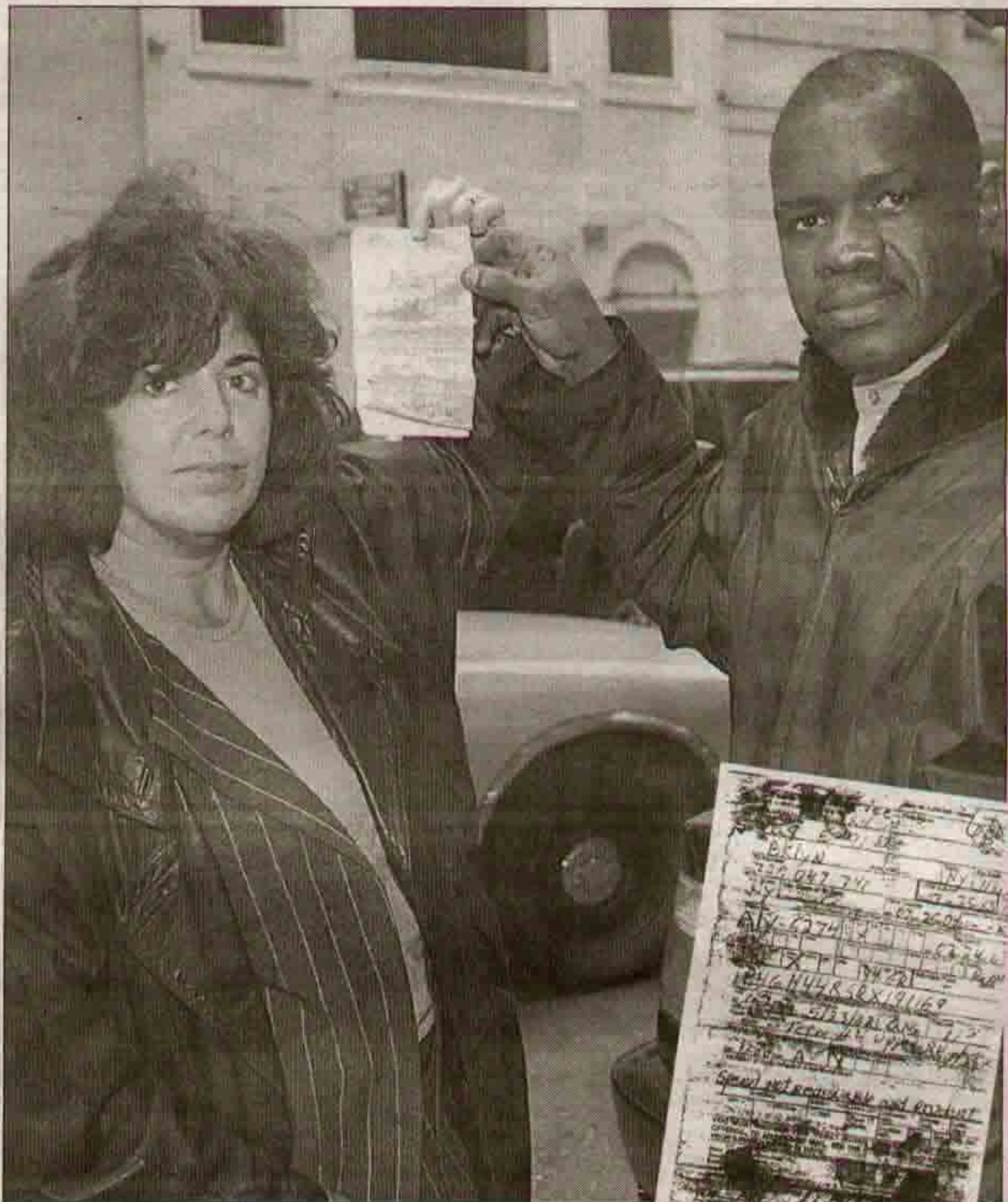
"It doesn't make a difference which section the ticket's written under," said supervising judge Leon Schulgasser. "The net result is the same, and our (DMV) appeals board has upheld that."

Lask plans to file a class-action suit this week on behalf of drivers who paid fines or had their licenses revoked or suspended based on 1180 (a) convictions.

"People are being convicted under a law that was repealed here four years ago, and the state is collecting money," Lask said.

At stake are millions in fines that the city and state have collected over the years.

Records show 14,817 drivers across the state were ticketed on a 1180 (a) violation last year, although the figures do not indicate how many of those fined were



**OUT OF CITE:** Lawyer Susan Chana Lask says client Patrice Paul's ticket (right) is voided because his "violation" doesn't apply in the city. Michael Sofronski

stopped within New York City limits.

Former police Officer Sergio Villaverde, a lawyer who represents drivers, suspects the confu-

sion of law 1180 (a) is partly because some city traffic cops refer to outdated "summons cards" that still contain the repealed statute.

"The NYPD needs to update the summons cards," Villaverde said.

The NYPD declined comment.