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By ALISON GENDAR

DAILY NEWS STAFF WRITER

Wanna fight that \$115 parking ticket? Go for it - the odds are on your side.

Drivers who contest their parking summonses get them tossed nearly four out of 10 times, according to city Department of Finance records obtained by the Daily News.

And if partial victories are counted, such as getting fines reduced or penalties axed, drivers who try catch a break two-thirds of the time.

"It was worth the fight," said Gerald Batista, 27, a city employee who waited two hours at the John St. parking violations office in Manhattan to make a case against a \$65 ticket at a busted meter.

"The hearing officer checked his computer, saw that the meter had been out of service for several days, saw I was telling the truth, and dismissed it," he said.

Traffic agents wrote 8.9 million tickets on cars and other vehicles between March 2003 and last month. The vast majority of them - up to 86% - were paid without a peep.

But for those willing to show up and wait, or contest the ticket by mail or online, the effort was worthwhile: Hearing officers ditched about 39% of challenged tickets each month; reduced penalties and interest on some 18.5% more, and cut base fines for roughly another 8%.

The odds of winning improved in June 2002 when the Finance Department changed its rules and ordered hearing officers to scratch all defective tickets outright.

Before, drivers were on their own to figure out whether the summons had a flaw that would merit it being discarded. An extra 75,000 to 100,000



Dabin for NEWS

Brooklyn locksmith Dave Cohen has good reason to smile. He saved more than \$100 by successfully fighting a handful of parking tickets.

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tickets have been tossed since the policy shift.

"I didn't even have to say anything and it was dismissed," said Fei Shi, 23, a restaurant cashier from Manhattan.

She battled a \$115 ticket for parking too close to a fire hydrant on Canal St. The hearing officer ruled the ticket was missing information, and kicked it.

"If you show up, you stand a chance," Shi said.

Mary Williams, 65, showed up with a letter from her senior center saying she needed to park in front so she could take physical therapy at the center's pool. The explanation didn't matter because the hearing officer found the ticket lacked some key facts and bounced it.

"To save \$115, it was worth waiting around," said Williams, a retired case worker with the Administration for Children's Services.

Dave Cohen, 41, waited three hours to challenge four parking summonses - one each for \$125 and \$115 and two for \$65 - and it was well worth the wait.

"He dismissed three, and I have to come back next week for the fourth," the locksmith from Midwood, Brooklyn, said. "I might pay rather than come back."

But the days of tickets tossed out for minor flaws may be coming to an end.

The city now is testing hand-held computers that print out clear and complete summonses. Officers should have them 18 months from now.

Until then, for those who don't want to put in the time battling defective tickets, companies like parkingticket.com will do the waiting - and the fighting - on the driver's behalf for a fee, usually half the money saved.

Glen Bolofsky of parkingticket.com said his company boasts a 70% dismissal rate because it knows more about parking summons flaws than the average Joe.

10 reasons tix get tossed

1. Does not state violation.
2. Illegible writing.
3. Wrong vehicle type, such as a sedan or van.
4. Vehicle actually was authorized to park at location.
5. Missing expiration date of registration.
6. Does not tell location of violation.
7. Summons issued after vehicle changed owners.

8. Missing plate type, like passenger or commercial.
9. Proof of circumstances beyond driver's control, such as the car broke down.
10. Wrong expiration date of registration.

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