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Title: A Local Law to amend the administrative code of the city of New York, in relation to limiting the parking of motor vehicles by dealers.

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Int. No. 489

By Council Members Dromm, Brewer, Cabrera, Gentile, James, Lander, Mealy, Nelson and Williams

A Local Law to amend the administrative code of the city of New York, in relation to limiting the parking of motor vehicles by dealers.

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is hereby amended to add a new section 19-170.1, to read as follows:

§ 19-170.1. Limitation on parking of motor vehicles by dealers. a. It shall be unlawful for any dealer, as defined in section four hundred fifteen of the vehicle and traffic law, to park, store or otherwise maintain a motor vehicle upon any street of the city for the purpose of: (i) displaying such motor vehicle for sale, or (ii) greasing or repairing such motor vehicle, except in the case of an emergency repair.

b. It shall be unlawful for any dealer, as defined in section four hundred fifteen of the vehicle and traffic law, to park, store, or otherwise maintain on any street a motor vehicle that is in the dealer's possession while

awaiting repair or subsequent return to the owner or lessee of such motor vehicle. Any dealer in possession of a motor vehicle awaiting repair or subsequent return to the owner or lessee of such motor vehicle shall, at all times, display a placard, clearly legible through the motor vehicle's forward windshield, indicating the name, address, license number and telephone contact information of such dealer.

c. Each violation of this section shall be punishable by a fine of not less than two hundred fifty dollars and not more than four hundred dollars. For purposes of this section, every day that any single motor vehicle is parked illegally shall be considered a separate violation.

d. If an owner or lessee of a motor vehicle receives a summons for a parking violation on the date and time such motor vehicle was in the possession of a dealer awaiting repair or subsequent return to such owner or lessee, it shall be an affirmative defense that such motor vehicle was in the possession of such dealer at the time of the violation alleged in the summons. If such defense is successful, the commissioner is authorized to issue a summons, violation, or to otherwise prosecute the dealer in possession of such motor vehicle on the date and time of the offense alleged in the original summons.

e. Any motor vehicle parked in violation of paragraph a of this section shall be subject to impoundment. Any motor vehicle impounded pursuant to this subdivision shall not be released until all applicable towing and storage fees have been paid. The commissioner may promulgate regulations concerning the procedure for the impoundment and release of motor vehicles pursuant to this subdivision.

f. If a motor vehicle is impounded or receives a summons while in the possession of a dealer who is not the owner or lessee of such motor vehicle, such owner or lessee shall have a private cause of action against any dealer who was in possession of the motor vehicle at the time of such impoundment or the issuance of such summons.

g. The penalties and fees provided for in this section shall be in addition to any other penalties, fees or remedies provided by law or regulation.

§2. This local law shall take effect immediately.

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