

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1987**

No. 28

By the Vice-Chairman (Council Member Vallone), Council Members Greitzer, Albanese, Eisland, Leffler, Spigner, Horwitz, Berman and Dear; (By request of the Mayor); also Council Members Messinger, Michels and Alter amended May 5, 1987. (Ordered, reprinted and laid over.)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the licensing and regulation of persons engaged in towing and the disposition of certain vehicles in the custody of the property clerk and to repeal section 10-145 and subdivision 1 of section 14-140 of such code relating to towing activities.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. The council finds that the licensing and regulation of the towing industry continues to serve the purpose of protecting the public from overreaching by certain members of the towing industry and from reckless conduct of certain such members which can threaten life and property. The council reaffirms the declaration made in local law number fifty-four for the year nineteen hundred sixty-five that the regulation of the towing of disabled vehicles is necessary to safeguard the public against fraudulent practices by tow truck operators.

The council finds that it has been a persistent and widespread practice of tow truck operators to monitor police radio transmissions to learn of accidents and then to race to accident sites with the intent of securing the towing and repair work. In so doing, speed limits and other traffic regulations are violated, often posing a substantial threat to life and property. The council finds that the most effective way to curb this practice is to authorize only such towing operators actually necessary to respond to an accident to do so. To this end, the provisions of this local law will empower the commissioner of consumer affairs to establish a program under which the police department will summon an authorized towing company to respond to the scene of an accident, where an owner or operator of a vehicle has not made arrangements for removal. The council finds further that in order to discourage tow truck operators from racing to accident sites, it is necessary to prohibit such operators from soliciting at the accident scene and from maintaining in the course of their business radios capable of receiving police signals or messages.

The council finds that the regulation of the towing industry is a more appropriate function for the department of consumer affairs than the police department. Moreover, the power vested in the department of consumer affairs to "padlock" unlicensed businesses and seize the devices used in the operation of those businesses has proven to be an effective deterrent to other unlicensed activities.

The council finds it appropriate at this time to strengthen existing towing laws and to create a more comprehensive regulatory scheme. The provisions of this local law will serve to regulate any towing performed in the city for consideration except where specifically exempted. The council finds that the provisions of this local law will afford greater protection to the public by requiring that, as a pre-requisite to licensing, towing companies furnish a surety bond to ensure payment of

finer in the event of noncompliance with towing laws and obtain adequate liability insurance, and by authorizing under appropriate circumstances the immediate suspension of a tow truck operator's license.

§2. Section four of local law number seventy-five for the year nineteen hundred eighty-five is amended to read as follows:

This local law shall take effect ninety days after its enactment into law and shall expire and be of no further effect two years after its effective date, except with respect to any rights, duties, liabilities, violations, penalties or other obligations arising or occurring thereunder during such period of effectiveness.

§3. Section 10-145 of the administrative code of the city of New York is REPEALED.

§4. Subdivision b of section 14-140 of such code is amended to read as follows:

b. Custody of property and money. All property or money taken from the person or possession of a prisoner, all property or money suspected of having been unlawfully obtained or stolen or embezzled or of being the proceeds of crime or derived through crime or derived through the conversion of unlawfully acquired property or money or derived through the use or sale of property prohibited by law from being held, used or sold, all property or money suspected of having been used as a means of committing crime or employed in aid or furtherance of crime or held, used or sold in violation of law, all money or property suspected of being the proceeds of or derived through bookmaking, policy, common gambling, keeping a gambling place or device, or any other form of illegal gambling activity and all property or money employed in or in connection with or in furtherance of any such gambling activity, all property or money taken by the police as evidence in a criminal investigation or proceeding, all property or money taken from or surrendered by a pawnbroker on suspicion of being the proceeds of crime or of having been unlawfully obtained, held or used by the person who deposited the same with the pawnbroker, all property or money which is lost or abandoned, all property or money left uncared for upon a public street, public building or public place, all property or money taken from the possession of a person appearing to be insane, intoxicated or otherwise incapable of taking care of himself or herself, that shall come into the custody of any member of the police force or criminal court, and all property or money of inmates of any city hospital, prison or institution except the property found on deceased persons that shall remain unclaimed in its custody for a period of one month, shall be given, as soon as practicable, into the custody of and kept by the property clerk except that vehicles suspected of being stolen or abandoned and evidence vehicles as defined in subdivision b of section 20-495 of the code may be taken into custody in the manner provided for in subdivision b of section 20-519 of the code.

§5. Paragraph one of subdivision e of section 14-140 of such code is amended to read as follows:

1. Abandoned vehicles subject to the provisions of section twelve hundred twenty-four of the vehicle and traffic law in the custody of the property clerk shall be disposed of in accordance with the provisions of such section twelve hundred twenty-four. The city may convert to its own use in any calendar year one percent of any such abandoned vehicles not subject to subdivision two of such section twelve hundred twenty-four which are not claimed. All moneys or property other than abandoned vehicles subject to the provisions of such section twelve hundred twenty-four that shall remain in the custody of the property clerk for a period of three months without a lawful claimant entitled thereto shall, in the case of moneys, be paid into the fund described in subdivision one of chapter two of title thirteen of the code, and in the case of property other than such abandoned vehicles, be sold at public auction after having been advertised in "the City Record"

for a period of ten days and the proceeds of such sale shall be paid into such fund. In the alternative, any such property may be used or converted to use for the purpose of any city, state or federal agency, or for charitable purposes, upon consultation with the human resources administration and other appropriate city agencies, and the commissioner shall report annually to the city council on the distribution of such property. Notwithstanding the foregoing, all property or money of a deceased person that shall come into the custody of the property clerk shall be delivered to a representative of the estate of such decedent and if there be no such representative, to the public administrator of the county where the decedent resided. Where moneys or property have been unlawfully obtained or stolen or embezzled or are the proceeds of crime or derived through crime or derived through the conversion of unlawfully acquired property or money or derived through the use or sale of property prohibited by law from being held, used or sold, or have been used as a means of committing crime or employed in aid or in furtherance of crime or held, used or sold in violation of law, or are the proceeds of or derived through bookmaking, policy, common gambling, keeping a gambling place or device, or any other form of illegal gambling activity or have been employed in or in connection with or in furtherance of any such gambling activity, a person who so obtained, received or derived any such moneys or property, or who so used, employed, sold or held any such moneys or property or permitted or suffered the same to be used, employed, sold or held, or who was a participant or accomplice in any such act, or a person who derives his or her claim in any manner from or through any such person, shall not be deemed to be the lawful claimant entitled to any such moneys or property except that as concerns any vehicle taken into custody in the manner provided for in subdivision b of section 20-519 of the code, the authorized tow company shall receive from the department the cost of towing and storage as provided under subdivision c of section 20-519.

§6. Subdivision i of section 14-140 of such code is amended to read as follows:

i. Removal and storage charges for motor vehicles and boats.

1. Whenever an abandoned motor vehicle or boat, or a motor vehicle or boat involved in an accident, or a boat found adrift and unoccupied upon the waters of the city of New York which is in the custody of the property clerk, shall be claimed by the owner or other person lawfully entitled to possession thereof, such owner or other person shall not be entitled to the return thereof unless he or she shall first pay to the property clerk a removal charge of twenty-five dollars and a storage charge of five dollars for each day, or fraction thereof, except that in the case of a boat found adrift and unoccupied upon the waters of the city of New York, such storage charge shall not be applied until three days after notice to the owner by registered mail from the property clerk that such boat is in police custody.

2. Whenever a stolen motor vehicle or boat, which is in the custody of the property clerk, shall not be removed by the owner or other person lawfully entitled to possession thereof within three days after notice by registered mail from the property clerk, such owner or other person shall not be entitled to the return thereof unless he or she shall first pay to the property clerk a storage charge of five dollars for each day, or fraction thereof, after the expiration of such three-day period.

3. Notwithstanding the provisions of paragraphs one and two of this subdivision, where the department has incurred charges for removal and storage of an abandoned or stolen motor vehicle pursuant to subchapter thirty-one of chapter two of title twenty of the code, an owner or other person lawfully entitled to possession of such motor vehicle shall not be entitled to the return thereof unless he or she shall first pay all such charges incurred by the department pursuant to

such subchapter thirty-one together with any applicable storage charge provided for in this subdivision.

4. The removal and storage charges provided by this subdivision, or incurred by the department pursuant to subchapter thirty-one of chapter two of title twenty of such code, as applicable, shall be a lien upon such motor vehicle or boat and the property clerk shall refuse to return such motor vehicle or boat until such charges are paid, except that where such motor vehicle or boat is the property of an estate administered by a public administrator, the removal charge and the storage charge shall be general claims against the estate of the deceased.

5. The property clerk shall not require the payment of any charges provided by this subdivision for the removal or storage of any motor vehicle or boat in his or her custody while it is held as evidence in a criminal investigation or proceeding.

6. It shall be the duty of the property clerk to keep a complete record of the moneys collected pursuant to this subdivision. Such moneys shall be paid into the fund described in subchapter one of chapter two of title thirteen of the code.

§7. Subdivision 1 of section 14-140 of such code is REPEALED.

§8. Subdivision a of section 19-169 of such code is amended to read as follows:

a. Subject to the provisions of subdivision b of this section an owner of a lot containing no more than two dwelling units, or his or her lessee, may cause any vehicle which is parked in front of his or her private driveway and which blocks the entry or egress of a vehicle from such property to be removed by a person licensed to engage in towing pursuant to subchapter thirty-one of chapter two of title twenty of the code, where a person authorized to issue a notice of parking violation has issued such a notice and affixed it to such unlawfully parked vehicle; the issuance of such a notice shall constitute authorization to the owner of such property, or his or her lessee, to arrange for removal of such unlawfully parked vehicle, and such removal shall be deemed to be at the request of the person who issued the notice.

§9. Paragraphs one, three and eight of subdivision b of section 19-169 of such code are amended to read as follows:

1. No vehicle may be removed pursuant to this section without the express written authorization issued to a person licensed to engage in towing pursuant to subchapter thirty-one of chapter two of title twenty of the code by the owner of such property, or his or her lessee. Such authorization shall include the location of the vehicle to be removed, the make, model, color and license plate number of such vehicle and a statement that such vehicle was removed pursuant to a notice of parking violation and shall be signed by the owner of such property, or his or her lessee, prior to removal.

3. A vehicle which is removed shall be taken directly to a facility for storage maintained by the person licensed to engage in towing pursuant to subchapter thirty-one of chapter two of title twenty of the code who has removed such vehicle and which is within ten miles from the point of removal. If no such facility is available, the closest available facility for storage maintained by a person so licensed shall be utilized. Such facility for storage must be a secure place for safekeeping vehicles.

8. A person who removes a vehicle pursuant to this section may collect the following charges from the owner or other person in control of such vehicle, payable before the vehicle is released: fifty dollars for removal and the first three days of storage; eight dollars per day for storage thereafter, except that no charge may be collected for removal or storage of a vehicle pursuant to this section by a person who is not licensed to engage in towing pursuant to subchapter thirty-one of chapter two of title twenty of the code.

§10. Chapter two of title twenty of such code is amended by adding a new subchapter thirty-one to read as follows:

SUBCHAPTER 31
TOWING VEHICLES

§20-495 Definitions. For purposes of this subchapter, the following terms shall have the following meanings:

a. "Disabled vehicle" shall mean any vehicle for which towing is necessary because of a vehicular accident or for which towing is necessary because of the vehicle's inability to proceed under its own motive power due to reasons other than a vehicular accident.

b. "Evidence vehicle" shall mean any vehicle which is suspected of having been used as a means of committing a crime or employed in aid or furtherance of a crime or held, used or sold in violation of law or which may be required to be held or produced as evidence in a criminal investigation or proceeding.

c. "Person in charge of a vehicle" shall mean the operator or owner of a vehicle or any person designated by the owner to contract for the towing or repairing of such vehicle.

d. "Towing" shall mean the moving of a vehicle where a fee, charge or other consideration is directly or indirectly imposed for such moving or where the towing service is performed by a person engaged in the servicing or repairing of vehicles.

e. "Tow truck" shall mean a vehicle used for towing usually equipped with a crane, winch, tow bar, push plate, or other device designed to pull or push a vehicle or to raise a vehicle or the front or rear end thereof.

f. "Vehicle" shall mean a motor vehicle as defined in section one hundred twenty-five of the vehicle and traffic law, a tractor as defined in section one hundred fifty-one-a of such law or a trailer as defined in section one hundred fifty-six of such law.

§20-496 License required. a. Except as otherwise provided in section 20-524 of this subchapter, no person shall engage in towing without having first obtained a license therefor issued pursuant to section 20-498 of this subchapter or utilize a tow truck in any towing activity without having obtained a license plate therefor issued pursuant to section 20-503 of this subchapter.

b. Except as otherwise provided in section 20-524 of this subchapter, no person shall for compensation operate a tow truck or assist in any towing activity unless such person shall have first obtained a tow truck operator's license issued pursuant to section 20-498 of this subchapter.

c. No person who is required to obtain a license under subdivision a of this section shall permit or authorize the operation of a tow truck by a person who does not possess a current, valid tow truck operator's license or whose tow truck operator's license has been suspended or revoked where such license is required under this subchapter. In any prosecution for violation of this subdivision, it shall not be necessary to prove that such person knew or should have known that the operator was unlicensed, and there shall be a rebuttable presumption that such tow truck was operated with the permission or authorization of such person.

§20-497 Application; fingerprinting; fee; term. a. An application for any license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form and manner as he or she shall prescribe by regulation. An applicant for any such license or for any renewal thereof shall be fingerprinted by the department. Where the applicant is a sole proprietorship, fingerprints shall be taken of the owner thereof. Where the applicant is a partnership, fingerprints shall be taken of the general partners thereof. Where the applicant is a corporation, fingerprints shall be taken of the officers, principals, directors and stockholders owning more than ten

percent of the outstanding stock of the corporation. Any person required to be fingerprinted hereunder shall furnish to the department a current passport size photograph of such person.

b. There shall be a biennial fee for a license to engage in towing and for each tow truck in excess of one operated pursuant to such license. Such fee for a license to engage in towing shall be six hundred dollars and such fee for each tow truck in excess of one shall be six hundred dollars. There shall be a biennial fee for a tow truck operator's license. The fee upon initial issuance of such tow truck operator's license shall be twenty dollars and fifteen dollars for renewal thereof. In the event of the loss, mutilation or destruction of any license issued hereunder, the licensee may file such statement and proof of facts as the commissioner shall require, with a fee of fifteen dollars per license, at the department, and the department shall issue a duplicate or substitute license.

c. All licenses and license plates issued pursuant to this subchapter shall expire on December thirty-first, in odd numbered years, unless sooner suspended or revoked.

§20-498 Issuance of license. a. A license to engage in towing shall be issued only where an applicant meets all the requirements of sections 20-499, 20-500, 20-501, 20-502, any criteria in addition thereto established by the commissioner by regulation as he or she deems necessary to effectuate the purposes of this subchapter and satisfies the commissioner that such applicant possesses good moral character.

b. A license to operate a tow truck shall be issued only where an applicant is at least eighteen years of age, satisfies the commissioner that he or she is capable of safely operating a tow truck, meets any additional criteria established by the commissioner by regulation as he or she deems necessary to effectuate the purposes of this subchapter and satisfies the commissioner that such applicant possesses good moral character. For purposes of determining whether the applicant is capable of safely operating a tow truck, the commissioner may take into consideration any violation by such applicant of the vehicle and traffic law or any other applicable law pertaining to vehicle operation.

c. The commissioner may refuse to issue to an applicant any license required under this subchapter based upon a determination made after due notice and opportunity to be heard that such applicant has engaged in conduct which would constitute a basis for license suspension or revocation as set forth in section 20-504 of this subchapter.

§20-499 Bond. As a condition of the issuance of a license to engage in towing, each applicant shall furnish to the commissioner a surety bond in the sum of five thousand dollars, payable to the city of New York, executed by the applicant and a surety approved by the commissioner. Such bond shall be conditioned upon the applicant's compliance with the provisions of this subchapter and any rules or regulations promulgated hereunder, and upon the further condition that the applicant will pay to the city any fine, penalty or other obligation within thirty days of its imposition, or any final judgment recovered by any person who received towing services from a licensee hereunder and was damaged thereby. The commissioner may in his discretion, after a public hearing, five days' notice of which shall be published in the City Record, increase the amount of the surety bond required by this section to an amount not to exceed twenty-five thousand dollars. The commissioner may by regulation authorize an applicant to, in lieu of a bond, deposit cash to satisfy the requirements of this section in an amount equal to the sum of the surety bond required by this section.

§20-500 Insurance. a. As a condition of the issuance of a license to engage in towing, each applicant shall furnish proof that every tow truck to be used by such applicant under such license is insured under a liability insurance policy as follows: with respect to each tow truck, not less than two hundred thousand dollars for personal injury or death of any one person resulting from any

one accident; not less than five hundred thousand dollars for personal injury or death of two or more persons resulting from any one accident; and not less than fifty thousand dollars for injury to or destruction of property of one or more persons resulting from any one accident.

b. The licensee shall notify the commissioner of any modification, amendment, cancellation or substitution of any insurance policy required under subdivision a of this section within ten days of notice to the licensee of such modification, amendment, cancellation or substitution.

§20-501 Inspection of tow trucks. a. No license to engage in towing shall be issued pursuant to this subchapter unless the commissioner determines that every tow truck to be used by the applicant under such license is fit for operation as a towing vehicle and is otherwise in compliance with the provisions of the vehicle and traffic law and any regulations promulgated thereunder.

b. The commissioner may require by regulation that every tow truck used by a licensee be inspected periodically by the department, and after finding such truck to be fit for operation, may issue a replaceable inspection sticker of such material, form, design and dimension to be affixed to such truck in such manner as he or she shall prescribe. The commissioner may by regulation impose a fee for any inspection in an amount not to exceed fifty dollars in order to defray the costs of conducting any such inspection.

c. Where a holder of a license to engage in towing acquires a tow truck subsequent to the date such license was issued intended for use under such license or intends to utilize a truck not previously identified in any application for a license to engage in towing, such licensee shall be prohibited from using such truck for towing until the licensee has furnished proof that such truck is insured as required by section 20-500, and that such truck has been inspected and approved for use by the department pursuant to this section and the commissioner has issued a license plate therefor pursuant to section 20-503 of this subchapter.

§20-502 Premises. No license to engage in towing shall be issued or renewed to any applicant where the premises on or in which the licensed business is to be conducted are not in compliance with the zoning resolution and the building code of the city of New York and any rules or regulations promulgated thereunder.

§20-503 Issuance of license plate. Upon approval of an application to engage in towing, the commissioner shall issue to the licensee a license plate for each tow truck to be used under such license. Such license plate shall be securely affixed to a conspicuous and indispensable part of such truck, and shall clearly set forth the license number assigned to the licensee. The license plate issued to the licensee may, in the discretion of the commissioner, be a plate of a permanent nature with a replaceable date tag attached thereto, indicating the expiration date of the plate. Such license and replaceable date tag shall be of such material, form, design and dimension as the commissioner shall prescribe. The commissioner, upon renewal of a license to engage in towing, may continue the use of the license plate for as many additional license terms as he or she may determine, in which event he or she shall issue and deliver to the licensee a replaceable date tag as evidence of renewal of license, which shall be attached or affixed in such manner as he or she may prescribe. The failure to affix or display such date tag in a manner prescribed by the commissioner shall constitute a violation of this section. In the event of the loss, mutilation or destruction of any license plate or date tag issued hereunder, the licensee may file such statement and proof of facts as the commissioner shall require, with a fee of twenty-five dollars per plate or date tag, at the department, and the department shall issue a duplicate or substitute license plate or date tag.

§20-504 Renewal, suspension and revocation of licenses. After due notice and opportunity to be heard, the commissioner may refuse to renew any license required under this subchapter and

may suspend or revoke any such license upon the occurrence of any one or more of the following conditions:

a. the person holding a tow truck operator's license, or the person holding a license to engage in towing or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation have been found by the commissioner to have violated any provisions of this subchapter or any rule or regulation promulgated thereunder other than sections 20-518 or 20-519 of this subchapter or any rule or regulation promulgated pursuant to such sections; or

b. the person holding a tow truck operator's license, or the person holding a license to engage in towing or where applicable its officers, principals, directors, employees or stockholders owning more than ten percent of the outstanding stock of the corporation were found to have operated a tow truck in a grossly negligent manner or in a manner showing a reckless disregard for life or property. For purposes of this subdivision, a finding that any such person violated section eleven hundred ninety-two of the vehicle and traffic law in the course of the operation of a tow truck shall be deemed gross negligence; or

c. the person holding a tow truck operator's license, or the person holding a license to engage in towing or where applicable its officers, principals, directors or stockholders owning more than ten percent of the outstanding stock of the corporation have made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter or have engaged in fraud or misrepresentation in connection with the rendering of services; or

d. the person holding a tow truck operator's license, or the person holding a license to engage in towing or where applicable its officers, principals, directors or stockholders owning more than ten percent of the outstanding stock of the corporation have not paid, within the time permitted by law, any fine, penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rule or regulation promulgated hereunder or duly imposed in connection with or arising from the use or operation of a tow truck or the occupation of the premises on which the licensed business is conducted; or

e. the person holding a tow truck operator's license, or the person holding a license to engage in towing or where applicable its officers, principals, directors or stockholders owning more than ten percent of the outstanding stock of the corporation have been convicted of a crime which in the judgment of the commissioner has a direct relationship to such person's fitness or ability to perform any of the activities for which a license is required under this subchapter; or

f. the person holding a tow truck operator's license, or the person holding a license to engage in towing has failed to maintain any of the conditions for issuance of such license as provided under this subchapter or any rule or regulation promulgated hereunder.

§20-505 Tow truck operator's license suspension; special circumstances. Notwithstanding any other provision of law, where the commissioner has reason to believe that a tow truck operator has committed an act which would provide a basis for suspension or revocation under section 20-504 of this subchapter, and the continued possession by such person of a tow truck operator's license would pose a serious danger to the safety of the public, the commissioner may immediately suspend his or her tow truck operator's license. Notice of such suspension shall be served on the operator and on the person who employs such operator to operate a tow truck. The commissioner shall provide the operator with the opportunity for a hearing within five days after the notification of suspension, after which the commissioner shall forthwith make a determination as to whether

such suspension should continue and in addition may impose any penalty or sanction provided for under this subchapter.

§20-506 License revocation. Notwithstanding any other provision of law, any person who holds a license issued pursuant to this subchapter which has been revoked by the commissioner pursuant to section 20-504 of this subchapter shall not be permitted to apply for a new license of that category for a period of one year from the date of such revocation.

§20-507 Posting of information. a. Every person holding a license to engage in towing shall post, in a conspicuous fashion at the area of the licensee's place of business where a vehicle may be claimed, a sign which clearly and legibly states the licensee's name, address and business telephone number, the license number assigned to such business, the rates permitted to be charged for towing and storage under section 20-509 of this subchapter and the department's telephone complaint number.

b. The following information shall be clearly and legibly displayed on each side of every tow truck used under a license to engage in towing: the licensee's name, address and business telephone number; the rates permitted to be charged for towing and storage under section 20-509 of this subchapter; and the department's telephone complaint number. The letters and numerals of such display shall not be less than one and one-half inches in height.

§20-508 Storage facilities. Every licensee which stores vehicles shall do so only on premises which meet such specifications as the commissioner shall establish by regulation for safeguarding property.

§20-509 Rates. a. Except as otherwise provided, charges for the towing of vehicles shall not exceed twenty five dollars for the first mile or fraction thereof and one dollar and seventy-five cents for each additional mile or fraction thereof.

b. Except as otherwise provided, charges for storage of vehicles shall not exceed five dollars for each twenty-four hours or fraction thereof.

c. The commissioner may, by regulation, authorize such additional charges for services necessary to prepare a vehicle for towing, including but not limited to charges for additional labor necessary for positioning a vehicle for towing, which in the judgment of the commissioner shall be fair and reasonable.

§20-510 Authorization to remove certain vehicles. No tow truck operator shall tow a vehicle for which towing is necessary because of a vehicular accident without an authorization signed by the person in charge of the vehicle or a police officer which authorizes the towing of such vehicle and, where applicable, authorizes the storage of such vehicle. The authorization shall be on a form prescribed by the commissioner which shall require the following information: the licensee's name, address and business telephone number, the license assigned to such business, the department's telephone complaint number, the rates permitted to be charged for towing and storage under Section 20-509 of this subchapter, and the location from which and the destination to which the vehicle is to be towed. Such form shall be executed in duplicate and a copy thereof shall be furnished to the authorizing party.

§20-511 Removal of vehicles obstructing traffic. When a vehicle is situated so as to constitute an obstruction to traffic, and such vehicle is unattended or the person in charge of such vehicle has not arranged for its removal, a police officer or a person designated by the commissioner of transportation may direct its removal by a person licensed to engage in towing, and such licensee shall remove such vehicle to a storage facility which meets the specifications established by the commissioner by regulation pursuant to section 20-508 of this subchapter. Such licensee shall be entitled to charge the person in charge of the vehicle for towing and storage, and where applicable, for

the rendering of services to prepare the vehicle for towing at the rates set forth or authorized by section 20-509 of this subchapter.

§20-512 Obligation to perform service. No person licensed under this subchapter shall refuse, without justifiable grounds, to render towing services in whole or in part to a person in charge of a disabled vehicle who has requested towing to a destination within the city. For purposes of this section, "justifiable grounds" shall include but not be limited to (a) the absence of an authorization by the commissioner of transportation which is required to lawfully remove a vehicle from a specific location and (b) an authorization by the commissioner of transportation to provide only such towing services as may be specified by such commissioner to remove a vehicle from a specific location.

§20-513 Specific request for services. No tow truck operator shall travel enroute to the scene of a vehicular accident, respond to the scene of a vehicular accident or remove a vehicle therefrom unless a specific request for the services of such tow truck operator has been received by such operator or the towing company which employs such operator from a person in charge of the vehicle or from a police officer and, at the time of dispatch to such accident scene, such tow truck operator has in his possession a completed request form reflecting such request for services. Such request form shall be prescribed by the commissioner and shall require the following information: the licensee's name, address and business telephone number, the license number assigned to such business, the time of the request for service, the make and type of the vehicle, the name of the person in charge of the vehicle and the vehicle's location. The provisions of this section shall not apply to a tow truck operator traveling enroute to, responding to, or removing a vehicle from, the scene of a vehicular accident at any location for which the authorization of the commissioner of transportation is required to remove a disabled vehicle therefrom.

§20-514 Repairs. a. No licensee under this subchapter or his or her agent shall make repairs or cause repairs to be made for a fee on any vehicle which requires towing because of a vehicular accident and is towed by such licensee, without first entering into a signed agreement with the person in charge of the vehicle authorizing such repairs. The commissioner shall prescribe the form to be used for such agreement. In addition to any other information required to be set forth in such agreement, the commissioner shall require that such agreement set forth the registration number assigned to the licensee's repair shop pursuant to section three hundred ninety-eight-c of the vehicle and traffic law.

b. In any case where the tow truck operator knows that the person in charge of a vehicle is injured and is to be removed to a hospital, it shall be unlawful to enter into an agreement authorizing repairs with such injured person until the expiration of a period of at least twenty-four hours from the time of the accident, unless the injured person is not admitted to or has been discharged from the hospital before the expiration of such period.

§20-515 Prohibited acts. The following acts shall be prohibited:

a. maintaining anywhere for use in connection with towing a radio receiving set capable of receiving signals or messages transmitted on the frequencies allocated for police use except in a tow truck for which there exists a current permit issued by the police commissioner pursuant to section 10-102 of the code;

b. soliciting at the scene of a vehicular accident for the towing of any vehicle involved in such accident except as may be reasonable and necessary at the scene of such accident at any location for which the authorization of the commissioner of transportation is required and has been obtained to remove a disabled vehicle therefrom;

c. giving or offering to give any payment, fee, reward, or other thing of value, directly or indirectly, for supplying information concerning a disabled vehicle which may require towing service, which information is or may be used to solicit the towing or repair of such vehicle, or having printed any card or other notice offering to give a payment, fee, reward or other thing of value for such information; or

d. at the scene of a vehicular accident where towing of any vehicle involved in such accident is required, making an estimate of the cost of repairs, offering to make such an estimate, or offering to make repairs.

§20-516 Records. Every person licensed to engage in towing shall maintain records, ledgers, receipts, bills and such other written records as the commissioner may prescribe by regulation. Such records shall be made available for inspection by the commissioner at his or her request at either the licensee's place of business or at the offices of the department.

§20-517 Transferability. No license issued under this subchapter shall be transferred or assigned to any person or used by any person other than the licensee to whom it was issued.

§20-518 Removal of vehicles involved in an accident. a. 1. The commissioner shall establish a program to be known as the "directed accident response program" for the purpose of removing vehicles for which towing is necessary because of a vehicular accident other than vehicles at any location for which the authorization of the commissioner of transportation is required to remove a disabled vehicle therefrom.

2. The commissioner, after consultation with the police commissioner, shall divide the city into zones and shall create for each zone a list in random order of persons licensed to engage in towing who have been approved by the commissioner for participation in the directed accident response program. At any time subsequent to the initial establishment of zones and lists, the commissioner may, after consultation with the police commissioner, modify the zones and reformulate the lists to ensure sufficient towing services throughout the city. Where more than one towing company has been placed on a list of towing companies authorized to remove vehicles in a particular zone, the police department shall summon towing companies from such list on a rotating basis. Any towing company approved for participation in such program after such lists are initially established shall be placed on any such list at the point immediately preceding the last towing company summoned by the police department pursuant to this section. Such lists shall be available at the department for public inspection.

3. The commissioner shall set forth by regulation such criteria for participation in the program as he or she deems necessary to effectuate the purposes of this section. Such criteria shall include but not be limited to, possession of a valid, current license to engage in towing and compliance with this subchapter and any rules or regulations promulgated thereunder, ability to respond within a specified period of time to police department calls for towing, ability to make service available on a twenty-four hour basis or on such limited basis as the commissioner shall prescribe, maintenance of specified business hours for redemption of vehicles and maintenance of a specified minimum number of tow trucks and other equipment appropriate for towing.

4. The commissioner may impose a biennial fee for participation in the program in order to defray expenses incurred in its administration.

b. Any vehicle for which towing is necessary because of a vehicular accident which has not been removed or caused to be removed from the scene of an accident shall be removed by a towing company participating in the directed accident response program when directed to do so by the police department. Such vehicle shall be towed to a storage facility which meets such specifications as the commissioner shall establish by regulation. Nothing in this section shall be construed

to preclude a person in charge of a vehicle from arranging for the removal of such vehicle by a tow operator of such person's choice.

c. The police department shall maintain a record of the number of times each towing company participating in the directed accident response program is summoned to remove vehicles and the number of times each such company responds thereto and such other information as the commissioner may prescribe.

d. In addition to the obligation to make records available for inspection by the commissioner pursuant to section 20-516 of this subchapter, every towing company participating in the directed accident response program shall, at the request of the police department and for the purpose of the enforcement of any regulations promulgated pursuant to this section, make available for inspection by the police department, during reasonable business hours, any records required to be maintained under this subchapter.

e. After due notice and opportunity to be heard, the commissioner may disqualify any towing company participating in the directed accident response program from continued participation in such program for violation of any of the provisions of this section or any rule or regulation promulgated hereunder or upon the occurrence of any one or more of the conditions set forth in section 20-504 of this subchapter which constitute grounds for suspension or revocation of any license issued under this subchapter.

f. The commissioner may promulgate such additional rules and regulations as he or she deems necessary to effectuate the purposes of this section.

§20-519 Removal of stolen, abandoned and evidence vehicles. a.1. The commissioner shall establish a program to be known as the "rotation tow program" for the purpose of removing evidence vehicles and vehicles suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law.

2. The commissioner, after consultation with the police commissioner, shall divide the city into zones and shall create for each zone a list in random order of persons licensed to engage in towing who have been approved by the commissioner for participation in the rotation tow program. The commissioner may in his discretion create from such list separate lists for the removal of evidence vehicles, and stolen and abandoned vehicles, respectively. At any time subsequent to the initial establishment of zones and lists, the commissioner may, after consultation with the police commissioner, modify the zones and reformulate the lists to ensure sufficient towing services throughout the city. Where more than one towing company has been placed on a list of towing companies authorized to remove vehicles in a particular zone, the police department shall summon towing companies from such list on a rotating basis. Any towing company approved for participation in such program after such lists are initially established shall be placed on any such list at the point immediately preceding the last towing company summoned by the police department pursuant to this section. Such lists shall be available at the department for public inspection.

3. The commissioner shall set forth by regulation such criteria for participation in the program as he or she deems necessary to effectuate the purposes of this section. Such criteria shall include, but not be limited to, possession of a valid, current license to engage in towing and compliance with this subchapter and any rules or regulations promulgated thereunder, ability to respond within a specified period of time to police department calls for towing, ability to make service available on a twenty-four hour basis or on such limited basis as the commissioner shall prescribe, maintenance of specified business hours for redemption of vehicles and maintenance of a specified minimum number of tow trucks and other equipment appropriate for towing.

4. The commissioner may impose a biennial fee for participation in the program in order to defray expenses incurred in its administration.

b. 1. Any vehicle that is suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law shall be removed by a towing company participating in the rotation tow program when directed to do so by the police department. Such vehicle shall be towed to a storage facility which meets such specifications as the commissioner shall establish by regulation. The police department shall expeditiously make every reasonable effort to notify the owner and the national automobile theft bureau or the insurer, if any, of any such vehicle of the vehicle's location and the procedure for retrieval. After the expiration of a period of time to be specified by the commissioner by regulation, such towing company shall transfer any such vehicle which has not been claimed into the custody of the police department property clerk.

2. An evidence vehicle shall be removed by a towing company participating in the rotation tow program when directed to do so by the police department. Such vehicle shall be towed to a location designated by a police officer.

3. No tow truck operator shall knowingly remove a vehicle suspected of having been stolen or abandoned or an evidence vehicle without authorization by the police department.

c. Notwithstanding any other provision of law, the towing company shall be entitled to charge the owner of or other person claiming a vehicle that is suspected of having been stolen or abandoned which was directed to be towed by the police department pursuant to this section and which is claimed before the expiration of such period of time specified by the commissioner pursuant to paragraph one of subdivision b of this section amounts not in excess of the following: thirty-five dollars for towing; five dollars per day for the first three days of storage and eight dollars for the fourth day of storage and each day thereafter. Upon the transfer of an unclaimed vehicle into the custody of the police department property clerk, the towing company shall be entitled to charge the police department amounts not in excess of the following: fifty-four dollars plus tolls for the towing of a vehicle suspected of having been stolen or abandoned to a storage facility and subsequent transfer of such vehicle into the custody of such property clerk after the expiration of such period of time specified by the commissioner pursuant to paragraph one of subdivision b of this section; four dollars fifty cents per day for the first three days of storage of such vehicle and seven dollars twenty cents for the fourth day of storage and each day thereafter. The towing company shall be entitled to charge the police department an amount not in excess of sixty dollars plus tolls for the towing of an evidence vehicle to a location designated by a police officer. The police department shall be entitled to charge an owner or other person who claims a vehicle that is suspected of having been stolen or abandoned which is in the custody of the police department property clerk all expenses incurred by such department for the towing and storage of such vehicle in addition to the fees for storage with the police department property clerk provided by subdivision i of section 14-140 of the code.

d. The police department shall maintain a record of the number of times each towing company participating in the rotation tow program is summoned to remove a vehicle and the number of times each such company responds thereto and such other information as the commissioner may prescribe by regulation.

e. In addition to the obligation to make records available for inspection by the commissioner pursuant to section 20-516 of this subchapter, every towing company participating in the rotation tow program shall, at the request of the police department and for the purpose of the enforcement

of any regulations promulgated pursuant to this section, make available for inspection by the police department, during reasonable business hours, any records required to be maintained under this subchapter.

f. After due notice and opportunity to be heard, the commissioner may disqualify any towing company participating in the rotation tow program from continued participation in such program for violation of any of the provisions of this section or any rule or regulation promulgated hereunder or upon the occurrence of any one or more of the conditions set forth in section 20-504 of this subchapter which constitute grounds for suspension or revocation of any license issued under this subchapter.

g. The commissioner may promulgate such additional rules and regulations as he or she deems necessary to effectuate the purposes of this section.

§20-520 Removal of disabled vehicles on highways. Notwithstanding any other provision of this subchapter, where the authorization of the commissioner of transportation is required to remove a disabled vehicle from any of the highways, parkways, expressways, drives, interstate routes, thruways and bridges set forth in the traffic regulations of the department of transportation, it shall be a violation of this section to effect such removal without such authorization.

§20-521 Interagency advisory council. a. There is hereby created an interagency advisory council consisting of the commissioner of the police department and the commissioner of the department of transportation who shall serve ex-officio, and a representative of the office of the mayor designated by the mayor.

b. The interagency advisory council shall make recommendations to the commissioner concerning the criteria for the issuance of any license required by this subchapter and for authorization to participate in the rotation tow program and the directed accident response program. At the commissioner's request, the interagency advisory council shall advise and assist him or her on any other matter concerning the regulation of towing in the city.

§20-522 Penalties. The penalties imposed by this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this chapter including but not limited to such sanctions and orders which may be imposed pursuant to section 20-105. Notwithstanding the provisions of subdivisions a and b of section 20-106, the following penalties shall apply for violations of this subchapter:

a. 1. Any person who violates the provisions of sections 20-496, 20-509, 20-513 or 20-515 of this subchapter or any rules or regulations promulgated thereunder shall be guilty of a misdemeanor punishable by a fine of not less than two hundred fifty dollars or more than two thousand dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

2. Any person who violates the provisions of sections 20-496, 20-509, 20-513 or 20-515 of this subchapter or any rules or regulations promulgated thereunder who has been found guilty of a violation of any of such sections or such rules and regulations two times within the preceding twenty-four month period shall be guilty of a misdemeanor punishable by a fine of not less than five hundred dollars or more than five thousand dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

3. A person who violates any provision of this subchapter or any of the rules or regulations promulgated thereunder other than sections 20-518 and 20-519 and any rules or regulations promulgated thereunder and is not subject to the penalties imposed pursuant to paragraphs one or

two of this subdivision shall be guilty of an offense punishable by a fine of not less than one hundred dollars or more than one thousand dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

b.1. In addition to the penalties prescribed by paragraph one of subdivision a of this section, any person who violates the provisions of sections 20-496, 20-509, 20-513 or 20-515 of this subchapter or any rules or regulations promulgated thereunder shall be liable for a civil penalty of not less than two hundred fifty dollars or more than two thousand dollars.

2. In addition to the penalties prescribed by paragraph two of subdivision a of this section, any person who violates the provisions of sections 20-496, 20-509, 20-513 or 20-515 of this subchapter or any rules or regulations promulgated thereunder who has been found guilty of a violation of any such sections or such rules and regulations two times within the preceding twenty-four month period shall be liable for a civil penalty of not less than five hundred dollars nor more than five thousand dollars.

3. In addition to the penalties prescribed by paragraph three of subdivision a of this section, any person who violates any provision of this subchapter or any rules or regulations promulgated thereunder, other than sections 20-496, 20-509, 20-513 and 20-515 and any rules or regulations promulgated thereunder, shall be liable for a civil penalty of not less than one hundred dollars or more than one thousand dollars.

§20-523 Enforcement. Authorized officers and employees of the department and of the police department shall have the power to enforce any provision of this subchapter or any rule or regulation promulgated hereunder.

§20-524 Applicability of subchapter. a. This subchapter shall not be applicable to:

1. a vehicle dismantler registered pursuant to section four hundred fifteen-a of the vehicle and traffic law when engaged in towing in the course of the operation of the business of a vehicle dismantler;

2. a person who performs towing and storage services exclusively on the premises of any facility operated by the port authority of New York and New Jersey;

3. a governmental agency;

4. when performing towing services which are not offered to the general public, (a) a franchised public transportation operator; (b) a bus company as such term is defined in subdivision two of section two of the transportation law authorized to operate pursuant to article seven of such law; (c) a public utility company or a public utility corporation as such terms are defined in subdivisions twenty-three and twenty-four, respectively, of section two of the public service law; (d) an owner of a vehicle licensed pursuant to chapter five of title nineteen of the code; (e) an operator of a school bus as such term is defined in section one hundred forty-two of the vehicle and traffic law; and (f) a motor vehicle rental agency; and

5. an individual employed in connection with any towing operations described in paragraphs one, two, three or four above when operating a tow truck or assisting in the operations thereof in the course of his or her employment.

b. The commissioner may by regulation exempt from the provisions of sections 20-509 and 20-514 the towing of certain classes of vehicles based on their dimension, weight, or dimension and weight.

§20-525 Regulations. The commissioner may promulgate such rules and regulations as he or she deems necessary to effectuate the purposes of this subchapter.

§11. Any towing car license issued by the police commissioner pursuant to section 10-145 of the administrative code of the city of New York repealed by section three of this local law which is

in full force and effect on the effective date of this local law shall continue in full force and effect as if it constituted a license to engage in towing issued by the commissioner of consumer affairs pursuant to the provisions of section 20-498 of such code as added by section ten of this local law, provided that the holder of such towing car license issued by the police commissioner files an application for a new license with the department of consumer affairs within thirty days after such effective date. Such holder of a towing car license issued by the police commissioner shall, on and after the effective date of this local law, be subject to the provisions of section ten of this local law, notwithstanding any rights or privileges afforded to such holder under section 10-145 of such code repealed by section three of this local law and, during the pendency of such application, such towing car license issued by the police commissioner shall remain in full force and effect until such time as the commissioner of consumer affairs either suspends or revokes such towing car license pursuant to the provisions of section 20-504 of such code as added by section ten of this local law, issues a new license or denies the application for such new license. The commissioner of consumer affairs shall refuse to issue to any such holder of a towing car license issued by the police commissioner a new license unless such holder meets all the requirements for issuance set forth in sections 20-498, 20-499, 20-500, 20-501, and 20-502 of such code as added by section ten of this local law and any regulations promulgated thereunder and any other requirements for the issuance of a license to engage in towing set forth in subchapter thirty-one of chapter two of title twenty of such code as added by section ten of this local law or in any regulations promulgated thereunder. The commissioner of consumer affairs may refuse to issue to any such holder of a towing car license issued by the police commissioner a new license if, after due notice and opportunity to be heard, he or she determines that such holder has, on or after the effective date of this local law, engaged in conduct which constitutes a basis for license suspension or revocation as set forth in section 20-504 of such code as added by section ten of this local law or such holder has, before the effective date of this local law, engaged in conduct which would have constituted a basis for license suspension or revocation under section 10-145 of such code repealed by section three of this local law. If a holder of a towing car license issued by the police commissioner fails to file an application for a new license with the commissioner of consumer affairs within thirty days after the effective date of this local law, such towing car license issued by the police commissioner shall become null and void and be of no further effect. Notwithstanding any other provision of law, the license fee for any license to engage in towing issued by the commissioner of consumer affairs pursuant to section 20-498 of such code as added by section ten of this local law to a person who holds a towing car license issued by the police commissioner referred to above shall be reduced by an amount which is equal to the license fee paid to the police department prorated to the unexpired portion of the license term.

§12. Any towing car driver's license issued by the police commissioner pursuant to section 10-145 of the administrative code of the city of New York repealed by section three of this local law shall continue in full force and effect as if it constituted a tow truck operator's license issued by the commissioner of consumer affairs pursuant to the provisions of section 20-498 of such code as added by section ten of this local law, provided that the holder of such towing car driver's license issued by the police commissioner files an application for a new license with the commissioner of consumer affairs within thirty days after such effective date. Such holder of a towing car driver's license issued by the police commissioner shall, on and after the effective date of this local law, be subject to the provisions of section ten of this local law, notwithstanding any right or privileges afforded to such holder under section 10-145 of such code repealed by section three of this local law and, during the pendency of such application, such towing car driver's license issued by the

police commissioner shall remain in full force and effect until such time as the commissioner of consumer affairs either suspends or revokes such towing car driver's license pursuant to the provisions of sections 20-504 or 20-505 of such code as added by section ten of this local law, issues a new license or denies the application for such new license. The commissioner of consumer affairs shall refuse to issue to any such holder of a towing car driver's license issued by the police commissioner a new license unless such holder meets the requirements for issuance set forth in subdivision b of section 20-498 of such code as added by section ten of this local law and any regulations promulgated thereunder and any other requirements for the issuance of a tow truck operator's license set forth in subchapter thirty-one of chapter two of title twenty of such code as added by section ten of this local law or in any regulations promulgated thereunder. The commissioner of consumer affairs may refuse to issue to any such holder of a towing car driver's license issued by the police commissioner a new license if, after due notice and opportunity to be heard, he or she determines that such holder has, on or after the effective date of this local law, engaged in conduct which constitutes a basis for license suspension or revocation as set forth in sections 20-504 or 20-505 of such code as added by section ten of this local law or such holder has, before the effective date of this local law, engaged in conduct which would have constituted a basis for license suspension or revocation under section 10-145 of such code repealed by section three of this local law. If a holder of a towing car driver's license issued by the police commissioner fails to file an application for a new license with the commissioner of consumer affairs within thirty days after the effective date of this local law, such towing car driver's license issued by the police commissioner shall become null and void and be of no further effect. Notwithstanding any other provision of law, the license fee for any tow truck operator's license issued by the commissioner of consumer affairs pursuant to section 20-498 of such code as added by section ten of this local law to a person who holds a towing car driver's license issued by the police commissioner referred to above shall be reduced by an amount which is equal to the license fee paid to the police department prorated to the unexpired portion of the license term.

§13. Any person authorized by the police commissioner to remove vehicles suspected of having been stolen or abandoned pursuant to subdivision l of section 14-140 of the administrative code of the city of New York repealed by section seven of this local law who on the effective date of this local law is listed on a rotation list maintained by the police department pursuant to subdivision l of section 14-140 of such code repealed by section seven of this local law and continues to be so authorized shall on and after the effective date of this local law continue to be so authorized as if such person had been authorized by the commissioner of consumer affairs to participate in the rotation tow program pursuant to section 20-519 of such code as added by section ten of this local law, provided that such person files an application to participate in such rotation tow program with the department of consumer affairs within thirty days after such effective date. Such person shall, on and after the effective date of this local law, be subject to the provisions of section 20-519 of such code as added by section ten of this local law, notwithstanding any rights or privileges afforded to such person under section 10-145 of such code repealed by section three of this local law or subdivision l of section 14-140 of such code repealed by section seven of this local law and, during the pendency of such application, such person shall be authorized to remove vehicles pursuant to such section 20-519 of such code until such time as the commissioner of consumer affairs disqualifies such person from participating in the rotation tow program pursuant to subdivision f of section 20-519 of such code as added by section ten of this local law or denies such application for participation in such program. The commissioner of consumer affairs shall deny an application for participation in the rotation tow program submitted by any person authorized

by the police commissioner to remove vehicles suspected of having been stolen and abandoned unless such person meets all the requirements for participation in such program set forth in section 20-519 of such code as added by section ten of this local law and regulations promulgated pursuant to such section 20-519. The commissioner of consumer affairs shall deny an application for participation in the rotation tow program submitted by any person authorized by the police commissioner to remove such vehicles if, after due notice and opportunity to be heard, he or she determines that such person has, on or after the effective date of this local law, engaged in conduct which constitutes a basis for disqualification from participation in such program pursuant to subdivision f of section 20-519 of such code as added by section ten of this local law or such person has, before the effective date of this local law, engaged in conduct which would have constituted a basis for suspending or revoking authorization to remove vehicles suspected of having been stolen or abandoned pursuant to the regulations promulgated under subdivision l of section 14-140 of such code repealed by section seven of this local law. If a person authorized by the police commissioner to remove vehicles suspected of having been stolen or abandoned fails to file an application to participate in such rotation tow program with the department of consumer affairs within thirty days after the effective date of this local law, such person's authorization by the police department shall become null and void and be of no further effect.

§14. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or the police department or any officer of such department, shall be affected or abated by the adoption of this local law or by anything contained herein; but all such actions or proceedings may be continued notwithstanding that certain functions, powers and duties of the police department or any officer thereof have by this local law been assigned or transferred to the department of consumer affairs; and such actions and proceedings may be prosecuted or defended by the commissioner of consumer affairs or the officer to which such functions, powers and duties have been assigned or transferred by this local law.

§15. This local law shall take effect two hundred and seventy days after its enactment into law provided that the department of consumer affairs may promulgate on or after the date of enactment of this local law any rules or regulations necessary for the implementation of the provisions of this local law and may take any other actions necessary for the administration of this local law.

§16. No later than the forty-fifth day after the date of enactment of this local law the commissioner of consumer affairs shall submit a written report to the council on his plan for implementing the regulatory authority concerning the licensing, inspection, enforcement, adjudication of violations and administration over the tow truck industry, as provided in §20-498 of the administrative code of the city of New York as added by §10 of this local law. The commissioner shall submit a copy of the final regulations promulgated pursuant to this local law to the council as soon thereafter as is expeditiously possible.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 21, 1987, and approved by the Mayor on June 9, 1987.

CARLOS CUEVAS, City Clerk, Clerk of Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 28 of 1987, Council Int. No. 791-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on May 21, 1987:
31 for, 0 against.

Was approved by the Mayor on June 9, 1987.

Was returned to the City Clerk on June 9, 1987.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.