

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1996**

No. 58

Introduced by Council Member Dear (by the request of the Mayor).

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to authorizing specified employees of the police department to perform traffic enforcement functions and transfer from the department of transportation to the police department the authority to issue permits for the towing of vehicles on arterial highways and administer such program.

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 435 of the New York city charter are relettered as subdivisions c and d, respectively, and a new subdivision b is added to read as follows:

b. The provisions of law and the rules and regulations of the commissioner of transportation relating to regulating, directing, controlling and restricting the parking of vehicles and the movement and conduct of vehicular and pedestrian traffic for the facilitation of traffic and the convenience of the public as well as the proper protection of human life and health may also be enforced by an employee of the police department who is in a title with the classified city civil service pursuant to which such activities may be performed and which title was within the department of transportation on the effective date of this paragraph or any successor title thereto.

Section 2. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-118.2 to read as follows:

§14-118.2 Traffic enforcement by employees not police officers. a. Notwithstanding any other provision of law, the commissioner may employ persons who shall not be police officers to engage in the performance of such duties relating to the enforcement of laws and regulations relating to the regulating, directing, controlling and restricting of the movement of vehicular and pedestrian traffic for the facilitation of traffic and the convenience of the public as well as the proper protection of human life and health may also be enforced by an employee of the police department who is in a title within the classified city civil service pursuant to which such activities may be performed and which title was within the department of transportation on the effective date of this section or any successor title thereto.

b. Nothing contained herein shall be construed to entitle such employees to the privileges and benefits of police officers, or to become members of the police pension fund.

§3. (a) In order to effectuate the provisions of subdivision b of section four hundred thirty-five of the New York city charter, as enacted by section one of this local law, officers and employees in the classified city civil service who are engaged in the performance of the functions, powers or duties described in such section shall be transferred to the police department without further examination or qualification, and shall retain their respective civil service classifications and civil service status.

(b) Notwithstanding subdivision a of this section, officers and employees of the department of transportation classified in the parking control specialist series shall not be transferred pursuant to this local law.

§4. Notwithstanding any other provision of law, no traffic enforcement function assumed by the police department as a result of this local law shall be transferred to any agency with the authority to perform such function unless such transfer is approved by the council by local law within ninety days after the first regular meeting subsequent to receipt by the council of a request by the mayor for such approval. In the event that the council does not act within such ninety day period such request shall be deemed to have been approved.

§5. No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the enactment of this local law.

§6. No civil, criminal or administrative action or proceeding pending at the time when this local law shall take effect, brought by or against the city or any agency or officer of the city, shall be affected or abated by the enactment of this local law or by anything contained herein; but all such actions and proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to the police department, but in that event the same may be prosecuted or defended by the police commissioner.

§7. The program for the towing of vehicles on parkways, expressways, drives, highways, interstate routes, thruways, and bridges set forth in the traffic rules of the department of transportation shall be administered by the police department and permits issued thereunder be issued by the police commissioner. Any permits previously issued by the commissioner of transportation pursuant to such rules shall remain in effect as permits of the police commissioner, subject to the terms, conditions and expiration dates thereof. However, the commissioner of transportation may continue to issue permits with respect to those applications pending on the effective date of the local law that enacted this provision.

§8. Section 20-512 of the administrative code of the city of New York, as amended by local law number 112 for the year 1993, is amended to read as follows:

§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, other than a vehicle with a maximum gross vehicle weight of less than fifteen thousand pounds that is involved in a vehicular accident, 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 or the police commissioner 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.

§9. Subdivision b of §20-515 of the administrative code of the city of New York, as amended by local law number 112 for the year 1993, is amended to read as follows:

b. soliciting at the scene of a vehicular accident for the towing of any vehicle involved in an accident except as may be reasonable and necessary at the scene of an

accident on a segment of the arterial highways by an arterial tow permittee who has been authorized by the commissioner of transportation *or the police commissioner* to provide tow service on such segment, or except as is reasonable and necessary at the scene of an accident by a towing company which has been authorized to tow in a zone located within a special accident response district during a specified time period pursuant to section 20-518.1 of this subchapter;

§10. The second subdivision g of §20-518 of the administrative code of the city of New York, as added by local law number 112 for the year 1993, is relettered as subdivision i and amended to read as follows:

[g] *i.* The provisions of this section shall not apply to the removal of a vehicle at any location for which the authorization of the commissioner of transportation *or the police commissioner* is required to remove a disabled vehicle therefrom.

§11. Subdivision i of §20-518.1 of the administrative code of the city of New York, as added by local law number 112 for the year 1993, is amended to read as follows:

i. The provisions of this section shall not apply to the removal of a vehicle that is located in a zone designated by the commissioner as part of the "directed accident response program" pursuant to section 20-518 of this subchapter or to the removal of a vehicle from any location for which authorization of the commissioner of transportation *or the police commissioner* is required to remove such vehicle therefrom.

§12. Section 20-520 of the administrative code of the city of New York, as added by local law number 28 for the year 1987, is amended to read as follows:

§20-520 Removal of disabled vehicles on highways. Notwithstanding any other provision of this subchapter, where the authorization of the commissioner of transportation *or the police commissioner* 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.

§13. This local law shall take effect thirty days after it is enacted into law and it is further provided that nothing in this local law shall affect the expiration of section ten, thirteen, nineteen and twenty-one of local law number 112 for the year 1993, as amended by local law number 79 for the year 1995.

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 June 25, 1996, and approved by the Mayor on July 9, 1996.

CARLOS CUEVAS, City Clerk, Clerk of the 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 58 of 1996, Council Int. No. 781-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on June 25, 1996: 41 for, 7 against.

Was approved by the Mayor on July 9, 1996.

Was returned to the City Clerk on July 9, 1996.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel