



Legislation Text

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Int. No. 194

By Council Members Liu, Foster, Gerson, Martinez, Moskowitz, Nelson, Brewer and Quinn; also Council Members Provenzano and Monserrate

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale and installation of audible motor vehicle alarms.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 10 of the administrative code of the city of New York is amended by adding section 10-137 to read as follows:

§10-137. Prohibition on the sale or installation of audible motor vehicle alarms. a. Definitions. For the purposes of this section:

(1) "audible motor vehicle alarm" shall mean any sound signal device designed and intended to produce an audible response upon unauthorized entry into a motor vehicle.

(2) "dealer" shall mean a person selling or leasing and distributing motor vehicles primarily to purchasers that in good faith purchase the vehicles other than for resale.

(3) "manufacturer" shall mean any person manufacturing or assembling motor vehicles.

(4) "motor vehicle" shall mean any device that is propelled by an engine in or upon which a person or material maybe transported on the ground and which is intended to be operated upon a public highway.

(5) "person" shall mean an individual, partnership, company, corporation, association, firm, organization or any principal, director, officer, partner, member or employee thereof

b. (1) It shall be unlawful for any person to sell or offer for sale or cause any other person to sell or offer

for sale an audible motor vehicle alarm.

(2) It shall be unlawful for any person, other than a manufacturer, to install or cause any person to install an audible motor vehicle alarm on a motor vehicle.

c. (1) Notwithstanding the provisions of subdivision b, any dealer or any person engaged in the business of installing audible motor vehicle alarms who installed an audible motor vehicle alarm on a motor vehicle prior to the effective date of this section and who, at the time the audible motor vehicle alarm was installed, provided a warranty for the replacement or repair of such audible motor vehicle alarm that commenced upon the installation of such audible motor vehicle alarm shall be authorized to replace or repair such audible motor vehicle alarm in accordance with the terms of such warranty.

(2) Any dealer or any person engaged in the business of installing audible motor vehicle alarms to which the provisions of paragraph 1 of this subdivision apply shall maintain a record of all repairs and replacements of an audible motor vehicle alarm performed in accordance with the terms of a warranty. Such records shall include the effective date and expiration date of the warranty, the date on which such repair or replacement was performed and such other information as the police commissioner shall require by rule. These records shall be retained for a period of seven years, or such longer period as the police commissioner shall establish by rule.

d. Any dealer who sells or offers for sale a motor vehicle for which the manufacturer has installed an audible motor vehicle alarm during the manufacture of such motor vehicle shall maintain a record of the date on which the assembly of each such motor vehicle sold or offered for sale by such dealer was completed, the vehicle identification number of each such vehicle and such other records as the police commissioner shall require by rule. These records shall be retained for a period of seven years, or such longer period as the police commissioner shall establish by rule.

e. Any person who violates subdivision b of this section shall be guilty of a misdemeanor.

f.(1) In addition to the criminal penalty imposed pursuant to subdivision e of this section, any person

who violates subdivision b of this section shall be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars for the first violation, not less than one thousand dollars nor more than two thousand five hundred dollars for the second violation and not less than two thousand five hundred dollars nor more than five thousand dollars for the third and each subsequent violation which may be recovered in a proceeding before the environmental control board. Any such proceeding shall be commenced by the service of a notice of violation returnable before such board.

(2) Each sale, offer for sale, or installation of an audible motor vehicle alarm made or caused to be made in violation of subdivision b of this section shall be deemed a separate violation and a separate civil penalty shall be imposed for each such violation.

g. The provisions of this section shall be enforced by the police department and the departments of consumer affairs, environmental protection, sanitation and transportation.

§2. This local law shall take effect immediately.

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