Legislation Details (With Text)

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12/31/2021	*	City Council	Filed (End of Session)	

Int. No. 1187

By Council Members Gjonaj, Brannan, Holden and Adams

A Local Law to amend the administrative code of the city of New York, in relation to towing vehicles that lack license plates or registration stickers

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-128 of the administrative code of the city of New York is amended to read as follows:

§ 16-128 Removal of [incumbrances] encumbrances from streets. a. The commissioner shall remove, or

cause to be removed any vehicle, box, barrel, bale of merchandise or other movable property or article or thing whatsoever found upon any street, in accordance with regulations adopted by the [board of estimate] department of sanitation. A vehicle shall be removed within 24 hours, where practicable, but not more than 72 hours after the department of sanitation has received notice of such an encumbrance.

§ 2. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-169.3 to read as follows:

§ 19-169.3 Removal of improperly parked motor vehicles. a. Except as may otherwise be provided by law, rule or regulation, any vehicle that is parked in violation of paragraph (a) of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York shall be removed by a tow truck of the towing company participating in the rotation tow program within 24 hours when directed to do so by the police department if not already removed by the department of sanitation. The police department shall direct the towing company to remove the vehicle as soon as practicable upon notification from the department of sanitation or from the city or, in the case of vehicles parked in violation of paragraph (3) of subdivision (j) of section 4-08 of title 34 of the rules of the city of New York only, discovery or notification from the general public, the department of sanitation or from the city.

b. A person who removes a vehicle pursuant to section 19-169.3 may collect charges from the owner or other person in control of such vehicle, payable before the vehicle is released, in accordance with the provisions of subdivision c of section 20-519. 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 31 of chapter 2 of title 20 of the code.

§ 3. Subdivision a of section 20-519 of the administrative code of the city of New York, as amended by local law number 110 for the year 1993, is amended to read as follows:

a. 1. The commissioner shall establish a program to be known as the "rotation tow program" for the purpose of removing evidence vehicles, 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, the removal pursuant to section 19-169 of the code of vehicles blocking a private driveway, [and] the removal pursuant to section 24-221 of the code of vehicles with certain alarm devices, and the removal pursuant to section 19-169.3.

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 or her discretion create from such list separate lists for the removal of evidence vehicles, stolen and abandoned vehicles, the removal pursuant to section 19-169 of the code of vehicles blocking a private driveway, [and] the removal pursuant to section 24-221 of the code of vehicles with certain alarm devices[, respectively] and the removal pursuant to section 19-169.3. 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.

§ 4. Subdivision b of section 20-519 of the administrative code of the city of New York, as amended by local law number 110 for the year 1993, is amended to read as follows:

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, any vehicle that is blocking a private driveway and subject to removal pursuant to section 19-169 of the code, [and] any vehicle with certain alarm devices which is subject to removal pursuant to section 24-221 of the code and any vehicle

subject to removal pursuant to section 19-169.3 shall be removed by a tow truck of the towing company participating in the rotation tow program when directed to do so by the police department. If such vehicle appears to have a missing or altered vehicle identification number, the police may direct its removal to the police property clerk. All other vehicles shall be towed to the storage facility of such responding company which meets such specifications as the commissioner shall establish by rule, and shall at all times be stored within such storage facility while the vehicle is in the custody of the towing company. Such storage facility shall be the premises listed on the license of the towing company responding to the police department's direction to remove a vehicle or the premises approved by the commissioner for use by such towing company. Such premises shall be owned, operated or controlled by such towing company and shall not be used by any other towing company. 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 vehicle that is suspected of having been stolen or abandoned of the vehicle's location and the procedure for retrieval. During the period commencing on the eighth day after the vehicle is removed to such storage facility and ending on the thirtieth day after such removal, such towing company shall transfer any 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. No tow truck operator shall knowingly remove a vehicle blocking a private driveway subject to removal pursuant to section 19-169 of the code except as authorized in such section. No tow truck operator shall knowingly remove a vehicle with certain alarm devices subject to removal pursuant to section 24-221 of the code except as authorized in such section. No tow truck operator shall knowingly remove a vehicle parked in violation of paragraph (a) of subdivision 1 of

section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York pursuant to section 19-169.3 except as authorized in such section.

§ 5. Subdivision c of section 20-519 of the administrative code of the city of New York, paragraph 1 of such subdivision as amended by local law number 41 for the year 2011 and paragraph 2 of such subdivision as amended by local law number 110 for the year 1993, are amended to read as follows:

1. Notwithstanding any other provision of law, the towing company shall be entitled to charge the owner or other person claiming a vehicle that is suspected of having been stolen or abandoned or a vehicle with certain alarm devices subject to removal pursuant to section 24-221 of the code or a vehicle subject to removal pursuant to section 19-169.3 which was directed to be towed by the police department pursuant to this section and which is claimed before the end of the thirtieth day after such vehicle is removed by such towing company amounts not in excess of the following: one hundred twenty-five dollars for the towing of a vehicle registered at a weight of ten thousand pounds or less; one hundred and forty dollars for the towing of a vehicle registered at a weight of more than ten thousand pounds; twenty-five dollars per day for the first three days and twenty-seven 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: sixty dollars plus tolls for the towing of a vehicle suspected of having been stolen or abandoned, a vehicle that was blocking a private driveway and was removed pursuant to section 19-169 of the code, [or] a vehicle with certain alarm devices that was removed pursuant to section 24-221 of the code[,] or a vehicle subject to removal pursuant to section 19-169.3 to a storage facility and subsequent transfer of such vehicle into the custody of such property clerk during the period of time specified in paragraph one of subdivision b of this section; five dollars per day for the first three days of storage of such vehicle and eight dollars for the fourth day of storage and each day thereafter, provided that in no event shall any towing company be entitled to charge the police department for storage charges incurred after the tenth day of storage. 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.

2. 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, a vehicle that was blocking a private driveway and was removed pursuant section 19-169 of the code, [or] a vehicle with certain alarm devices that was removed pursuant to section 24-221 of the code [,] or a vehicle subject to removal pursuant to section 19-169.3 which is in the custody of the police department property clerk the charges for towing and storage permitted to be charged by the towing company pursuant to paragraph one of this subdivision, plus tolls, in addition to the fees for storage with the police department property clerk provided by subdivision i of section 14-140 of the code. No vehicle which is in the custody of the police department property clerk which had blocked a private driveway and was removed pursuant to section 19-169 of the code, or which was parked in violation of paragraph (a) of subdivision 1 of section 402 of the vehicle and traffic law or subdivision (j) of section 4-08 of title 34 of the rules of the city of New York shall be released to the owner or other person claiming such vehicle unless such owner or other person shall, in addition to paying such charges to the police department property clerk as provided for in this subdivision, present to such property clerk a receipt from the towing company which removed the vehicle indicating payment to such company of the following amount: the charges for towing and storage which would have been due to the towing company pursuant to paragraph eight of subdivision c of section 19-169 or subdivision b of section 19-169.3 of the code had such owner or other person claimed the vehicle from such towing company less the amount paid to the police department for the towing and storage of such vehicle by such company.

§ 6. This local law takes effect 120 days after it becomes law, except that the commissioner of sanitation and the police commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

GZ
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8/29/18 1:47PM