



Legislation Text

File #: Res 0884-2003, **Version:** *

Res. No. 884

Resolution calling upon the New York State Legislature to amend section 375 of the Vehicle and Traffic Law relating to the prohibition on attaching handbills and other advertisements upon car windshields by creating a rebuttable presumption that the person whose name, telephone number or other identifying information appears on the handbill or other advertisement was responsible for its distribution and by granting authority to New York City Sanitation police officers to enforce such law.

By Council Members Yassky, McMahon, Vallone, Fidler, Gennaro, Gentile, Nelson, Recchia, Sears and Weprin

Whereas, Subdivision 1 of section 375 of the New York State Vehicle and Traffic Law prohibits "the attaching to windshields and windshield wipers of handbills and other forms of advertisement"; and

Whereas, Certain persons within the City of New York intentionally attach to or place upon motor vehicles, without the permission of the owners of such vehicles, handbills, posters, notices, signs or advertisements; and

Whereas, Such materials frequently fall from the vehicles to which they are attached and accumulate in the City streets, thereby adversely affecting the environment, degrading the appearance of City streets and impairing the quality of life of the city's residents; and

Whereas, The difficulty of identifying persons responsible for such behavior diminishes effective enforcement of this prohibition; and

Whereas, This deficiency can be resolved by recognizing the fact that such handbills or other advertisements are attached to or placed upon car windshields by or at the behest of persons whose names, telephone numbers or other identifying information appears on such materials; and

Whereas, Amending subdivision 1 of section 375 the Vehicle and Traffic law to provide that there be a rebuttable presumption that the person or business whose identifying information appears on the illegally placed material is responsible for its distribution would enhance enforcement of said law; and

Whereas, Currently, only The New York City Police Department has the authority to enforce the state law's prohibition on attaching handbills and other advertisements to car windshields; and

Whereas, Presently a person violating subdivision 1 of section 375 of the Vehicle and Traffic Law must be actually caught in the act of placing the handbill or advertisements on the vehicle to be charged with a violation of the section; and

Whereas, The use of Department of Sanitation enforcement officers and the creation of a rebuttable presumption that the person whose name, telephone number or other identifying information appears on the notice or handbill was responsible for its distribution, would greatly increase the ability to enforce the provisions of the subdivision 1 of section 375 of the Vehicle and Traffic law; now therefore, be it

RESOLVED, that the Council of the City of New York calls upon the New York State Legislature to amend section 375 of the Vehicle and Traffic Law relating to the prohibition on attaching handbills and other advertisements upon car windshields by creating a rebuttable presumption that the person whose name, telephone number or other identifying information appears on the handbill or other advertisement was responsible for the distribution and by granting authority to New York City Sanitation police officers the power to enforce such law.

AIS, LS #2154

4/1/03