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Sponsors: Rafael L. Espinal, Jr., Karen Koslowitz, Julissa Ferreras-Copeland, Antonio Reynoso
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Proposed Int. No. 1173-A

By Council Members Espinal, Koslowitz, Ferreras-Copeland and Reynoso

A Local Law to amend the administrative code of the city of New York, in relation to increasing maximum charges for towing motor vehicles

Be it enacted by the Council as follows:

Section 1. Paragraph 8 of subdivision c of section 19-169 of the administrative code of the city of New York, as amended by local law 41 for the year 2011, is amended to read as follows:

8. Notwithstanding the charges permitted to be collected under subdivision c of section 20-519 [of this code], a person who removes a vehicle pursuant to this section[19-169 of this code] may collect the following charges from the owner or other person in control of such vehicle, payable before the vehicle is released: [one hundred twenty-five dollars]\$225 for removal and the first three days of storage; up to [fifteen dollars]\$40 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]31 of chapter [two]2 of title [twenty]20 of the code.

§ 2. Subdivision a of section 19-169.1 of the administrative code of the city of New York, as amended by local law 41 for the year 2011, is amended to read as follows:

a. Notwithstanding any other provision of law, where a licensed tow operator removes a vehicle because it is parked on private property in a manner inconsistent with posted instructions, and such removal is pursuant to a contract between the owner of the private property and the licensed tow operator for the removal of any such improperly parked vehicles, such tow operator may collect the following charges from the vehicle owner or other person in control of such vehicle, payable before the vehicle is released: up to but not more than [one hundred twenty-five dollars]\$225 for removal and the first three days of storage; up to but not more than [fifteen dollars]\$40 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]31 of chapter [two]2 of title [twenty]20 of this code.

§ 3. Section 20-509.1 of the administrative code of the city of New York, as amended by local law 41 for the year 2011, is amended to read as follows:

§ 20-509.1. Rates for arterial tow permittees. Notwithstanding any other provisions of this subchapter, charges for the towing of disabled passenger vehicles from an arterial roadway by an arterial tow permittee authorized by the commissioner of transportation or the police commissioner shall be [one hundred twenty-five dollars for the first ten miles or fraction thereof and four dollars for each additional mile or fraction thereof.] a flat fee of \$225 and \$40 per day for the storage of such vehicles. If the owner or operator of the vehicle, or any individual other than the police department, requests that such vehicle be towed to any location other than the storage facilities of the arterial tow permittee, such arterial tow permittee may also charge a fee of \$5 per mile or portion thereof for the distance traveled from the place of accident or disablement to the desired location. Such distance shall be measured by a route open to commercial vehicles.

b. Notwithstanding any other provision of this subchapter, the charges for towing a vehicle other than a passenger vehicle from an arterial roadway by an arterial tow permittee authorized by the commissioner of transportation or the police commissioner are:

1. \$225 for the preparation, hoist and tow, including the first mile or fraction thereof, and \$10 for each additional mile for any vehicle with a maximum gross weight of more than 4,500 pounds and fewer than 10,000 pounds; and

2. \$325 for the preparation, hoist and tow, including the first mile or fraction thereof, and \$20 for each additional mile for any two axle truck or bus with a maximum gross vehicle weight of 10,000 to 18,000 pounds; and

3. \$400 for the preparation, hoist and tow, including the first mile or fraction thereof, and \$20 for each additional mile for any two axle truck or bus with a maximum gross vehicle weight of 18,000 to 26,000 pounds; and

4. \$500 for the preparation, hoist and tow, including the first mile or fraction thereof, and \$20 for each additional mile for any two axle truck or bus with a maximum gross vehicle weight of over 26,000 pounds.

c. The charge for the storage for a vehicle other than a passenger vehicle with a maximum gross vehicle weight of over 4,500 pounds towed from an arterial roadway by an arterial tow permittee authorized by the commissioner of transportation or the police commissioner is \$100 per day.

§ 4. Section 20-511 of the administrative code of the city of New York, as added by local law 28 for the year 1987, is amended to read as follows:

§ 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 such vehicle, 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]20-518.

§ 5. Paragraphs four and five of subdivision b of section 20-518 of the administrative code of the city of New York, as amended by local law 41 for the year 2011 and added by local law 97 for the year 1994, respectively, are amended to read as follows:

4. Notwithstanding any other provision of this subchapter, a towing company that removes an accident vehicle to its storage facility at the place of business which qualifies such company for participation in the directed accident response program or to its auxiliary storage facilities approved by the commissioner, shall not charge for the towing of a vehicle registered at a weight of [ten thousand]10,000 pounds or less a fee exceeding [one hundred and twenty-five dollars]\$225 or more than [twenty-five dollars]\$40 per day for [the first three days of storage and twenty-seven dollars for the fourth day, and each day thereafter, of]storage for such vehicle. A towing company participating in the directed accident response program shall not charge for the towing of an accident vehicle registered at a weight of more than [ten thousand]10,000 pounds a fee exceeding [one hundred and forty dollars]\$300 or more than [twenty-five dollars]\$100 per day for [the first three days of storage and twenty-seven dollars for the fourth day, and each day thereafter, of]storage for such vehicle.

5. If a person in charge of the vehicle, other than a police officer, requests that an accident vehicle be towed to any location other than the storage facilities at the place of business which qualified the towing company removing the vehicle for participation in the directed accident response program or to its auxiliary storage facilities approved by the commissioner, the towing company may also, in addition to the charges authorized under paragraph [four]4 of this subdivision, charge [the]a mileage fee [for additional mileage that is authorized under section 20-509 of this subchapter,]of \$5 per mile or portion thereof for the distance traveled from the accident scene to the location where the vehicle is towed; provided, however, that such distance shall be measured on a route available for commercial vehicles from the accident scene to the location to which such

vehicle is towed.

§ 6. Paragraphs 1 and 2 of subdivision a of section 20-519 of the administrative code of the city of New York, as amended by local law 110 for the year 1993, are amended to read as follows:

§ 20-519 Removal of stolen, abandoned and evidence vehicles, vehicles blocking a private driveway and vehicles with certain alarm devices. 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]24-240 of vehicles with certain alarm devices.

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]24-240 of vehicles with certain alarm devices, 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.

§ 7. Subdivision b of section 20-519 of the administrative code of the city of New York, as amended by local law 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]24-240 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]24-240 except as authorized in such section.

§ 8. Paragraphs 1 and 2 of subdivision c of section 20-519 of the administrative code of the city of New York, as amended by local law 41 for the year 2011 and local law 110 for the year 1993, respectively, is amended to read as follows:

c. 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]24-240 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]\$225 for the towing of a vehicle registered at a weight of [ten thousand]10,000 pounds or less plus \$40 per day for storage[: one hundred and forty dollars]\$300 for the towing of a vehicle registered at a weight of more than [ten thousand]10,000 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] plus \$100 per day for storage. 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]\$60 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]24-240, 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]1 of subdivision b of this section; [five dollars]\$5 per day for the first three days of storage of

such vehicle and [eight dollars]\$8 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]\$60 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]24-240, 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] 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[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.

§ 9. This law takes effect 90 days after it becomes law. The commissioners of consumer affairs and transportation may promulgate rules and take any other measures necessary for the implementation of this local law before its effective date.