



Legislation Text

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Int. No. 81-A

By Council Members Liu, Foster, Gerson, Martinez, Moskowitz, Nelson, Brewer, Quinn, Provenzano, Monserrate, Gentile, Jackson, James, Reed, Vallone, DeBlasio, Gennaro, Weprin, Katz, Sears, Recchia, Koppell, The Speaker (Council Member Miller), The Public Advocate (Ms. Gotbaum) and Gallagher

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 burglar alarms for motor vehicles. a.

Definitions. For the purposes of this section:

(1) "audible burglar alarm for a motor vehicle" 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 may be 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 or display for sale or cause any other person to sell or offer or display for sale an audible burglar alarm for a motor vehicle that:

i. is not capable of automatically terminating its audible response within three minutes of its being activated;

ii. is capable of being activated by means other than direct physical contact with such motor vehicle or through the use of an individual remote activation device that is designed to be used with the audible burglar alarm system of a particular vehicle which alarm shall be capable of and shall terminate its audible response within three minutes of its being activated; or

iii. is set to automatically terminate its audible response more than three minutes after its being activated.

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

i. is not capable of automatically terminating its audible response within three minutes of its being activated;

ii. is capable of being activated by means other than direct physical contact with such motor vehicle or through the use of an individual remote activation device that is designed to be used with the audible burglar alarm system of a particular vehicle which alarm shall be capable of and shall terminate its audible response within three minutes of its being activated; or

iii. after completion of installation, is not set to automatically terminate its audible response within three minutes of its being activated.

(3) It shall be unlawful for any person to sell, offer or display for sale, or install or cause any other person to sell, offer or display for sale, or install any component that when added to an audible burglar alarm for a motor vehicle would cause such alarm to not meet the requirements of subdivision d of section 24-221 of this code.

c. (1) Notwithstanding the provisions of subdivision b of this section, any dealer or any person who

prior to the effective date of this section installed an audible burglar alarm for a motor vehicle that does not comply with subdivision b of this section and who, at the time the audible burglar alarm for a motor vehicle was installed, provided a warranty for the replacement or repair of such alarm that commenced upon the installation of such alarm, shall be authorized to replace or repair such alarm in accordance with the terms of such warranty.

(2) Any dealer or any person to which the provisions of paragraph one of this subdivision apply shall maintain a record of all repairs and replacements of such audible burglar alarm for a motor vehicle 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 may require by rule. These records shall be retained for a period of seven years, or such longer period as the police commissioner may establish by rule.

d. (1) 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.

(2) Each sale, offer or display for sale, or installation of an audible burglar alarm for a motor vehicle 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.

e. The provisions of this section shall be enforced by the police department and the department of consumer affairs.

f. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to the administrative tribunal of the department of consumer affairs.

§2. This local law shall take effect sixty days after its enactment into law.

DD 6/28/04 2:46 p.m.