STATE OF NEW YORK

11670

IN ASSEMBLY

September 2, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Dinowitz) -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to payments made to commercial towers and storage lot operators

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 399-x of the general business law is amended by adding a new paragraph d and subdivisions 2 and 3, subdivision 2 as added by chapter 166 of the laws of 1997 and subdivision 3 as amended by chapter 328 of the laws of 2008, are amended to read as follows:

d. For purposes of this section, "major credit card" shall mean MasterCard, Visa, American Express or Discover.

2. Requirements. Each and every commercial tower or storage lot operator, which requires the payment by an owner of a towed motor vehicle of all or part of the towing and/or storage charges associated with the towing and/or storage of such owner's motor vehicle as a precondition to the release of such motor vehicle to such owner or [~~his or her~~] **their** authorized representative[~~, and which accepts~~] **must accept cash and at least two major** credit cards**, as that term is defined in paragraph d of subdivision one of this section** or debit cards, as [~~those terms are~~] **that term is** defined in section five hundred eleven of this chapter as forms of payment [~~in the ordinary course of business, must accept each of these forms of payment~~] for such towing and/or storage charges.

3. Penalties. (a) Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD16123-02-6

person has, in fact, been injured or damaged thereby. In any such proceeding the court may make allowances to the attorney general as provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not less than [~~fifty~~] one thousand dollars and not more than [~~one thousand~~] two thousand five hundred dollars for each such violation. In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

(b) The provisions of this section may be enforced concurrently by the town attorney, city corporation counsel, or other lawful designee of a municipality or local government, and all moneys collected thereunder shall be retained by such municipality or local government.

§ 2. Subdivisions 2 and 3 of section 399-xx of the general business law, as added by chapter 690 of the laws of 2004, are amended to read as follows:

2. Requirements. A commercial tower who responds to a call for assistance from an owner or operator of a vehicle that is inoperable or cannot be safely operated or who offers to transport, repair, or render safely operable such a vehicle shall, in compliance with any reasonable request of an owner or operator of such vehicle, repair the vehicle or transport the vehicle and its occupants to a reasonably safe location where repairs can be made. The commercial tower shall not be required to transport all vehicle occupants if the number of occupants exceeds the number of passengers that can be safely transported. The owner or operator of the vehicle shall be liable to the commercial tower for the cost of towing and repair services provided. The commercial tower shall accept cash and [~~all other forms of payment that such commercial tower accepts in the ordinary course of business, including~~] at least two major credit [~~and~~] cards, as that term is defined in paragraph d of subdivision one of section three hundred ninety-nine-x of this article or debit cards as [~~those terms are~~] as that term is defined in section five hundred eleven of this chapter as payment for all or part of the charges for towing and repair services accepted and provided. The commercial tower may require such proof of identification from persons making payments in forms other than cash as the commercial tower requires for such payments in the ordinary course of business. If the owner or operator of a vehicle declines services of the commercial tower or cannot or will not provide payment and identification for towing or repair services, a commercial tower shall notify law enforcement about the location and identification of the vehicle and its occupants. The provisions of this section do not apply to a vehicle which is lawfully parked at the home of the vehicle's owner or operator.

3. Penalties. (a) Whenever there shall be a violation of this section, an application may be made by the attorney general in the name of the people of the state of New York to a court or justice having jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of such violations; and if it shall appear to the satisfaction of the court or justice that the defendant has, in fact, violated this section, an injunction may be issued by such court or justice, enjoining and restraining any further violation, without requiring proof that any person has, in fact, been injured or damaged thereby. In any such proceeding the court may make allowances to the attorney general as

provided in paragraph six of subdivision (a) of section eighty-three hundred three of the civil practice law and rules, and direct restitution. **Whenever the court shall determine that a violation of this section has occurred, the court may impose a civil penalty of not less than one thousand dollars and not more than two thousand five hundred dollars for each such violation.** In connection with any such proposed application, the attorney general is authorized to take proof and make a determination of the relevant facts and to issue subpoenas in accordance with the civil practice law and rules.

(b) The provisions of this section may be enforced concurrently by the town attorney, city corporation counsel, or other lawful designee of a municipality or local government, and all moneys collected thereunder shall be retained by such municipality or local government.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.