S T A T E O F N E W Y O R K

3542

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. COOK, DIAZ, HIKIND, HOOPER, V. LOPEZ, MENG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to the removal of motor vehicles for the failure to satisfy judgments in certain circumstances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision (b) of section 1204 of the vehicle and traffic law is amended by adding a new paragraph 3 to read as follows:

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MOTOR VEHICLE REGISTERED IN THIS STATE SHALL NOT BE REMOVED FROM ANY STREET OR PUBLIC AREA OR SEIZED SOLELY FOR THE PURPOSE OF SATISFYING AN OUTSTANDING JUDGMENT OR JUDGMENTS FOR PARKING VIOLATIONS AGAINST THE OWNER IF SUCH VEHICLE IS OCCUPIED.

S 2. Section 19-212 of the administrative code of the city of New York, as amended by local law number 65 of the city of New York for the year 2005, is amended to read as follows:

S 19-212 Limitation on removal of motor vehicles for purposes of satisfying parking violation judgments. A. Notwithstanding any other provision of law, a motor vehicle shall not be removed from any street or other public area solely for the purpose of satisfying an outstanding judgment or judgments for parking violations against the owner IF SUCH VEHICLE IS OCCUPIED; IF SUCH VEHICLE IS UNOCCUPIED IT MAY NOT BE REMOVED unless the total amount of such judgment or judgments, including interest, is greater than [three] FIVE hundred [fifty] dollars AND THE VEHICLE CANNOT BE IMPOUNDED BY BOOTING IT WHERE IT IS FOUND. The provisions of this section shall not be construed to prohibit the removal of a motor vehicle which is illegally parked, stopped or standing.

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

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B. IF A MOTOR VEHICLE IS REMOVED PURSUANT TO SUBDIVISION A OF THIS SECTION, THE TOWING CHARGE SHALL BE NO MORE THAN THE NORMAL AND REASONABLE CHARGE FOR TOWING IN THE CITY OF NEW YORK.

S 3. This act shall take effect January 1, 2011.