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

3689

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. CASTRO -- read once and referred to the Committee on Transportation

AN ACT to amend the administrative code of the city of New York, in relation to requiring certain tow truck operators to acquire certain proof before towing a vehicle

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

Section 1. Section 20-510 of the administrative code of the city of New York, as amended by local law number 112 of the city of New York for the year 1993, is amended to read as follows:

S 20-510 Authorization to tow vehicles. A. No tow truck operator shall tow any vehicle for which towing is necessary because of a vehicular accident without an authorization signed by the person in charge of the vehicle or a police officer which authorizes the towing of such vehicle and, where applicable, authorizes the storage of such vehicle. The authorization shall be on a form prescribed by the commissioner which shall require such information as the commissioner prescribes by rule, including the following information: the licensee's name, address and business telephone number, the license assigned to such business, the department's telephone complaint number, the rates permitted to be charged for towing and storage under section 20-509 of this subchapter, the location from which and the destination to which the vehicle is to be towed, the year, the make, the model and the department of motor vehicles license plate number of the vehicle to be towed, the name of the person in charge of the vehicle, the time of the request for service and any other information to be prescribed by rule of the commissioner. The form must also contain the following language: "This is an authorization for towing and, where requested, for storage and not an authorization to repair. You have the right to have your vehicle repaired at the facility of this towing company or any other establishment of your choice." Every authorization form shall be executed and copies thereof

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

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shall be furnished to such parties and in such manner as the commissioner may provide by rule.

B. NO TOW TRUCK OPERATOR EMPLOYED BY A PRIVATE ENTITY ENGAGED IN THE BUSINESS OF TOWING VEHICLES SHALL TOW ANY VEHICLE WITHOUT FIRST OBTAINING PHOTOGRAPHIC PROOF OF THE REASON FOR TOWING SUCH VEHICLE, IF SUCH VEHICLE IS SUBJECT TO SUCH TOWING DUE TO AN ALLEGED VIOLATION OF THIS CODE OR THE VEHICLE AND TRAFFIC LAW. SUCH PRIVATE ENTITIES SHALL MAINTAIN SUCH PHOTOGRAPHIC PROOF ALONG WITH ANY OTHER PERTINENT INFORMATION FOR A PERIOD OF NOT LESS THAN THREE MONTHS FROM THE DATE ON WHICH SUCH VEHICLE WAS TOWED. SUCH RECORD OF SUCH TOWING SHALL BE AVAILABLE TO THE OWNER OR OPERATOR OF SUCH VEHICLE UPON REQUEST. ANY FAILURE TO COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE SUBJECT TO THE PENALTIES OF SECTION 20-522 OF THIS SUBCHAPTER. THE PHOTOGRAPHIC PROOF REQUIRED BY THIS SUBDIVISION SHALL CLEARLY AND ACCURATELY DEMONSTRATE THE VEHICLE WHICH IS SUBJECT TO TOWING AND THE PLACEMENT OF SUCH VEHICLE ALLEGED TO BE IN VIOLATION OF THIS CODE OR THE VEHICLE AND TRAFFIC LAW.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.