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

8539

2009-2010 Regular Sessions

I N A S S E M B L Y

May 27, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the idling of motor vehicles left unattended

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

Section 1. Section 1210 of the vehicle and traffic law, subdivision (a) as amended by chapter 350 of the laws of 1967, subdivision (b) as amended by chapter 300 of the laws of 1960 and subdivision (c) as added by chapter 572 of the laws of 1983, is amended to read as follows:

S 1210. [Unattended] IDLING motor vehicle LEFT UNATTENDED; PROHIBITED. (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without [first]:

1. stopping the engine[,];

2. locking the ignition[,] AND removing the key from the vehicle[, and];

3. PLACING THE TRANSMISSION IN "PARK" OR THE GEARS IN "LOW" OR "REVERSE" IF THE VEHICLE HAS A MANUAL SHIFT; AND

4. effectively setting the brake thereon [and, when standing upon any grade, turning].

(B) A PERSON SHALL TURN the front wheels to the curb or side of the highway[, provided, however, the provision for removing the key from the vehicle shall not require the removal of keys hidden from sight about the vehicle for convenience or emergency] WHEN STANDING A VEHICLE ON ANY PERCEPTIBLE GRADE.

[(b)] (C) THE FOLLOWING SHALL BE EXEMPT FROM THE PROVISIONS OF SUBDIVISIONS (A) AND (B) OF THIS SECTION:

1. EMERGENCY OR LAW ENFORCEMENT PURPOSES;

2. MAINTENANCE, DIAGNOSTICS, INSPECTION;

3. POWERING AUXILIARY EQUIPMENT;

4. RECHARGING ELECTRIC AND HYBRID VEHICLES;

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

LBD11955-01-9

5. SNOW REMOVAL;

6. WEATHER CONDITIONS OF LESS THAN TWENTY DEGREES FAHRENHEIT FOR MORE THAN TWENTY-FOUR CONSECUTIVE HOURS;

7. WITHIN MINES OR QUARRIES;

8. FARM VEHICLES; OR

9. REMOTE STARTERS.

(D) A driver may, for the purpose of getting away from the place of standing, move another vehicle which is so placed he cannot get his vehicle out; provided, however, that immediately thereafter he shall reset the brake and, if on a grade, turn the front wheels to the curb or side of the highway. This privilege is subject to the limitation set forth in subdivision [(e)] (C) of section twelve hundred two OF THIS TITLE.

[(c)] (E) Towing agencies, which remove vehicles unlawfully parked on private property at request of the owner of the premises and without the written consent of the owner of the vehicle, shall immediately notify the local police station house having jurisdiction over the area where such vehicle was unlawfully parked, of the description of the car which was removed, and the time of removal.

(F) PERSONS FOUND VIOLATING THE PROVISIONS OF SUBDIVISIONS (A) AND (B) OF THIS SECTION SHALL BE SUBJECT TO A FINE OF FIFTY DOLLARS FOR THE FIRST OFFENSE AND FOR SUBSEQUENT OFFENSES THE FINE SHALL NOT EXCEED TWO HUNDRED FIFTY DOLLARS AND/OR SHALL NOT EXCEED NINETY DAYS OF IMPRISONMENT.

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