

STATE OF NEW YORK

8461

2019-2020 Regular Sessions

IN ASSEMBLY

July 8, 2019

Introduced by M. of A. RYAN -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to establishing the parking protection act

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

1 Section 1. This act shall be known and may be cited as the "parking
2 protection act".

3 § 2. The section heading, subdivisions 2 and 3, and paragraph (i) of
4 subdivision 7 of section 399-v of the general business law, the section
5 heading and subdivision 2 as amended, and paragraph (i) of subdivision 7
6 as added by chapter 328 of the laws of 2008 and subdivision 3 as amended
7 by chapter 655 of the laws of 1997, are amended to read as follows:

8 Parking facilities; towing and immobilization of vehicles, posting of
9 notices.

10 2. (a) Every parking facility shall display prominently a conspicuous
11 notice stating the name, address and telephone number of the operator of
12 the parking facility together with the name, address and telephone
13 number of any individual or entity authorized to tow from such parking
14 facility any motor vehicle or the name, address and telephone number of
15 any individual or entity authorized to place a device designed to immo-
16 bilize any motor vehicle in such parking facility. Such notice shall
17 also state that unauthorized vehicles will be towed or immobilized at
18 the vehicle owner's expense and shall state the cost for the towing and
19 storage or for the immobilization.

20 (b) All parking facilities shall display prominently a conspicuous
21 sign, not less than three feet by four feet in size, that unambiguously
22 states the currently applicable price of parking at the facility and the
23 period of time during which the price is valid. A higher price shall not
24 take effect unless a sign providing notice of the change in price has
25 been posted at least one hour prior to the time at which the higher

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

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1 price is intended to commence. The signs required under this paragraph
2 shall be separate from the notice required under paragraph (a) of this
3 subdivision and shall comply with and contain all of the following:

- 4 (i) black letters on a white background;
- 5 (ii) letters and numbers that are at least six inches in height;
- 6 (iii) all letters shall be in the same font;
- 7 (iv) all letters and numbers shall be proportionately spaced;
- 8 (v) each type of rate shall be specified on a separate line; and
- 9 (vi) no prices shall be expressed as a range.

10 (c) No person shall be charged a price for parking except as set forth
11 on the sign posted pursuant to paragraph (b) of this subdivision.

12 3. (a) No owner or operator of a parking facility shall tow or author-
13 ize the towing of any motor vehicle or immobilize or authorize the immo-
14 bilization of any motor vehicle in such parking facility unless such
15 owner or operator displays a notice pursuant to paragraph (a) of subdivi-
16 vision two of this section and the commercial tower is duly licensed by
17 a municipality or local government.

18 (b) No motor vehicle may be towed or immobilized:

19 (i) unless the motor vehicle has, on at least two previous occasions,
20 parked in a manner inconsistent with law or posted instructions at the
21 parking facility from which the owner seeks to have it towed or at which
22 the owner seeks to have it immobilized; or

23 (ii) when the vehicle is occupied by any person or live animal.

24 (c) No vehicle towed pursuant to this section shall be stored more
25 than ten miles from the parking facility from which it is removed. If no
26 such storage facility is available, the closest available facility for
27 storage shall be utilized. The storage facility must be a secure place
28 for safekeeping vehicles.

29 (d) (i) If the registered owner or other person in control of the
30 motor vehicle arrives at the scene prior to the removal of the vehicle,
31 and the vehicle is connected to any apparatus for towing, the vehicle
32 shall be removed from the apparatus and the registered owner or other
33 person having control of the vehicle shall be allowed to remove the
34 vehicle from the premises upon payment of a reasonable service fee of
35 not more than one-half of the charge allowed for towing.

36 (ii) A person who has immobilized a motor vehicle shall release the
37 vehicle to the registered owner or other person in control of the motor
38 vehicle within thirty minutes of having received payment for the vehi-
39 cle's release.

40 (iii) A tow operator who has removed a motor vehicle under this
41 section, or person who has immobilized a vehicle under this section,
42 shall accept for payment either cash or credit card, at the election of
43 the owner or person in control of the vehicle and a receipt for payment
44 shall be offered.

45 (i) regulate the reasonable amount, which amount shall not exceed one
46 hundred twenty-five dollars total for the towing and first three days of
47 storage and not more than fifteen dollars per day of storage for the
48 fourth and subsequent days of storage, that a commercial tower may
49 charge for the towing and storage of a vehicle removed from a parking
50 facility;

51 § 3. This act shall take effect immediately.