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:

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

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

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

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

(b) All parking facilities shall display prominently a conspicuous sign, not less than three feet by four feet in size, that unambiguously states the currently applicable price of parking at the facility and the period of time during which the price is valid. A higher price shall not take effect unless a sign providing notice of the change in price has 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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price is intended to commence. The signs required under this paragraph shall be separate from the notice required under paragraph (a) of this subdivision and shall comply with and contain all of the following:

(i) black letters on a white background;

(ii) letters and numbers that are at least six inches in height;

(iii) all letters shall be in the same font;

(iv) all letters and numbers shall be proportionately spaced;

(v) each type of rate shall be specified on a separate line; and

(vi) no prices shall be expressed as a range.

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

3. (a) No owner or operator of a parking facility shall tow or authorize the towing of any motor vehicle or immobilize or authorize the immobilization of any motor vehicle in such parking facility unless such owner or operator displays a notice pursuant to paragraph (a) of subdivision two of this section and the commercial tower is duly licensed by a municipality or local government.

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

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately.