

STATE OF NEW YORK

11670

IN ASSEMBLY

September 2, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Dinowitz) --
read once and referred to the Committee on Consumer Affairs and
Protection

AN ACT to amend the general business law, in relation to payments made
to commercial towers and storage lot operators

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

1 Section 1. Subdivision 1 of section 399-x of the general business law
2 is amended by adding a new paragraph d and subdivisions 2 and 3, subdivi-
3 sion 2 as added by chapter 166 of the laws of 1997 and subdivision 3
4 as amended by chapter 328 of the laws of 2008, are amended to read as
5 follows:

6 d. For purposes of this section, "major credit card" shall mean Mast-
7 erCard, Visa, American Express or Discover.

8 2. Requirements. Each and every commercial tower or storage lot opera-
9 tor, which requires the payment by an owner of a towed motor vehicle of
10 all or part of the towing and/or storage charges associated with the
11 towing and/or storage of such owner's motor vehicle as a precondition to
12 the release of such motor vehicle to such owner or ~~[his or her]~~ their
13 authorized representative~~[-, and which accepts]~~ must accept cash and at
14 least two major credit cards, as that term is defined in paragraph d of
15 subdivision one of this section or debit cards, as ~~[those terms are]~~
16 that term is defined in section five hundred eleven of this chapter as
17 forms of payment ~~[in the ordinary course of business, must accept each~~
18 ~~of these forms of payment]~~ for such towing and/or storage charges.

19 3. Penalties. (a) Whenever there shall be a violation of this section,
20 an application may be made by the attorney general in the name of the
21 people of the state of New York to a court or justice having jurisdic-
22 tion to issue an injunction, and upon notice to the defendant of not
23 less than five days, to enjoin and restrain the continuance of such
24 violations; and if it shall appear to the satisfaction of the court or
25 justice that the defendant has, in fact, violated this section, an
26 injunction may be issued by such court or justice, enjoining and
27 restraining any further violation, without requiring proof that any

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

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1 person has, in fact, been injured or damaged thereby. In any such
2 proceeding the court may make allowances to the attorney general as
3 provided in paragraph six of subdivision (a) of section eighty-three
4 hundred three of the civil practice law and rules, and direct restitu-
5 tion. Whenever the court shall determine that a violation of this
6 section has occurred, the court may impose a civil penalty of not less
7 than ~~[fifty]~~ one thousand dollars and not more than ~~[one thousand]~~ two
8 thousand five hundred dollars for each such violation. In connection
9 with any such proposed application, the attorney general is authorized
10 to take proof and make a determination of the relevant facts and to
11 issue subpoenas in accordance with the civil practice law and rules.

12 (b) The provisions of this section may be enforced concurrently by the
13 town attorney, city corporation counsel, or other lawful designee of a
14 municipality or local government, and all moneys collected thereunder
15 shall be retained by such municipality or local government.

16 § 2. Subdivisions 2 and 3 of section 399-xx of the general business
17 law, as added by chapter 690 of the laws of 2004, are amended to read as
18 follows:

19 2. Requirements. A commercial tower who responds to a call for assist-
20 ance from an owner or operator of a vehicle that is inoperable or cannot
21 be safely operated or who offers to transport, repair, or render safely
22 operable such a vehicle shall, in compliance with any reasonable request
23 of an owner or operator of such vehicle, repair the vehicle or transport
24 the vehicle and its occupants to a reasonably safe location where
25 repairs can be made. The commercial tower shall not be required to
26 transport all vehicle occupants if the number of occupants exceeds the
27 number of passengers that can be safely transported. The owner or opera-
28 tor of the vehicle shall be liable to the commercial tower for the cost
29 of towing and repair services provided. The commercial tower shall
30 accept cash and ~~[all other forms of payment that such commercial tower~~
31 ~~accepts in the ordinary course of business, including]~~ at least two
32 major credit [and] cards, as that term is defined in paragraph d of
33 subdivision one of section three hundred ninety-nine-x of this article
34 or debit cards as [those terms are] as that term is defined in section
35 five hundred eleven of this chapter as payment for all or part of the
36 charges for towing and repair services accepted and provided. The
37 commercial tower may require such proof of identification from persons
38 making payments in forms other than cash as the commercial tower
39 requires for such payments in the ordinary course of business. If the
40 owner or operator of a vehicle declines services of the commercial tower
41 or cannot or will not provide payment and identification for towing or
42 repair services, a commercial tower shall notify law enforcement about
43 the location and identification of the vehicle and its occupants. The
44 provisions of this section do not apply to a vehicle which is lawfully
45 parked at the home of the vehicle's owner or operator.

46 3. Penalties. (a) Whenever there shall be a violation of this section,
47 an application may be made by the attorney general in the name of the
48 people of the state of New York to a court or justice having jurisdic-
49 tion to issue an injunction, and upon notice to the defendant of not
50 less than five days, to enjoin and restrain the continuance of such
51 violations; and if it shall appear to the satisfaction of the court or
52 justice that the defendant has, in fact, violated this section, an
53 injunction may be issued by such court or justice, enjoining and
54 restraining any further violation, without requiring proof that any
55 person has, in fact, been injured or damaged thereby. In any such
56 proceeding the court may make allowances to the attorney general as

1 provided in paragraph six of subdivision (a) of section eighty-three
2 hundred three of the civil practice law and rules, and direct restitu-
3 tion. Whenever the court shall determine that a violation of this
4 section has occurred, the court may impose a civil penalty of not less
5 than one thousand dollars and not more than two thousand five hundred
6 dollars for each such violation. In connection with any such proposed
7 application, the attorney general is authorized to take proof and make a
8 determination of the relevant facts and to issue subpoenas in accordance
9 with the civil practice law and rules.

10 (b) The provisions of this section may be enforced concurrently by the
11 town attorney, city corporation counsel, or other lawful designee of a
12 municipality or local government, and all moneys collected thereunder
13 shall be retained by such municipality or local government.

14 § 3. This act shall take effect on the ninetieth day after it shall
15 have become a law.