

LOCAL LAW INTRO. NO. - 2023

A LOCAL LAW amending Chapter 270 of the Laws of Westchester County to delete provisions in subdivision (3) of section 270.124 with respect to base station owners and a vehicle immobilization program to enforce the provisions of the Westchester County For-Hire Vehicle Law.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 270 of the Laws of Westchester County is hereby amended to delete certain portions of subdivision (3) to section 270.124 to read as follows:

(3) Vehicle Immobilization Program

1. As used in this section,

(a) the phrase “vehicle immobilizer”, also known as a “boot”, shall mean any device, approved by the commission, which is locked to the wheel of a vehicle to prevent the vehicle from being driven.

(b) the phrase “unanswered summons” shall mean any summons issued pursuant to section 270.117 of the Laws of Westchester County which remain outstanding, unanswered or defaulted by the respondent.

2. In addition to any other penalties provided for in this Chapter, a vehicle immobilizer may be applied to any vehicle whose owner has either:

(a) failed to pay civil penalties resulting from violations of this Chapter as against the owner of the vehicle[,] or the driver of the vehicle [and/or the owner of the base station where the vehicle is affiliated,] which exceed \$1,000; or

(b) a total of five or more unanswered summonses from violations of the For-Hire Vehicle Law as against the owner of the vehicle or[,] the driver of the vehicle.[and/or the owner of the base station where the vehicle is affiliated.]

3. The Commission and/or its designee shall notify the owner of the vehicle or[,] the driver of the vehicle [and/or the owner of the base station where the vehicle is affiliated], that a vehicle immobilizer may be attached to their vehicle(s) if the outstanding civil penalties are not paid within

thirty (30) days or if the unanswered summonses are not finally satisfied within thirty (30) days.

4. Upon applying a vehicle immobilizer, the commission and/or any authorized person or entity designated by the commission shall provide written notification to the owner of the vehicle [and the base station owner to which the vehicle is affiliated, if any,] of the procedure by which the outstanding civil penalties or unanswered summonses shall be satisfied and the vehicle immobilizer removed. Such written notice shall be made as soon as practicable but in no event later than two (2) business days after which the vehicle immobilizer has been applied. The driver of the vehicle, if present, shall be notified immediately following the application of the vehicle immobilizer of the procedure by which the outstanding civil penalties or unanswered summonses may be satisfied.

5. In the event that a vehicle is immobilized in a location where it cannot legally remain, said vehicle may be towed to a location designated by the commission. Law enforcement personnel may also tow a vehicle that has been immobilized for public safety reasons as well as to protect the immobilized vehicle.

6. The commission shall not authorize the release of any immobilized or towed vehicle until all of the following fees, fines, and penalties have been paid in full:

- (a) fees relating to the application of the vehicle immobilizer;
- (b) fees, if any, relating to transport of any passenger, who was in the vehicle at the time that the vehicle immobilizer was applied. This fee, if any, shall be the same amount that the passenger was being charged for his or her transport that was interrupted when the vehicle immobilizer was applied;
- (c) fees for towing, if applicable;
- (d) storage, if applicable; and
- (e) the underlying fine or civil penalty.

7. The unauthorized removal or destruction of a vehicle immobilizer may result in a criminal prosecution in accordance with the provisions of the New York State Penal Law and the New York State Criminal Procedure Law.

§2. This Local Law shall take effect immediately.