

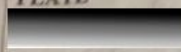


Boot and Tow
Traffic Rule

1. Full Text
2. Full Text_Comments and Commentary

 **NEW YORK CITY POLICE DEPARTMENT** 
TRAFFIC ENFORCEMENT DISTRICT
MANHATTAN TOW POUND
PIER 76, 38TH STREET & 12TH AVENUE
(212) 971-0771 / 0772 / 0783

DATE: 1/26/15 TIME: 8:37am BOOT: R8

PLATE	STATE	MAKE	COLOR
	<u>NY</u>	<u>Honda</u>	<u>Br</u>

WARNING

This vehicle violates the NYC Traffic Rules & Regulations section 4-08.
The resulting obstruction of traffic causes unnecessary delays. Pursuant to section 4-08 of those rules, this vehicle has been immobilized. Any attempt to move this vehicle may result in damage to the vehicle.

ATTENTION

You must pay one hundred & eighty-five dollars (\$185.00) at the Manhattan Tow Pound **within TWO (2) HOURS** of the boot time listed above. (See address above)

OR
YOUR VEHICLE WILL BE TOWED FOR AN ADDITIONAL FEE OF \$185.00

REDEMPTION PROCEDURE

To redeem your vehicle you must present all of the following documents:

1. Current valid driver's license.
2. Current valid Registration Certificate or Rental Agreement.
3. Current valid Insurance Card.

If you are not the registered owner and do not possess the registration certificate or insurance card for the vehicle, you will need to present a letter of authorization from the registered owner. Payment can be made in cash, money order, certified check, American Express, Master Card, Visa, Discover/Novus, Diners Club International, NYCE Interlink, MAC Maestro and US Traveler's Checks.

In order to avoid receiving a second summons, please leave summons on windshield.

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4-08(9) Immobilization and towing of illegally parked vehicles.

(i) Time and manner of immobilization. Any illegally parked vehicle found parked at any time upon any public highway in the City may, by or under the direction of any person authorized by the Commissioner, be immobilized in such manner as to prevent its operation, and thereafter may be removed to a tow pound as provided in these rules; provided, however, that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless such vehicle is moved while such device or mechanism is in place.

(ii) Notice. Notice of immobilization pursuant to this paragraph shall be placed in a conspicuous place on the vehicle. Such notice shall contain: (A) a warning that any attempt to move the vehicle may result in damage to the vehicle; and (B) the time, place and manner in which the vehicle may be redeemed.

(iii) Immobilization fee. The registrant of an immobilized vehicle which has not yet been removed to a tow pound pursuant to these rules, or any other person authorized by the registrant of such vehicle, may secure the release of the vehicle upon satisfaction of all parking summonses in judgment, if any, for which the registrant of the immobilized vehicle is liable and payment of an immobilization fee of \$185.00.

(iv) Applicable rules. Where a vehicle has been both immobilized and towed, the owner shall be subject to both the immobilization requirements of this paragraph, and all applicable provisions of these rules.

(v) Right to immediate hearing. The registrant, title holder or operator of any vehicle that has been immobilized shall have the right to an immediate hearing during regular business hours at the Parking Violations Bureau in relation to the immobilization.

(vi) Removal fee. The fee for removal of illegally parked vehicles to a tow pound shall be determined in accordance with the following fee schedule. Said fee shall be payable before such vehicles are released. (A) The removal fee for Regular Towing shall be \$185.00 and shall apply to any vehicle that has a gross vehicle weight less than 6,500 pounds, that may be towed through the use of a single tow truck not weighing more than eight tons. (B) The removal fee for Heavy Duty Towing shall be \$370.00 and shall apply to any vehicle that has a gross vehicle weight of 6,500 pounds or greater, and/or requires either more than one tow truck or a single tow truck which weighs in excess of eight tons, in order to be towed.

(vii) Storage fee. In addition to the removal fee set forth in subparagraph (vi) of this paragraph (9), there shall be a storage fee of \$20.00 for each day such vehicle remains

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in the possession of the city, up to and including the day such vehicle is released. Said fee shall be payable before such vehicle is released.

(viii) Vehicles not removed considered abandoned. Any vehicle which is not removed from city property within 10 days following the mailing of a request to remove it shall be deemed to be an abandoned vehicle pursuant to paragraph (d) of subdivision 1 of §1224 of the Vehicle and Traffic Law and shall be disposed of by the Commissioner pursuant to such law. Such request shall be sent by certified or registered mail, return receipt requested, to the registered owner of the vehicle, at the address contained on the registration of such vehicle.

(ix) Release of vehicle in process of being removed. When a vehicle has been hooked to a tow truck in preparation for removal to a pound but the owner or other person lawfully entitled to possession of such vehicle appears and requests the release of such vehicle before the tow truck is in motion, such vehicle shall be unhooked and released, provided, however, that the person to whom such vehicle is released must execute a binding agreement consenting to pay the vehicle release penalty as set forth in subparagraph (x) of this paragraph (9) within thirty days from the date of such agreement and, in the event of non-payment, to the imposition of additional penalties in accordance with subparagraph (xi) of this paragraph (9); and provided further that such person present a current valid driver's license and either registration for the vehicle, title to the vehicle, insurance identification and keys for the vehicle, a rental agreement and keys for the vehicle in case of a rental vehicle, or company identification and keys for the vehicle in the case of a commercial vehicle.

(x) Vehicle release penalty. The penalty for the release of an illegally parked vehicle under the circumstances permitted by subparagraph (ix) of this paragraph (9) shall be \$100.00 for illegally parked vehicles which meet the criteria contained in subparagraph (vi)(A) of this paragraph (9), and \$200.00 for illegally parked vehicles which meet the criteria listed in subparagraph (vi)(B) of this paragraph (9). This fee is in addition to any other monetary fine(s) and penalty(ies) permitted by law for the underlying parking violation(s); provided, however, that in no event shall a vehicle release penalty be imposed if the underlying parking violation or, in the case of multiple parking violations, all underlying parking violations, is (are) dismissed by the Parking Violations Bureau.

(xi) Non-payment of vehicle release penalty. The Parking Violations Bureau may, in accordance with law, prescribe additional penalties for non-payment of the vehicle release penalty set forth in sub-paragraph (x) of this paragraph (9) and enter and enforce default judgments for such vehicle release penalty and additional penalties.

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2. Larry's Comments and Commentary

4-08 (A)(9) Immobilization and towing of illegally parked vehicles

(i) Time and manner of immobilization. Any illegally parked vehicle found parked at any time upon any public highway in the City may, by or under the direction of any person authorized by the Commissioner, be immobilized in such manner as to prevent its operation, and thereafter may be removed to a tow pound as provided in these rules; provided, however, that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless such vehicle is moved while such device or mechanism is in place.

-Larry's comment_I despise this draconian, money-grabbing, double-dipping rule. The cops can now issue a ticket, call in the boot squad, place of 2-hour notice to remove under the wiper, wait a couple of hours and then tow your chariot.

(ii) Notice. Notice of immobilization pursuant to this paragraph shall be placed in a conspicuous place on the vehicle. Such notice shall contain (A) a warning that any attempt to move the vehicle may result in damage to the vehicle; and (B) the time, place and manner in which the vehicle may be redeemed

Larry's comment_What good is a notice if you're at work, or had no intention to return within two hours to read the stupid notice? And, if you are one of the fortunate drivers who returns to his chariot within the two-hour period, good luck racing to pay and remove the boot.

(iii) Immobilization fee. The registrant of an immobilized vehicle which has not yet been removed to a tow pound pursuant to these rules, or any other person authorized by the registrant of such vehicle, may secure the release of the vehicle upon satisfaction of all parking summonses in judgment, if any, for which the registrant of the immobilized vehicle is liable and payment of an immobilization fee of \$185.00.

Larry's comment_The first Ca-ching!

(iv) Applicable rules. Where a vehicle has been both immobilized and towed, the owner shall be subject to both the immobilization requirements of this paragraph and all applicable provisions of these rules.

Larry's comment_Ca-ching, Ca-ching!

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(v) Right to an immediate hearing. The registrant, title holder or operator of any vehicle that has been immobilized shall have the right to an immediate hearing during regular business hours at the Parking Violations Bureau in relation to the immobilization.

Larry's comment_Please do not fall for this trick. Do not rush over to a DOF business office and demand an immediate hearing while you're furious and before you formulate a winning defense. Take a deep breath and do your homework. There's a bunch of bucks at stake here.

(vi) Removal fee. The fee for removal of illegally parked vehicles to a tow pound shall be determined in accordance with the following fee schedule. Said fee shall be payable before such vehicles are released. (A) The removal fee for Regular Towing shall be \$185.00 and shall apply to any vehicle that has a gross vehicle weight less than 6,500 pounds, that may be towed through the use of a single tow truck not weighing more than eight tons. (B) The removal fee for Heavy Duty Towing shall be \$370.00 and shall apply to any vehicle that has a gross vehicle weight of 6,500 pounds or greater, and/or requires either more than one tow truck or a single tow truck which weighs in excess of eight tons, in order to be towed.

Larry's comment_And you thought college was expensive

(ix) Release of a vehicle in the process of being removed. When a vehicle has been hooked to a tow truck in preparation for removal to a pound but the owner or other person lawfully entitled to possession of such vehicle appears and requests the release of such vehicle before the tow truck is in motion, such vehicle shall be unhooked and released, provided, however, that the person to whom such vehicle is released must execute a binding agreement consenting to pay the vehicle release penalty as set forth in subparagraph (x) of this paragraph (9) within thirty days from the date of such agreement and, in the event of non-payment, to the imposition of additional penalties in accordance with subparagraph (xi) of this paragraph (9); and provided further that such person present a current valid driver's license and either registration for the vehicle, title to the vehicle, insurance identification and keys for the vehicle, a rental agreement and keys for the vehicle in case of a rental vehicle, or company identification and keys for the vehicle in the case of a commercial vehicle.

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(xi) Non-payment of vehicle release penalty. The Parking Violations Bureau may, in accordance with law, prescribe additional penalties for non-payment of the vehicle release penalty set forth in sub-paragraph (x) of this paragraph (9) and enter and enforce default judgments for such vehicle release penalty and additional penalties.

Larry's comment_The Evil Empire's got you coming and going. No way out.

Commentary

We can all sit back and endure this grotesque double dip or take action. What's your pleasure?

Why not send an angry letter to your City Council Representative? There is absolutely no rationale for this bad behavior other than an illegal money grab.

If your car is parked in a location that jeopardizes the safety of people or machines, it should be towed immediately. If your car is parked safely but illegally, then cops and warriors should pick their punishment. Either boot it or tow it.

But, to legalize a boot and a tow for the same alleged parking violation is grotesque.

Please don't just sit there, take action.

Park safely,

Larry Berezin
New York Parking Ticket, LLC