

**INCORPORATED VILLAGE OF OLD WESTBURY  
BOARD OF TRUSTEES**

**LOCAL LAW NO. 6 OF 2021**

**AMENDING CHAPTER 191, “TOWING” OF THE CODE  
OF THE VILLAGE OF OLD WESTBURY**

---

**WHEREAS**, the Board of Trustees has recommended the enactment of a local law amending Chapter 191, “Towing”, relating to the regulation of towing and storage of towed motor vehicles within the Village of Old Westbury; and

**WHEREAS**, this Local Law was introduced by the Board of Trustees July 19, 2021; and

**WHEREAS**, the Board finds that this Local Law is a Type II Action pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

**WHEREAS**, this Local Law was the subject of a duly noticed public hearing in accordance with New York State Village Law and the Village Code before the Board on August 16, 2021, September 20, 2021, October 19, 2021, and November 15, 2021.

**BE IT ENACTED** by the Board of Trustees of the Incorporated Village of Old Westbury as follows:

**Section 1.** Section 191-1 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-1 License required.

- A. Except as provided in §§ 191-1(B), no person or persons, firm or corporation shall engage in towing activities for hire within the limits of the Incorporated Village of Old Westbury, for any reason, unless a license therefor shall first be obtained from the Board of Trustees signed by the Mayor and countersigned by the Village Administrator, as hereinafter provided.
- B. Any person, firm, or corporation that possess a duly issued license pursuant to § 191-1(A) of the Village Code, may subcontract its tow assignments to non-licensed tow car operators for hire, provided that the non-licensed tow car operators for hire are authorized by the regulations recommended by the Mayor and adopted by the Board of Trustees to operate in the Village, and that the licensee provides all of the information required by § 191-6(G) of the Village Code and supervises the sub-contractor, and remains fully responsible for all operations under the license.

**Section 2.** Section 191-2 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-2. Presumptive evidence of operating tow car for hire.

The towing of any motor vehicle on the streets of the Village of Old Westbury by a commercial vehicle equipped as a towing car shall be presumptive evidence that said towing car is being operated for hire.

**Section 3.** Section 191-3 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-3. Applicability.

[Amended 4-29-1968]

"Operating a tow truck for hire," as used in this chapter, shall mean the towing of any motor vehicle, for any reason, on any public or private street, or highway within the Village of Old Westbury.

**Section 4.** Section 191-4 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-4. Qualifications for driver, subcontractor, and helper.

A. A towing car driver, subcontractor, or helper:

- (1) Must be a citizen of the United States or a declarant.
- (2) Must be at least 21 years of age.
- (3) Shall not have been convicted of a felony or misdemeanor.  
[Amended 5-20-1991 by L.L. No. 1-1991]

B. A driver must possess a valid New York State driver's license, in the appropriate class, as required by the New York State Vehicle and Traffic Law.  
[Amended 12-18-2000 by L.L. No. 6-2000]

**Section 5.** Section 191-5 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-5. Qualifications for a licensed towing car owner. A licensed towing car owner:

- A. Shall be a citizen of the United States, or if a corporation, the officers thereof shall be citizens of the United States.
- B. Shall be at least 21 years of age.
- C. Shall not have been convicted of a felony or misdemeanor.

[Amended 4-16-1990 by L.L. No. 4-1990; 12-18-2000 by L.L. No. 6-2000]

D. Shall have a qualified place of business which, for purposes of this chapter, shall mean one which:

[Amended 4-29-1968]

- (1) Is an established garage equipped for the repair and storage of automobiles involved in accidents.
- (2) Has at least 1,600 square feet of working space in its body shop, together with a separate paint room partitioned from the remainder of the shop.
- (3) Is located within the Village or not more than 1 1/2 miles from its corporate limits.
- (4) Has been established and operating for at least one year at the time of applying for a license under this chapter.
- (5) Maintains a twenty-four-hour service for the towing and storage of motor vehicles involved in accidents.
- (6) Shall remain open during normal business hours, shall provide facilities whereby towing customers may pick up their vehicles any day of the week during at least the hours of 7:00 a.m. and 5:00 p.m., and shall maintain a telephone answering service for such times that it is not actually open.
- (7) Has indoor and outdoor parking space for a total of at least 20 vehicles.

E Shall be registered as a motor vehicle repair shop pursuant to the New York State Motor Vehicle Repair Shop Registration Act (Vehicle and Traffic Law, Article 12-A), or a New York State licensed Motor Vehicle Body Shop.

[Added 12-18-2000 by L.L. No. 6-2000]

**Section 6.** Section 191-6 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-6. Information required with application for license for owners.

No such license shall be issued unless an application therefor shall have been filed with the Village Administrator upon a form prescribed therefor by the Board of Trustees, which shall include in the case of towing car owners:

A. The name and business address of the applicant and, if he is a natural person, his age and residence address.

- B. The registration number of each towing car to be operated.
- C. A schedule of prices as prescribed in § **191-8** hereof.
- D. Evidence that he/she/it is insured against public liability in the limits of at least \$1,000,000.00 for personal injury to each person; \$1,000,000.00 for personal injury for each accident and \$25,000 for property damage, which insurance shall be maintained in force during the period covered by the license.  
[Added 12-18-2000 by L.L. No. 6-2000]
- E. Provide proof of garage keeper's legal liability insurance in the limit of \$50,000, which insurance shall include coverage for vehicles being towed and shall be maintained in force during that period covered by the license.  
[Added 12-18-2000 by L.L. No. 6-2000]
- F. All insurance policies provided for in this section must be issued by an insurance company or entity duly recognized by the New York State Department of Insurance and licensed to do business in the State of New York.  
[Added 12-18-2000 by L.L. No. 6-2000]
- G. The name, business address, phone number, and e-mail address of any sub-contractors, if any, pursuant to § 191-1(B) of the Village Code. No sub-contractor shall be authorized to operate in the Village unless authorized by the Mayor, with approval by the Board of Trustees. All authorized sub-contractors shall be listed on the license issued to the licensee.

**Section 7.** Section 191-7 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-7. Expiration of license; fee.

[Amended 4-29-1968; 1220-82; 9-17-1984 by L.L. No. 19-1984; 12-18-2000 by L.L. No. 6-2000]

Every license issued pursuant to this chapter shall expire on the 31st day of December following issuance thereof. The license fee payable for each towing car owner's license or renewal thereof, which license shall cover one or more towing cars operated by the same owner, shall be \$2,500.00 per year, provided that, if such license is issued less than six months before the expiration thereof, such fee shall be \$1,250.00. The license fee payable for each authorized subcontractor or helper or renewal thereof shall be \$25 per year.

**Section 8.** Section 191-10 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-10. Soliciting work on streets prohibited.

It shall be unlawful for any person, corporation, or entity that does not possess a duly issued license pursuant to § 191-1(A) of the Village Code, or is not an authorized subcontractor pursuant to § 191-1(B) of the Village Code, to accept any towing work, for any reason, in the Incorporated Village of Old Westbury.

**Section 9.** Section 191-11 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-11. Information required on vehicle.

On each side of every towing car for which a license has been granted, and on the side of every towing car operated by an authorized subcontractor pursuant to § 191-1(B) of the Village Code, there shall be legibly inscribed, not less than three inches high, the name and address of the owner of such towing car or of the person having the license therefor and the license number assigned to such towing car by the Mayor.

**Section 10.** Section 191-12 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-12. Promulgation of rules and regulations.

[Amended 6-16-1997 by L.L. No. 4-1997]

A. The Mayor, with the approval of the Board of Trustees, is hereby empowered by resolution to promulgate and prescribe rules and regulations for the proper administration and enforcement of this chapter, including but not limited to:

- (1) Establishing rules for rotation of tow car assignments to scenes of accidents or removal of disabled vehicles in the Village.
- (2) Limiting the number of licenses granted under this chapter, taking into consideration the number of tow cars already in operation in the Village, and whether the number of existing tow car licenses is adequate to meet the public need and convenience.
- (3) Selecting and limiting the number of sub-contractors authorized to operate in the Village pursuant to § 191-1(B), taking into consideration the number of tow cars and authorized subcontractors already in operation in the Village, and whether the number of existing tow car licenses and authorized subcontractors are adequate to meet the public need and convenience.
- (4) Establishing a waiting list of qualified tow car license applicants, and subcontractors.

B. In the event that a vacancy occurs on the current list of approved tow car licensees or subcontractors, or the Mayor determines that the needs and/or convenience of the public are not being met by the number of licensees or subcontractors on the list, the Mayor

shall select additional qualified tow car companies or subcontractors to meet the needs and/or convenience of the public.

**Section 11.** Section 191-13 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-13. Authority to suspend license.

[Amended 12-18-2000 by L.L. No. 6-2000]

The Village Chief of Police and the Mayor shall have the power to suspend any license issued pursuant to this chapter, or the authorization of any subcontractor to operate in the Village, for the violation of any rules thereof or of any rules and regulations promulgated by them or for the failure of the owner, operator, helper, or subcontractor of any towing car to render services to the owner or driver of any vehicle who is able and willing to pay the fee prescribed in the schedule of prices filed by the licensee of such towing car as hereinbefore prescribed. The Mayor shall have the discretion and authority to reinstate a license or subcontractor suspended pursuant to this section.

**Section 12.** Section 191-14 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-14. Penalties for offenses.

[Amended 4-29-1968; 12-18-2000 by L.L. No. 6-2000]

Any violation of this chapter or any part thereof shall constitute an offense against this chapter, and any person, firm or corporation violating any such provision shall be liable for a fine not to exceed \$2,500.00 for each such violation.

**Section 13.** Section 191-15 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-15. Regulations for drivers, subcontractors, and helpers.

[Amended 10-20-1969; 12-13-1971; 5-16-1977; 12-19-1977]

A. Regulations regarding conduct. A licensed towing car driver, helper, or authorized subcontractor shall:

- (1) Have his identification card and appropriate license in possession at all times while engaged in his occupation as a towing car driver, subcontractor, or helper.  
[Amended 12-18-2000 by L.L. No. 6-2000]
- (2) Not permit any other person to use his identification card.
- (3) Not be engaged on an unlicensed towing car or on a towing car the license of which has been suspended or revoked.

- (4) Promptly report the loss of his identification card to the Village Administrator.
- (5) Report change of address to the Village Administrator within 48 hours.
- (6) Have with him at all times properly authorized forms for towing and repair, such forms to be printed and maintained by the towing car owner.
- (7) When requested by the police, assist in clearing vehicles and debris, including vehicle fluids, from the public highway.  
[Added 12-18-2000 by L.L. No. 6-2000]

- (8) When directed by the Old Westbury Police Department to perform a safety inspection, tow any motor vehicle including, but not limited to, cars, motorcycles, Light-Duty Vehicles, Medium-Duty Vehicles, Light Heavy-Duty Vehicles, and Heavy-Duty Vehicles, to the designated Village of Old Westbury storage area at 1 Store Hill Road, Old Westbury, New York. Any motor vehicle towed to the designated Village of Old Westbury storage area shall be available for pick-up during the Village's normal business hours.
- (9) When authorized by the Mayor or the Village Administrator, tow any motor vehicle including, but not limited to, cars, motorcycles, Light-Duty Vehicles, Medium-Duty Vehicles, Light Heavy-Duty Vehicles, and Heavy-Duty Vehicles, to the designated Village of Old Westbury storage area at 1 Store Hill Road, Old Westbury, New York. Any motor vehicle towed to the designated Village of Old Westbury storage area shall be available for pick-up during the Village's normal business hours.

B. Regulations regarding conduct of driver, subcontractor, or helper at scene of accident. A licensed towing car driver, subcontractor, or helper shall:

- (1) Exhibit his or her identification card to the owner of any vehicle in need of a tow or service, or to the person in charge thereof.
- (2) Not remove any vehicle involved in an accident in which a person has been injured until released by a duly authorized member of the Police Department.
- (3) Not demand or accept any amount in excess of the amount permitted by law and shown on the schedule filed by the owner.
- (4) Except as provided in § 191-15(A)(8) or § 191-15(A)(9), tow the vehicle to the tow car owner's place of business, as defined in § **191-5(D)**.

C. The foregoing regulations pertain to an owner of a towing car, or an authorized subcontractor, when acting as driver or helper, whenever the same are applicable.

**Section 14.** Section 191-16 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-16. Regulations for owners.

[Amended 10-20-1969; 12-13-1971; 5-16-1977; 12-19-1977]

Towing car owners shall comply with the following regulations:

- A. Estimates and repairs. No fee shall be charged, either directly or indirectly, for making an estimate. It shall be unlawful for a towing car owner or operator or any other person to make repairs for a consideration on any motor vehicle involved in an accident and removed by a towing car without first entering into a signed agreement with the owner or other person in charge of said motor vehicle, estimating the cost of repairs. The form to be used for such agreement shall be prescribed by the Village Administrator. In any case, where the owner or person in charge of a motor vehicle involved in an accident is to be hospitalized, the agreement herein provided for shall not be entered into with such injured party until the expiration of at least 24 hours from the time of such accident, unless the injured party has, before the expiration of said time, been discharged from the hospital. The authorization form to repair, required hereunder, must be submitted to and approved by the Village Administrator and must be in substantially the following form:

It is hereby agreed between

(insert name and address of owner or person in charge authorized to enter into agreement)

And

(insert name, address, telephone number (license number, if towing car licensee) of repairer)

That

(owner or person in charge)

agrees to pay the sum of \$\_\_\_ to

(repairer)

who in consideration thereof agrees to repair a

(year, make, and type of automobile)

\_\_\_\_\_ which was involved in an accident and removed by towing car.

(licensee)

Dated: \_\_\_\_\_

(owner)

(person in charge)

(check appropriate one)



B. Except as provided in § 191-15(A)(8) or § 191-15(A)(9), the towing car owner, driver, helper, or authorized subcontractor shall retain the towed vehicle at his or her place of business as defined in § **191-5(D)**, until returned to the owner or until proper authorization has been signed by the owner to remove the vehicle to some other place.

C. Bill for towing.

(1) The owner of a towing car shall have prepared a pad of bills containing a printed billhead showing the name and address of his place of business. The operator of a towing car, before towing a vehicle away, shall prepare a bill on this billhead form in duplicate, the original of which shall be furnished to the owner of the vehicle or his authorized representative. This bill must be printed in a form approved by the Village Administrator and shall contain the following information:

(a) The full name and address of person engaging the towing car.

(b) The state registration number of the disabled vehicle.

(c) The total amount to be charged for towing and the storage rate per 24 hours or part thereof.

(d) The full name and address of the operator of the towing car.

(e) The state registration number of the towing car.

(f) The towing car license number.

(2) The duplicate of the bill shall be retained by the towing car owner for a period of six months. These bills shall be exhibited upon demand of a member of the police force. Upon payment of the bill given to the owner of the vehicle or his authorized representative, the licensee shall acknowledge receipt of payment of such bill.

D. General. Owners are required to report change of business address within 48 hours to the Village Administrator. No towing car shall be equipped with flashing colored lights visible from the front of such towing car. Licensed tow car owners are required to answer all communications and summonses received from the Village Administrator.

**Section 15.** Section 191-17 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-17. Licensees to be called in rotation by Police Department.

[Amended 10-20-1969; 12-13-1971; 5-16-1977; 12-19-1977]

- A. When any motor vehicle within the Village of Old Westbury, for any reason, shall require the service of a tow car, the Old Westbury Police Department shall notify by telephone, a towing car owner licensed by the Village of Old Westbury, to proceed to the location of the motor vehicle needing the service of a tow car. Assignment of tow cars to a location of a motor vehicle in need of a tow or other service, shall be in rotation of tow car owners, or, pursuant to § 191-1(B), its authorized subcontractor/s.,
- B. Unless authorized by the Mayor or the Village Administrator in the case of an emergency, any tow car owner that does not possess a duly issued license from the Village of Old Westbury, or that is not an authorized subcontractor of a duly licensed tow car owner pursuant to § 191-1(B), shall not tow or service any motor vehicle requiring a tow or other related service, for any reason, in the Village of Old Westbury.
- C. If a call is made to a towing car licensee for assignment pursuant to § 191-17(A) of the Village Code and he or she does not answer or is unable to proceed to the assigned location within the Village of Old Westbury, such licensee shall be placed at the bottom of the list, and the next licensee in turn shall be called and assigned.
- D. The Police Department shall keep a ledger in which shall be recorded each circumstance requiring towing car or other vehicle service and the name of the licensee assigned to respond. There shall also be entered in the ledger each call made to a licensee, the time of the call and a notation of whether the call was answered.

**Section 16.** Section 191-18 of the Village Code of the Incorporated Village of Old Westbury is hereby amended to read as follows:

§ 191-18. Compliance required.

[Amended 10-20-1969; 12-13-1971; 5-16-1977; 12-19-1977]

- A. A towing car owner operating a towing car shall comply with all of the regulations applicable to both drivers, subcontractors, and helpers, except that he need not have an identification card.
- B. The Mayor shall take cognizance of any act, conduct, or omission by those to whom this chapter is applicable, which is prejudicial, offensive or detrimental to the best interests of the public, although not specifically mentioned in this chapter, and may, as a result, suspend the license.
- C. Any violation of this chapter may result in the suspension or revocation of the license.

**Section 17.** Chapter 191, “Towing” of the Village Code of the Village of Old Westbury shall otherwise remain in full force and effect.

**Section 18.** Severability. If a court determines that any clause, sentence, paragraph

subdivision, or part of this local law or the application thereof to any person, firm or corporation or circumstance is invalid or unconstitutional, the Court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 19.** Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

On motion made by Trustee Baker, seconded by Trustee Weinberg, the foregoing Local Law was enacted upon the following vote:

Edward Novick, Mayor	-	Aye
Cory Baker, Deputy Mayor	-	Aye
Marina Chimerine, Trustee	-	Aye
Jeffrey Brown, Trustee	-	Aye
Andrew Weinberg, Trustee	-	Aye

Dated: Old Westbury, New York  
November 15, 2021

Filed: Old Westbury, New York  
November 16, 2021