



Comments Received by the Department of  
Consumer and Worker Protection on  
Proposed Rules related to the Towing Industry

IMPORTANT: The information in this document is made available solely to inform the public about comments submitted to the agency during a rulemaking proceeding and is not intended to be used for any other purpose

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October 11, 2022

Vilda Vera Mayuga  
Commissioner  
Department of Consumer and Worker Protection  
42 Broadway, 8th Floor  
New York, NY 10004

Re: Proposed New Regulations for the Rotation Tow Program (ROTOW)

Dear Ms. Mayuga,

This firm represents Runway Towing, Corp., a participant in the Rotation Tow Program (ROTOW) and the single largest participant in the program.

This firm has reviewed the proposed text of the Department of Consumer and Worker Protection's new rules designed to improve the Department's regulation of the tow industry. While the new rules certainly improve the Department's regulation of the tow industry, they have the opposite effect on the tow companies who participate in the program and will force companies to stop participating in both the ROTOW and DARP programs.

First the fees that can be charged to the consumer have not been revised in 11 years. The fees that can be charged to the city are even worse and have not been revised in 25 plus years.

The DCWP's proposed regulations impose further restrictions on an already over regulated industry. This week a tow operator was killed on the highway doing his job which the new regulations ignore and yet seek to limit the charges for this essential service to \$100 while increasing the penalties for any operator who charges the customer a fee for accepting a credit card payment. These regulations reinforce the outdated fee structure which has been in place for too many years. They ignore the escalating cost of fuel, the increased insurance cost of tow trucks, the increased labor charges, the increased cost of maintenance as well as the increased rent associated with maintaining a place of business.

The tow industry cannot survive losing money on every tow and then expect to make it up in the volume. A tow should cost no less than \$225 and the proposed new regulations will further injure legitimate operators and encourage others to break the rules. Amazingly, the DCWP continues to ignore all attempts to discuss these issues with the tow operators and to ignore reality.

For an unclaimed ROTOW vehicle:

- 1 . The DCWP expects a tow operator to go the scene of a ROTOW,
2. If the tow operator is more than 10 minutes late, he can expect to receive a violation with a \$2800 penalty, even if the operator is performing the tow as a courtesy and not in its district. See DCWP v. Runway — OATH Hearing.
3. Hook the vehicle and tow it back to its yard,
4. Go to the precinct and collect the voucher,
5. Store the car for not less than 8 days but no more than 30 days,
6. Go back to the precinct and collect pound transfer paperwork,
7. Then tow the vehicle from its lot to the police pound, and
8. Wait for hours at the police pound for officers to process the vehicle for intake.

After all that labor and time involved with all that work, the tow operator can only charge \$131.00 to the city per vehicle. This charge is unreasonable and does not reasonably reflect the costs associated with the work and based on the current rate structure, this firm is asking for an immediate hardship rate increase and abolishing the penalty schedule currently in effect for non-willful violations.

Lastly, I point out in addition to being able to participate in ROTOW, the tow operator would need an additional 2 trucks added to his roster. A small company with 2 trucks participating in the DARP program would need to add an additional 2 tow trucks to its roster and be forced to participate in ROTOW which as described herein is a money losing venture.

There are many other examples I could cite that demonstrate that the DCWP lacks a fundamental understanding of the tow industry, the risks involved and the essential service they provide to the city. They need your help and if the DCWP continues to ignore reality, the

participants in ROTOW will be forced to opt out of the program. The tow industry should not be made to perform this public service at a loss.

I am available to discuss these issues and look forward to the opportunity to discuss them and truly make NYC more business, consumer, and worker friendly.

Very truly yours,  
*Errol F. Margolin*

Errol F. Margolin  
(917) 78æ5934

cc. Eric Adams  
Mayor of the City of New York  
City Hall

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From: Michael Taliercio <onpointtowing146@gmail.com>  
Sent: Friday, October 21, 2022 11:26 AM  
To: Rulecomments  
Subject: [EXTERNAL] DCA = 1162956 Michael

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To whom it may concern,

We were on ROTOW for a decade. We took ourselves off voluntarily due to financial reasons. The same ROTOW rates to tow the car in, store the vehicle for 10 days, pick up the paperwork from the NYC Present, then tow the vehicle to the pound and wait for hours for only \$131.00. The regular rates have not increased in over 10 years and the cost of business went up an average of 400%.



My name is Joseph K. Robles and I am the President of Knight's Collision Experts of Brooklyn, which is celebrating its 75<sup>th</sup> year in business next year. We hold arterial highway permits on the LIE, Van Wyck, BQE, Clearview and Grand Central Highways and participate in DARP program in the 73<sup>rd</sup>, 75<sup>th</sup> and 83<sup>rd</sup> precincts. We participate in ROTOW on the arterial highways and the 83<sup>rd</sup> precinct, but not in the 73<sup>rd</sup> or 75<sup>th</sup> precincts. I am currently Treasurer of the Empire State Towing and Recovery Association (ESTRA) and had served as its New York City Regional Vice-President for several years prior thereto.

The Department has been placed in the unenviable position of trying to resolve a problem that is caused by the existence of an unprecedented number of derelict vehicles on our City's streets and police pounds that are unable to accommodate them. This creates a quality of life issue that is not only unpleasant to look at but also one that affects the health and safety of our residents. Unfortunately, requiring DARP participants to handle ROTOWs will only exacerbate the problem – not cure it.

Capacity is the key word. As is the case with the police pounds, compliance with complex ROTOW protocols will cause DARP lots to fill, which will render DARP participants unable to engage in any towing at all.

I have been advised by legal counsel that ROTOW may be the only towing program in the country that has a tower retain a vehicle (in this case, for up to 30 days) and then turn it over to a municipality for final disposition. Other laws dealing with the treatment of derelict vehicles either require them to be towed directly to a pound, where the locality assumes responsibility for their disposition, or remain with the tower, who assumes this responsibility. ROTOW is a hybrid of these laws that is unique to New York City and is clearly not working.

In all cases except for ROTOW (i.e., private tows, arterial highway, DARP, illegal parking, driveway removals), I am responsible for providing notice to motorists and lienholders and the disposition of vehicles in accordance with Article 9 of the New York State Lien Law. The procedures that I am required to follow (which are described in forms attached hereto) provide for more timely and effective notice to vehicle owners and lienholders and greater protections to consumers than are provided under ROTOW. Of utmost importance to the City, the vehicles in question will never see the inside of a pound.

Most of the other provisions of the proposed regulations are not objectionable because they consist of such technical matters as deleting duplicative or repealed provisions of law. However, the proposed amendment to §2-368 (c) that seeks to limit the charge for returning a vehicle to the place where it was towed from to \$100.00 is objectionable because it is a consensual tow and the creation of a penalty in the amount of \$1,875 for a failure to display a credit card decal on a tow truck is objectionable because it is excessive.

I therefore ask that these provisions be deleted and that the requirement for DARP participants be required to accept ROTOWs be deleted if the Department rejects my request to dispose of derelict vehicles under the Lien Law.

In closing, I would like to formally request the Department meet with the industry elected representatives from the Empire State Towing Association (ESTRA) to further address the wave of unlicensed towing activity causing state of lawlessness on the streets of the City of New York. Specifically, the “PIRATE” underground tow industry that skirts all of the NYC rules and regulations with out of state plates, phony plates and unsolicited response to accidents that severely hinders a viable DARP program from existing and fuels a plethora of insurance fraud scams.

Thank you for your consideration in this matter.



**TABS CONSULTING GROUP**

**Experts to the Towing, Auto Body & Salvage Industries**

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**(718) 492-6464 - Fax (718) 492-4066 E-**

**Mail: [Towingassn@aol.com](mailto:Towingassn@aol.com)**

October 24, 2022

Vilda Vera Mayuga  
Commissioner  
NYC Department of Consumer & Workers Protection  
42 Broadway  
New York, NY 10004

Re: Amendment of Subchapter EE of Title 6 of the Rules of The City of New York  
regarding Towing

Dear Commissioner Mayuga:

There is a hearing scheduled for Monday, October 31, 2022 regarding proposed changes to the towing regulations in the City of New York. I am sending you this letter before the Hearing so that some of the proposed changes DO NOT BECOME part of the October 31<sup>st</sup> hearing. I believe going forth without changes also being made to the Administrative Code by the City Council will render some of the proposed rules illegal and subject to legal challenge in the Courts.

**HOW CAN YOU MANDATE CHANGES COSTING LICENSED TOWING COMPANY TENS OF THOUSANDS OF DOLLARS, IN SOME CASE OVER A HUNDRED THOLUSAND DOLLARS, WHEN THE MANDATED TOWING RATE FOR DARP HAS NOT CHANGED SINCE 2011 - MORE THAN ELEVEN YEARS AGO - AND THE**



**SAME FOR ROTOW. THE POLICE POUND RATE HAS NOT CHANGED IN 30 YEARS! THE CITY COUNCIL MUST ACT NOW OR THE MOTORING PUBLIC WILL NO LONGER BE PROPERLY AND ADEQUATELY SERVED.**

I will comment on each of the Proposed Rules as stated in the "Statement of Basis and Purpose of Proposed Rule" issued by DCWP that we take issue with:

Bullet Point 1 - Amending the definition of towing to match the NYS Vehicle and Traffic Law is a long awaited change. The Department should also petition the Consumer Affairs Committee of the City Council to amend the Administrative Code. Additionally, the Department should remove 6 RCNY Section S 2-376 Application for License Exemption Certificates. This section is unenforceable since the activity described within this section is not considered towing pursuant to VT' 107-b. DCWP is only empowered to enforce the laws defined as towing activity.

Bullet Point 2 - Clarifying the type of insurance is fine; but increasing the coverage to \$1 million combined single limit, when \$750,000 should be adequate is strongly opposed. The Commissioner does not have the authority to require amounts other than what is stated in the Administrative Code. If such coverage is no longer available, it is up to the City Council to amend the requirement. It cannot be arbitrarily done by the Commissioner.

Was there any input from anyone who owns a NYC towing company before this proposed change and others were written? The cost of tow truck insurance in New York City is astronomical, and this additional increase will have a severe monetary impact on dozens of towing businesses; it might even force several businesses to close causing the loss of employment of hundreds of New York City citizens.

Bullet Point 4 — Remove requirement of the NYC Commercial Motor Vehicle Tax. It is claimed the Department cannot verify when this tax must be paid by an applicant, so this provision cannot be adequately enforced. The New York City Department of Finance requires any commercial vehicle registered in New York City over 10,000 lbs. to possess a current stamp on its windshield, documenting this tax has been paid. All NYC Commercial Tax Stamps expire May 31<sup>st</sup> of each year. Where is the confusion? This requirement protects the towing company from the potential receipt of a Criminal Court summons for failing to pay this tax. We believe the requirement should remain in place.

Bullet Point 6 — If a company elects to go out of business and the medallions have expired, what is the purpose of returning the expired medallions? The expiration date is pressed into the metal of each medallion. The business is no longer licensed. In most cases the expired medallions are disposed of when the trucks comes off the road and is sold or traded in. What enforcement power does the Department have over a non-licensed towing company? The language of "expired" medallions should be removed.

Bullet Point 7 — If the Department is removing the requirement of submitting 2 passport photographs for a tow truck operator license a/k/a Tow ID, if the individual applies online or via the mail, absent this requirement how will their image appear on their DCWP license or does the Department plan on issuing these licenses with no image?

Bullet Point 9 - There is a United States Supreme Court decision that deregulated the towing industry and withdrew jurisdiction from all the States and municipalities to govern or set rates on "consensual tows." 49 U.S. Code S 14501 - Federal authority over intrastate transportation (c) MOTOR CARRIERS OF PROPERTY (1) GENERAL RULE. Except as provided in paragraphs (2) and (3) a political subdivision of a State, or political authority of 2 or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a edge, route, or service of any motor carrier (other than carrier affiliated with a direct air carrier covered by section 41713(b)(4)) or any motor private carrier, broker, or freight forwarder with respect to the transportation of property.

Based on this Court decision a section was added to the Code of Federal Regulations to give local municipalities the right to regulate the price of non-consensual towing — Section 14501 (c)(2)(c) was added to deal with non-consensual towing.

(2)MATTERS NOT COVERED.

(c) does not apply to the authority of a State or a political subdivision of a State to enact or enforce a law, regulation, or other provision relating to the regulation of tow truck operations performed without the prior consent or authorization of the owner or operator of the motor vehicle. (a/Wa non-consensual towing).

Based on this Court ruling, DCWP was prohibited from setting consensual towing rates. This decision was recognized by DCWP. Tow trucks not participating in the DARP and ROTOW programs were required to re-letter their tow trucks with the language "rates upon request."

DCWP lacks the jurisdiction or legal authority to cap the rate at \$100 for return consensual tows or capping it in Section 20-509 for any consensual tow. DCWP cannot arbitrarily cap or set any rate for a consensual tow. This, if passed will be subject to legal challenge in the Courts. Additionally, there is nothing stated in Title 19, Chapter 169.1 that obligates a towing company to return a vehicle to the location from which it was towed.

Bullet Point 10 — Why would DCWP prohibit a towing business from charging a fee when an invoice is paid with a credit card. The City of New York currently charges a fee when a credit card is used to make payment to the City of New York. New York State charges service fees for payment by credit card. Why can the City and other governmental agencies charge a fee while a private business cannot? The City has made it mandatory for a towing company to accept a credit card. The City has argued in the past since they use outside firms to process their credit

cards they can charge a service fee of 2.49% or higher. Private companies also use private services to process their charges. Why is the City allowed to pass on this fee but a towing company cannot? Where is the difference? A program tow is capped at \$125 for the hook-up but being required to accept a credit card lowers the amount of income by an average of 3%. A towing company does not have the option of not accepting a credit card, while every other type of business can opt out of accepting credit cards or charge a service fee.

Bullet Point 11 - You are clarifying the hours for redemption. The City should add the language "businesses may be closed for redemption on New York City holidays". This should also be added to the rules for ROTOW.

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Bullet Point 12 — Requiring all DARP participants to also be a participant in the ROTOW program. Was there any industry input or discussions with any individual from the towing industry with either the legal division or the administration at DCWP before these changes were proposed? Is anyone at DCWP fully aware of what is happening on the streets of New York City at this current time? Are you as Commissioner aware of the devastation this proposed change will have on the towing industry if passed; on the needs of the NYC Police Department if passed; and on the citizens of New York City?

These are two independent programs, each with their own criteria and operate differently. It has always been the decision of towing companies to elect to participate in either one or both of these programs or not participate. To obligate a current DARP participant to purchase and insure two additional trucks is cost prohibitive. Years ago, it was the Department that began the devastation of the ROTOW program. From the inception of these programs, two tow trucks were sufficient for participation in both the DARP and ROTOW programs. It worked fine, with no issues. Several years ago the Department made the decision to require two tow trucks for participation in each program. Many companies determined it was not cost effective to purchase and maintain two additional tow trucks and pay massive insurance rates for the few towing assignments they received in these programs. These programs did not and do not warrant possessing four tow trucks. This caused several companies to withdraw from the ROTOW program.

The Department's rationale is there are not sufficient companies participating in the ROTOW program. Has the City done a study to find out why? Aside from the low pay to deliver a vehicle to the Police Pound, a towing company's staff often has to make multiple trips to a police precinct to obtain the required paperwork. If the car is unclaimed additional paperwork has to be obtained from the police precinct. Sending unclaimed cars to the Police Pound results in losing a driver and truck for the vast majority of the day due to the extremely slow intake at the Police Pound — anywhere from 4 — 5 hours while a tow truck driver sits in his truck. The Police Pound arbitrarily sets their hours and the amount of cars they will accept from a towing company on a daily basis. This is a major reason many companies presently refuse to participate in the ROTOW program. Has DCWP held a meeting or coordinated with NYPD in a discussion regarding the the present program causing many towing companies not to participate?

Now you are forcing DARP companies to participate also in the ROTOW program. They must purchase two additional trucks — a used tow truck, if available, is \$50,000 x 2 = \$100,000; plus they must insure these trucks at a minimum in New York City of \$13,000 per truck x 2 =

\$26,000; plus they must pay \$650 per medallion for the two extra trucks x 2 = \$1,300. Under what right or law can DCWP mandate a tow truck company owner to go out and spend — at a minimum - \$127,300 as you are forcing them to do, when the price for a ROTOW vehicle returned to the police pound has remained the same for almost 30 years; at \$131.00 per vehicle. Does DCWP have the right to mandate this change forcing tow truck companies to lose money on every ROTOW they perform?

Further, we do not believe the DCWP Commissioner has the legal authority to make participation in ROTOW mandatory for participation in the DARP program, absent such language in the Administrative Code.

Bullet Point 13 — Not requiring DARP companies to possess the additional 1,600 square feet for storage required for companies participating in the ROTOW program. Why not also eliminate the requirement for two additional trucks for participation in ROTOW. By the Department conceding 2,400 square feet is now sufficient for the storage of DARP and ROTOW vehicles instead of the present 4,000 square feet for both programs, it is assumed that each company will be towing less vehicles to no longer warrant the additional storage space. If they City is acknowledging additional storage space is not required, why did they not eliminate the requirement for two additional trucks for participation in ROTOW? It is being acknowledged that making every DARP participant a ROTOW participant, ROTOW participants will receive less vehicles, hence less storage space.

Bullet Point 14 — While you are clarifying the hours of redemption, you neglect to add towing companies may be closed for redemption on City holidays. This is practice for both DARP and ROTOW vehicles today.

Bullet Point 15 — This modification to this section makes no sense since to be a participant in the DARP program requires a towing company to possess two tow trucks, hence the 2,400 square foot requirement. The 1,200 square foot requirement per truck is redundant.

Bullet Point 16 — A towing company ending its' participation in the ROTOW program automatically ends its' participation in the DARP program. Again, we do not believe the Commissioner has a right to mandate participating in both programs, absent such language in the Administrative Code.

Bullet Point 18 — There is no objection to notifying the Department of the private lots businesses tow from. This is a requirement today. Why mandate when a towing company terminates its contract with a private lot, the necessity to notify the Department? Since the Administrative Code states it is the property owner's responsibility to post the required signage, we can understand a rule stating upon termination of a private property contract all signage referencing the towing company's name be removed or covered over with the name of the new towing company.

Bullet Point 21 — It is believed that the fines imposed upon towing companies are excessive and the manner in which summonses are drafted is improper. The administrative code allows

fines as low as \$500 and as high as \$3,000, yet almost every fine imposed against towing companies by the Department is \$1,875, even for the smallest infraction. If a tow truck fails to display a credit card decal, isn't a fine of \$1 ,875 excessive? If a tow truck company fails to maintain electronic records the company is fined under the administrative code for not maintaining records and fined under each section of the RCNY for failing to maintain all the required records, resulting in fines in excess of \$7,000. OATH Administrative Hearing Officers have acknowledged it is just the DCWP that imposes violations in the manner it does. Not maintaining records is a violation and should be one fine. If a company fails to respond to a DARP or ROTOW assignment it is fined \$1,875 for violating the administrative code and \$1 ,875 for violating the RCNY for the same infraction. It should be one fine. A tow truck that is improperly lettered receives fines for each side of the truck that fails to possess the proper information. An improperly lettered truck should be one violation and one fine.

We appreciate your consideration of the issues we have raised.

Very truly yours,  
Kimberly Brady  
Towing Industry Representative

cc:

Philip Banks  
Deputy Mayor for Public Safety

Frank Carone  
Office of the Mayor  
Chief of Staff

City Council Member Marjorie Velazquez

Chairperson Committee on DCWP

DCWP Committee Members:

Shaun Abreu	Chi Osse
Erik Bottcher	Julie Win
Gale Brewer	Julie Menin
Amand Farias	
Shekar Krishman	

NYC Department of Consumer and Worker Protection  
42 Broadway, FL 9  
New York, NY 10004

Dear Commissioner Mayuga,

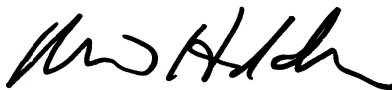
I write this letter in reference to yesterday's NYC Department of Consumer and Work Protection's public hearing on the Towing industry. As discussed in the hearing, I reiterate my opposition to allowing tow truck companies to store vehicles in the street. Any tow truck company operating in New York City must have adequate storage on their property or in partnership with parking lots to store the vehicles they tow. Tow truck companies can be disruptive to residential neighborhoods.

Storing vehicles in residential areas has a significant impact on the number of available parking spots. Many tow companies operate in mixed use zones. When I introduced legislation regulating storing commercial vehicles on city streets overnight, my office took calls not only from my constituents, but from New Yorkers across the city expressing support for the legislation. The process of towing and releasing vehicles often requires tow trucks to block residential streets while they get vehicles on and off their truck. Stored street vehicles not only take up space in front of people's homes but are an eyesore since vehicles are often damaged and in need of repair.

To assist tow truck companies, New York City should raise the rates companies can charge. An increase in revenue will help the industry expand the available lots they own or rent from to store towed vehicles.

Quality of life is all too often an after-thought for city agencies. I ask that you consider the needs of families living and working in New York City. Being able to park on the same street that you live on should not be a luxury. When examining policies for the towing industry, please require these companies to have the necessary space to store vehicles.

Sincerely,



Robert F. Holden  
Council Member, District 30

## Online comments: 14

- **John Anderson**

New rules relating to what issues May I ask please

Comment added October 6, 2022 3:24pm

- **Edwin Rios**

It has been hard to find a C of O location anywhere in New York that participates with DCWP. We should be able to find a legit place and still get it inspected and if it good on the guidelines be able to rent those locations to store vehicles in.

Comment added October 6, 2022 7:16pm

- **John Landsman**

Forcing companies to participate in Rotow if they are participating in DARP is an outrageous proposition. Ask yourself why there are so few Rotow participants to begin with. The program directives are heavily outdated and the Fees that can be charged to the consumer have not been raised in 11 years. The fees that can be charged to the city for unclaimed vehicles are far worse and have not been raised in 25 plus years.

For example of an unclaimed Rotow vehicle:

1. You expect a tower to go to the scene of a Rotow.
2. Hook the vehicle and tow in back to his yard.
3. He then has to go to the precinct and collect the voucher.
4. Store the car for not less than 8 days but no more than 30 days.
5. Go back to the police precinct and collect pound transfer paperwork.
6. The tower then has to tow the vehicle from his lot to the police pound.
7. Wait for hours at the police pound for officers to process the vehicle for intake.

After all all the labor and time involved with all that work the tower can only charge \$131.00 to the city per vehicle for all that work. That is insanely low and and the welfare like fees that can be charged are why the Rotow program is dying with no participation.

All the proposed law is going to do is force companies to stop participating in both programs all together.

You also did not bring up that fact that in the law to be able to participate in Rotow the tow company would need an additional 2 trucks added to their roster.

Example.

A small family towing business with 2 tow trucks are participating in the Darp program. They are already making ends meet and would need to add an additional 2 tow trucks to their roster and forced to be on Rotow when the reason they are already not participating in Rotow is because the rates are so low and they lose money on every tow.

I wouldn't expect anything less from the department of confused affairs(DCWP). I've been dealing with them for a long time and in the end they don't care about anything small business. Their goal in to fine the hell out of you and make your life miserable.

Comment added October 7, 2022 11:54am

- **Ka Man**

Totally agree on John landsman. What I heard not only spend hours at the Springfield impound. And you can only take 2 cars in per day instead of 4. How much space I'll need. If one truck getting stuck at the impound. Now I'm short handed on the road. Means I'll need to hire another driver and buy extra truck which I can't afford. Tow fee haven't raise for decade. Rent keep going up. There's so much restrictions on finding a lot. From m1 zoning to now only group 16 sub dead cars only. And must return the illegal park car for \$100 tow



fee?!? Gas is above \$5 per gallon and can only charge \$4 per mile for DARP. The only things that I can see with all these changes is to make all the small family owned business to closed. Benefiting all the big company. Cause they're the only one that can afford it.

Comment added October 11, 2022 12:04pm

- **James Persico**

Can we clarify 2 things:

1 – It states for DARP that for one truck you need 1,200 square feet of storage space and for 2 trucks you need 2,400. So are 2 trucks no longer required? Can an applicant apply for DARP with only 1 truck?

2 – You no longer need an additional 1,600 square feet of storage for ROTOW. Do you still need an additional 2 trucks for ROTOW? Are people on DARP forced to add an additional 2 trucks (and pay 1 million dollar insurance) to then be forced to participate in a program they had no interest in engaging in?

Comment added October 11, 2022 1:39pm

- **Ryder Lee**

Whats the purpose for the change? What's the reason why no one want to do ROTOW? Maybe is time to fix the existing problem instead of forcing people to enroll to ROTOW?

These are the stuff that I have to deal with when taking the car to pound.

If the theft alarm didnt remove from the vehicle the pound will not accept it. Aint this is NYPD problem? How am i suppose know if the alarm is still on? Why cant the pound fix the issue?

If the officer mistype anything wrong on the voucher. pound will not accept the vehicle

If the car have any garbage. I'll need to pay to have all the garbage remove. If not the Pound will not accept the vehicle. I've to deal all the loaded garbage and even shit in the car. Why am i responsible of cleaning it?

Any of the above happened now i'll need to have the vehicle take back to the yard and wait till the issue is fixed. Which I have no control of. I can only wait till someone fix it. Now the new regulation state that I must store for 8 days and no more then 30? And i cant charge storage over 30 days? Thats insane!!

Moped Most of them dont even have a legit VIN number. Now they cant be voucher. Now i'm getting stuck with it.

Trucks and RV's are the worst. Always loaded with garbage. And It'll need months to make an appointment to the pound.

Before suppose to have 4 cars a day to the pound. ever since the pandemic (even tho the pandemic is over long times ago) They're only accepting 2 cars per day.

About two years ago DCA have shut down about 1/3 of the towing company in NYC. Now theres over hundreds of tow truck on the road with out of state license plate doing business in NYC. Why theres no one enforcing it? Those out of state tow truck pay less insurance and no fees to any NYC agency.

NYC rent has been rocket high. And we still can only charge \$25 per day.

Still trying to understand why DCWP want to makes these change.

Comment added October 11, 2022 7:26pm

- **Chris Pritsinevelos**

First the fees that can be charged to the consumer have not been revised in 11 years. The fees that can be charged to the city are even worse and have NOT been revised in 25 plus years. The DCWP proposes regulations impose further restrictions on an already over

regulated industry. This week a Tow Operator was killed on the Highway doing his job which the new regulations ignore and yet seek to limit the charges for this essential service to \$100 while increasing the penalties for any operator who charges the customer a fee for accepting a credit card payment. These regulations reinforce the outdated fee structure which has been in place for too many years. They ignore the escalating cost of fuel, the increased cost of insurance, the cost of Tow Trucks, the increased labor charges, the increased cost of maintenance as well as the increased rent associated with maintaining a place of business. The Towing industry cannot survive losing money on every tow and then expect to make it up in volume. A Tow should cost no less than \$245 and proposed new regulations will further injure legitimate operators and encourage others to break the rules. Amazingly, the DCWP continues to ignore all attempts to discuss these issues with the tow operators, and ignore reality.

Comment added October 19, 2022 1:41pm

- **Michael**

We were on ROTOW for a decade. We took ourselves off voluntarily due to financial reasons. The same ROTOW rates to tow the car in, store the vehicle for 10 days, pick up the paperwork from the NYC Precinct, then tow the vehicle to the pound and wait for hours for only \$131.00. The regular rates have not increased in over 10 years and the cost of business went up an average of 400%.

Comment added October 24, 2022 4:42am

- **Ryder**

DCWP forcing company to get on ROTOW because no one wants to do it. What about the highway Arterial program. Company wants to get on and they can't! City only benefitting the big company. Runway towing still hasn't got renewal for the medallion. It was expired 2019! Why they still can be on the road?!? If a small company that didn't get renewal. They'll get shut down and get taken off the DARP the next day. Their lawyer on the news states that no one can handle. Is not no

one that can handle. Is the city that helping them to get away. For the Arterial Program company should be open 24/7 for vehicle redeem. Why DCWP not enforcing it?!?

Comment added October 24, 2022 1:17pm

- **miserable tower**

The whole towing program system in nyc needs to be nuked.

First of all Darp Sucks. Piss poor rates that can be charged. Not to mention 75% of the time the cops don't follow protocol and dont even call dispatch for a Darp tow. There is absolutely no enforcement or penalty for cops who don't follow the rules stated in the NYPD patrol guide. They blatantly let people drive away from accident scenes with totaled cars, deployed airbags and fluids leaking constantly. They let wreck chasers openly operate at the scene of an accident and let insurance companies dispatch unlicensed tow trucks to accident scenes.

Rotow is ten times worse... The hassle of dealing with the precinct for paperwork and going to the pound to deliver unclaimed vehicles sucks. The measly pay is absolutely a joke. Also when did the police pounds impose a 2 car a day limit on rotow intake? Thats some made up rule by some moron Captain in charge at the pound.

DCWP is an absolute joke of a agency.

Whether its the Insurance requirements it imposes that basically makes you buy \$1mm Combined limit because no insurance companies write that Split 500/300/50 limits that they came up with. ( there was nothing wrong with \$300k CSL as the NYS MVTL states is the required minimum). I'm averaging over 20k per truck for insurance.

We live in one of the most expensive places to do business in the world and they don't even attempt to raise the tow rates after what

this economy has been through. Diesel is at almost \$6 per gallon and the cost of doing business has went up 300% since the last raise OVER A DECADE AGO.

DCWP's answer to make my life easier is that I don't have to submit a repair shop certificate/tax stamp payment and have less storage space???

So there forcing people to do rotow with less storage space???  
What sense does that make?? The freakin tow guys are going to be putting cars on the street because they are going to have no yard space.

They never cease to amaze me. With no input from the towing industry whatsoever.

We already know that this is going to be steamrolled thru the city council with absolutely no fcks given about what us the business owners think.

F\*\*\* this city

F\*\*\* consumer affairs

Im ready to move away from this godforsaken overregulated swamp.

#DISBAND DCA

#RAISE TOW RATES

#maketowinggreatagain

#

Comment added October 25, 2022 3:11pm

- **Kit**

Proposal to amend rules to "improve the Department's regulation of the tow industry in response to consumer complaints and to eliminate unnecessary requirements imposed on applicants and licensees" IS this a joke?

While addressing the so-called alleged consumer issues, DCWP should ALSO address the issues that the towing service providers encounter daily. IF there were balance and equality in addressing what towing companies are struggling with and the consumer, there would be less alleged consumer complaints.

Towing companies in NYC are small businesses trying to survive in an expensive city; while DCWP enforces insurance limits which cost on average 20k PER truck IF you're lucky because out of the two options of insurance requirements, ONE DOES NOT EVEN EXIST along with just a selective few insurance companies willing to insure towing companies in NYC, restricting the zoning requirements for towing operation ONLY VERBALLY and not updating it ONLINE or in this impractical amendment, increasing the penalty charges for legitimately operated towing companies, yet they DO NOT increase the rate charge for consumers under ROTOW and DARP or the rate charged to the City.

The entire system in NYC is broken, with REAL issues constantly being swept under the rug and decisions being made by people WHO know NOTHING about the struggles of towing operators. Anything we say will NEVER be considered because individuals NOT in this industry place a negative connotation on towing operators. The stories that make it to the news regarding towing operators who created this negative connotation are allowed to operate with no penalty because this system is corrupt BUT small towing operators are getting pushed further and further by DCWP to shut down our business as it CAN NOT survive longer with more and more regulations, NONE of which truly support legitimate towing operators.

Have you ever had to endure the following from consumers:

- Spat on
- Assaulted with a Knife
- Assaulted with a Hammer
- Battery with a Vehicle

- Had ROCKS and BRICKS thrown at you
- Suffer Property damage by use of FORCE and WEAPONS

The list can go on and on AND after enduring all that, the NYPD and DCWP cannot do anything but tell us to release the vehicle to them. YES, the things above cannot be controlled by DCWP but understand that towing operators also put their lives at risk every day, and DCWP doesn't even CONSIDER raising the rates. WITH the uptick in gun violence throughout the city, every time a tow operator shows up to a scene of a ROTOW, they are risking their lives.

Has it ever been considered that FORCING companies to participate in ROTOW, which, 80% of the time, the vehicles are unclaimed, would overload the NYPD pound, which already RESTRICTS the transfer of 2 ROTOW vehicles per day per company. FORGET about the wait time during transfer or even the fact that it's IMPOSSIBLE to only hold a vehicle in storage for 10 days because of this limitation and the requirement of PROPER and CORRECT paperwork from the NYPD.

Forcing Regulations and penalties on Towing companies with operating authority in NYC but DOING ABSOLUTELY NOTHING about illegally operating towing companies. The streets are FLOODED with Tow Trucks with NO medallion that is registered in another state but are CLEARLY operating in NYC. NYC companies with medallions must follow all these regulations and pay for EXPENSIVE INSURANCE on top of soaring RENT, diesel, and labor costs. While illegally operating, towing companies enjoy the luxury of cheap insurance, minimal expenses, and NO REGULATIONS. Even after filing complaints with the NYPD, the result is NOTHING CAN BE DONE about the illegally operated towing companies. DCWP is SO focused on regulating towing companies that hold medallions while turning a blind eye to those who have NO OPERATING AUTHORITY.

**FIX THE REAL PROBLEMS INSTEAD OF CREATING MORE!**

Comment added October 29, 2022 11:58pm

- **B N**

In regard to these proposed changes for the towing industry; these changes are likely to harm this industry and in no way improve the already flawed system that DCWP currently has in place.

– In regard to the rotation tow program; the current volume of derelict vehicles on the city streets does not match the rate at which we are able to bring these vehicles to NYC Pounds. Not to mention the lack of manpower provided for the vouchering of these vehicles and distribution of the paperwork for these vehicles. There is a lot of time, and storage involved in participating in the ROTOW program, and currently the rates for this program are considerably low. Many are not on this program because of the lack of resources and changes to improve the program, but forcing companies to join this program is not a solution. As prices are increasing all around us for fuel, insurance, equipment, etc. the rates for the ROTOW program should also be increasing. We are providing services to accommodate the city, but what accommodations are made for the towing industry?

– I have read the previous comments from others in this industry and I agree with others who have stated that “why is the city allowed to charge credit card processing fees, but private businesses cannot?” We are mandated to accept credit cards as a form of payment, and small fees for this form of payment should not be something sanctioned in these changes. Removing this ability to charge a fee for using a credit card will make it so that we are paid even less than before when in reality all rates should be increased to accommodate this ever-changing society.

These proposed changes will make it even more difficult for companies to survive. Many are still trying to recover from the pandemic and now you are imposing more limits on fees instead of proposing positive changes. I can do into detail on every proposed change, but is it even being heard? If the programs and fees were something improved for this industry more would be enticed to participate. The lack of positive changes for the industry itself is only causing turmoil. More important situations are not being addressed



year after year. It is becoming too common that industries do not have a voice, and cannot discuss these changes with DCWP. A solution for all is what is needed, something all parties can benefit from, not just one-sided.

Comment added October 31, 2022 1:06pm