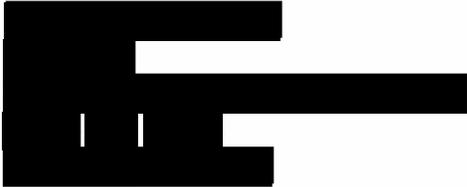




The New York City
Department of
Consumer Affairs
42 Broadway
New York, NY
10004-1716

July 22, 2008

Jonathan Mintz
Commissioner



[Redacted]
Deputy Director
Legal Services Division
[Redacted]

Re: Authorization for Towing in Private Lots

Dear Mr. [Redacted]

I am writing in response to your email query on whether a tow operator who seeks to tow a vehicle from a private lot may be deemed an agent of the private lot's owner for the purpose of giving express written authorization for the tow, within the meaning of §19-169.1 (c) of Title 19 of the New York City Administrative Code. In addition, you have asked whether a tow operator can document allegedly improper parking on a private lot through video surveillance, and then seek written authorization for the tow from the private lot's agent, such as a security guard, even though the agent did not actually witness the alleged improper parking himself. In short, the answer to your first question is no, and the second question is yes.

§19-169.1(c) states:

- c. No vehicle shall be removed by a tow operator from private property without express written authorization by the owner of the private property or his or her agent as designated in the contract between the owner of the private property and the tow operator. Such authorization shall be required for each vehicle removed, and shall include the location, make, model, color and license plate number of the vehicle to be removed.

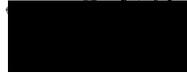
It is clear from the plain language of the statute that the law was never intended to allow for a tow operator to be deemed the "agent" of the private property owner with respect to the authorization of towing a vehicle from that private property. The express written authorization for each vehicle removed unequivocally must be given by an individual who is independent of the tow operator.

While the express written authorization for the removal of each vehicle must be given by the owner of the private property, or the owner's agent, who is independent of the tow operator, there is no requirement that said person who signs the written authorization must have witnessed the allegedly improper parking leading to the vehicle's removal. Your proposal of documenting infractions by video surveillance, and

then seeking the written authorization to tow from the private lot's agent based on your reported observations, provides a sufficient safeguard to help ensure that proper grounds exist for towing a specific car.

If you have any further questions, please don't hesitate to contact me.

Sincerely, 



**Deputy Director
Legal Services Division**