



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.