

Intro No.

39

Date

5/18/26

Reviewed by
Co. Attorney

RMS

Date

5-1-26

RESOLUTION
BROOME COUNTY LEGISLATURE
BINGHAMTON, NEW YORK

Sponsored by: County Administration, Public Safety & Emergency Services and Finance Committee

RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 3 OF 2026, ENTITLED: "A LOCAL LAW ADOPTING THE SHERIFF'S OFFICE IMPOUNDMENT"

RESOLVED, that Local Law Intro. No. 3 of 2026, entitled: "A Local Law Adopting the Sheriff's Office Impoundment" be and the same hereby is adopted and approved in accordance with the Broome County Charter and Administrative Code and all the applicable statutes and laws pertaining thereto.

LOCAL LAW INTRO. NO. 3 OF 2026

A Local Law Adopting the Sheriff's Office Impoundment

BE IT ENACTED, by the County Legislature of the County of Broome as follows:

SHERIFF'S OFFICE IMPOUNDMENT

REMOVAL OF VEHICLE TO IMPOUNDMENT BY SHERIFF'S OFFICE (Custody of Sheriff's Office):

1. BCSO may impound any motor vehicle, motorcycle, limited use motorcycle, or all-terrain vehicle:
 - a. The operator of vehicle is arrested under:
 - i. NYS Vehicle and Traffic Law 1192 (1), (2), (2a), (3), (4), (5), (6)
 - ii. NYS Vehicle and Traffic Law 511 (2) (3)
2. Any vehicle, motorcycle, limited use motorcycle, all-terrain vehicle, as defined under VTL Sections 123, 125, 121b and 48c, is operated on a public roadway without both valid financial security (VTL 319) and valid registration (VTL 401, VTL 512).
3. The vehicle is used in the commission of a crime and/or in furtherance of a criminal investigation
4. The vehicle is seized as evidence

REGULATIONS FOR IMPOUNDMENT FEES AND RELEASE TO OWNER:

1. Fee of \$50.00 per day (24hrs) for any vehicle impounded by the Sheriff's Office
- ~~2. Registered and/or titled owner shall satisfy all fees, payable to the Sheriff's Office, before regaining possession:~~
 - a. Cost of towing
 - b. Impoundment fees.
3. Vehicle may be driven from impound lot upon:
 - a. Proof of ownership
 - b. Proof of valid vehicle registration
 - c. Proof of Financial Security (Insurance)
 - d. Proof of valid government issued driver's license of operator.
4. Vehicle may be removed from impound lot via tow, trailer, or other means upon demonstrating proof of ownership.
5. Vehicle may be released by the owner to another party upon written permission.
6. Hours of operation for impoundment retrieval are Monday through Friday, 0800 hrs to 1600 hrs., excluding federal holidays.

LIEN REGULATIONS:

1. The Sheriff's Office shall have a lien upon and against any vehicle removed under the provisions of this code, together with all equipment, tools and accessories found therewith or attached thereto for its reasonable expenditures for towing and storing such vehicles and may proceed to enforce such lien in the same manner as a garageman may enforce a lien upon motor vehicles upon and pursuant to the Lien Law of the State of New York.

PROPERTY DISPOSAL:

1. The Sheriff's Office shall dispose of all property obtained through lien and/or considered abandoned property pursuant to Abandoned Property Laws of the State of New York, New York State Vehicle and Traffic Law 511-b, and Broome County Property Disposition Regulations and Guidelines.
2. Proceeds related to disposed property shall be applied to the Traffic Safety Trust account.

CHARGED FEES

1. Broome County shall create a Traffic Safety Trust account for which all monies appropriated shall be placed.
2. Funds appropriated shall be utilized for Traffic Safety activities and equipment by the Sheriff's Office
 - a. Administrative costs for impoundment program
 - b. Overtime for traffic related activities and details
 - c. Radar, LIDAR, speed trailers, and similar and related speed measuring devices
 - d. Police vehicles
 - e. Educational programming and training for community members and law enforcement related to traffic safety.
 - f. Any law enforcement equipment used to enhance public safety through agency initiatives

TOW FEES

1. All fees and associated vehicle removal charges for vehicles impounded by the Sheriff's Office, by a commercial tow company, approved by the Sheriff's Office Tow List pursuant to Broome County Charter and Code Section 341, shall be paid by the Broome County Sheriff's Office
2. Vehicle owners shall be responsible for said towing and vehicle removal, and impoundment fees, paid to the Sheriff's Office.
3. Payment must be made in the form of certified bank check, cashier's check, cash or credit card.

WAIVER OF FEES

1. Vehicles held by the Sheriff's Office for evidence, in which the owner's request to regain ownership is denied, due to evidentiary value, impoundment fees may be waived.
2. Impoundment and tow fees may be waived for the victims of crimes involving the impoundment of the vehicle.
3. Any owner or lien holder, upon given notice of ability to regain ownership upon termination of evidentiary value of the vehicle, who fails to make adequate and reasonable attempts to regain ownership of the vehicle within 10 calendar days shall incur impoundment fees on the 11th day after notice is given.
4. Impoundment fees may be waived if the responsible party is unable to regain ownership due to weekend or holiday scheduling by Sheriff's Office.
5. Sheriff's Office may waive tow and/or impoundment fees at the discretion of the Sheriff or his/her designee.

IMPOUNDED VEHICLE PROPERTY

1. License plates may be released to the registered owner if they are unable to make accommodations for vehicle removal.
2. Property contained within the vehicle may be released to the owner of said property if the owner was not the operator at time of impoundment.
3. Sheriff's Office has discretion of releasing property contained within the vehicle.

DEFINITIONS:

VTL Sections Defined:

-Section 123 Motorcycles

Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

-Section 125 Motor Vehicles

Motor vehicles. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, and (d) all terrain vehicles as defined in article forty-eight-B of this chapter. For the purposes of title four of this chapter, the term motor vehicle shall exclude fire and police vehicles, other than ambulances. For the purposes of titles four and five of this chapter the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

-Section 121b Limited Use Motorcycles (mopeds)

Limited use motorcycle. A limited use vehicle having only two or three wheels, with a seat or saddle for the operator. A limited use motorcycle having a maximum performance speed, of more than thirty miles per hour but not more than forty miles per hour shall be a class A limited use motorcycle. A limited use motorcycle having a maximum performance speed of more than twenty miles per hour but not more than thirty miles per hour, shall be a class B limited use motorcycle. A limited use motorcycle having a maximum performance speed of not more than twenty miles per hour shall be a class C limited use motorcycle.

-Section 2281 All-Terrain Vehicles

"All terrain vehicle" or "ATV" means any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or one thousand pounds dry weight.

-Section 312 Financial Security (Insurance) and Registration

Registration of motor vehicles. 1. (a) No motor vehicle shall be registered in this state unless the application for such registration is accompanied by proof of financial security which shall be evidenced by proof of insurance or evidence of a financial security bond, a financial security deposit or qualification as a self-insurer under section three hundred sixteen; provided that, if directed by regulation of the commissioner, upon renewal of registration an application accompanied by a certificate of registration or renewal stub in force immediately preceding the date of application for renewal, together with a statement in a form prescribed by the commissioner certifying that there is in effect proof of financial security, shall meet the requirements of this section. Upon the issuance or renewal of a private passenger automobile insurance policy subject to the provisions of section one hundred sixty-seven-aa of the insurance law, the insurance company shall provide the insured with an informational statement outlining the legal and financial consequences of convictions under section one thousand one hundred ninety-two of this chapter, pertaining to operating a motor vehicle while under the influence of alcohol or drugs. Such information shall be supplied to the company by the state department of financial services in consultation with the commissioner. (b) The owner of such motor vehicle shall maintain proof of financial security continuously throughout the registration period and his failure to produce proof of financial security when requested to do so upon demand of a magistrate, motor vehicle inspector, peace officer, acting pursuant to his special duties, or police officer, while such vehicle is being operated upon the public highway, shall be presumptive evidence of operating a motor vehicle without proof of financial security.

-Section 511-b Seizure and redemption of unlawfully operated vehicles

1. Upon making an arrest or upon issuing a summons or an appearance ticket for the crime of aggravated unlicensed operation of a motor vehicle in the first or second degree committed in his presence, an officer shall remove or arrange for the removal of the vehicle to a garage, automobile pound, or other place of safety where it shall remain impounded, subject to the provisions of this section if: (a) the operator is the registered owner of the vehicle or the vehicle is not properly registered; or (b) proof of financial security is not produced; or (c) where a person other than the operator is the registered owner and, such person or another properly licensed and authorized to possess and operate the vehicle is not present. The vehicle shall be entered into the New York statewide police information network as an impounded vehicle and the impounding police department shall promptly notify the owner and the local authority that the vehicle has been impounded.

2. A motor vehicle so impounded shall be in the custody of the local authority and shall not be released unless:

(a) The person who redeems it has furnished satisfactory evidence of registration and financial security;

(b) Payment has been made for the reasonable costs of removal and storage of the motor vehicle. The registered owner of the vehicle shall be responsible for such payment provided, however, that if he was not the operator at the time of the offense, he shall have a cause of action against such operator to recover such costs. Payment prior to release of the vehicle shall not be required in cases where the impounded vehicle was stolen or was rented or leased pursuant to a written agreement for a period of thirty days or less, however the operator of such a vehicle shall be liable for the costs of removal and storage of the vehicle to any entity rendering such service.

(c) Where the motor vehicle was operated by a person who at the time of the offense was the owner thereof, (i) satisfactory evidence that the registered owner or other person seeking to redeem the vehicle has a license or privilege to operate a motor vehicle in this state, and (ii) (A) satisfactory evidence that the criminal action founded upon the charge of aggravated unlicensed operation of a motor vehicle has been terminated and that any fine imposed as a result of a conviction thereon has been paid, or (B) a certificate issued by the court in which the criminal action was commenced ordering release of the vehicle prior to the judgment or compliance therewith in the interest of justice, or (C) a certificate issued by the district attorney or other officer authorized to prosecute such charge waiving the requirement that the vehicle be held as security for appearance before and compliance with the judgment of the court.

3. When a vehicle seized and impounded pursuant to this section has been in the custody of the local authority for thirty days, such authority shall make inquiry in the manner prescribed by the commissioner as to the name and address of the owner and any lienholder and upon receipt of such information shall notify the owner and the lienholder, if any, at his last known address by certified mail, return receipt requested, that if the vehicle is not retrieved pursuant to subdivision two of this section within thirty days from the date the notice is given, it will be forfeited. If the vehicle was registered in New York, the last known address shall be that address on file with the commissioner. If the vehicle was registered out-of-state or never registered, notification shall be made in the manner prescribed by the commissioner.

4. A motor vehicle that has been seized and not retrieved pursuant to the foregoing provisions of this section shall be forfeited to the local authority upon expiration of the period of the notice set forth in subdivision three of this section provided, however, in computing such period, the period of time during which a criminal prosecution is or was pending against the owner for a violation of this section shall be excluded. A proceeding to decree such forfeiture and to recover towing and storage costs, if any, to the extent such costs exceed the fair market value of the vehicle may be brought by the local authority in the court in which the criminal action for aggravated unlicensed operation of a motor vehicle was commenced by petition for an order decreeing forfeiture of the motor vehicle accompanied by an affidavit attesting to facts showing that forfeiture is warranted. If the identity and address of the owner and/or lienholder is known to the local authority, ten days notice shall be given to such party, who shall have an opportunity to appear and be heard prior to entry of an order decreeing forfeiture. Where the court is satisfied that forfeiture of a motor vehicle is warranted in accordance with this section, it shall enter an order decreeing forfeiture of such vehicle. Provided, however, that the court at any time prior to entry of such an order may authorize release of the vehicle in accordance with

subdivision two of this section upon a showing of good cause for failure to retrieve same prior to commencement of the proceeding to decree forfeiture, but if the court orders release of the motor vehicle as herein provided and the vehicle is not redeemed within ten days from the date of such order, the vehicle shall be deemed to have been abandoned and the court upon application of the local authority must enter an order decreeing its forfeiture.

5. A motor vehicle forfeited in accordance with the provisions of this section shall be and become the property of the local authority, subject, however, to any lien that was recorded prior to the seizure.

6. For the purposes of this section, the term "local authority" means the municipality in which the motor vehicle was seized; except that if the motor vehicle was seized on property of the New York state thruway authority or property under the jurisdiction of the office of parks, recreation and historic preservation, the department of transportation, or a public authority or commission, the term "local authority" means such authority, office, department, or commission. A county may provide by local law that the county may act as the agent for a local authority under this section.

7. When a vehicle has been seized and impounded pursuant to this section, the local authority or any person having custody of the vehicle shall make the vehicle available or grant access to it to any owner or any person designated or authorized by such owner for the purpose of (i) taking possession of any personal property found within the vehicle and (ii) obtaining proof of registration, financial security, title or documentation in support thereof.

NYS Vehicle and Traffic Law Offense Definitions:

-VTL 1192

1192 (1): Driving while ability impaired. No person shall operate a motor vehicle while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol.

1192(2): Driving while intoxicated; per se. No person shall operate a motor vehicle while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article.

1192(2a): Aggravated driving while intoxicated. (a) Per se. No person shall operate a motor vehicle while such person has .18 of one per centum or more by weight of alcohol in such person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva made pursuant to the provisions of section eleven hundred ninety-four of this article. (b) With a child. No person shall operate a motor vehicle in violation of subdivision two, three, four or four-a of this section while a child who is fifteen years of age or less is a passenger in such motor vehicle. (Leandra's Law)

1192(3): Driving while intoxicated. No person shall operate a motor vehicle while in an intoxicated condition.

1192(4): Driving while ability impaired by drugs. No person shall operate a motor vehicle while the person's ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter.

1192(5): Commercial motor vehicles; per se - level I. Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a commercial motor vehicle while such person has .04 of one per centum or more but not more than .06 of one per centum by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article; provided, however, nothing contained in this subdivision shall prohibit the imposition of a charge of a violation of subdivision one of this section, or of section eleven hundred ninety-two-a of this article where a person under the age of twenty-one operates a commercial motor vehicle where a chemical analysis of such person's blood, breath, urine, or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article, indicates that such operator has .02 of one per centum or more but less than .04 of one per centum by weight of alcohol in such operator's blood.

1192(6): Commercial motor vehicles; per se - level II. Notwithstanding the provisions of section eleven hundred ninety-five of this article, no person shall operate a commercial motor vehicle while such person has more than .06 of one per centum but less than .08 of one per centum by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of section eleven hundred ninety-four of this article; provided, however, nothing contained in this subdivision shall prohibit the imposition of a charge of a violation of subdivision one of this section.

511(2): Aggravated unlicensed operation of a motor vehicle in the second degree. (a) A person is guilty of the offense of aggravated unlicensed operation of a motor vehicle in the second degree when such person commits the offense of aggravated unlicensed operation of a motor vehicle in the third degree as defined in subdivision one of this section; and

(i) has previously been convicted of an offense that consists of or includes the elements comprising the offense committed within the immediately preceding eighteen months; or

(ii) the suspension or revocation is based upon a refusal to submit to a chemical test pursuant to section eleven hundred ninety-four of this chapter, a finding of driving after having consumed alcohol in violation of section eleven hundred ninety-two-a of this chapter or upon a conviction for a violation of any of the provisions of section eleven hundred ninety-two of this chapter; or

(iii) the suspension was a mandatory suspension pending prosecution of a charge of a violation of section eleven hundred ninety-two of this chapter ordered pursuant to paragraph (e) of subdivision two of section eleven hundred ninety-three of this chapter or other similar statute; or

(iv) such person has in effect three or more suspensions, imposed on at least three separate dates, for failure to answer, appear or pay a fine, pursuant to subdivision three of section two hundred twenty-six or subdivision four-a of section five hundred ten of this chapter.

511(3): Aggravated unlicensed operation of a motor vehicle in the first degree. (a) A person is guilty of the offense of aggravated unlicensed operation of a motor vehicle in the first degree when such person:

(i) commits the offense of aggravated unlicensed operation of a motor vehicle in the second degree as provided in subparagraph (ii), (iii) or (iv) of paragraph (a) of subdivision two of this section and is operating a motor vehicle while under the influence of alcohol or a drug in violation of subdivision one, two, two-a, three, four, four-a or five of section eleven hundred ninety-two of this chapter; or

(ii) commits the offense of aggravated unlicensed operation of a motor vehicle in the third degree as defined in subdivision one of this section; and is operating a motor vehicle while such person has in effect ten or more suspensions, imposed on at least ten separate dates for failure to answer, appear or pay a fine, pursuant to subdivision three of section two hundred twenty-six of this chapter or subdivision four-a of section five hundred ten of this article; or

(iii) commits the offense of aggravated unlicensed operation of a motor vehicle in the third degree as defined in subdivision one of this section; and is operating a motor vehicle while under permanent revocation as set forth in subparagraph twelve of paragraph (b) of subdivision two of section eleven hundred ninety-three of this chapter; or

(iv) operates a motor vehicle upon a public highway while holding a conditional license issued pursuant to paragraph (a) of subdivision seven of section eleven hundred ninety-six of this chapter while under the influence of alcohol or a drug in violation of subdivision one, two, two-a, three, four, four-a or five of section eleven hundred ninety-two of this chapter.

319: 1. Any owner of a motor vehicle registered in this state, or an unregistered motor vehicle, who shall operate such motor vehicle or permit it to be operated in this state without having in full force and effect the financial security required by the provisions of this chapter and any other person who shall operate in this state any motor vehicle registered in this state, or an unregistered motor vehicle, with the knowledge that the owner thereof does not have in full force and effect such proof of financial security,

except a person who, at the time of operation of such motor vehicle, had in effect an operator's policy of liability insurance, as defined in section three hundred eighteen, with respect to his operation of such vehicle shall be guilty of a traffic infraction and upon conviction may be fined not less than one hundred fifty dollars or more than one thousand five hundred dollars or may be imprisoned for not more than fifteen days or both. In addition to the penalties herein set forth, such person, upon conviction, shall also become liable for payment to the department of the civil penalty provided in subdivision five of this section.

2. When the production of an insurance identification card is required by any provision of this chapter, no person shall produce an insurance identification card which indicates insurance coverage which is not in effect. In any prosecution or proceeding alleging a violation of this subdivision, it shall be an affirmative defense that the person so charged did not have knowledge that the insurance indicated on such card was not in effect. A violation of this subdivision shall be a misdemeanor.

3. Every person who operates a vehicle registered in this state, or a vehicle required to be registered in this state, shall, when required by the commissioner's regulations, produce an insurance identification card when requested by any peace officer, acting pursuant to his special duties, police officer or magistrate. The failure to so produce such a card shall be presumptive evidence that such person was operating the vehicle without having in effect financial security require by the provisions of this chapter.

512: Operation while registration or privilege is suspended or revoked. Any person who operates any motor vehicle upon a public highway while the certificate of registration of such motor vehicle or privilege of operation of such motor vehicle in this state or privilege of obtaining a certificate of registration issued by the commissioner is suspended or revoked.