



May 14, 2004

Dave Bernstein 123 Sixth Avenue Brooklyn, N.Y. 11215

Dear Mr. Bernstein:

Thank you for contacting my office with regard to the regulation of audible car alarms in New York City. I share your concerns about the noise pollution and disruption that these devices cause, and I am committed to finding ways to restrict their use. My staff has been working diligently to fully understand this complex issue before the Council moves forward with any legislation.

As you may know, in 1993 the Council passed a law, Local Law 110, regulating audible car alarms in New York City. This law clearly states that car alarms may not be activated without direct physical contact with the vehicle, and that when triggered, the alarm must shut off within three minutes of activation, or the owner will be subject to a civil penalty. The aim of Local Law 110 is to regulate the types of car alarms that are the most egregious: those that go off as a result of vibrations (such as from a loud motorcycle or from someone bumping into the vehicle with their car). Furthermore, Local Law 110 requires vehicle owners to register with their local precincts; that way, the New York City Police Department can notify the appropriate owner(s) when an alarm is continuously sounding. (The police department may also take reasonable measures to disconnect an offending car alarm or have the vehicle towed.)

The current law is clear, but unenforceable. When police hear a blaring car alarm, how can they tell what first set it off? Are they supposed to stand around for three minutes timing alarm noises?

This unwieldy procedure is almost never followed or enforced.

Council Members Eva Moskowitz and John Liu have introduced a bill that would take these regulations a step further by banning the operation of audible car alarms in New York City. I support this proposal because I personally believe that the harm caused by these alarms far exceeds any theft deterrence they might provide to individual owners. However, because the Council's legal jurisdiction does not extend beyond the five boroughs, we face legal and practical hurdles in passing such a law.

New York City already prohibits the use of audible status indicators on cars (NY Admin. Code §221-6.6). There are no legal hurdles to passing a similar ban on audible car alarms.

First, if the Council were to pass a law completely banning audible car alarms, it would be nearly impossible for the vast majority of car owners to comply. Research conducted by Council staff found that while after-market (not installed at the factory) audible alarms are fairly easy to disengage, such is not the case for audible alarms installed at the factory. According to carmakers like Ford, Daimler-Chrysler, Honda, BMW, and Mitsubishi, factory-installed audible alarms are considered part of the vehicle's central wiring and monitoring system. To disable such an alarm, one would have to disable the horn itself, which raises serious federal regulatory compliance and safety related concerns. (In fact, one carmaker, BMW, informed us in writing that it wouldn't even allow repair staff at a dealership that sold one of their cars to disable such an alarm for this very reason.)

But one can easily disengage the alarm without touching the horn. For Ford and BMW vehicles, use the valet procedure; for Daimler-Chrysler, look for the door's plunger button; for Honda, just refrain from setting the alarm...see our memo for more details.

Not true: car alarms do not need to be uninstalled in order to be turned off. Instead, New York City drivers can just lock their cars without setting the alarm. For 47% of factory-installed alarms, and 100% of alarms sold by dealers or mechanics, this is as easy as turning off a cell phone.

In addition, there is the practicality of requiring all car owners to disable their audible alarms. As I stated before, the Council cannot dictate law beyond its own jurisdiction. As such, if a person from outside New York City were to drive into any one of the five boroughs without first turning off their audible alarm, he or she would be in violation of the law if that alarm were suddenly activated. Given the countless number of nonresidents who drive into this city each day, this simply is not practical. (According to the most recent available data from the New York City Department of Transportation, in 2001 alone, 859,694 vehicles entered Manhattan on a daily basis.) Many of these drivers operate vehicles that contain factory-installed audible alarms, which, as I said, cannot be easily disabled. Thus they would be subject to a law that is not binding in their home jurisdiction and nearly impossible to follow.

True: out-of-town drivers would not be able to use their alarms here, just as they are currently forbidden to turn right at red lights. Outside of the city, though, drivers could turn their alarms back on just as easily as they turned them off.

While these limitations make a complete ban on audible car alarms in New York City very difficult (if not impossible), there are steps that the city can take to reduce the noise pollution caused by these alarms.

First, in light of the fact that no reliable data exists that demonstrates that audible car alarms prevent auto theft, I will support a resolution in the Council calling upon the New York State Legislature to amend state law by requiring insurers to give a discount to only those policyholders that have silent anti-theft devices installed in their automobiles. In doing so, the state would encourage owners to choose anti-theft technology that does not cause needless noise pollution.

These proposals are well-intentioned. But if we want to silence the alarms in our lifetime, we can't rely on Albany or Washington to take action.

Second, I will call upon the federal government to ban the installation of audible alarms in all cars manufactured in the United States. Having the federal government, which regulates the auto industry, ban these alarms is the only sure way to put an end to the noise and disruption that they cause.

Lastly, and most importantly, because I believe that it is the after-market audible car alarms—those that are often easily triggered by a loud noise or vibration—that create the most disruption, I will support legislation banning the installation of these alarms in New York City. My staff conducted a survey of various after-market car alarm installers throughout the city and found that nearly 80 percent of them continue to install these alarms, despite the fact that existing law bans their use. By taking this law a step further and banning the installation of these alarms, the Council will help reduce noise pollution by removing the most egregious alarms from our city's streets.

Banning the installation of new alarms is important, but not enough. The current noisemakers would remain on the streets, and anyone who wanted to use an alarm in New York could simply install it in New Jersey.

Upon enactment, I firmly believe that the above measures will help reduce the number of sleepless nights residents suffer as a result of audible car alarms, while simultaneously allowing for a substantial measure of protection against overall motor vehicle theft losses in New York City.

I thank you again for contacting me.

Sincerely,

GIFFORD MILLER Speaker