

April 17, 1979

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ment, the whole burden of the towing is upon the industry itself and the person who may have violated an ordinance by illegal parking or parking after the hour that is stated there, has their car parked, towed away, then it looks as though the towing company has total responsibility. I understand what you may be trying to get to, Senator Fowler, but I believe in your comprehensiveness you may have gone beyond the line of fairness to the industry.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Simon, do you wish to be recognized? Then Senator Newell has an amendment to Fowler's amendment. Senator Simon.

SENATOR SIMON: Mr. President, members of the body, in all due respect to Senator Koch, Senator Koch, if you are playing ball out in front of my yard and you happen to make an errant throw which I know would not be in your nature because you are a very fine athlete but if you happen to do that and break my plate glass window in front of my house and I saw you do it, what would be the recourse that I would have if you said that you didn't do it? I would take you to court. It would be your word against my word. I would say that you damaged substantially my plate glass window and it needs to be repaired. It is exactly the same type of thing that would happen under the amendment or part of the amendment that you addressed yourself to by Senator Fowler. I can understand the very real concerns that you have in your particular neighborhood, in your particular district, but as Senator Fowler has stated all that we are talking about here is putting a general philosophy into a court of law. That final decision will be made by the court. I see nothing wrong with if the individual damages something of mine, whether it be through negligence and towing a car, whether it be through breaking a window by playing baseball, whether it be through any other method, obviously that person should pay the cost and the court will make that decision in the judicious manner that it always has.

SPEAKER MARVEL: Senator Newell, do you have an amendment to the Fowler amendment?

SENATOR NEWELL: If the Clerk...

CLERK: Mr. President, Senator Newell moves to amend the Fowler amendment by adding a new Section 12. "Section 12. Anyone violating any provision of this act shall be guilty of a Class IV misdemeanor."