

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF ADOPTION

Notice of Adoption of an Amendment to an Existing Rule Regarding Signage and Timing Devices for Pedicabs.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 20-391 of Chapter 2, Title 20 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department promulgates and adopts an amendment to an existing rule regarding signage and timing devices for pedicabs.

The rule was proposed and published on April 26, 2013. The required public hearing was held on May 28, 2013.

Material being deleted is shown below in brackets and material being be added is underlined.

RULE

Statement of Basis and Purpose

Local Law 59 of 2012 amended sections 20-254 and 20-260 of subchapter nine of chapter two of Title 20 of the Administrative Code of the City of New York to modify the information concerning rates on signs that must be posted on a pedicab when it is available for transporting a passenger for a fare, to require a pedicab driver to provide a completed Pedicab Information Card to each passenger paying a fare, and to require that fares charged for pedicab rides be determined according to the time of the ride. Sections 20-104(b) and 20-265(a) of the Administrative Code of the City of New York grant the Commissioner authority to promulgate rules and require forms necessary to carry out the provisions of subchapter nine of chapter two of Title 20 of the Administrative Code.

Section 1 amends section 2-415 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to define the terms “clear view of passengers.”

Section 2 amends section 2-425 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements for the signage that must be posted on both exterior sides of a pedicab and on the rear of the pedicab bicycle seat pursuant to paragraph 14 of subdivision a of section 20-254 of the Administrative Code.

Section 3 adds a new section 2-429 to subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements for the Pedicab Information Card that must be provided to passengers in accordance with paragraph 3 of subdivision c of section 20-260 of the Administrative Code. The rule also requires that a pedicab driver keep sufficient quantities of the Department’s Pedicab Information Card in the pedicab to ensure that it can distribute a card to each paying customer.

Section 4 adds a new section 2-430 to subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements of the timing device a pedicab driver must use for the purpose of calculating a fare for a ride.

"Shall" and "must" denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 2-415 of subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new subdivision (e) to read as follows:

(e) "Clear view of passengers" means that the object or sign that is the subject of regulation is visible at all times to all seated passengers and is not obstructed by the driver, the driver's clothing, or other parts of the pedicab.

§ 2. Section 2-425 of subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

§ 2-425 Required Signs on Pedicabs.

(a) Every pedicab shall have posted on the interior of the cab, where it is clearly visible at all times to any seated passenger, a sign with letters [in] and numbers at least [twenty-eight point] one-half (½) of an inch high, boldfaced type containing the following information:

- Licensee: (Insert name appearing on pedicab business license to which pedicab is registered or the DBA name of such licensee).
- Telephone Number: (Insert phone number of licensee).
- Pedicab Registration Number: (Insert registration number of pedicab).
- "If you have a complaint about this business, contact the NYC Department of Consumer Affairs at:" (Insert Department's current complaint number and web address).

(b) The [printing] letters and numbers on the sign displaying the [rate information that is required to be posted] dollar amount to be charged per minute per ride shall be [in] at least [twenty-eight point type,] two (2) inches high, in boldfaced type and such sign shall be clearly posted on [the outside panel on each side of a] both sides of the exterior of the pedicab where it shall be visible to persons prior to entering such pedicab. The sign must also state, in letters and numbers no less than one-half (½) of an inch high, in boldfaced type, that:

(i) no additional fees may be charged; and

(ii) drivers must give passengers a Pedicab Information Card.

The sign must be laminated or protected by a clear plastic sheeting or other suitable material so that the text will not be destroyed, soiled, distorted or rendered illegible by water, snow or other weather conditions.

(c) A required sign to be attached to the rear of the pedicab bicycle seat must:

(i) hang freely from the rear of the bicycle seat in clear view of passengers;

(ii) be laminated or protected by a clear plastic sheeting or other suitable materials so that the text will not be destroyed, soiled, distorted or rendered illegible by water, snow or other weather condition; and

(iii) state clearly in letters and numbers at least one (1) inch high the dollar amount to be charged per minute per ride.

§ 3. Subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-429 to read as follows:

§ 2-429 Pedicab Information Card.

(a) A pedicab driver must download and use the Pedicab Information Card published by the Department on its website. A pedicab driver must not change or delete any text in the Pedicab Information Card and must provide all information required by the Department.

(b) The Department's Pedicab Information Card must be printed in black ink or toner on white paper. The typeface must be no less than 12 point.

(c) The size of the Pedicab Information Card must be no less than five and one-half (5 ½) inches by eight (8) inches in height and width.

(d) A pedicab driver must not issue Pedicab Information Cards by electronic mail, SMS (texting), or other electronic means.

(e) A pedicab driver must ensure that each Pedicab Information Card provided to a paying passenger is complete, accurate, and legible.

(f) When offering to transport passengers for hire, a pedicab driver operating a pedicab must keep in the pedicab sufficient quantities of the Department's Pedicab Information Card to be able to provide one to each passenger. Failure to produce copies of the Department's Pedicab Information Card upon request by Department inspectors or law enforcement officers will be deemed a violation of this subdivision.

§ 4. Subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-430 to read as follows:

§ 2-430 Approved Timer.

A pedicab driver must use a timer that has been inspected and sealed by the Department. The Department will apply the specifications, tolerances, and regulations set forth in the most current

version of Handbook 44 and the amendments thereto and Special Publication 960-12 of the National Institute of Standards and Technology when inspecting a timer presented for sealing. A driver may not use a timing device, such as a cell phone or other personal digital assistant, which uses a digital application or a mechanism that a pedicab driver can replace or modify after sealing.



Legislation Text

File #: Int 0597-2011, **Version:** A

Int. No. 597-A

By Council Members Garodnick, James, Koppell, Mendez, Williams, Comrie, Koslowitz, Dromm, Rodriguez, Lappin, Barron, Brewer, Gennaro, Greenfield, Wills and Jackson

A Local Law to amend the administrative code of the city of New York, in relation to pedicab fares and receipts.

Be it enacted by the Council as follows:

Section 1. Paragraph 12 of subdivision a of section 20-254 of subchapter nine of chapter two of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

12. a timer, of a type approved by the commissioner, affixed within clear view of passengers[, if the rate charged is based on period of use];

§ 2. Paragraphs 13 and 14 of subdivision a of section 20-254 of subchapter nine of chapter two of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended to read as follows:

13. a sign attached to the interior of the pedicab within view of passengers indicating the name and telephone number of the pedicab business, the pedicab's registration number and a telephone number that can be used to direct consumer complaints about such pedicab to the department; [and]

14. a sign conspicuously posted on both sides of the exterior of the pedicab indicating in letters and numbers at least two inches high the dollar amount to be charged [for the use of the pedicab or the basis for calculating such amount.] per minute per ride, and in letters and numbers at least one half of an inch high that:
(i) no additional fees may be charged and (ii) drivers must give passengers a pedicab information card; and

§ 3. Subdivision a of section 20-254 of subchapter nine of chapter two of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended by adding new paragraph 15 to read as follows:

15. a sign affixed to the rear of the bicycle seat of the pedicab indicating in letters and numbers at least two inches high the dollar amount to be charged per minute per ride.

§ 4. Section 20-260 of subchapter nine of chapter two of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

20-260. Rates of pedicabs. a. [The basis for calculating the amount of the charge for the use of a pedicab shall be displayed on the pedicab at all times] Rates for pedicab rides shall be based on time calculated per minute per ride. Each pedicab driver shall make such calculation using the timer affixed to the pedicab pursuant to paragraph 12 of subdivision a of section 20-254 of this subchapter. Each pedicab driver shall activate such timer when all passengers are seated and the pedicab ride commences, and shall stop the timer when the pedicab has reached its destination and the pedicab is at a full stop.

1. It shall be unlawful for a pedicab driver to charge any added fee, including fees for additional passengers.

2. Each minute shall be charged at the same rate.

3. Rates shall be displayed on the exterior of the pedicab and the rear of the bike seat on the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter at all times.

b. It shall be unlawful for a pedicab driver to charge a passenger a higher rate than the [more than the amount or] rate displayed on the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter.

c. Pedicab Information Card. [The pedicab driver shall provide passengers with a receipt listing the amount of the charge for the use of the pedicab, the license number of the pedicab business and a telephone number of such business to which complaints by consumers shall be directed, the pedicab driver's license

number and the telephone number at the department where complaints by consumers can be reported.] 1. The department shall create a pedicab information card in a size and style to be determined by the commissioner that states in substance: (i) all pedicabs shall display a sign disclosing the price to be charged per minute per ride on the exterior of the pedicab and the rear of the bike seat of the pedicab; (ii) drivers are not permitted to charge tax; (iii) gratuity is not required; (iv) it shall be unlawful for a pedicab driver to charge any added fee, including fees for additional passengers; (v) passengers may call 311 if they have a complaint regarding a pedicab driver or business; and (vi) such additional information as required by the commissioner. Each such document shall include an area where each pedicab driver shall insert: (i) his or her name and pedicab driver's license number, which shall be clearly identified as a New York city department of consumer affairs license number; (ii) the pedicab business name, address, telephone number and pedicab business license number, which shall be clearly identified as a New York city department of consumer affairs license number; (iii) the rate per ride as indicated on the exterior of the pedicab and the rear of the bike seat of the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter; (iv) the date; (v) the total number of minutes and/or fraction of a minute of the pedicab ride; and (vi) the total charge of the pedicab ride.

2. Such pedicab information card shall be distributed to every pedicab driver licensed pursuant to section 20-257 of this subchapter by the department in a manner to be determined by the commissioner.

3. Before a passenger enters a pedicab, the driver shall provide such passenger with the information card required by paragraph one of this subdivision with the following information inserted by the driver: (i) the driver's name and pedicab driver's license number; (ii) the pedicab business name, address, telephone number and pedicab business license number; and (iii) the rate per ride as indicated on the exterior of the pedicab and the rear of the bike seat of the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter. At the conclusion of the pedicab ride, the driver shall enter the following information on the information card: (i) the date; (ii) the total number of minutes and/or fraction of a minute of the pedicab ride; and (iii) the total charge of the pedicab ride. The driver shall then return the information card to the passenger.

§ 5. This local law shall take effect one hundred and twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

RC
LS 2069
10/22/12

NOTICE OF ADOPTION

Notice of Adoption of a Proposed Rule regarding the issuance of new pedicab registration plates.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of Consumer Affairs by Section 20-251 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department promulgates and adopts a rule regarding the issuance of new pedicab registration plates.

This rule was proposed and published on March 13, 2012. The required public hearing was held on April 13, 2012.

This rule will take effect in 30 days.

Material being added is underlined.

Statement of Basis and Purpose

Section 20-251 of the Administrative Code of the City of New York governs applications for registration plates to operate pedicabs and the issuance of registration plates by the Commissioner of Consumer Affairs.

Local Law 34 of 2011 amended section 20-251 to establish a maximum of 850 registration plates and provide for an annual review of pedicab registrations by the Commissioner. If the number of plates falls below 840, then the Commissioner is directed to issue additional plates. The local law provided that the issuance of additional plates should be in a manner as provided by the Commissioner in rules, consistent with the Administrative Code. Accordingly, the Commissioner is adopting this new rule.

The Commissioner is adding a new section to the pedicab rules to describe the procedure for issuing new registration plates when the Commissioner determines the number of existing registered pedicabs has fallen below 840. Following the determination, the Commissioner will publish notice requesting applications. The rule establishes a timeframe for submission of a completed application. As required by section 20-251, the Commissioner will not accept applications from any licensee that has already been assigned 30 registration plates. The rule explains a procedure for the Commissioner to assign all available pedicab registration plates to

applicants in the pool of valid applications based on a random drawing. In order to avoid unused registration plates, an applicant offered a registration plate has 45 days to comply with all registration requirements or the offer is voided and the plate is offered to the applicant with the next randomly assigned number.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

RULE

Section 1. Subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-426a to read as follows:

§2-426a Registration plate application pool.

(a) Each year, within 90 days after the November 1 expiration date of pedicab registration plates, the Commissioner will determine the number of pedicab registration plates that have been issued to licensees. If the number is fewer than 840, the Commissioner will publish in the City Record a notice requesting applications for pedicab registration plates to fill vacancies up to the legal limit of 850.

(b) Applications will not be accepted from any licensees that have already been assigned the legal limit of 30 registration plates.

(c) An application will not be accepted unless the applicant:

(1) completes an application in a form approved by the Commissioner, and

(2) submits the completed application no later than 5:00 p.m. on the 20th business day following the publication of the notice in the City Record.

(d) Only one application for a pedicab registration plate will be accepted from each applicant.

(e) The Commissioner will use the following procedures to assign available pedicab registration plates to applicants in the registration plate application pool:

(1) The Commissioner will assign a priority number to each accepted application using a computer generated random number selection program.

(2) If the number of accepted applications exceeds the number of available registration plates, the Commissioner will offer to issue a registration plate to applicants in the order of the priority numbers assigned to the accepted applications.

(3) If the number of accepted applications equals the number of available registration

plates, the Commissioner will offer to issue a registration plate to each applicant.

(4) If the number of accepted applications is fewer than the number of available registration plates, the Commissioner will offer one registration plate to each applicant and then offer each remaining plate in the order of the priority numbers assigned until all available registration plates have been offered.

(5) The Commissioner will issue the registration plate that has been offered when the applicant demonstrates that the pedicab complies with all registration requirements in this subchapter within 45 days of when the offer was made.

(6) The Commissioner's offer will become void if the applicant fails to comply with all registration requirements in this subchapter within 45 days after the offer has been made. If this circumstance arises, the Commissioner will offer such registration plate to the applicant with the next priority number.

(7) The Commissioner will remove from the registration plate application pool any applicant who fails to comply with all registration requirements in this subchapter within 45 days after the offer has been made.



Legislation Text

File #: Int 0334-2010, Version: A

Int. No. 334-A

By Council Members Garodnick, Chin, Comrie, Fidler, Foster, Gennaro, Greenfield, Nelson, Koslowitz, Van Bramer, Gentile, Jackson, Cabrera, Koo, Halloran and Dickens

A Local Law to amend the administrative code of the city of New York, in relation to requiring pedicabs to be subject to parking rules.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-171.2 to read as follows:

- §19-171.2 Pedicab parking. a. For the purposes of this section, the term “pedicab” shall mean a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.
- b. It is a violation for a person to park, stand, or stop a pedicab where a person is prohibited from parking, standing or stopping a vehicle pursuant to the rules of the city of New York promulgated by the commissioner. Notices of parking violations for pedicabs that park, stand or stop in violation of such rules shall be returnable to the parking violations bureau.
- c. Any person who violates this section shall be subject to a civil penalty in an amount described in the schedule of fines promulgated by the department of finance applicable to parking violations for vehicles.

§2. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

LS# 1482
4/20/11
JW/RC



Legislation Text

File #: Int 0466-2011, **Version:** A

Int. No. 466-A

By Council Members Garodnick, Foster, James, Mealy, Seabrook, Williams, Comrie, Gennaro, Koslowitz, Van Bramer, Gentile, Jackson, Cabrera, Halloran and Greenfield

A Local Law to amend the administrative code of the city of New York, in relation to seizing pedicabs and suspending and/or revoking pedicab registration plates and drivers' licenses for certain violations.

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 20-263 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

d. Any police or peace officer or authorized officer or employee of the department, upon service on the pedicab business or pedicab driver of a notice of violation for the failure of the pedicab business to obtain the required inspection of a pedicab or have a valid registration plate affixed to the pedicab pursuant to [subdivision a of] section 20-255 or for the failure of a pedicab driver to be licensed pursuant to section 20-257, may seize such pedicab. Any pedicab seized pursuant to this subdivision shall be delivered into the custody of the department or other appropriate agency. The commissioner shall hold a hearing to adjudicate the violation of subdivision a of section 20-255 or section 20-257 within two business days after the date of the seizure and shall render his or her determination within two business days after the conclusion of the hearing.

§ 2. Subdivision e of section 20-261 of the administrative code of the city of New York, as amended by local law number 53 for the year 2009, is amended to read as follows:

e. 1. Any pedicab driver who has been found to have committed:

(i) one violation of paragraph 7 of subdivision b of section 20-259 within any twelve-month period shall have his or her pedicab drivers license suspended by the commissioner for a period of not less than three

months.

(ii) two violations of paragraph 7 of subdivision b of section 20-259 within any twelve-month period shall have his or her pedicab drivers license revoked by the commissioner.

(iii) [Any pedicab driver who has been found to have committed] one violation of paragraph 6 of subdivision b of section 20-259 within any twelve-month period shall have his or her license revoked by the commissioner.

2. For purposes of this subdivision, all violations committed on any one day by any one pedicab shall constitute a single violation.

§3. Section 20-261 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. Any pedicab that is found in violation of paragraph 4, paragraph 5 or paragraph 9 of subdivision a of section 20-254 three times or more within any twelve month period shall have its registration suspended by the commissioner for a period of not less than one year and such pedicab shall not be operated during such period.

§4. This local law shall take effect one hundred twenty days after its enactment into law; provided, however, that the commissioner shall take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, the adoption of any necessary rules.

LCC/RC
LS 1500
4/20/2011



Legislation Text

File #: Int 0467-2011, Version: A

Int. No. 467-A

By Council Members Garodnick, James, Seabrook, Williams, Comrie, Gennaro, Koslowitz, Gentile, Jackson, Cabrera, Halloran and Dickens

A Local Law to amend the administrative code of the city of New York, in relation to the permitted number of pedicab registration plates.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-251 of the administrative code of the city of New York, as added by local law number 53 for the year 2009, is amended to read as follows:

a. The commissioner shall [commence accepting] accept application for registration plates, pursuant to section 20-255, [on the fortieth day after enactment of the local law that added this section, and shall continue accepting applications for sixty consecutive days following such commencement. During such sixty day period, persons submitting applications for registration plates shall also submit applications for pedicab business licenses pursuant to section 20-252] provided that the total number of registration plates shall not exceed eight hundred and fifty. The commissioner shall conduct an annual review of pedicab registrations, and if the number of registration plates issued falls below eight hundred and forty, the Commissioner shall issue additional registration plates in such manner as is consistent with the provisions of this subchapter as he or she by rule shall prescribe.

§2. Section 6 of Local Law 53 of 2009 is amended to read as follows:

6. This local law shall take effect immediately, except that section five of this local law shall take effect one hundred days after it shall have become a law, and provided that pedicab businesses may continue to operate without a pedicab business license, and pedicab drivers may continue to operate pedicabs without a

registration plate and without a pedicab driver's license, until the expiration of one hundred days of the effective date of this local law[, and provided that subdivisions a, b, and d of section 20-251 of the administrative code of the city of New York, as added by section four of this local law, shall be deemed repealed eighteen months after the sixtieth day of the application period for registration plates].

§3. This local law shall take effect immediately, provided that subdivisions a, b and d of section 20-251 of the administrative code of the city of New York, as added by local law number 53 for the year 2009, shall not be deemed to have been repealed as of the date specified in section 6 of such local law.

Rules & Regulations

New York City Department of Parks & Recreation

Use of Parks:

§1-05 Regulated Uses

a. Assemblies, meetings, exhibitions

1. No person shall hold or sponsor any special event or demonstration without a permit.
2. Reserved.
3. No person shall erect any structure, stand, booth, platform, or exhibit in connection with any assembly, meeting, exhibition or other event without approval of the Commissioner or his or her designated representative.

b. Unlawful Vending

1. No person in or on any property under the jurisdiction of the Department shall sell, offer for sale, hire, lease or let anything whatsoever, or provide or offer to provide services or items in exchange for a donation (hereinafter "vend"), except under and within the terms of a permit, or except as otherwise provided by law. For the purposes of this entire section, persons who vend as defined herein may be referred to as "vendor" or "vendors."
2. Persons may vend expressive matter, as defined in section 1-02 of this title, on property under jurisdiction of the Department without a permit, but must comply with all applicable provisions of these rules. However, in the specific locations enumerated in paragraph (3) expressive matter vendors may only vend expressive matter at the specifically designated spots identified by the Commissioner in the accompanying maps and as marked by a Department decal, medallion, or other form of marking, on the specific location of the approved vending spot, unless they are only vending expressive matter without using a cart, display stand or other device and without occupying a specific location for longer than necessary to conduct a transaction and are otherwise in compliance with Department rules. These spots shall be allocated upon a first come, first serve basis except as otherwise provided by law and any expressive matter vendor may only vend expressive matter centered directly behind the Department decal, medallion, or other form of marking. Only one expressive matter vendor is authorized to vend directly behind the Department decal, medallion, or other form of marking as indicated by the Department decal, medallion, or other form of marking and if multiple expressive matter vendors attempt to vend expressive matter at any one Department decal, medallion, or other form of marking and if it cannot be otherwise determined which expressive matter vendor arrived first, then all such expressive matter vendors at such spot will be in violation of this section and may be directed to leave the area of that Department decal, medallion, or other form of marking immediately. Any such expressive matter vendor failing to leave the area of the Department decal, medallion, or other form of marking immediately upon direction as required under the preceding sentence will be in violation of these rules. Expressive matter vendors can only occupy the designated spots for the purpose of vending expressive matter and only during posted times, which will be consistent with the hours of operation for the park where such designated spots are located in or adjacent to. The designated spots may deviate from the restrictions enumerated in subsection 5(i), (iv), (v), or (vi), if such spots are determined to be appropriate by the Commissioner given the specific features of the park.
3. Expressive matter vendors may not vend in the following general areas unless they vend at the specifically designated spots for such vending on the accompanying maps and in compliance with all other applicable Department rules:
 - i. Central Park at the following locations: (A) the perimeter of the park between East 85th Street and East 60th Street, including all sidewalks and plazas (B) the perimeter of the park between West 86th Street and West 60th Street, including all sidewalks and plazas (C) all of Central Park South, including all sidewalks and plazas (D) Wien Walk and Wallach Walk, (E) pedestrian

pathways parallel to East Drive between Grand Army Plaza and the Center Drive, (F) Grand Army Plaza, (G) Pulitzer Plaza, and (H) Columbus Circle.

- ii. Battery Park, including all perimeter sidewalks.
 - iii. Union Square Park, including all perimeter sidewalks.
 - iv. Elevated portions of High Line Park.
- 4.
- i. No vendor in or on any property under the jurisdiction of the Department shall allow any item or items used or offered in conjunction with vending to touch, lean against or be affixed permanently or temporarily to any street or park furniture installed on public property or any rock formation, tree, shrub or other planting.
 - ii. No vendor shall block any person from using any street or park furniture installed on public property by way of the vending activity.
 - iii. No vendor shall vend anything in such a manner that would damage or otherwise injure Department property, including, but not limited to lawns, plants, animals or buildings.
 - iv. No vendor shall vend anything that is placed immediately on a sidewalk or park path, or on a blanket or board placed immediately upon such surface or on the top of a trash receptacle or cardboard box.
 - v. No vendor shall vend anything over any ventilation grill, cellar door, manhole, transformer vault or subway access grating.
 - vi. No vendor shall vend anything directly from any parked or double parked motor vehicle except for food vendors with appropriate Department and New York City Department of Health and Mental Hygiene permits.
 - vii. No vendor shall vend anything in an unsuitable location because the location is a specialized area including, but not limited to, a zoo, swimming pool, playground, athletic field or court, or skating rink;
5. No vendor shall vend anything whatsoever using a display stand that:
- i. provides less than a twelve (12) foot wide clear pedestrian path measured from the display on the sidewalk or park path to the opposite edge of the sidewalk or park path, except that when there is street or park furniture on the pedestrian path the measurement must be taken from the display to two feet from the street or park furniture in order to determine whether there is less than a twelve (12) foot wide clear pedestrian path;
 - ii. is placed on any other part of a sidewalk under the Department's jurisdiction other than that which abuts the curb, unless otherwise authorized;
 - iii. is within any bus stop, carriage horse stand, pedicab stand, or taxi stand, or is within ten (10) feet of any subway entrance or exit;
 - iv. is within five (5) feet from any street or park furniture, public telephone, disabled access ramp, tree, or from individuals or entities authorized by permit or license by the Commissioner to operate at a specific location;
 - v. is within ten (10) feet from any crosswalk on any path or on any sidewalk under the jurisdiction of the Department;
 - vi. is placed within fifty (50) feet from any monument or other public art installation, including, but not limited to ornamental fountains;
 - vii. occupies more than eight (8) linear feet of public space parallel to the curb or park path;
 - viii. occupies more than three (3) linear feet in depth;
 - ix. is more than five (5) feet high or less than twenty-four (24) inches above the sidewalk or park path where the display surface is parallel to the sidewalk or park path, and may not be less than twelve (12) inches above the sidewalk or park path where the display surface is vertical;
 - x. where a rack or other display structure is placed on the top or above a table or other base, the size of the base is not less than the size of any rack or display structure placed thereon. Nothing shall be placed on the base so as to exceed the size limitations contained in this section;
 - xi. uses any areas other than that area immediately beneath the surface of the display stand for the storage of items for sale, unless permitted by Department license or permit for the use of a fixed location to store items for sale; or

- xii. fails to use an opaque covering to shield any items stored beneath the surface of the display stand.
 - 6. For the purposes of this section a display stand shall mean a movable, portable or collapsible structure, framework, device, container or other contrivance used by a vendor in any property under the jurisdiction of the Department for the purpose of displaying, keeping or storing any goods, wares, merchandise, foodstuffs or expressive matter.
 - 7. For the purposes of this section, street or park furniture shall mean any City-installed, maintained or approved structure, including but not limited to, benches, newspaper boxes, tree guards, fire hydrants, trash receptacles, telephone kiosks, newsstands, bus shelters, barricades, bollards, traffic signs, traffic lights, walls, water fountains, or fences located in any property under the jurisdiction of the Department.
 - 8. Where exigent circumstances exist and a Department employee or police officer gives notice to a vendor to move temporarily from any location such vendor shall not vend from such location. For the purposes of this section, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, the existence of any obstruction in the park, an accident, fire, or other emergency situation, a parade, special event, demonstration, construction project, maintenance operations, or other such event at or near such location, including periods of set up and take down for such exigent circumstances.
- c. Unlawful posting of notices or signs**
- 1. No person shall post, display, affix, construct or carry any placard, flag, banner, sign or model or display any such item by means of aircraft, kite, balloon or other aerial device, in, on, or above the surface of any park for any purpose whatsoever without a permit issued by the Commissioner. Each separate item placed in violation of this section shall constitute a separate violation.
 - 2. Notwithstanding paragraph (1) of this subdivision (c), any person may carry any item described in paragraph (1) of this section, without the aid of any aircraft, kite, balloon or other aerial device, where the space on which the message of such item is contained has a height no greater than two feet and a length no longer than three feet, and that such item takes up a total area of no more than six square feet.
 - 3. Any person who posts or displays a sign upon park property, including the perimeters of any park, whether or not pursuant to a permit issued under this subdivision (c), shall be responsible for removal of such sign pursuant to the conditions in such permit, or immediately if no such permit has been issued. Failure to remove any sign that is posted or displayed on such property, or that remains on such property, other than in compliance with such permit, shall constitute a violation of these Rules.
 - 4. In the event that a notice or sign is, in violation of this subdivision (c), posted or displayed on any property, including the perimeters of any park, there shall be a rebuttable presumption that any person whose name, telephone number, or other identifying information appears on such notice or sign has violated this subdivision by either (i) pasting, posting, painting, printing or nailing such notice or sign, or (ii) directing, suffering or permitting a servant, agent, employee or other individual under such person's control to engage in such activity; provided, however, that such rebuttable presumption shall not apply with respect to criminal prosecutions brought pursuant to this paragraph (4).
- d. Noise; Musical Instruments; Sound Reproduction Devices**
- 1. No person shall make, or cause or allow to be made, unreasonable noise in any park so as to cause public inconvenience, annoyance or harm. Unreasonable noise means any excessive or unusually loud sound that disturbs the peace, comfort or repose of a reasonable person of normal sensitivity or injures or endangers the health or safety of a reasonable person of normal sensitivity, or which causes injury to plant or animal life, or damage to property or business.
 - 2. No person shall play or operate any sound reproduction device, as defined in §1-02 of these Rules, in any park without a permit from the Department of Parks & Recreation and any other City agency or agencies with pertinent jurisdiction. This paragraph (2) shall not apply to the regular and customary use of portable radios, record players, compact disc players, or television receivers, or tape recorders played or operated in full accordance with these Rules so as not unreasonably to disturb other persons in their permitted uses of the park, except that in areas designated by the Commissioner as "quiet zones," such regular and customary use of sound

reproduction devices shall be prohibited. Signs shall be posted in all quiet zones advising the public of such prohibition. Use of radios and other sound reproduction devices listened to solely by headphones or earphones, and inaudible to others, is permitted in all areas of the parks.

3. No person shall play or operate any musical instrument or drum, radio, tape recorder or other device for producing sound in any park between the hours of 10:00 p.m. and 8:00 a.m. except under the express terms of a permit. The Commissioner may, in his or her discretion, further restrict such hours in specific parks where such operation would disturb or damage the comfort, peace, health or safety of persons or businesses.
4. No person shall play or operate any musical instrument or drum or cause any noise for advertising or commercial purposes except under the express terms of a permit.

e. Unauthorized commercial cinematic productions

1. Filming or photography requiring a permit. Any person or entity engaged in filming or photography in a park, where such activity is subject to the permit requirements of the Mayor's Office of Film, Theatre & Broadcasting ("MOFTB") (Chapter 9 of Title 43 of the Rules of the City of New York) may engage in such activity only upon obtaining such a permit from that Office. Such permittee shall comply with the requirements of § 9-02(c) of such rules ("Responsibility of Holders of Required and Optional Permits") including, but not limited to, the obligation to clean and restore any Department property altered in connection with the exercise of such permit.
2. Filming or photography not requiring a permit. Any person or entity engaging in filming or photography in a park, where such activity does not require a permit under the permit requirement rules of MOFTB, may engage in such activity without obtaining a permit from that Office. In addition, any person or entity engaging in filming or photography involving only the use of handheld devices (as defined in paragraph (3) of subdivision (a) of § 9-02 of the MOFTB permit rules) that takes place in an area under the Department's jurisdiction that is not a sidewalk, pathway, street, or walkway of a bridge need not obtain a MOFTB permit. Nothing herein shall be deemed to relieve such person or entity of the obligation to obtain a permit from the Department if such activity involves conduct otherwise requiring a permit pursuant to any other rule of the Department.

f. Alcoholic Beverages

1. Except where specifically permitted by the Commissioner, no person shall consume any alcoholic beverage in any park, playground, beach, swimming pool or other park property or facility, nor shall any person possess any alcoholic beverage with intent to consume or facilitate consumption by others of same in any park, playground, beach, swimming pool, or other park property or facility.
2. It shall be a violation of these rules for any person to appear in any park under the influence of alcohol to the degree that he may endanger himself or herself, other persons or property, or unreasonably annoy persons in his or her vicinity.

g. Beaches, Boardwalks and Pools

1. Bathing in waters adjacent to property under the jurisdiction of the Department shall be permitted only at authorized bathing beaches and only during the bathing season designated by the Commissioner. The Commissioner may limit or expand the extent of bathing beaches or shorten or extend the bathing season with due regard for weather conditions and the safety of the public. It shall be a violation of these rules to bathe during storms or be present at any time in unauthorized areas.
2. Except where permitted by the Commissioner, no person shall bring into or use in any pool under the jurisdiction of the Department, artificial floats, masks, spears, fins, snorkels, air or gas tanks, or other apparatus used for skin or scuba diving. No person shall bring into or use in any other water under the jurisdiction of the Department, artificial floats, spears, fins, snorkels, air or gas tanks, or other apparatus used for scuba diving.
3. Except in locations designated for such purpose, no person shall engage in any athletic game or conduct himself in such a way upon a bathing beach or in the water as to jeopardize the safety of himself or others. Surfboards are allowed only at areas expressly designated for such use.
4. No person having, or apparently having any infectious disease shall be admitted to a bathing beach or bath house, or shall be permitted in the water.

5. No person shall change clothes except in bath houses or other authorized places. No person shall be nude at any bathing area, beach or pool under the jurisdiction of the Department.
6. No person shall disobey the reasonable direction of a lifeguard, nor shall any person carry on unnecessary conversation with a lifeguard, or falsely call for help or assistance, or stand, sit upon, or cling to lifeguard perches, or cling to or go into a lifeguard boat except in an emergency.
7. Persons using swimming pools under the jurisdiction of the Department may only do so if dressed in bathing suits, and only after showering at the park immediately prior to entering such pools.
8. Bathing and swimming in park swimming pools shall be allowed only on such days and at such times as are designated by the Commissioner and posted at each facility.
9. No person shall dive into water under the jurisdiction of the department except where specifically authorized by posted signs.

h. Fishing

1. Fishing shall be permitted from locations under the jurisdiction of the Department, except in open swimming areas or where specifically prohibited. Any person who engages in fishing shall obey all posted guidelines, and comply with all applicable City, State and Federal laws and regulations, including Title 6 of the New York State Environmental Conservation Law.
2. The use of lead fishing weights in waters under the jurisdiction of the Department shall be a violation of these rules.
3. Failure to remove fishing line fragments and hooks from land and waters under the jurisdiction of the Department shall be a violation of these rules.
4. All fish caught in fresh water areas shall be immediately released. The use of barbed hooks in such areas shall be a violation of these rules.
5. The use of traps to catch fish and/or crustaceans in areas under the jurisdiction of the Department shall be prohibited.

i. Bicycling and operating Pedicabs

1. Any person bringing a bicycle or a pedicab into any park shall obey all park signs pertaining to the use of such bicycles or pedicabs. Only pedicabs that carry a registration plate as required by §20–255 of the New York City Administrative Code and are operated by, or are authorized to be operated by, a pedicab business that possesses a valid pedicab business license, as defined by §20–249 of the New York City Administrative Code, may be operated within property under the jurisdiction of the Department. Only a pedicab driver as defined by §20–249 of the New York City Administrative Code who has a valid pedicab driver's license as defined by §20–249 of the New York City Administrative Code may operate a pedicab within property under the jurisdiction of the Department.
2. No bicycle or pedicab shall be ridden or otherwise operated in vegetated areas or on any bridle path, pedestrian way, park path, sitting or play area, playground, or in any other area so designated. Bicycles may be ridden and operated on park roads, bikepaths, and other areas specifically designated by the Commissioner. Pedicabs may only be operated on park roads designated by the Commissioner and may not be operated or stopped in (i) any recreation lane designated by the Commissioner for use by pedestrians or bicyclists; or (ii) any bikepath designated by the Commissioner.
3. No person shall operate a bicycle or a pedicab in a reckless manner. Any person operating a bicycle or pedicab shall ride in the direction of traffic and obey all traffic lights and road signs. Persons operating pedicabs may not ride adjacent to another pedicab, bicycle or vehicle, except when using the left lane to pass another pedicab, bicycle or motor vehicle.
4. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except that children may be carried in seats securely attached to a bicycle. No person riding any bicycle shall attached himself or herself or his/her bicycle to the outside of any vehicle being operated upon a roadway.
5. Any person operating a bicycle shall yield the right of way to pedestrians, in-line skaters, and horse drawn carriages. Any person operating a pedicab shall yield the right of way to pedestrians, bicyclists, in-line skaters, and horse drawn carriages.
6. On the park roads in Central Park, all pedicabs shall remain in the far right lane, except when passing another pedicab, bicycle, or vehicle, in which case the pedicab may use the next lane to the left to pass.

7. No person shall operate a pedicab adorned with commercial advertising in any park, or at any other location under the jurisdiction of the Department, unless the pedicab is on a park road during a time when private motor vehicles are allowed to operate on such park road.
8. No person operating a pedicab in any park, or at any other location under the jurisdiction of the Department, shall solicit, pick up or release passengers except at areas specifically designated by the Commissioner, subject to any limitation imposed by the Commissioner as to the number of pedicabs that may solicit, pick up or release passengers in such designated areas at any given time. Signs shall be posted informing the public of the designation of such areas for solicitation, pick up or release of pedicab passengers.
9. No person operating a pedicab shall occupy an area reserved solely for buses, taxicabs, horse drawn carriages or other vehicles or motor vehicles.
10. In addition to complying with the provisions of this subdivision (i) of §1-05, pedicab drivers shall operate pedicabs in compliance with the provisions of §20-259 of the New York City Administrative Code.
11. If there are exceptional circumstances, the Commissioner, in consultation with the Commissioners of the Police, Transportation and Consumer Affairs Departments, shall be authorized, upon notice, to restrict or prohibit any pedicab driver, as defined by §20-249 of the New York City Administrative Code, from operating his or her pedicab on any park road otherwise designated for pedicab use, for a consecutive period of time, not to exceed fourteen days, or on one or more particular days. For purposes of this paragraph, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or bicycle traffic, existence of any obstructions on Department property, a parade, demonstration, special event, or other such similar event or occurrence at or near such location. Notwithstanding the preceding provisions of this paragraph, the Commissioner may restrict or prohibit the operation of pedicabs within property under the jurisdiction of the Department for periods of time in excess of fourteen days when such restrictions apply to bicycles or other types of vehicles.

j. Boating

No person shall land a boat of any kind other than a human-powered boat, such as a kayak, canoe, rowboat or pedal boat, on any park shore except at designated landing areas or in case of an emergency. No person shall operate a boat of any kind, including jet-skis, upon any waters under the jurisdiction of the Commissioner in a reckless manner so as to endanger the life, limb or reasonable comfort of his or her passengers or other persons. Boating in any authorized bathing area is prohibited.

k. Unlawful Ice Activity

1. Ice skating is permitted at rinks maintained by the Department for such use, at such times, and subject to the Rules and Regulations prescribed and posted at each facility.
2. No person shall go upon the ice of any lake or pond in any park except at such places and at such times as may be designated by the Commissioner.

l. Planting

No tree, plant, flower, shrubbery or other vegetation shall be planted in any area under the jurisdiction of the Department without a permit. No such planting shall be undertaken on any street or avenue without a permit for the necessary excavation from the Department of Transportation. Trees planted pursuant to permits shall become the property of the City after a guarantee period of one year has been satisfactorily completed.

m. Unlawful Fires

1. No person shall kindle, build, maintain, or use a fire in any place, portable receptacle, or grill except in places provided by the Department and so designated by sign or by special permit. In no event shall open or ground camp fires be allowed in any park. Any fire authorized by this subdivision (m) shall be contained in a portable receptacle grill or other similar device, and continuously under the care and direction of a competent person over eighteen (18) years of age, from the time it is kindled until it is extinguished. No fire shall be within ten feet of any building, tree, or underbrush or beneath the branches of any tree.

2. No person shall leave, throw away or toss any lighted match, cigar, or cigarette, hot coals, or other flammable material within, on, near, or against any tree, building, structure, boat, vehicle or enclosure, or in any open area.
- n. **Unlawful Operation and Parking of Motor Vehicles**
1. Motor vehicles may not be brought into or operated in any area of a park except on park roads or designated parking areas. Park roads may be closed to motor vehicles at such times and in such places designated by the Commissioner.
 2. A person shall not park any motor vehicle in any park except in areas designated by the Commissioner for parking, and only during the hours of operation of such park.
 3. No person shall use any area of a park, including designated parking areas, for the purpose of performing non-emergency automotive work, including, but not limited to, vehicle maintenance, repairs, or cleaning.
- o. **Unauthorized Construction on Park Property**
No person shall perform or cause to be performed construction work of any kind or any work incidental thereto, including storage of materials, in any park except pursuant to a permit issued by the Construction Division of the Department.
- p. **Unauthorized Excavations**
No person shall perform, cause, suffer or allow to be performed any excavations within or adjacent to any park property without a permit.
- q. **Horse Riding**
1. No person may ride a horse in any park, except on bridle paths designated by the Department.
 2. It shall be a violation of these Rules to ride a horse into or within a park in a reckless manner; to allow the horse to be left unbridled or unattended; or to allow the horse to cause any damage to any tree, plant, flower, shrubbery or other vegetation under the jurisdiction of the Department.
- r. **Failure to Comply with Area Use Restrictions**
1. No person shall throw, catch, kick or strike any baseball, football, basketball, soccer, golf or tennis ball, or similar object, nor shall any person engage in any sport, game or other competition except in areas designated and maintained therefor. No such use will be allowed at any time if the desired area has previously been allotted by permit issued pursuant to the provisions of these Rules.
 2. No person shall engage in any toy or model aviation, kite-flying, model boating or model automobiling except at such times and at such places designated or maintained therefor.
 3. No person shall roller skate, ski, skateboard, sled or coast on any kind of vehicle except in areas designated and maintained for such use.
- s. **Exclusive Areas**
Areas within the parks designated by the Commissioner for exclusive use shall include:
1. Exclusive Childrens Playgrounds: Adults allowed in playground areas only when accompanied by a child under the age of twelve (12).
 2. Exclusive Senior Citizens Areas: Certain areas of any park may be set aside for citizens aged sixty-five (65) and older, for their quiet enjoyment and safety.
 3. Dog Runs: Certain fenced park areas may be designated by the Commissioner as dog runs, and persons owning or possessing dogs that are wearing a license tag and vaccinated against rabies pursuant to the laws of the State of New York and City of New York are permitted to allow such animals to remain unleashed in these areas. Users of dog runs shall obey posted rules. Users of such dog runs shall provide proof of current vaccination against rabies and proof of current licensing upon the request of any Police Officer, Urban Park Ranger, Parks Enforcement Patrol Officer or other Department employee or employee of the DOHMH, the refusal of which shall constitute a violation of § 1-03(c), § 1-04(i) and of this paragraph. All exclusive areas will be specifically designated as such and signs will be posted informing the public of this designation.
- t. **Unlawful distribution of products and materials**
No person shall engage in the non-commercial distribution of products and/or material (other than printed or similarly expressive material) without a permit issued by the Commissioner. A permit shall be issued only upon the Commissioner's determination that said distribution will be conducted in a

manner consistent with the public's use and enjoyment of the park or facility in question. In making this determination, the Commissioner will consider the nature of the product or material, whether the product or material is compatible with customary park uses, whether the product or material is intended to be used in the park or facility, the age of the targeted audience for the product or material, and whether the area in the park or facility where the distribution will take place is appropriate for such distribution, considering, e.g., its proximity to areas designed for children, quiet zones or other areas designed for activities not compatible with such distribution. In connection with the foregoing, the Commissioner may consult with parental groups which are involved with the park or facility where a permit for distribution is requested. The Commissioner may also impose conditions upon the distribution of products and materials consistent with the concerns reflected by the factors listed above. Products and/or materials may be distributed only upon an indication of interest by the recipient, and only from a fixed location specified in the permit.

u. **Rollerblading and Roller Skating**

Any person using rollerblades or roller skates in any park shall obey all park signs pertaining to the use of same. No person shall use rollerblades in any park except for park drives or areas designated for such use by the Department, and at times designated for such use. No person shall use rollerblades in a reckless manner, or so as to endanger persons or property.

Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Law (and Rules, if enacted) are included as a handout in this packet. The Law (and Rules) are current as of August 2009.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

NEW YORK CITY ADMINISTRATIVE CODE
TITLE 20: CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER 9: PEDICABS

§ 20–248 Legislative findings. It is the purpose of this subchapter to regulate and control pedicab businesses to protect consumers and to ensure the safety of the public, including passengers and drivers operating pedicabs. It is also the purpose of this subchapter to minimize the effect of pedicabs on traffic and congestion by establishing a maximum number of pedicabs that can be authorized to operate in the city. It is the purpose of this subchapter to require the inspection of pedicabs to ensure that pedicabs are safely operated in the streets of the city, and to provide a process for their removal if they have not been inspected as required.

§ 20–249 Definitions. Whenever used in this subchapter:

- a. "Family member" shall mean a member of the immediate family, including, but not limited to, a spouse, domestic partner, sibling, child, grandchild, parent or grandparent.
- b. "Owned" or "owns" shall mean possession with good legal title, or possession under a lease, reserve title contract, conditional sales agreement or vendor's agreement or similar agreement.
- c. "Pedicab" shall mean a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.
- d. "Pedicab owner" or "owner" shall mean any person who owns one or more pedicabs in the city of New York.
- e. "Pedicab business" or "business" shall mean a pedicab owner who operates or authorizes the operation of one or more pedicabs in the city of New York.
- f. "Pedicab business license" shall mean a license issued by the commissioner pursuant to section 20–250.
- g. "Pedicab driver" shall mean any natural person who propels and operates a pedicab in the city of New York.
- h. "Pedicab driver license" shall mean a license issued by the commissioner to a pedicab driver to operate a pedicab.

i. "Person" shall mean any natural person, firm, partnership, joint venture, corporation or association.

j. "Registration plate" shall mean a unique identification tag issued by the commissioner pursuant to section 20-255.

§ 20–250 Pedicab business license. a. It shall be unlawful for a pedicab owner to conduct a pedicab business unless such pedicab owner shall have first obtained from the commissioner a pedicab business license.

b. In order to obtain, amend or renew a pedicab business license, a pedicab owner must provide the commissioner with the following:

1. A list of all pedicabs owned, leased or controlled by such pedicab owner for which such owner seeks registration pursuant to section 20–255. Each such pedicab shall be uniquely identified on such list;

2. Proof that there is in force for the full license term a policy of public liability and property damage insurance that meets the requirements of section 20–253 of this subchapter for each pedicab listed pursuant to paragraph one of this subdivision; and

3. Such other information as the commissioner may require to establish the pedicab owner's eligibility for a pedicab business license under this subchapter.

c. A pedicab business license shall be valid for a term of one year, except that business licenses issued prior to November 1, 2010 shall expire on November 1, 2010. There shall be an annual fee of one hundred and ten dollars for such license that shall include the fee for registration, required by section 20-255, of one pedicab. The registration fee for each additional pedicab shall be sixty dollars. The annual fee may be pro-rated by the commissioner for the initial license period.

d. Notwithstanding subdivision a of this section, a person holding a pedicab driver license shall not be required to obtain a pedicab business license to drive a pedicab that is owned by a pedicab business licensed under this subchapter.

e. The commissioner shall have the authority to deny or revoke a pedicab business license if a pedicab owner fails to obtain the registration plates required pursuant to section 20-255 for the pedicab(s) identified on the list submitted by such owner pursuant to paragraph 1 of subdivision b of this section.

§20-251 Applications for, and issuance of, registration plates. a. The commissioner shall commence accepting applications for registration plates, pursuant to section 20-255, on the fortieth day after enactment of the local law that added this section, and shall continue accepting applications for sixty consecutive days following such commencement. During such sixty day period, persons submitting applications for registration plates shall also submit applications for pedicab business licenses pursuant to section 20-252.

b. The department has the authority to inspect pedicabs to determine whether the pedicabs are equipped with the features set forth in subdivision a of section 20-254 and comply with the requirement set forth in subdivision b of section 20-254.

c. The commissioner shall issue registration plates only to a pedicab owner who has submitted the materials required by subdivision b of section 20-250 to obtain, amend or

renew a pedicab business license or to a pedicab owner who has already obtained a pedicab business license.

d. The commissioner shall not issue registration plates to more than thirty pedicabs for any pedicab business. No pedicab business or pedicab owner shall hold more than thirty registration plates at any one time. A pedicab business shall be deemed to have more than thirty registration plates if:

(1) an owner of such pedicab business has a direct or indirect beneficial interest in one or more other pedicab businesses and the businesses together have more than thirty pedicab registration plates;

(2) a family member of the owner of such business has a direct or indirect beneficial interest in one or more other pedicab businesses and the businesses together have more than thirty registration plates;

(3) a person who has a direct or indirect beneficial interest in such pedicab business has a direct or indirect beneficial interest in one or more other pedicab businesses and the businesses together have more than thirty registration plates; or

(4) a family member of a person who has a direct or indirect beneficial interest in such pedicab business has a direct or indirect beneficial interest in one or more other pedicab businesses and the businesses together have more than thirty registration plates.

e. The commissioner shall issue registration plates only to a pedicab business or owner with respect to pedicabs listed and identified in accordance with paragraph 1 of subdivision b of section 20-250 on the application of such business or owner for a pedicab business license.

f. A pedicab registration plate shall become void upon the revocation or suspension of the pedicab owner's pedicab business license.

§ 20–252 Issuance of pedicab business license. a. A pedicab business license shall be issued only to a person who meets all the requirements of this subchapter and any rules promulgated by the commissioner to effectuate the purposes of this subchapter.

b. A pedicab business license shall be valid only for the person in whose name it is issued.

c. The commissioner may refuse to issue to a pedicab owner a pedicab business license or to renew a pedicab business license to a pedicab owner based upon a determination that such applicant has engaged in conduct that would constitute a basis for license suspension or revocation as set forth in subdivision a of section 20–261 of this subchapter.

d. A pedicab business license cannot be transferred or sold. The commissioner shall promulgate rules as to whether, and the extent to which, a pedicab business license remains valid after any change in the beneficial ownership of a pedicab business, including, without limitation, any such change resulting from a direct or indirect, voluntary or involuntary, sale or transfer of a beneficial ownership interest.

§ 20–253 Insurance. a. It shall be unlawful for any pedicab business to operate or authorize the operation of a pedicab within the city unless there is in force for such pedicab a policy of insurance that meets the requirements of this section.

b. Such policy of liability insurance shall insure such pedicab business and all pedicab drivers of the pedicabs of such business, whether such pedicab drivers are employees of the pedicab business or operate such pedicabs otherwise by agreement with the pedicab business. Such insurance policy must provide, at minimum, the following protection:

1. The pedicab business carries a policy providing liability coverage for injury or death of any person or persons, and damage to or destruction of any property in a combined single limit amount of two million dollars, or such higher amount as the commissioner may determine pursuant to rule, with a maximum of one million dollars for each accident, where liability for such injury or death of a person or persons, or damage to or destruction of property shall arise out of the operation of the pedicab business's pedicabs; or

2. Each pedicab is insured in at least the following amounts, unless the commissioner establishes higher amounts pursuant to rule, where liability for such injury or death of a person or persons, or damage to or destruction of property shall arise out of the operation of the pedicab:

(i) for personal injury or death to one person, one hundred thousand dollars;

(ii) for personal injury or death to all persons in one accident, three hundred thousand dollars, with a maximum of one hundred thousand dollars for each person; and

(iii) for property damage, fifty thousand dollars.

c. Such policy of liability insurance shall name the city of New York as an insured party.

d. The pedicab business shall notify the commissioner of any modification, amendment, cancellation or substitution of any insurance policy required under subdivision b of this section within fourteen days of the date of the notice to the pedicab business of such modification, amendment, cancellation or substitution.

e. If the policy of insurance required by this section lapses for any reason, the license issued pursuant to section 20–250 shall become void for such pedicab business.

§ 20–254 Required equipment of pedicabs. a. Each pedicab operated in the city shall be equipped with the following features:

1. three or more wheels;

2. a unibody frame for the entire vehicle;

3. seating for no more than three passengers;

4. hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions;

5. a secondary or emergency brake system;

6. battery-operated headlights capable of projecting a beam of light for a distance of 300 feet;

7. battery-operated taillights which are visible from 500 feet;

8. turn lights;
9. passenger seat belts;
10. an audible signaling device;
11. reflectors on the spokes of the wheels of the pedicab;
12. a timer, of a type approved by the commissioner, affixed within clear view of passengers, if the rate charged is based on period of use;
13. a sign attached to the interior of the pedicab within view of passengers indicating the name and telephone number of the pedicab business, the pedicab's registration number and a telephone number that can be used to direct consumer complaints about such pedicab to the department; and
14. a sign conspicuously posted on the exterior of the pedicab indicating the amount to be charged for the use of the pedicab or the basis for calculating such amount.
 - b. The maximum width of a pedicab shall be fifty-five inches and the maximum length of a pedicab shall be ten feet.
 - c. It shall be unlawful for a pedicab business to operate or authorize the operation of, or for a pedicab driver to operate, a pedicab that does not comply with the requirements of this section.

§ 20–255 Inspection; registration plate. a. It shall be unlawful for a pedicab business to operate or authorize the operation of, or for a pedicab driver to operate, a pedicab unless:

1. it has been inspected by the department;
2. it has been issued a registration plate that indicates on such plate the expiration date of the current registration; and
3. such registration is in effect.¹
 - b. The registration shall be valid for a period no longer than one year and the expiration date of such registration plate shall be a date specified by the commissioner by rule, except that the registrations issued prior to November 1, 2010 shall expire on November 1, 2010.
 - c. If the commissioner determines after such inspection that a pedicab is equipped with the features set forth in subdivision a of section 20–254, and complies with the requirement set forth in subdivision b of section 20-254, upon payment of the registration fee provided by section 20–250 of this subchapter, the department shall issue a registration plate to the pedicab business that authorized the operation of such pedicab.
 - d. Such registration plate shall be securely affixed by the department to a conspicuous and indispensable part of each pedicab.
 - e. The registration plate shall be of such material, form, design and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe.
 - f. A pedicab business shall pay an additional fifty-five dollars as the re-inspection fee for any pedicab that fails to appear at an inspection scheduled by the department or that is determined upon inspection not to meet the requirements of this section and such

¹ Pursuant to section 16 of Local Law Number 53 for the Year 2009, this subdivision takes effect 100 days after its enactment on August 13, 2009.(November 21, 2009).

business re-applies for a registration plate. The commissioner shall also have the authority to determine the circumstances under which reinspections of pedicabs shall be permitted.

g. It shall be unlawful for a person to whom a registration plate has been issued to transfer any interest in such plate to any other person unless:

1. the pedicab, if intended to be transferred with the registration plate, complies with all applicable requirements imposed by this subchapter;
2. such transfer will not result in a violation of subdivision d of section 20-251; and
3. the commissioner approves such transfer.

§ 20–256 Records. Every pedicab business shall maintain such records related to the ownership and operation of its pedicabs as the commissioner may prescribe by rule. Such records shall be made available for inspection by the commissioner at his or her request at either the offices of the pedicab business or at the offices of the department.

§ 20–257 Pedicab driver license. a. It shall be unlawful for a pedicab driver to operate a pedicab unless the pedicab driver shall have first obtained a pedicab driver license from the commissioner.

b. It shall be unlawful for a pedicab business to permit the operation of any pedicabs owned by it by a person who does not have a pedicab driver license and a motor vehicle driver's license in full force and effect.

c. In order to obtain or renew a pedicab driver license, a pedicab driver shall file an application with the commissioner for such pedicab driver license. Such application shall be made upon such form as prescribed by the commissioner and shall contain such information as the commissioner may require to establish the applicant's eligibility for a pedicab driver license under this subchapter.

d. To be eligible for or to maintain a pedicab driver license, an applicant or licensee shall:

1. be at least eighteen years of age;
2. possess a currently valid motor vehicle driver's license that is in full force and effect;
3. not have his or her motor vehicle driver's license suspended or revoked; and
4. meet such fitness requirements as the commissioner may determine by rule.

e. A pedicab driver license shall be valid for a term of one year. There shall be a fee of thirty-five dollars for such license. The commissioner shall establish the expiration date for such license by rule.

f. The commissioner may refuse to issue a pedicab driver license or to renew such a license based upon a determination that such pedicab driver has engaged in conduct which would constitute a basis for the suspension or revocation of a pedicab driver license as set forth in subdivision c of section 20–261 of this subchapter.

g. Service of a violation, and any related notices, on a pedicab driver shall constitute service on the pedicab business that authorized the operation of such pedicab by virtue of employment, lease, or any other arrangement and shall afford the pedicab business the opportunity to participate in any hearing held on such violation.

§ 20–258 Display of pedicab driver's identification. a. The commissioner shall provide a photo identification card to each pedicab driver who has obtained a pedicab driver license. Such photo identification card shall include the license number of such pedicab driver license and the motor vehicle driver's license number of such pedicab driver, as well as the issuing state of such motor vehicle driver's license.

b. The pedicab driver shall wear such photo identification card so that it is visible to passengers and enforcement officers when such pedicab driver is operating a pedicab. A copy of such photo identification card shall also be displayed inside any pedicab under the control of such driver in a manner clearly visible to the passengers of such pedicab.

§ 20–259 Restrictions on the operation of pedicabs. a. A pedicab driver shall be subject to all provisions of state and local law governing the operation of a bicycle, which include, but are not limited to, provisions of the vehicle and traffic law, the New York city administrative code, and rules of the city of New York promulgated by the department of transportation and the department of parks and recreation.

b. A pedicab driver shall not:

1. operate a pedicab to transport more than three passengers.
2. operate a pedicab in motion while a passenger is standing in such pedicab.
3. operate a pedicab on any bridge or in any tunnel or in any bicycle lane, or within any pedestrian plaza. For purposes of this section “pedestrian plaza” shall mean an area designated by the New York city department of transportation for use by pedestrians located fully within the bed of a roadway, which may vary in size and shape; may abut a sidewalk; may be at the same level as the roadway or raised above the level of the roadway; may be physically separated from the roadway by curbing, bollards, or other barrier; may be treated with special markings and materials; and may contain benches, tables or other facilities for pedestrian use.
4. permit a pedicab to be operated simultaneously by anyone in addition to him or herself.
5. operate a pedicab that is designed or constructed to permit propulsion by more than one individual at any one time.
6. operate a pedicab while such pedicab driver's ability to operate such pedicab is impaired by the consumption of alcohol, the use of any drug or by any other means or while such pedicab driver is in an intoxicated condition. A pedicab driver operating a pedicab which has been involved in an accident or has been operated in violation of subdivision a of this section shall be deemed to have given consent to a breath test and shall, at the request of a police officer, submit to a breath test to be administered by the police officer. Failure to submit to such breath test shall serve as the basis for an immediate suspension of the pedicab driver's license, subject to a prompt post-suspension hearing.
7. operate a pedicab without a currently valid motor vehicle driver's license or while such pedicab driver's New York State motor vehicle driver's license is suspended or revoked.

c. Pedicabs can be operated within any public park or any property under the charge or control of the department of parks and recreation pursuant to the rules of the

department of parks and recreation and in accordance with the rules of the department of transportation.

d. A pedicab business shall submit to the department, upon such form prescribed by the commissioner, a written report of every accident relating to a pedicab by such pedicab business within twenty-four hours after the occurrence of such accident. Such form shall be signed by a principal or officer of such pedicab business as well as by the pedicab driver involved in such accident with an affirmation of the truth of the contents of the form.

e. If there are exigent circumstances and a police officer or other authorized officer or employee of any city agency directs a pedicab driver to move his or her pedicab from any street, avenue or other location, such pedicab driver shall not operate his or her pedicab at such street, avenue or location for the duration of such exigent circumstances.

1. For the purposes of this subdivision, exigent circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, an accident, fire or other emergency, a parade, demonstration or other such event at or near such location.

f. If there are exceptional circumstances, the police commissioner, in consultation with the commissioners of the departments of consumer affairs and transportation, shall be authorized, upon notice, to restrict or prohibit any pedicab driver from operating his or her pedicab on any street, avenue or other location for a specified period of time. Such specified period of time shall not exceed fourteen days except, during the period that commences November 12 and concludes January 7 of the following year, in and around the area of Manhattan bound on the north by Fifty-ninth Street, on the south by Thirty-ninth Street, on the east by Lexington Avenue and on the west by Eighth Avenue, the fourteen day time limit shall not be in effect.

1. For the purposes of this subdivision, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, a parade, demonstration or other such event or occurrence at or near such location.

g. Every affected community board may, at any time subsequent to enactment of this local law, conduct public hearings hereon and submit written recommendations to the department of consumer affairs, the department of transportation, the police department and the council. Such recommendations may include, but not be limited to, methods to address any impact this law may have on such community with respect to pedestrian and vehicle traffic flow.

h. A pedicab business shall design and implement policies and procedures to train all pedicab drivers that operate any pedicabs owned by such pedicab business of the obligation to follow all provisions of state and local law governing the operation of a bicycle, as described in subdivision a of this section, and shall require such drivers to provide a copy of any summons, complaint, or notice of violation of any law or regulation received while operating a pedicab to such pedicab business, as well as a copy of the disposition of such summons, complaint or notice of violation to such pedicab business, within five business days of such drivers' receipt of such documents. It shall be unlawful for a pedicab business to fail to train pedicab drivers to ensure compliance with such requirements.

i. A pedicab driver who is arrested, or who receives a summons or complaint for a traffic-related offense or other notice of violation of any law or regulation, while operating a pedicab, shall provide a copy of the record of such arrest or a copy of such summons, complaint or notice of violation to the pedicab business to which such pedicab is registered within five business days of such driver's receipt of such documents. A pedicab driver shall also provide a copy of the disposition of such arrest, summons, complaint, or notice of violation to such pedicab business within five days of receipt of such disposition. It shall be unlawful for a pedicab driver to fail to provide any of these documents to the pedicab business.

§ 20–260 Rates of pedicabs. a. The basis for calculating the amount of the charge for the use of a pedicab shall be displayed on the pedicab at all times.

b. It shall be unlawful for a pedicab driver to charge a passenger more than the amount or rate displayed on the pedicab.

c. The pedicab driver shall provide passengers with a receipt listing the amount of the charge for the use of the pedicab, the license number of the pedicab business and a telephone number of such business to which complaints by consumers shall be directed, the pedicab driver's license number and the telephone number at the department where complaints by consumers can be reported.

§ 20–261 Denial of license or renewal, suspension and revocation. a. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after due notice and an opportunity to be heard, may suspend or revoke a pedicab business license upon the occurrence of any one or more of the following conditions:

1. the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;

2. the operation of a pedicab, owned by the pedicab business, by a pedicab driver who does not have in full force and effect a pedicab driver license and a motor vehicle driver's license;

3. the operation of a pedicab, owned by the pedicab business, that has not been inspected or that does not have affixed to it a registration plate as required by section 20–255 of this subchapter; or

4. violation by a pedicab business of any of the provisions of chapter one of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or any other law applicable to the operation of a pedicab business.

b. Notwithstanding subdivision a of this section, upon the occurrence of any of the conditions set forth in subdivision a, if the commissioner determines that continued possession by a pedicab owner of a pedicab business license would pose an exigent danger to the public, the commissioner may suspend such pedicab business license, subject to a prompt post-suspension hearing.

c. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after due

notice and an opportunity to be heard, may suspend or revoke a pedicab driver license upon the occurrence of any one or more of the following conditions:

1. the occurrence of fraud, misrepresentation, or false statements contained in the application for such license;
2. the operation of a pedicab that has not been inspected or that does not have affixed to it a registration plate as required by section 20–255 of this subchapter; or
3. the violation by a pedicab driver of any of the provisions of chapter one of this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or of any other law applicable to the operation of a pedicab by such pedicab driver.

d. Notwithstanding subdivision c of this section, upon the occurrence of any of the provisions set forth in subdivision c of this section, if the commissioner determines that continued possession by a pedicab driver of a pedicab driver license would pose an exigent danger to the public, the commissioner may suspend such pedicab driver license, subject to a prompt post-suspension hearing.

e. Any pedicab driver who has been found, to have committed one violation of paragraph 7 of subdivision b of section 20-259 within any twelve-month period shall have his or her license suspended by the commissioner for a period of not less than three months. Any pedicab driver who has been found to have committed one violation of paragraph 6 of subdivision b of section 20-259 within any twelve-month period shall have his or her license revoked by the commissioner.

f. Any pedicab business that has been found to have been in violation of section 20-255 at least one time within any twelve month period shall have its business license suspended by the commissioner for a period of not less than one month. Any pedicab business that has been found to have been in violation of section 20-255 at least three times within any twelve month period shall have its business license suspended by the commissioner for a period of not less than one year. For purposes of this subdivision only, all violations committed on any one day shall constitute a single violation.

f. Notwithstanding the provisions of subdivision e of this section, any pedicab business that has been found, or pedicab driver who has been found, to have committed at least five violations of this subchapter within any twelve month period shall have its, his or her license revoked by the commissioner. For purposes of this subdivision only, all violations committed on any one day shall constitute a single violation.

g. A pedicab business that, or pedicab driver who, has had its, his or her license revoked, in accordance with this section may not apply for a new license for three years from the date of revocation.

h. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter, the commissioner, after due notice and an opportunity to be heard, may suspend, revoke, deny or refuse to renew a pedicab business license based on a determination that the number and/or type of violation or violations issued to drivers of pedicabs owned by such business indicate that the operation of such business poses a threat to public safety.

§ 20–262 Failure to display pedicab registration or pedicab driver's license. a. In any civil, criminal, or administrative action or proceeding, the failure to display the

registration plate on the pedicab on which it is required to be displayed as provided in section 20-255 of this subchapter shall be presumptive evidence that such pedicab has not been inspected and is not duly registered as required by this subchapter.

b. In any civil, criminal or administrative action or proceeding, the failure by a pedicab driver who is required to be licensed pursuant to the provisions of this subchapter to display or to exhibit on demand such pedicab driver's license in accordance with the provisions of this subchapter to any officer or employee authorized to enforce the provisions of this subchapter, shall be presumptive evidence that such pedicab driver is not duly licensed.

§ 20–263 Penalties. a. It is a traffic infraction to violate any provision of this subchapter and such traffic infractions shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty that shall not be: (1) less than two hundred nor more than five hundred dollars for the first violation and for each additional violation committed on the same day; (2) less than five hundred nor more than one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one year period; (3) less than one thousand nor more than four thousand dollars for the third violation committed, and each additional violation committed on the same day, within a one year period. The pedicab business that authorizes the operation of such pedicab shall be jointly and severally liable with the pedicab driver thereof, for the penalties imposed by this section.

c. A violation of section 20–250 or 20–257 or paragraph 6 of subdivision b of section 20–259 of this subchapter or any rules promulgated thereunder shall constitute a violation punishable by a fine of not more than five hundred dollars or imprisonment of up to fifteen days, or by both such fine and imprisonment.

d. Any police or peace officer or authorized officer or employee of the department, upon service on the pedicab business or pedicab driver of a notice of violation for the failure of the pedicab business to obtain the required inspection of a pedicab pursuant to subdivision a of section 20–255 or for the failure of a pedicab driver to be licensed pursuant to section 20–257, may seize such pedicab. Any pedicab seized pursuant to this subdivision shall be delivered into the custody of the department or other appropriate agency. The commissioner shall hold a hearing to adjudicate the violation of subdivision a of section 20–255 or section 20–257 within two business days after the date of the seizure and shall render his or her determination within two business days after the conclusion of the hearing.

e. A pedicab business shall be eligible to obtain release of a pedicab seized pursuant to subdivision d of this section prior to the hearing provided for in such subdivision, if such business has not been found liable for a violation of subdivision a of section 20–255 or section 20–257 within a five-year period prior to the violation resulting in seizure. The pedicab shall be released to such business upon the posting of an all cash bond in a form satisfactory to the commissioner in an amount sufficient to cover the maximum civil penalties which may be imposed for a violation of subdivision a of

section 20–255 or section 20–257 and all reasonable costs for removal and storage of such vehicle.

f. Where the commissioner, after adjudication of the violation of subdivision a of section 20–255 or section 20–257, finds that the pedicab business has not violated such subdivision, the department shall promptly release such pedicab upon written demand of the pedicab business.

g. Where the commissioner, after adjudication of the violation of subdivision a of section 20–255 or section 20–257, finds a violation of such subdivision or such section, then (i) if the pedicab is not subject to forfeiture pursuant to paragraph one of subdivision i of this section, the department shall release such pedicab to the pedicab business upon payment of all applicable civil penalties and all reasonable costs of removal and storage; or (ii) if the pedicab is subject to forfeiture pursuant to paragraph one of subdivision i of this section, the department may release such pedicab to the pedicab business upon payment of all civil penalties and all reasonable costs of removal and storage, or may commence a forfeiture action within ten days after the written demand by such business for such pedicab.

h. The department shall establish by rule the time within which pedicabs that are not redeemed may be deemed abandoned and the procedures for disposal.

i. 1. In addition to any other penalty or sanction provided for in section 20–261 or in this section, a pedicab seized pursuant to subdivision d of this section, and all rights, title and interest therein shall be subject to forfeiture to the city upon notice and judicial determination thereof if the pedicab business that owns such pedicab has been found liable at least two times within a five-year period for failing to have such pedicab inspected as required by subdivision a of section 20–255 or for permitting operation by an unlicensed pedicab driver in violation of section 20–257.

2. A forfeiture action pursuant to this subdivision shall be commenced by the filing of a summons with a notice or a summons and complaint in accordance with the civil practice law and rules. Such summons with notice or a summons and complaint shall be served in accordance with the civil practice law and rules on the pedicab business that owns such pedicab, and on any person listed on an application or other record of the department as an owner of such pedicab. A pedicab which is the subject of such action shall remain in the custody of the department or other appropriate agency pending the final determination of the forfeiture action.

3. Any person who receives notice of the institution of a forfeiture action who claims an interest in the pedicab subject to forfeiture may assert a claim in such action for the recovery of the pedicab or satisfaction of such owner's interest in such pedicab.

4. Forfeiture pursuant to this subdivision shall be made subject to the interest of a person who claims an interest in such pedicab pursuant to subdivision three of this subdivision, where such person establishes that: (i) such pedicab was operated without having been inspected as required by subdivision a of section 20–255 or operated in violation of section 20–257 without the knowledge of such person, or if such person had knowledge of such operation, that such person did not consent to such operation by doing all that could reasonably have been done to prevent such operation, or (ii) that the operation of such pedicab without having been inspected as required by subdivision a of section 20–255 or operated in violation of section 20–257 was conducted by any person other than such person claiming an interest in the pedicab, while such pedicab was

unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States or any state.

5. The department or agency having custody of the pedicab, after judicial determination of forfeiture, shall, by public notice of at least five days, sell such forfeited pedicab at public sale. The net proceeds of any such sale shall be paid into the general fund of the city.

6. In any forfeiture action commenced pursuant to this subdivision, where the court awards a sum of money to one or more persons in satisfaction of such person's interest in the forfeited pedicab, the total amount awarded to satisfy such interest or interests shall not exceed the amount of the net proceeds of the sale of the forfeited vehicle after deduction of the lawful expenses incurred by the city, including reasonable costs of removal and storage of the pedicab between the time of the seizure and the date of sale.

j. The penalties provided by subdivisions a, b, c, d and i of this section shall be in addition to any other penalty imposed by any other provision of law or rule promulgated thereunder.

§ 20–264 Enforcement. Authorized officers and employees of the department, the police department and any department designated by the commissioner, and any police or peace officer shall have the power to enforce any provision of this subchapter or any rule or regulation promulgated pursuant to this subchapter.

§ 20–265 Rules. a. The commissioner may make and promulgate such rules and prescribe such forms as are necessary to carry out the provisions of this subchapter. The commissioners of the department of transportation and the department of parks and recreation may also make and promulgate such rules as are necessary to carry out the provisions of this subchapter.

b. The commissioner may authorize pedicabs to display advertising to the extent permitted by rules promulgated pursuant to this section.

§ 20–266 Reporting. Eighteen months after the local law that added this section, the commissioner, in consultation with the commissioners of the departments of transportation and the police department, shall submit a report to the mayor and the speaker of the council regarding the effectiveness of these regulations at ensuring the safety of pedicab consumers and minimizing the effects of pedicabs on traffic and congestion. Such report shall include, among other things, the number of pedicab business licenses issued, the number of pedicabs that have registered, the number of pedicab driver licenses issued, the number of pedicab business and pedicab driver applications received by the department, the number of pedicab business and pedicab driver applicants on a waiting list, if any, and the number of traffic accidents involving pedicabs.

Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Law (and Rules, if enacted) are included as a handout in this packet. The Law (and Rules) are current as of August 2009.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

RULES OF THE CITY OF NEW YORK
TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER GG: PEDICAB BUSINESS AND PEDICAB DRIVER

§2-415 Definitions.

Whenever used in this subchapter, the term:

(a) "Licensee" shall mean a person licensed pursuant to subchapter 9 of chapter 2 of Title 20 of the New York City Administrative Code.

(b) "Applicant" shall mean any person applying for a pedicab business license or a pedicab driver license or for a renewal thereof and, unless otherwise provided by law or rule, the term shall include such person upon the issuance of such license or renewal thereof to such applicant.

(c) "Pedicab identification" or "PID" shall mean any combination of three or more letters and numbers that are permanently inscribed or stamped into the bottom bracket shell, head tube, or other non-detachable metal component of a pedicab frame and that uniquely identify the pedicab.

(d) "Accident" shall mean any event arising from the operation of a pedicab that causes or caused injury to a person or damage to property.

§2-416 Application Procedures for and Issuance of Initial Pedicab Business Licenses and Pedicab Registration Plates. (a) An applicant for a pedicab business license and for the initial issuance of pedicab registration plates shall submit a completed application for a pedicab business license, which shall include a list that identifies by PID each of the pedicabs for which such applicant seeks registration. This completed application must be submitted to the Department by the end of the application period specified in section 20-251 of the New York City Administrative Code.

(b) An applicant for a pedicab business license may present for inspection only such pedicabs as are listed in, and identified on, the application as specified in subdivision (a) of this section.

(c) A pedicab registration plate shall be issued for a pedicab to an applicant for such plate and for a pedicab business license only upon:

- (1) payment to the Department of the sixty dollar (\$60) registration fee for each additional pedicab registration plate to be issued in excess of the one pedicab included in the annual pedicab business license fee up to the maximum number authorized to be issued to each business licensee;
- (2) submission of proof of the insurance coverage required pursuant to section 20-253 of the Administrative Code of the City of New York for each pedicab for which a registration plate is to be issued;
- (3) presentation for inspection at the time, date and location(s) designated by the Department of the pedicabs that are included on the list that identifies by PID each of the pedicabs for which such applicant seeks registration;
- (4) determination by the Department that a pedicab presented for inspection passes such inspection; and
- (5) determination by the Department that the applicant for the registration plates qualifies for the issuance of the pedicab business license.

(d) a pedicab business license shall be issued only upon the Commissioner determining that such applicant meets all the requirements of sections 20-250, 20-252 and 20-253 of the Administrative Code of the City of New York and the requirements of this subchapter.

(e) (1) Whenever a pedicab that is presented for inspection pursuant to subdivision (c) of this section fails such inspection, such pedicab may be presented for re-inspection no later than 30 days after the expiration date for filing applications for pedicab registration plates and at such times, dates and locations designated by the Department.

(2) The Department shall re-inspect a pedicab upon payment of the fifty-five dollar (\$55) re-inspection fee.

(f) An application for a pedicab registration plate shall be void if the pedicab for which the application was made does not qualify to be issued a registration plate within 30 days after the expiration date for filing applications for pedicab registration plates.

(g) An application for a pedicab registration plate that is voided pursuant to subdivision (f) of this section shall not subsequently be reinstated.

§2-417 Proof of Insurance.

An applicant for a pedicab business license or a renewal thereof shall submit a certificate of insurance establishing that it maintains a policy of liability insurance for the amounts specified in section 20-253 of the Administrative Code of the City of New York issued by an insurer authorized in this state to write such coverage, or procured by an excess line broker pursuant to section 2118 of the New York State Insurance Law.

§2-418 Termination of License upon Change of Beneficial Ownership.

(a) A pedicab business license shall be voided upon any person or organization becoming the beneficial owner of the licensed business entity if such person or

organization did not previously hold an interest, unless prior written approval from the Commissioner is obtained to authorize such change.

(b) If the Department determines there is reason to conclude that a license is void because a person or organization has become the beneficial owner of the licensed business entity if such person or organization did not previously hold an interest in the business entity to which the license was issued, without receipt of the requisite authorization from the Commissioner, the Department will provide written notice to the licensee. Within ten business days of the date of such written notice, the licensee has the opportunity to be heard by submitting to the Department a written response objecting to the Department's determination and providing written documentation that there has been no such change in the beneficial ownership in the business entity to which the license was issued.

(c) If the licensee fails to submit such response and documentation within such period, the Commissioner's determination that the license is void shall be final.

(d) Upon receipt of the licensee's written objection and submission of the documentation described above, the Commissioner shall make a determination whether there has been a change in the beneficial ownership as specified in subdivision (a) of this section in such business entity without having received authorization from the Commissioner. The Commissioner's determination that the license is void because of such change shall then be final.

(e) The voiding of a pedicab business license because of such change in the beneficial ownership in the business entity holding such license shall be effective as of the date of the unauthorized change in the beneficial ownership in the business entity. Such voiding also invalidates all the pedicab registration plates issued to such licensee, and such licensee shall, within five business days of the voiding of the pedicab business license, surrender each such plate to the Commissioner.

§2-419 Abandonment of seized pedicab.

(a) Any pedicab that is not claimed by its owner within fifteen business days after the mailing of the decision of the adjudication by the Commissioner of the violation underlying the seizure shall be deemed by the Department to be abandoned.

(b) If the Commissioner determines that the abandoned pedicab is suitable for operation, such pedicab shall be sold at public auction to the highest bidder.

(c) If the Commissioner determines that the abandoned pedicab is not suitable for operation, or if the abandoned pedicab is not sold at public auction within fifteen business days after it is offered for sale, the Commissioner shall sell the abandoned pedicab to a scrap metal processor.

(d) Any proceeds from the sale of an abandoned pedicab less any expenses incurred by the Department shall be held by the Department without interest, for the benefit of the owner of the abandoned pedicab, for a period of one year. If such proceeds have not been claimed within such one year period, such proceeds shall be paid into the general fund of the City.

§2-420 Notification of Accidents Relating to the Operation of Pedicabs.

(a) Every pedicab business licensee and pedicab driver shall submit to the Department, on a form provided for such purpose by the Department, a written report of every accident relating to a pedicab within twenty-four hours after the occurrence of such accident. Such completed form shall be signed by the pedicab business owner or his or her agent and by the pedicab driver involved in the accident.

(b) Whenever any person sustains an injury requiring medical treatment or dies in an accident related to a pedicab, the pedicab business owner to whom is issued a pedicab business license shall immediately notify the Department by telephone and by facsimile transmission to the telephone numbers prescribed by the Department, and furnish such information as is sufficient to identify the time and location of the accident and the nature of the injuries sustained by any person.

§2-421 Voiding of Pedicab Registration Plates Upon the Voiding, Suspension or Revocation of a Pedicab Business License.

(a) Whenever a pedicab business license is suspended or revoked, has been voided as provided in subchapter 9 of Chapter 2 of Title 20 of the Administrative Code of the City of New York or is not renewed within the time period provided for renewal, all pedicab registration plates issued to such licensee shall be voided as of the date of the occurrence of such event unless the Commissioner for good cause shown, within five days thereafter, issues a written finding staying the voiding of such registration plates for a period not to exceed thirty days thereafter, provided such licensee establishes to the Commissioner's satisfaction that it will be able to comply with the requirements that were the basis for the voiding of such pedicab registration plates by the end of such stayed period.

(b) Whenever a pedicab registration is not renewed within fifty-nine days after it has expired, such registration shall be void, and such registration shall not be reinstated.

§2-422 Voiding of Pedicab Business License Upon Lapse of Insurance Policy.

(a) Upon a determination by the Department that a pedicab business license is void as provided in subdivision e of §20-253 of the Administrative Code of the City of New York because the policy of insurance required by §20-253 of such Code has lapsed, the Department shall immediately provide a written notice to the licensee of such determination.

(b) A licensee has up to fourteen days following the date of the written notice of such determination to have an opportunity to be heard by submitting to the Department a written objection to such determination with documentation demonstrating that the licensee has in force the policy of insurance required by §20-253 of the Administrative Code.

(c) If the licensee fails to submit such response with the required documentation within such period, the determination of the Department shall become final, and the license shall be void as of the date the policy lapsed.

(d) Upon receipt of the written response from the licensee, the Commissioner will make a final determination whether the policy of insurance required pursuant to §20-253 has lapsed.

§2-423 Replacement of a registered pedicab.

A licensee may replace a pedicab that is issued a current registration plate (such pedicab to be referred to in this section as the “current pedicab”) with another pedicab (such pedicab to be referred to in this section as the “replacement pedicab”) owned by such licensee only if: (a) Such licensee notifies the Department in writing of the proposed replacement, describes and substantiates the reason for the replacement, and identifies the current pedicab by the registration plate number issued by the Department and the PID listed with the Department for such pedicab and describes the replacement pedicab and furnished its PID.

(b) Such licensee presents:

(1) the replacement pedicab for inspection by the Department; and
(2) either presents the pedicab registration plate that was issued to the current pedicab, provides proof that the current pedicab and its registration plate have been destroyed or are otherwise physically impossible to be made available, or presents the current pedicab and surrenders to the Department the registration plate of the current pedicab.

(c) The replacement pedicab passes inspection and the Department affixes to it a pedicab registration plate.

§2-424 Advertisements on Pedicabs.

Advertisement(s) may be placed on any panel on a pedicab provided that no advertisement shall be placed on the panel that displays the rates required to be posted pursuant to §20-254 of the Administrative Code of the City of New York or on the signs required to be posted pursuant to §20-260 of such Code, that no portion of such advertisement shall be reflectorized, illuminated, animated, or extend beyond the panel of the pedicab, and that the content of such advertisement shall not violate any applicable provision of law.

§2-425 Required Signs on Pedicabs.

(a) Every pedicab shall have posted on the interior of the cab, where it is clearly visible at all times to any seated passenger, a sign with letters in at least twenty-eight point bold faced type containing the following information:

Licensee: (Insert name appearing on pedicab business license to which pedicab is registered or the DBA name of such licensee).

Telephone Number: (Insert phone number of licensee).

Pedicab Registration Number: (Insert registration number of pedicab).

"If you have a complaint about this business, contact the NYC Department of Consumer Affairs at:" (Insert Department's current complaint number and web address).

(b) The printing on the sign displaying the rate information that is required to be posted shall be in at least twenty-eight point type, and such sign shall be posted on the outside panel on each side of a pedicab where it shall be visible to persons prior to entering such pedicab.

§2-426 Expiration date for pedicab registration plates. Registration plates for pedicabs shall expire annually on November 1.

§2-427 Obligation of pedicab driver to give notice of change of status of driver's license. Every pedicab driver shall notify the Department in writing whenever the motor vehicle driver's license that qualified the driver to be issued a pedicab driver license is no longer valid for any reason, including, but not limited to, that it was suspended or revoked by the issuing jurisdiction, it expired and was not renewed, there is a change in the issuing jurisdiction, or there is a change in the name of the person to whom the license is issued. A pedicab driver shall give such notice within five business days after the driver knows or should know of such change in the status of the motor vehicle driver's license that qualified the driver to be issued a pedicab driver license, and shall within such time present to the Department a currently valid motor vehicle driver license.

§2-428 Records. (a) A pedicab business licensee shall maintain complete, accurate and legible records that include:

- (1) a list identifying each pedicab such licensee operates, with the PID and registration plate number issued to such pedicab;
- (2) the name, pedicab driver license number issued to each pedicab driver authorized to operate each pedicab used by such licensee, whether such driver operates the pedicab as an employee, a lessee or in any other manner;
- (3) a copy of the terms under which pedicab drivers are authorized to operate each pedicab;
- (4) a daily log of the operation of each pedicab showing the time it leaves and is returned to the licensee's premises, and the name of the pedicab driver who is authorized to operate the pedicab during the period it is logged out to such driver; and

(5) a copy of the record of every summons, complaint, or notice of violation of any law or regulation issued to a pedicab driver operating a pedicab registered to the licensee and the disposition thereof that is submitted to the pedicab business licensee pursuant to subdivision i of section 20-259 of the Administrative Code of the City of New York;

(6) a copy of the policies, procedures and instructional materials used for training drivers about their obligation to follow all provisions of state and local law governing the operation of a bicycle, including training regarding the obligation of a driver to provide to the pedicab business licensee authorizing the use of its pedicab a copy of any summons, complaint or notice of any law or regulation received by such driver while operating a pedicab registered to such pedicab business, and the basis for assessing the satisfactory completion of the required training;

(7) a log listing the names, pedicab driver licenses, the dates and time when they received the training required by Section 20-259 (h) of the Administrative Code of the City of New York, and whether each pedicab driver satisfactorily completed the training.

(b) A pedicab business licensee shall retain the records it is required to maintain for not less than three years.