

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2009**

No. 53

Introduced by the Speaker (Council Member Quinn) and Council Members Garodnick, Jackson, Gennaro, Koppell, Lappin, Recchia Jr., Stewart, Vallone Jr., White Jr., Gerson, Nelson and Mitchell.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to licensing of pedicabs.

Be it enacted by the Council as follows:

Section 1. Section 20-249 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 a new subdivision j to read as follows:

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

§2. Subdivision c of section 20-250 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:

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.*

§3. Section 20-250 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

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.

§4. Title 20 of the administrative code of the city of New York is amended by adding a new section 20-251 to read as follows:

§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.

§5. The heading and subdivision a of section 20-255 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:

§20-255 Inspection; [pedicab] 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[, or by a replaceable registration tag or decal,] the expiration date of the current registration; and
3. such registration is in effect.

§6. Subdivisions b, c, e, and f of section 20-255 the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended, subdivision g of such section is relettered as subdivision f and as so relettered is amended, and a new subdivision g is added to such section, to read as follows:

b. The registration shall be valid for a period no longer than one year and the expiration date of such registration plate [or replaceable registration tag or decal] 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 [or replaceable registration tag or decal] to the pedicab business that [leased or otherwise] authorized the operation of such pedicab.

e. [The registration plate may, in the discretion of the commissioner, be of a permanent nature with a replaceable registration tag or decal attached thereto, indicating the expiration date of the current registration tag or decal.

f.] The registration plate [and the replaceable registration tag or decal] shall be of such material, form, design, and dimension and set forth such distinguishing number or other identification marks as the commissioner shall prescribe.

[g] 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 business re-applies for a registration plate [or replaceable registration tag or decal]. *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.*

§7. Subdivision d of section 20-257 of the administration 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. 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 [New York State] motor vehicle driver's license suspended or revoked; and

4. meet such fitness requirements as the commissioner may determine by rule.

§8. Section 20-257 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

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.

§9. Paragraph 3 of subdivision b of section 20-259 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:

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.

§10. Section 20-259 of the administrative code of the city of New York is amended by adding new subdivisions h and i to read as follows:

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.

§11. Paragraph 3 of subdivision a of section 20-261 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:

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 [or replaceable registration tag or decal] as required by section 20-255 of this subchapter; or

§12. Paragraph 2 of subdivision c of section 20-261 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:

2. the operation of a pedicab that has not been inspected or that does not have affixed to it a registration plate [or replaceable registration tag or decal] as required by section 20-255 of this subchapter; or

§13. Subdivisions e and f of section 20-261 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended, and a new subdivision h is added, to read as follows:

e. Any [pedicab business that has been found, or] pedicab driver who has been found, to have committed [at least three violations of this subchapter] *one violation of paragraph 7 of subdivision b of section 20-259* within any twelve-month period shall have [its,] 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.* [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] *Any* pedicab business that has been found[, or pedicab driver who has been found, to have committed at least five violations of this subchapter] *to have been in violation of section 20-255 at least one time* within any twelve month period shall have its[, his or her] *business* license [revoked] *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.

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.

§14. Subdivision a of section 20-262 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:

a. In any civil, criminal, or administrative action or proceeding, the failure to display the registration [tag or decal] *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.

§15. The Commissioner shall have the authority to promulgate any rules necessary for the implementation of this local law.

§16. 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.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on ...July 29, 2009..... and approved by the Mayor onAugust 13, 2009.....

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 53 of 2009, Council Int. No. 1031-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on July 29, 2009:
47 for, 0 against, 0 not voting.
Was signed by the Mayor on August 13, 2009
Was returned to the City Clerk on August 13, 2009

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.