

## **NOTICE OF PUBLIC HEARING**

**Subject:** Opportunity to comment on proposed amendments to Department of Consumer Affairs rule regarding the issuance of new pedicab registration plates.

**Date/Time:** April 13, 2012 at 11:00 a.m.

**Location:** Department of Consumer Affairs  
66 John Street, 11<sup>th</sup> floor Hearing Room  
New York, NY 10038

**Contact:** Erik Joerss  
Director of City Legislative Affairs  
Department of Consumer Affairs  
42 Broadway, 8th floor  
New York, N.Y. 10004  
(212) 487-4248

### **Proposed Rule Amendment**

In accordance with 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, the Department intends to add rules regarding the issuance of new pedicab registration plates.

This proposed rule was not included in the Department's most recent regulatory agenda because at the time the regulatory agenda was prepared, Local Law 34, which authorized the rule, had not yet been passed.

### **Instructions**

- Written comments regarding this amendment may be sent to Erik Joerss by mail or electronically through NYC RULES [www.nyc.gov/nycrules](http://www.nyc.gov/nycrules) by April 13, 2012.
- Individuals who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to notify the Office of the Commissioner at the above address by March 30, 2012.
- Written comments and a summary of oral comments received at the hearing will be available for public inspection, within a reasonable time after receipt, between the hours of 9 a.m. and 5 p.m. at the office of Erik Joerss.

## **Statement of Basis and Purpose of Proposed Rule**

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 proposing this new rule.

The Commissioner proposes to add a new section to its 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.

New material is underlined.

### **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 20<sup>th</sup> 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.

**NEW YORK CITY LAW DEPARTMENT**

**DIVISION OF LEGAL COUNSEL**

**100 CHURCH STREET**

**NEW YORK, NY 10007**

**212-788-1087**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Issuance of Pedicab Licenses

**REFERENCE NUMBER:** 2012 RG 11

**RULEMAKING AGENCY:** Department of Consumer Affairs

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: March 7, 2012

Acting Corporation Counsel

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS**

**253 BROADWAY, 10<sup>th</sup> FLOOR**

**NEW YORK, NY 10007**

**212-788-1400**

**CERTIFICATION / ANALYSIS**

**PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Issuance of Pedicab Licenses**

**REFERENCE NUMBER: DCA-8**

**RULEMAKING AGENCY: Department of Consumer Affairs**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Ruby B. Choi

Mayor's Office of Operations

3/7/2012

Date