

City of New York
Department of Citywide Administrative Services

Notice of Adoption of Rule

Pursuant to the authority vested in the Department of Citywide Administrative Services (DCAS) by Sections 814 and 820 of the New York City Charter, and in accordance with the requirements of Section 1043 of said Charter, DCAS has adopted amendments to Chapter 11 of Title 55 of the Rules of the City of New York.

The proposed Rules were published in *The City Record* on June 19, 2020. No comments were received. DCAS now adopts the following Rule.

Statement of Basis and Purpose of Final Rule

Section 820 of the City Charter provides that “[t]he commissioner [of Citywide Administrative Services] shall, unless otherwise provided by law, have power, upon request of any person charged with the duty of issuing licenses or permits, to conduct, under rules and regulations to be established by the commissioner, examinations and tests to determine the qualifications of persons applying for such licenses or permits. The commissioner shall certify to the person having power to issue the license or permit the result of any such examination or test.” In addition, Section 12-201 of the Administrative Code of the City of New York authorizes the Commissioner to administer examinations for and appoint city surveyors. In 1991, the Commissioner of Personnel, the predecessor to the DCAS Commissioner, adopted Section 11-02 of Title 55 of the Rules of the City of New York (“RCNY”) setting forth the rule for the administration of license examinations for 16 trades and occupations engaged in building work; motion picture projectionists; and, for examination for the appointment of city surveyors.

As a result of the enactment of Article 401 of Title 28 of the Administrative Code of the City of New York by Local Law 33 of 2007, and rules promulgated thereunder, the Department of Buildings now has responsibility for conducting licensing examinations for the 16 trades and occupations engaged in building work for which DCAS formerly administered license exams.

In 1999, the Department of Consumer Affairs adopted Section 2-81 of Title 6 of the Rules of the City of New York to transfer responsibility from DCAS to the Department of Consumer Affairs for the administration of examinations for motion picture projectionists. Section 24-423 of the Administrative Code, which required licensure of motion picture projectionists, was repealed by Local Law 66 of 2016.

When Section 11-02 of Title 55 of the RCNY was adopted in 1991, the Commissioner of Finance was authorized to require the certificate of a city surveyor in connection with the determination of annual vault charges pursuant to Chapter 27 of Title 11 of the Administrative Code. Local Law 47 of 1997 added subparagraph D to paragraph (a) of Section 11-2702 of the Administrative Code to provide that “[n]otwithstanding any provision of law to the contrary, no annual vault charge or additional charge shall be imposed pursuant to this chapter on or after June first, nineteen hundred ninety-eight.” DCAS no longer appoints city surveyors. In addition, in 1998, the Commissioner of Transportation adopted Rule 2-13 of Title 34 of the RCNY, which omits the need for a certificate of a city surveyor of the dimensions of a new vault before a license is issued. Consequently, DCAS no longer conducts examinations for the appointment of city surveyors.

These changes in the law have rendered the license examination rule obsolete. This rule repeals Section 11-02 of Title 55 of the Rules of the City of New York relating to License Examinations.

This rule was identified as part of a comprehensive rules review initiative undertaken by the NYC Mayor’s Office of Operations, working with the City’s rulemaking agencies, the Law Department, and the Office of Management and Budget. The initiative identified rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. The rules review initiative determined that the provisions of Section 11-02 of Title 55 of the RCNY were no longer needed; this rule repeals that section.

DCAS’s authority for this rule is found in Sections 1043, 814 and 820 of the New York City Charter.

Text of the Rule

Repeal of Rule Relating to License Examinations.

Rule. Section 11-02 of Title 55 of the Rules of the City of New York, relating to license examinations, is REPEALED.