

New York City Department of Consumer and Worker Protection

Notice of Adoption

Notice of Adoption to add and amend rules to implement Local Law 80 of 2021 (“LL 80”) and Local Law 98 of 2021 (“LL 98”).

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of Consumer and Worker Protection by Sections 1043 and 2203(f) of the New York City Charter and Section 20-104(b) of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Title 6 of the Rules of the City of New York.

This rule was proposed and published on October 28, 2021. A public hearing was held on November 29, 2021. The Department of Consumer and Worker Protection (“DCWP” or “Department”) received and reviewed comments submitted.

Statement of Basis and Purpose of Rule

LL 80 provides civil penalty relief for small businesses from certain sanitation, health, transportation, consumer protection, noise control and buildings violations. LL 80 sets fixed penalties at the bottom of existing penalty ranges, lowers existing penalty ceilings (or sometimes sets a lower fixed amount), or lowers existing fixed penalties. In certain instances, LL 80 allows a cure period for a first violation or eliminates the civil penalty for a first violation. LL 80 also repeals several requirements and prohibitions to provide relief for small businesses.

LL 98 increases penalties for certain deceptive and unconscionable business practices prohibited under the Department’s consumer protection law. LL 98 also maintains the current licensing requirement for industrial laundry and industrial laundry delivery services, creates a new subchapter for retail laundry regulations, and clarifies the applicable penalties.

These new rule changes include:

- Amend the rules relating to laundries to clarify that the licensing requirement only applies to industrial laundry and industrial laundry delivery, but not to retail laundries. *See* rule section 1.
- Move rules relating to retail laundries to a new subchapter in chapter 4. *See* rule section 3.
- Amend the list of curable rule violations to implement LL 80 and LL 98. *See* rule section 4.
- Increase the penalties for violations of the rule prohibiting injurious conduct by a licensee. *See* rule section 5.
- Amend the penalty schedule for laundry violations to reflect the above changes to the laws and rules. *See* rule section 6.
- Amend the sales of petroleum products penalty schedule to implement LL 98. *See* rule section 8.
- Amend the consumer protection law penalty schedule to implement LL 98. *See* rule section 9.
- Amend the income tax preparers penalty schedule to implement LL 98. *See* rule section 10.
- Amend the debt collection agencies penalty schedule to implement LL 98. *See* rule section 11.
- Amend the mobile food vendor penalty schedule to change an erroneous penalty amount. *See* rule section 12.

Finally, this Notice of Adoption repeals the rules and the penalty schedule related to public dance halls, cabarets, and catering establishments. *See* rule sections 2 and 7. Local Law 214 of 2017 repealed the Administrative Code sections that required a license and imposed regulations on this business category.

New material is underlined.
[Deleted material is in brackets.]

“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 Amendments

Section 1. The title, subdivision (a) of section 2-133 and sections 2-134 and 2-135 of subchapter N of chapter 2 of Title 6 of the Rules of the City of New York are amended to read as follows:

Subchapter N: [Laundries] Industrial Laundry and Industrial Laundry Delivery

§ 2-133 Application.

(a) *Industrial Laundry Delivery Vehicle Information.* Any changes to the vehicle information that an applicant is required to submit pursuant to section 20-297.3(c)(4) of the Administrative Code that occur after a license has been granted shall be submitted with an application for renewal of such license. Notwithstanding this requirement, all vehicles used for industrial laundry delivery must comply with all applicable laws, regulations and rules, including section 20-297.5[(f)](e) and section 20-297.6(b) of the Administrative Code.

§ 2-134 [General Provisions.

(a) *Disclosures.*

(1) Each licensee shall display prominently and conspicuously on its premises, at the point at which orders are placed or payment is made, in letters no less than one inch in height, a price list sign providing:

- (i) a list of services offered by the licensee;
- (ii) the minimum fee charged for each service;

(iii) factors which may cause the fee to be higher than the minimum fee and, for each factor listed, the additional fee or the range of possible additional fees charged. That list of factors must include, but is not limited to whether a minimum weight is required for a service and if so the fee for that minimum weight, and the additional fee or the range of possible additional fees charged in excess of the minimum weight.

(2) Compliance by a licensee with subdivision (a)(1) of this section satisfies the requirements of section 20-750(a) of the Administrative Code and 6 RCNY § 5-70(a).

(3) (i) Each licensee must also post the price list information required by subdivision (a)(1) of this section on its website and within any mobile application that provides access to the licensee’s services. As used in this section, “mobile application” means any software program residing on a smartphone or other electronic device that a consumer may download from a licensee’s website or any other source.

(ii) The price list information must be posted at the point at which orders are placed or payment is made and in lettering that is clear and legible.

(4) Each retail laundry licensee that offers self-service laundry machinery for direct use by the general public shall display:

(i) prominently and conspicuously on its premises, in letters no less than two inches in height, a sign stating “All complaints and claims for refunds can be made to the attendant or, if an attendant is not present, to _____.” The licensee must provide in the blank space the name, address and telephone number of the person or persons to whom the complaints and claims for refunds are to be made.

(ii) at each defective or inoperable machine, in letters no less than two inches in height, a sign stating “OUT OF ORDER.”

(b) *Refunds.* Each retail laundry licensee that offers self-service laundry machinery for direct use by the general public must provide a refund for any money lost by reason of defective or inoperable machines.

(c) *Scales.* Each licensee that charges for its services on the basis of weight must use a scale of a type and design that has been approved by the New York State Department of Agriculture & Markets and tested and sealed by the Department pursuant to chapter 3 of title 20 of the Administrative Code. The licensee must make the scale available for inspection by the Department during business hours.] Reserved

§ 2-135 [Additional Provisions] Requirements for Industrial Laundries and Industrial Laundry Delivery.

(a) *Signs.*

(1) The sign containing procedures for complying with minimum standards of cleanliness and hygiene required by section 20-297.6(a)(3) of the Administrative Code shall be captioned at the top “Procedures for Minimum Standards of Cleanliness and Hygiene,” in bold lettering no less than two inches in height, and the procedures shall be in lettering no less than one inch in height.

(2) The sign containing procedures for maintaining functional separation of laundered and unlaundered laundry required by section 20-297.6(b)(2) of the Administrative Code shall be captioned at the top “Procedures for Maintaining Functional Separation of Laundered and Unlaundered Laundry,” in bold lettering no less than two inches in height, and the procedures shall be in lettering no less than one inch in height.

(3) The signs required by section 20-297.6(a)(3) and section 20-297.6(b)(2) of the Administrative Code may be combined into a single sign. Such combined sign shall be captioned at the top “Procedures for Minimum Standards of Cleanliness and Hygiene and Maintaining Functional Separation of Laundered and Unlaundered Laundry,” in bold lettering no less than two inches in height, and the procedures shall be in lettering no less than one inch in height.

(b) *Scales.* Each licensee that charges for its services on the basis of weight must use a scale of a type and design that has been approved by the New York State Department of Agriculture & Markets and tested and sealed by the Department pursuant to chapter 3 of title 20 of the Administrative Code. The licensee must make the scale available for inspection by the Department during business hours.

§ 2-136 Prohibited Conduct.

(a) No licensee may transact for laundry service or laundry delivery service with an unlicensed [retail laundry,]industrial laundry or industrial laundry delivery.

(b) If an industrial laundry licensee does not disclose to the Department that it will be engaging in industrial laundry delivery when it applies for the industrial laundry license, such licensee may not engage in industrial laundry delivery until such licensee has complied with section 20-297.3(b)(11) of the Administrative Code and has an amended license from the Department authorizing licensee to engage in industrial laundry delivery.

§ 2. Subchapter T of Chapter 2 of Title 6 of the Rules of the City of New York, titled Public Dance Halls, Cabarets, and Catering Establishments, is REPEALED.

§ 3. Chapter 4 of Title 6 of the Rules of the City of New York is amended by adding a new Subchapter J to read as follows:

Subchapter J: Retail Laundries

§ 4-130. Definitions.

Laundry service. The term “laundry service” means washing, drying, starching or ironing laundry for a fee, and includes such services when they are provided along with or as an incident to the rental of clothing, apparel or other fabrics. The term “laundry service” does not include dry cleaning.

Retail laundry. The term “retail laundry” means (i) a business that provides laundry services to the general public; (ii) a business that stores or collects laundry for laundry services or delivery for the general public; or (iii) a business that offers self-service laundry machinery for direct use by the general public. The term “retail laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

§ 4-131. General Provisions.

(a) Disclosures.

(1) Each retail laundry must display prominently and conspicuously on its premises, at the point at which orders are placed or payment is made, a price list sign providing:

(i) a list of all services offered by the retail laundry regardless of whether the services meet the definition of a laundry service;

(ii) the minimum fee charged for each service;

(iii) factors which may cause the fee to be higher than the minimum fee and, for each factor listed, the additional fee or the range of possible additional fees charged. That list of factors must include, but is not limited to whether a minimum weight is required for a service and if so the fee for that minimum weight, and the additional fee or the range of possible additional fees charged in excess of the minimum weight.

(2) Compliance by a retail laundry with subdivision (a)(1) of this section satisfies the requirements of section 20-750(a) of the Administrative Code and 6 RCNY § 5-70(a). The requirements of subdivision (a)(1) of this section apply to all services offered by the retail laundry, regardless of whether such services pertain to laundry services.

(3) (i) Each retail laundry must also post the price list information required by subdivision (a)(1) of this section on its website and within any mobile application that provides access to the retail laundry's services. As used in this section, "mobile application" means any software program residing on a smartphone or other electronic device that a consumer may download from a retail laundry's website or any other source.

(ii) The price list information must be posted at the point at which orders are placed or payment is made and in lettering that is clear and legible.

(4) Each retail laundry that offers self-service laundry machinery for direct use by the general public shall display:

(i) prominently and conspicuously on its premises, in letters no less than two inches in height, a sign stating "All complaints and claims for refunds can be made to the attendant or, if an attendant is not present, to _____." The retail laundry must provide in the blank space the name, address and telephone number of the person or persons to whom the complaints and claims for refunds are to be made.

(ii) at each defective or inoperable machine, in letters no less than two inches in height, a sign stating "OUT OF ORDER."

(b) Refunds. Each retail laundry that offers self-service laundry machinery for direct use by the general public must provide a refund for any money lost by reason of defective or inoperable machines.

(c) Scales. Each retail laundry that charges for its services on the basis of weight must use a scale of a type and design that has been approved by the New York State Department of Agriculture & Markets and tested and sealed by the Department pursuant to chapter 3 of title 20 of the Administrative Code. The retail laundry must make the scale available for inspection by the Department during business hours.

§ 4. Paragraph (5) of subdivision (b) of section 6-03 of Subchapter A of Chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

(5) The following provisions of Title 6 of the Rules of the City of New York constitute the mandates for which the opportunity to cure a first-time violation is available:

Citation	Description
6 RCNY § 1-03(a)	requiring the posting of a sign stating that individuals may complain to the Department about a licensed business
6 RCNY § 1-03(b)	requiring sidewalk cafes to post a sign stating the maximum number of tables and chairs licensed for such sidewalk café
6 RCNY § 1-05	requiring licensees to include a license number in advertisements and other printed and electronic matters
6 RCNY § 2-24	requiring amusement arcades and gaming cafes to post a sign describing age restrictions during certain hours of operation
6 RCNY §§ 2-41 through 2-59	all sidewalk café rules

6 RCNY § 2-66(a)	requiring newsstands to comply with display restrictions
6 RCNY § 2-66(b)	requiring newsstands to comply with advertising restrictions
<u>6 RCNY § 2-70.2(g)</u>	<u>Sale or offer of improper items in a stoop line stand</u>
[6 RCNY § 2-131(s)(4)]	requiring laundries to distinguish in their advertising between services offered at different prices]
[6 RCNY § 2-131(u)]	requiring an automatic or coin-operated laundry to post a sign on non-functioning machines]
[6 RCNY § 2-131(v)(1)]	requiring a laundry to post a notice that complaints and claims for refunds may be made to a certain person or person]
[6 RCNY § 2-131(v)(5)]	requiring that the information in the sign required by 6 RCNY § 2-131(v) be in both English and Spanish]
[6 RCNY § 2-134(a)(4)(i)]	requiring retail laundries to post a notice that complaints and claims for refunds may be made to a certain person or persons]
[6 RCNY § 2-134(a)(4)(ii)]	requiring retail laundries to post an out-of-order sign on non-functioning machines]
6 RCNY § 2-161(g)(1)	requiring that parking lots and garages have separate entrances and exits, with the main entrance clearly designated with illuminated signs marked "entrance" and "exit"
<u>6 RCNY § 2-161(g)(2)(i)</u>	<u>requiring parking lots and garages to post a rate sign</u>
<u>6 RCNY § 2-161(g)(2)(iv)</u>	<u>requiring parking lots and garages to post a rate sign at the location for payment of charges</u>
6 RCNY § 2-161(g)(2)(v)	requiring that parking lot and garage auxiliary signs contain equally sized letters and numbers
6 RCNY § 2-161(g)(2)(vi)	requiring that parking lots and garages post a sign stating: the business hours; the licensed capacity; and the minimum number of bicycle parking spaces
<u>6 RCNY § 2-161(g)(2)(viii)</u>	<u>requiring parking lots and garages to post a rate sign about bicycle parking</u>
6 RCNY § 2-161(g)(3)(i)	requiring that the parking garage and lot sign required by 6 RCNY § 2-161(g)(2) is illuminated, clearly visible and readable
<u>6 RCNY § 2-161(g)(3)(ii)</u>	<u>requiring parking lots and garages to post a Manhattan residents sign</u>
6 RCNY § 2-161(h)(1)	requiring the posting of a sign that the garage is at full capacity for car parking
6 RCNY § 2-161(h)(2)	requiring the posting of a sign that the garage is at full capacity for bicycle parking
6 RCNY § 2-161(u)	requiring that parking lots and garages with waivers under section 20-327.1 of subchapter 17 of Chapter 2 of Title 20 of the Administrative Code of the City of New York post a sign that bicycle parking is not required by law
6 RCNY § 2-211(h)	requiring a sightseeing bus post a sign on the windshield and near the entrance door of such bus that designates the departure time and destination of such bus
6 RCNY § 2-253(a)(3) and (4)]	requiring that electronic or home appliance service dealers post [a notice in the department or area where electronic and home appliances are accepted for repair stating that customers are entitled to written estimates for repairs and other customer rights, and that the regulations] <u>a sign stating the service dealer identity, the cash policy, and written estimates</u>
6 RCNY § 2-275(c)	requiring dealers of products for the disabled to post a sign summarizing provisions of the New York City Products for the Disabled Law
<u>6 RCNY § 2-424</u>	<u>requiring pedicabs to follow certain restrictions on advertisements</u>
<u>6 RCNY § 2-425</u>	<u>requiring certain signage on pedicabs</u>
6 RCNY § 3-12	requiring labeling declarations required by subchapter A of Chapter 3 of Title 6 of the Rules of the City of New York to be written in English
6 RCNY § 3-24(f)(2)	requiring stores with weighing and measuring devices for customer use to post a sign informing customer that they may reweigh products using such weighing or measuring device or devices
6 RCNY § 4-55	requiring display of signs for out of order petroleum pumps

6 RCNY § 4-63	requiring display of signs for petroleum pumps
6 RCNY § 4-131(a)(4)(i)	requiring retail laundries to post a notice giving the name and contact information of the person or persons to whom complaints and claims for refunds may be made
6 RCNY § 4-131(a)(4)(ii)	requiring retail laundries to post an out-of-order sign on non-functioning machines
6 RCNY § 5-24	requiring that a business that accepts credit cards post a list of limitations that such business puts on credit card usage at or near the entrance of the business and in all advertising indicating that credit cards are accepted
6 RCNY § 5-37	requiring the posting of refund policies
6 RCNY § 5-40(e)	prohibiting a sign stating that a business is not liable for its negligence if such a statement is invalid under law
6 RCNY § 5-66(c)	requiring that tax preparers post a sign: stating his or her name, address, telephone number and qualifications; stating that the preparer and taxpayer must sign every tax return; stating how his or her fees are calculated; stating that he or she or his or her agency will not represent the taxpayer in an audit, if true; and stating that he or she is not licensed by the state board of public accounting or the New York state bar, or both, if true
6 RCNY § 5-70	requirements for retail service establishments
6 RCNY § 5-113	calculation and Display of Price Per Measure
6 RCNY § 5-114	requiring certain consumer commodities to be labeled
6 RCNY § 5-115	requirements for multiple pricing
6 RCNY § 5-191	sign size requirements for redemption of beverage containers
6 RCNY § 5-192	content of sign for redemption of beverage containers
6 RCNY § 5-194	substitute signs for redemption of beverage containers
6 RCNY § 5-195	requiring signage at businesses that sell beverages for off-premises consumption in beverage containers that are covered by title ten of article twenty-seven of the Environmental Conservation Law of the State of New York to be placed within a certain distance of cash registers or to be visible to consumers from any specific vantage point
6 RCNY § 5-222(b)	requiring collateral loan brokers to place signage relating to pawn tickets
6 RCNY § 5-222(d)	requiring collateral loan brokers to place certain signage with a reproduction of the pawn ticket
6 RCNY § 5-250	requiring the posting of signs by employment agencies
6 RCNY § 5-251	requiring the display of a license by an employment agency
6 RCNY § 5-265	requiring the posting of signs about tenant screening reports, pursuant to Section 20-809 of the Administrative Code of the City of New York
24 RCNY §6-19	Failure to post a letter grade on mobile food vending cart as required.

§ 5. The entry for 6 R.C.N.Y. 1-21 in the License Enforcement penalty schedule contained in Section 6-11 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

6 RCNY § 1-21	Injurious conduct committed by a licensee	\$[175] 500	\$[175] 500	[\$300] 500	[\$300] 500	\$500	\$500
---------------	---	-------------	-------------	-------------	-------------	-------	-------

§ 6. The Laundries penalty schedule contained in Section 6-22 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 20-297.2	Operating [a retail laundry,] <u>an</u> industrial laundry or industrial laundry delivery without a license	\$100 per day	\$100 per day	\$100 per day	\$100 per day	\$100 per day	\$100 per day
Admin Code § 20-297.3	Failure to comply with industrial laundry or <u>industrial laundry delivery application and licensing</u> requirements	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-297.4	Failure to comply with <u>industrial laundry or industrial laundry delivery bond</u> requirements	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-297.5	Failure to comply with <u>industrial laundry or industrial laundry delivery general provisions</u>	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-297.6	Failure to comply with additional provisions for industrial laundries and industrial laundry delivery	\$375	\$500	\$450	\$500	\$500	\$500
Admin Code § 20-632(a), (c) and (d)	Failure to comply with <u>general provisions for retail laundries</u>	\$175	\$175	\$300	\$300	\$500	\$500
Admin Code § 20-632(b)	<u>Failure of retail laundry to accurately and clearly state computation of charges</u>	\$0	\$0	\$175	\$175	\$300	\$300
6 RCNY § 2-133(a)	Failure to comply with requirements pertaining to industrial laundry delivery vehicles	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-133(b)	Failure to comply with requirements pertaining to liability insurance	\$375 (plus 0 to 15 day suspension)**	\$500 (plus 15 day suspension)	\$450 (plus 0 to 30 day suspension)**	\$500 (plus 30 day suspension)	\$500 (plus revocation)**	\$500 (plus revocation)
6 RCNY § 2-133(c)	Failure to comply with requirements pertaining to workers' compensation insurance	\$375 (plus 0 to 15 day suspension)**	\$500 (plus 15 day suspension)	\$450 (plus 0 to 30 day suspension)**	\$500 (plus 30 day suspension)	\$500 (plus revocation)**	\$500 (plus revocation)
6 RCNY § 2-133(d)	Failure to comply with requirements pertaining to disability benefits insurance	\$375 (plus 0 to 15 day suspension)**	\$500 (plus 15 day suspension)	\$450 (plus 0 to 30 day suspension)**	\$500 (plus 30 day suspension)	\$500 (plus revocation)**	\$500 (plus revocation)
[6 RCNY § 2-134]	[Failure to comply with general provisions]	[\$375]	[\$500]	[\$450]	[\$500]	[\$500]	[\$500]
[6 RCNY § 2-134(a)(4)(i)]	[Failure to post notice regarding complaints and	[\$375*]	[\$500]	[\$450]	[\$500]	[\$500]	[\$500]

	refunds that complies with sign requirements]						
[6 RCNY § 2-134(a)(4)(ii)]	[Failure to post a sign on non-functioning machines]	[\$375*]	[\$500]	[\$450]	[\$500]	[\$500]	[\$500]
6 RCNY § 2-135	Failure to comply with additional provisions for industrial laundries and industrial laundry delivery	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-136	Engaged in prohibited conduct	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 4-131	Failure to comply with general provisions for retail laundries	\$175	\$175	\$300	\$300	\$500	\$500

§ 7. Section 6-27 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York, the penalty schedule for Public Dance Halls, Cabarets and Catering Establishments, is REPEALED.

§ 8. The entry for 6 R.C.N.Y. 5-51 in the Sales of Petroleum Products penalty schedule contained in Section 6-42 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

6 RCNY § 5-51	Failure to comply with regulations pertaining to retail sale of gasoline	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>
---------------	--	-----------------------	-----------------------	-------------------------	-------------------------	-------------------------	-------------------------

§ 9. Section 6-47 of Subchapter B of Chapter 6 of title 6 of the Rules of the City of New York is amended to read as follows:

§ 6-47 Consumer Protection Law Penalty Schedule.

All citations are to Title 20 of the Administrative Code of the City of New York or Title 6 of the Rules of the City of New York.

Unless otherwise specified, the penalties set forth for each section of law or rule shall also apply to all subdivisions, paragraphs, subparagraphs, clauses, items, or any other provision contained therein. Each subdivision, paragraph, subparagraph, clause, item, or other provision charged in the Notice of Violation shall constitute a separate violation of the law or rule.

For the fine amounts marked by a single asterisk, if the respondent timely submits the appropriate proof of having cured a first-time violation, the respondent will not be subject to a civil penalty pursuant to Local Law 153 of 2013.

Pursuant to Section [20-703(b)] 20-703(d) of the Administrative Code of the City of New York, the knowing violation of any provision of subchapter 1 of chapter 5 of title 20 of the Administrative Code of the City of New York or of any rule promulgated thereunder is subject to a [maximum] penalty of \$[500] 3,500.

Pursuant to Section 20-703(b) of the Administrative Code of the City of New York, each individual statement, description or other representation or omission that constitutes a deceptive trade practice shall give rise to a distinct and independent violation.

The number of violations of any provision listed below shall be calculated pursuant to Section 20-703(c) of the Administrative Code of the City of New York.

Unless otherwise specified by law, a second or third or subsequent violation means a violation by the same respondent, whether by pleading guilty, being found guilty in a decision, or entering into a settlement agreement for violating the same provision of law or rule, within [two] three years of the prior violation(s).

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 20-700	Engaged in an unlawful deceptive or unconscionable trade practice	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-09	Failure to comply with the requirements for limitations on offers	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-10	Engaged in deceptive classified ads	\$525	\$525	\$1,050	\$1,050	\$3,500	\$3,500
6 RCNY § 5-11	Failure to comply with requirements for limited editions	\$525	\$525	\$1,050	\$1,050	\$3,500	\$3,500
6 RCNY § 5-12	Failure to comply with requirements for prices in multi-product and multi-service advertisements	\$525	\$525	\$1,050	\$1,050	\$3,500	\$3,500
6 RCNY § 5-13	Failure to comply with advertisements claiming to boost the immune system	\$525	\$525	\$1,050	\$1,050	\$3,500	\$3,500
6 RCNY § 5-23	Failure to meet the requirement(s) for layaway plans	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-24	Failure to meet requirement(s) for credit card limitations	[\$260] <u>150*</u>	[\$350] <u>150*</u>	[\$315] <u>250</u>	[\$350] <u>250</u>	\$350	\$350
6 RCNY § 5-32	Failure to meet the requirement(s) for documentation of transactions	[\$260] <u>150</u>	[\$350] <u>150</u>	[\$315] <u>250</u>	[\$350] <u>250</u>	\$350	\$350
6 RCNY § 5-33	Failure to comply with the requirements for transactions negotiated in Spanish	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-36	Failure to meet the requirement(s) for sale of used items	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-37	Failure to comply with disclosure of refund policy requirements	[\$260] <u>150*</u>	[\$350] <u>150*</u>	[\$315] <u>250</u>	[\$350] <u>250</u>	\$350	\$350
6 RCNY § 5-38	Failure to comply with requirements for selling goods temporarily in short supply	[\$350] <u>525</u>	[\$350] <u>525</u>	[\$350] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-39	Failure to meet the requirements for cancellation of home appointment	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-40	Improper limit or disclaimer of liability for negligence	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-40(e)	Improper posting of sign that business is not liable for negligence	[\$260] <u>525*</u>	[\$350] <u>525*</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>

6 RCNY § 5-41	Collected sales tax on sale of good or service not subject to such tax under Article 28 of the NYS Tax Law or rule and regulations promulgated thereunder	[\$260] <u>150</u>	[\$350] <u>150</u>	[\$315] <u>250</u>	[\$350] <u>250</u>	\$350	\$350
6 RCNY § 5-42	Violation of the prohibition on price gouging	[\$350] <u>525</u>	[\$350] <u>525</u>	[\$350] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
[6 RCNY § 5-46	Failure to meet the requirement(s) for a car rental business	\$260	\$350	\$315	\$350	\$350	\$350]
[6 RCNY § 5-46(d)]	[Failure to post notice of consumer protection law]	[\$260]	[\$350]	[\$315]	[\$350]	[\$350]	[\$350]
6 RCNY § 5-47	Failure to meet the requirement(s) for jewelry sellers and appraisers	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-50	Failure to comply with the requirements for delivery of furniture and major appliances	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-51	Failure to meet the requirement(s) for retail sale of gasoline	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-54	Failure to meet the requirement(s) for repairs of consumer goods	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-55	Failure to meet the requirement(s) for meat and poultry advertising	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-56	Failure to meet the requirement(s) for window gates	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-57	Failure to meet the requirement(s) for utility bill payments	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-58	Improper offer of sale of food in damaged containers	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-59	Improper imposition of restaurant surcharges	[\$260] <u>150</u>	[\$350] <u>150</u>	[\$315] <u>250</u>	[\$350] <u>250</u>	\$350	\$350
6 RCNY § 5-60	Failure to meet the requirement(s) for franchises	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-61	Failure to meet the requirement(s) for public performance seats	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-63	Failure to meet the requirement(s) for catering contracts	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-68	Failure to meet the requirements for dealers at flea markets	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-69	Failure to meet the requirements of blood pressure reading services	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-70	Failure to meet the requirements for retail service establishments	[\$260] <u>150</u>	[\$350] <u>150</u>	[\$315] <u>250</u>	[\$350] <u>250</u>	\$350	\$350
6 RCNY § 5-73	Failure to meet the requirement(s) for the sale of box cutters	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>
6 RCNY § 5-75	Failure to post the Buyer's Guide when selling or offering to sell any used automobile	[\$260] <u>150</u>	[\$350] <u>150</u>	[\$315] <u>250</u>	[\$350] <u>250</u>	\$350	\$350
6 RCNY § 5-87 through 6 RCNY § 5-103	Prohibited conduct in offering sales or discounts and related recordkeeping requirements	[\$260] <u>525</u>	[\$350] <u>525</u>	[\$315] <u>1,050</u>	[\$350] <u>1,050</u>	[\$350] <u>3,500</u>	[\$350] <u>3,500</u>

§ 10. The Income Tax Preparers penalty schedule contained in Section 6-53 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
Admin Code § 20-740(a)	Failure to post identification and qualification statement	\$375*	\$500*	\$675	\$750	\$750	\$750
Admin Code § 20-740(b)	Failure to provide customer with receipt	\$375	\$500	\$675	\$750	\$750	\$750
Admin Code § 20-740.1	Improper consumer bill of rights	\$375	\$500	\$675	\$750	\$750	\$750
Admin Code § 20-741	Improper records	\$375	\$500	\$675	\$750	\$750	\$750
Admin Code § 20-741.1	Failure to comply with refund anticipation loan requirements	\$375	\$500	\$675	\$750	\$750	\$750
6 RCNY § [5-66] 5-66(b)	Improper tax preparation practices	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>
6 RCNY § [5-66(c)] <u>5-66(c)(1) and (c)(2)</u>	Failure to post the required tax preparation signs	\$[260] <u>150*</u>	\$[350] <u>150*</u>	\$[315] <u>250</u>	\$[350] <u>250</u>	\$350	\$350
6 RCNY § 5-66(c)(3)	Required tax preparation practices	\$525	\$525	\$1,050	\$1,050	\$3,500	\$3,500
6 RCNY § 5-66(d) and (e)	Requirements for tax preparation refunds and records	\$525	\$525	\$1,050	\$1,050	\$3,500	\$3,500
6 RCNY § 5-171	Failure to comply with sign location requirement	\$375	\$500	\$675	\$750	\$750	\$750
6 RCNY § 5-172	Improper sign form and content	\$375	\$500	\$675	\$750	\$750	\$750
6 RCNY § 5-173(a)	Failure to comply with sign requirements	\$375	\$500	\$675	\$750	\$750	\$750
6 RCNY § 5-173(b)	Failure to comply with requirements regarding provision of bill of rights	\$375	\$500	\$675	\$750	\$750	\$750

§ 11. The Debt Collection Agency penalty schedule contained in Section 6-62 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third and Subsequent Violation	Third and Subsequent Default
----------	-----------------------	-----------------	---------------	------------------	----------------	--------------------------------	------------------------------

Admin Code § 20-490	Acting as a debt collection agency without a DCA license	\$750, plus \$100 per day & \$100 per instance of contact	\$1,000, plus \$100 per day, & \$100 per instance of contact	\$900, plus \$100 per day, & \$100 per instance of contact	\$1,000, plus \$100 per day, & \$100 per instance of contact	\$1,000, plus \$100 per day, & \$100 per instance of contact	\$1,000, plus \$100 per day, & \$100 per instance of contact
Admin Code § 20-493.1(a)(i)	Failure to provide a call back number answered by a natural person	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
Admin Code § 20-493.1(a)(ii)	Failure to provide the name of the debt collection agency	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
Admin Code § 20-493.1(a)(iii)	Failure to provide the originating creditor of the debt	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
Admin Code § 20-493.1(a)(iv)	Failure to provide the name of the person to call back	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
Admin Code § 20-493.1(a)(v)	Failure to provide the amount of the debt at the time of communication	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
Admin Code § 20-493.1(b)	Failure to provide written confirmation to the consumer within 5 business days of any debt payment schedule or settlement agreement	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
Admin Code § 20-493.2(a)	Attempting to collect or contact a consumer about a debt after failing to provide adequate verification of the debt upon request	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
Admin Code § 20-493.2(b)	Contacting a consumer about a debt for which the statute of limitations has expired without first providing required notice	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
6 RCNY § 2-190	Failure to provide specified written documentation verifying the debt	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
6 RCNY § 2-191	Failure to provide specified statute of limitations disclosure regarding the debt	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
6 RCNY § 2-192	Failure to provide specified written confirmation of the debt payment schedule or settlement agreement	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
6 RCNY § 2-193	Failure to comply with debt collection agency record-maintenance requirements	\$375	\$500	\$450	\$500	\$500	\$500
6 RCNY § 2-194	Failure to comply with call-back number requirements	\$750	\$1,000	\$900	\$1,000	\$1,000	\$1,000
6 RCNY § 5-77(a)	Failure to comply with requirements pertaining to acquisition of location information	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>

6 RCNY § 5-77(b)	Failure to comply with requirements pertaining to communicating in connection with the collection of a debt	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>
6 RCNY § 5-77(c)	Engaging in harassment or abuse in connection with the collection of a debt	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>
6 RCNY § 5-77(d)	Making a false, deceptive, or misleading representation in connection with the collection of a debt	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>
6 RCNY § 5-77(e)	Using an unfair or unconscionable means to collect or attempt to collect a debt	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>
6 RCNY § 5-77(f)	Failure to comply with the validation procedures for debt collectors who are creditors or who are employed by creditors	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>
6 RCNY § 5-77(h)	Failure to comply with requirements for public websites	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>
6 RCNY § 5-78	Designing, compiling, or furnishing a form to create false consumer belief that a third party is participating in the collection of a debt	\$[260] <u>525</u>	\$[350] <u>525</u>	\$[315] <u>1,050</u>	\$[350] <u>1,050</u>	\$[350] <u>3,500</u>	\$[350] <u>3,500</u>

§ 12. The entry for 24 R.C.N.Y. 6-19 in the Mobile Food Vendor Penalty Schedule contained in Section 6-75 of Subchapter B of Chapter 6 of Title 6 of the Rules of the City of New York is amended to read as follows:

24 RCNY §6-19 [#]	Failure to post letter grades as required	[\$25] <u>\$500</u>	[\$25] <u>\$500</u>	[\$50] <u>\$500</u>	[\$50] <u>\$500</u>	[\$100] <u>\$500</u>	[\$100] <u>\$500</u>	[\$250] <u>\$500</u>	[\$250] <u>\$500</u>
----------------------------	---	---------------------	---------------------	---------------------	---------------------	----------------------	----------------------	----------------------	----------------------



GEORGIA M. PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

STEVEN GOULDEN
Division of Legal Counsel
Room 6-231
Tel: (212) 356-4028
Fax: (212) 356-4019
sgoulden@law.nyc.gov

Hon. Peter A. Hatch

Re: Amendment of Certain Penalties

No. 2021 RG 083

Dear Commissioner Hatch:

Pursuant to New York City Charter § 1043 subd. c, the above-referenced rule has been reviewed and determined to be within the authority delegated by law to your agency.

Sincerely,

/s/ Steven L. Goulden

STEVEN GOULDEN
Senior Counsel
Division of Legal Counsel

cc: Andrew Schwenk (DCWP)