

## New York City Department of Consumer and Worker Protection

### **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**

**What are we proposing?** The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend its rules to implement Local Law 49 and Local Law 50 of 2024. The rules will be amended to update and add violations related to the sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices.

**When and where is the hearing?** DCWP will hold a public hearing on the proposed rule. The public hearing will take place at 11:00AM on August 30, 2024. The public hearing will be accessible by phone and videoconference.

- To participate in the public hearing via phone, please dial +1 646-893-7101.
  - Phone conference ID: 925 535 513#
- To participate in the public hearing via videoconference, please follow the online link:
  - <https://tinyurl.com/2y22wc48>
  - Meeting ID: 215 272 849 256
  - Passcode: htzSv4

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DCWP through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [Rulecomments@dcwp.nyc.gov](mailto:Rulecomments@dcwp.nyc.gov).
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by emailing [Rulecomments@dcwp.nyc.gov](mailto:Rulecomments@dcwp.nyc.gov). You can also sign up on the phone or videoconference before the hearing begins at 11:00AM on August 30, 2024. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit comments?** Yes. You must submit any comments to the proposed rule on or before August 30, 2024.

**What if I need assistance to participate in the hearing?** You must tell DCWP’s External Affairs division if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may tell us by email at [Rulecomments@dcwp.nyc.gov](mailto:Rulecomments@dcwp.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by August 23, 2024.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, all comments received by DCWP on the proposed rule will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

**What authorizes DCWP to make this rule?** Sections 1043 and 2203(f) of the New York City Charter and section 20-104(b), 20-610, and 20-610.1 of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these proposed rules. This proposed rule was not included in the Department of Consumer and Worker Protection's regulatory agenda for this Fiscal Year because it was not contemplated when the Department published the agenda.

**Where can I find DCWP's rules?** The Department's rules are in title 6 of the Rules of the City of New York.

**What laws govern the rulemaking process?** DCWP must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043 of the City Charter.

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

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is proposing to amend section 6-86 of subchapter B of chapter 6 of title 6 of the Rules of the City of New York to include penalty amounts for violations of Local Law 49 of 2024, set forth in Section 20-610.1 of the Administrative Code of the City of New York, and Local Law 50 of 2024, set forth in Section 20-610 of the Administrative Code of the City of New York.

Local Law 49 of 2024 requires powered bicycle and powered mobility device businesses, both brick and mortar and online, to post informational materials created by the DCWP and the Fire Department. Those who violate the provisions of Local Law 49 are liable for new civil penalties from \$150 to \$350 per violation, where each continued day of non-compliance constitutes a separate violation.

Local Law 50 of 2024 increases existing penalties for the sale, lease, and rental of uncertified devices, and creates new recordkeeping requirements and online display requirements for such certified devices. Local Law 50 increases the maximum penalties for violations of subdivisions (a), (b), and (c) of section 20-610 of the New York City Administrative Code to up to \$2000, and creates penalties for subdivision (e) and (h) of section 20-610 of the New York City Administrative Code from \$0 (for a first violation) up to \$500. The new penalty schedule doubles the penalties for distributing, selling, leasing, renting, or offering for sale, lease, or rent a non-compliant powered bicycle, powered mobility device, and non-compliant storage battery.

Sections 1043 and 2203(f) of the New York City Charter and sections 20-104(b), 20-610 and 20-610.1 of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these proposed rules.

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.

Section 1. Section 6-86 of subchapter B of chapter 6 of title 6 of the Rules of the City of New York is amended to read as follows:

### **§ 6-86 Powered Mobility Devices Penalty Schedule.**

All citations are to Title 20 of the Administrative Code 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.

Unless otherwise specified by law, a second or third or subsequent violation means a violation by the same respondent, whether by admitting to the violation, being found in violation in a

decision, or entering into a settlement agreement for violating the same provision of law or rule on a different day within two years of the prior violation(s).

Each failure to comply with respect to any one stock keeping unit gives rise to a separate violation of subdivision a, b, or c of § 20-610 of the Administrative Code.

Each day on which a violation of § 20-610.1 of the Administrative Code continues constitutes a separate violation.

Citation	Violation Description	First Violation	First Default	Second Violation	Second Default	Third Violation	Third Default	Fourth and Subsequent Violation	Fourth and Subsequent Default
Admin. Code § 20-610(a)	Distributing, selling, leasing, renting, or offering for sale, lease, or rent a non-compliant powered bicycle	\$0	\$0	[\$750] \$1,500	[\$1,000] \$2,000	[\$900] \$1,800	[\$1,000] \$2,000	[\$1,000] \$2,000	[\$1,000] \$2,000
Admin. Code § 20-610(b)	Distributing, selling, leasing, renting, or offering for sale, lease, or rent a non-compliant powered mobility device	\$0	\$0	[\$750] \$1,500	[\$1,000] \$2,000	[\$900] \$1,800	[\$1,000] \$2,000	[\$1,000] \$2,000	[\$1,000] \$2,000
Admin. Code § 20-610(c)	Distributing, selling, leasing, renting, or offering for sale, lease, or rent a non-compliant storage battery	\$0	\$0	[\$750] \$1,500	[\$1,000] \$2,000	[\$900] \$1,800	[\$1,000] \$2,000	[\$1,000] \$2,000	[\$1,000] \$2,000
Admin. Code § 20-610(e)	Failure to display logo, wordmark, or name of accredited testing laboratory on online product listing page	\$0	\$0	\$375	\$500	\$450	\$500	\$500	\$500
Admin. Code § 20-610(h)	Failure to comply with records requirements	\$0	\$0	\$375	\$500	\$450	\$500	\$500	\$500
Admin. Code § 20-610.1(c)	Failure to conspicuously post informational materials near devices	\$150 per day	\$150 per day	\$225 per day	\$250 per day	\$350 per day	\$350 per day	\$350 per day	\$350 per day
Admin. Code § 20-610.1(d)	Failure to conspicuously hyperlink informational materials on webpage	\$150 per day	\$150 per day	\$250 per day	\$250 per day	\$350 per day	\$350 per day	\$350 per day	\$350 per day

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

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

**RULE TITLE:** Amendment of Penalty Provisions Relating to Sale of Noncompliance Powered Mobility Devices

**REFERENCE NUMBER:** 2024 RG 072

**RULEMAKING AGENCY:** Department of Consumer and Worker Protection

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  
Acting Corporation Counsel

Date: July 23, 2024

**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: Amendment of Penalty Provisions Relating to Sale of Noncompliance  
Powered Mobility Devices**

**REFERENCE NUMBER: DCWP-50**

**RULEMAKING AGENCY: Department of Consumer and Worker Protection**

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 a cure period is not practicable under the circumstances.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

July 23, 2024  
Date