

New York City Department of Consumer and Worker Protection

Notice of Adoption

Notice of Adoption of rule implementing Local Law 49 and Local Law 50 of 2024 by updating the Powered Mobility Devices Penalty Schedule.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer and Worker Protection by Sections 1043, 2203(f), and 2203(h)(1) of the New York City Charter, and Sections 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 July 31, 2024. A public hearing was held on August 30, 2024, and 10 comments were received. No changes were made to the proposed rule.

Statement of Basis and Purpose of Rule

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is amending 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 stores, both brick and mortar and online, to post informational materials created by DCWP and the Fire Department. Those who violate the provisions of Local Law 49 are liable for 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.

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 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.

Rule Amendment

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

<u>Admin. Code § 20-610(e)</u>	<u>Failure to display logo, wordmark, or name of accredited testing laboratory on online product listing page</u>	<u>\$0</u>	<u>\$0</u>	<u>\$375</u>	<u>\$500</u>	<u>\$450</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin. Code § 20-610(h)</u>	<u>Failure to comply with recordkeeping requirements</u>	<u>\$0</u>	<u>\$0</u>	<u>\$375</u>	<u>\$500</u>	<u>\$450</u>	<u>\$500</u>	<u>\$500</u>	<u>\$500</u>
<u>Admin. Code § 20-610.1(c)</u>	<u>Failure to conspicuously post informational materials near devices</u>	<u>\$113 per day</u>	<u>\$150 per day</u>	<u>\$225 per day</u>	<u>\$250 per day</u>	<u>\$350 per day</u>	<u>\$350 per day</u>	<u>\$350 per day</u>	<u>\$350 per day</u>
<u>Admin. Code § 20-610.1(d)</u>	<u>Failure to conspicuously hyperlink informational materials on webpage</u>	<u>\$150 per day</u>	<u>\$150 per day</u>	<u>\$250 per day</u>	<u>\$250 per day</u>	<u>\$350 per day</u>	<u>\$350 per day</u>	<u>\$350 per day</u>	<u>\$350 per day</u>