

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 concerning the pedicab registration plate application pool.

When and where is the hearing? DCWP will hold a public hearing on the proposed rule. The public hearing will take place at 11:00 AM on December 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: 570 678 405#
- To participate in the public hearing via videoconference, please follow the online link:
 - <https://tinyurl.com/beafxetn>
 - Meeting ID: 250 870 394 311
 - Passcode: qECeTm

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.
- **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. You can also sign up on the phone or videoconference before the hearing begins at 11:00 AM on December 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 December 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. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by December 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(c) of the New York City Charter and sections 20-104 and 20-251(a) 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 its rules concerning the pedicab registration plate application process.

The proposed rule would update the pedicab registration plate application and distribution process to better reflect current practices and allow applicants more time to comply with all registration requirements after the Department offers registration plates.

Sections 1043 and 2203(c) of the New York City Charter and sections 20-104 and 20-251(a) 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 2-426a of subchapter 9 of title 6 of the Rules of New York is amended 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] After the annual pedicab business license renewal period has ended, 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 a notice in the City Record [a notice] by the first business day in April of each year 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 [20th business day following the publication of the notice in the City Record] the first business day in May of such year.
- (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 randomly assign a priority number to each accepted application, and offer to issue a registration plate to applicants in the order of the priority numbers assigned to the accepted applications.
 - [(3)] (2) 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)] (3) If the number of accepted applications is fewer than the number of available registration plates, the Commissioner will offer at least 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.]
 - (4) When applications are selected by lottery pursuant to paragraph 1 of this subdivision, the Commissioner will offer registration plates to the winners of the lottery by the first business day in June of such year.
 - (5) The Commissioner will issue [the] a registration plate to an applicant that has been offered such a plate when the applicant demonstrates that the pedicab complies with all registration requirements in this subchapter [within 45 days of when the offer was made]. The applicant must demonstrate such compliance by the first business day in August of such year.
 - (6) The Commissioner's offer will become void, and the applicant will be removed from the registration plate application pool, if the applicant fails to [comply] demonstrate compliance with all registration requirements in this subchapter by the first business day in August of such year. [within 45 days after the offer has been made. If this circumstance arises, the Commissioner will offer such registration plates 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] If, due to unforeseen circumstances, the Commissioner cannot publish a notice in the City Record or offer registration plates by the dates prescribed by this section, the Commissioner will extend such deadlines as necessary. In such circumstances, the Commissioner will extend each subsequent deadline by the same number of days and provide notice of the extended deadlines by posting such deadlines on the Department's website.

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

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

RULE TITLE: Amendment of Rules Relating to Pedicab Registration Plate Application Process

REFERENCE NUMBER: 2024 RG 101

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
Senior Counsel

Date: November 12, 2024

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Amendment of Rules Relating to Pedicab Registration Plate Application Process

REFERENCE NUMBER: DCWP-51

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 it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

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

November 12, 2024
Date