Legislation Details (With Text)

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Sponsors:	Helen K. Rosenthal, Ben Kallos, Keith Powers		
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Attachments:	1. Summary of Int. No. 1626, 2. Int. No. 1626, 3. June 26, 2019 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 6-26-19, 5. Minutes of the Stated Meeting - June 26, 2019		

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6/26/2019	*	City Council	Introduced by Council	
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Int. No. 1626

By Council Members Rosenthal, Kallos and Powers

A Local Law to amend the administrative code of the city of New York, in relation to bicycle rental businesses

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-181 to read as follows:

§ 10-181 Bicycle rental businesses. a. Definitions. For purposes of this section, the following terms have the following meanings:

Bicycle. The term "bicycle" has the same meaning as in section 19-176, and also means any wheeled device propelled exclusively by human power as well as any motor-assisted device that is not capable of being registered by the New York state department of motor vehicles.

Bicycle rental business. The term "bicycle rental business" means any person that provides or offers to

the public the use of a bicycle for a fee other than a bike share operator, as defined in section 19-194.

Bicycle rental worker. The term "bicycle rental worker" means any individual who works for or on behalf of a bicycle rental business, including those who solicit patronage for such business.

b. A bicycle rental business shall provide to the police department, upon a form prescribed by the police department, the following information:

1. The name and address of the business;

2. If the address provided for the business is not within the city, the name and address of a registered agent within the city upon whom process or other notification may be served; and

3. Any other information requested by the police department.

c. A bicycle rental business must issue to each of its bicycle rental workers an identification card that contains the name and photo of the bicycle rental worker and the name, address and telephone number of such bicycle rental business. A bicycle rental worker shall carry such identification card while performing services for or on behalf of the bicycle rental business. A bicycle rental worker shall be required to produce such identification card upon the demand of an authorized employee of the police department or any other person authorized by law.

d. Each bicycle rental worker shall wear a jacket, vest, or other wearing apparel on the upper part of their body as the outermost garment at all times while performing services for or on behalf of a bicycle rental business. Such apparel shall indicate the name of the bicycle rental business on whose behalf the bicycle rental worker is performing services. Such information shall be in lettering and numerals at least one inch in height and displayed so as to be plainly readable at a distance of at least ten feet.

e. A bicycle rental business shall maintain a roster of all of its bicycle rental workers. Such roster shall be made available for inspection upon request of an authorized employee of the police department or department of transportation or any other person authorized by law. Such roster shall include the following information for each bicycle rental worker:

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1. Name;

2. Home address;

3. Start date, and, if applicable, discharge date; and

4. The days and times when such individual was performing duties for or on behalf of the bicycle rental business.

f. A bicycle rental worker shall not:

1. Act in an aggressive manner, as defined in section 10-136, while performing services for or on behalf of the bicycle rental business; or

2. Make fraudulent, misrepresentative, or false statements in connection with their services for or on behalf of the bicycle rental business.

g. Any person who violates, or causes another person to violate, paragraph 1 of subdivision f of this section, or any rules promulgated pursuant to such paragraph, shall be guilty of a misdemeanor punishable by a fine of not less than $250 nor more than $1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

h. Except as provided in subdivision g of this section, any person who violates, or causes another person to violate, a provision of this section or any rule promulgated pursuant to this section shall be guilty of an offense punishable as follows:

1. For the first violation, a fine of not less than $25 nor more than $50;

2. For the second violation issued for the same offense within a period of two years of the date of the first violation, a fine of not less than $50 nor more than $100;

3. For the third violation within a period of two years of the date of the first violation, a fine of not less than $100 nor more than $250; and

4. For the fourth and each subsequent violation within a period of two years of the date of the first violation, a fine of not more than $500.

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i. In addition to the fines set forth in subdivisions g and h of this section, any person who violates, or causes another person to violate, any provision of this section or any rule promulgated pursuant to this section shall be subject to a civil penalty as follows:

1. For the first violation, a civil penalty of not less than $25 nor more than $50;

2. For the second violation issued for the same offense within a period of two years of the date of the first violation, a civil penalty of not less than $50 nor more than $100;

3. For the third violation within a period of two years of the date of the first violation, a civil penalty of not less than $100 nor more than $250; and

4. For the fourth and each subsequent violation within a period of two years of the date of the first violation, a civil penalty of not more than $500.

j. For the purposes of this section, there shall be a rebuttable presumption that any violation of any provision of this section, any rules promulgated pursuant to this section, by a bicycle rental worker was caused by the bicycle rental business. Such presumption shall not apply where the actions of the bicycle rental worker were not authorized or subject to the control of the bicycle rental business.

k. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a summons or notice of violation which shall be returnable to the office of administrative trials and hearings.

l. The provisions of this section shall be enforceable by an authorized employee of the police department or any other person authorized by law.

§ 2. This local law takes effect 90 days after it becomes law, except that the police commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

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