



Legislation Text

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By Council Members Koslowitz, Kallos and Rivera

A Local Law to amend the administrative code of the city of New York, in relation to allowing corporations, partnerships and other business entities to obtain newsstand licenses

Be it enacted by the Council as follows:

Section 1. Section 20-228 of the administrative code of the city of New York is amended by adding two new subdivisions g and h, to read as follows:

g. Emancipated child. Any daughter, son, step-daughter or step-son who is at least eighteen years of age and who is financially independent.

h. Unemancipated child. Any daughter, son, step-daughter or step-son who is under the age of eighteen, unmarried and living in the same household.

§ 2. Section 20-229 of the administrative code of the city of New York, as amended by local law 64 for the year 2003, is amended to read as follows:

§ 20-229 License required. a. No person shall [maintain or] operate a newsstand or newsstands unless licensed pursuant to this subchapter, and unless [the operation of the newsstand is his or her principal employment]such person has no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; provided, however, that if such person is a corporation, partnership, limited liability company or other association, only one shareholder of such corporation, one partner of such partnership, one member of such limited liability company or one principal of such other association, respectively, must have no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; and provided further, that if

such shareholder, partner, member or principal is the child of the persons authorized to operate a newsstand, such child must be an emancipated child. No license shall be issued to [an individual]a person for the operation of a newsstand that is not a replacement newsstand and that has been constructed and installed by a franchisee pursuant to a franchise unless such operator has reimbursed such franchisee for the costs of construction and installation of such newsstand as determined by the department in accordance with paragraph two of subdivision c of section [20-241.1]20-241 of the code.

b. 1. No person shall be issued more than two licenses to operate a newsstand pursuant to this subchapter.

2. For purposes of determining the number of licenses held by a person pursuant to paragraph 1 of this subdivision, the following provisions shall apply:

(a) A natural person shall be deemed to hold the license issued in the name of such natural person's unemancipated child, a partnership in which such natural person is a partner, a corporation in which such natural person is an officer, director or shareholder, or a limited liability company in which such natural person is a member, manager or officer.

(b) A corporation shall be deemed to hold the license issued in the name of:

(1) An officer, director or shareholder of such corporation;

(2) Another corporation where such corporation and such other corporation share a common officer, director or shareholder, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such other corporation;

(3) A limited liability company where such corporation or any of its officers, directors or shareholders is a member, manager or officer of such limited liability company, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such limited liability company; or

(4) A partnership where such corporation or any of its officers, directors or shareholders is a partner in

such partnership, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such partnership.

(c) A limited liability company shall be deemed to hold the license issued in the name of:

(1) A member, manager or officer of such limited liability company;

(2) Another limited liability company where such limited liability company and such other limited liability company share a common member, manager or officer, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such other limited liability company;

(3) A corporation where such limited liability company or any of its members, managers or officers is an officer, director or shareholder in such corporation or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such corporation; or

(4) A partnership where such limited liability company or any of its members, managers or officers is a partner in such partnership, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such partnership.

(d) A partnership shall be deemed to hold the license in the name of:

(1) A partner of such partnership;

(2) Another partnership where such partnership is a partner in such other partnership, such partnership and such other partnership share a common partner, or such partnership or any of its partners has any direct or indirect interest in such other partnership;

(3) A corporation where such partnership or any of its partners is an officer, director or shareholder in such corporation, or such partnership or any of its partners has any direct or indirect interest in such corporation; or

(4) A limited liability company where such partnership or any of its partners is a member, manager or officer in such limited liability company, or such partnership or any of its partners has any direct or indirect

interest in such limited liability company.

§ 3. Section 20-241 of the administrative code of the city of New York is REPEALED.

§ 4. Section 20-241.1 of the administrative code of the city of New York is renumbered section 20-241.

§ 5. This local law takes effect 120 days after it becomes law.

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