



Legislation Text

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Int. No. 1231

By Council Members Williams and Riley

A Local Law to amend the administrative code of the city of New York, in relation to the licensing of tire shops

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 38 to read as follows:

SUBCHAPTER 38

TIRE SHOPS

§ 20-565 Definitions.

§ 20-565.1 Tire shop license; application; fee.

§ 20-565.2 Issuance of license.

§ 20-565.3 Denial, renewal, suspension and revocation of license.

§ 20-565.4 Display of license.

§ 20-565.5 Facilities and inspections.

§ 20-565.6 Rulemaking.

§ 20-565 Definitions. As used in this subchapter, the following terms have the following meanings:

Tire. The term “tire” means a tire for use on motor vehicles that have a gross vehicle weight of ten thousand pounds or less.

Tire shop. The term “tire shop” means any individual, partnership, corporation, limited liability company, joint venture association or other business entity that predominately engages in the repair, retail, mounting and balancing, or alignment of tires. “Tire shop” shall not include:

1. Any business entity that is wholly or partially engaged in repairing or diagnosing motor vehicle malfunctions or repairing motor vehicle bodies or components other than tires and is required to register as a

repair shop pursuant to article 12-A of the vehicle and traffic law; or

2. Any business that is wholly or partially engaged in selling or leasing motor vehicles and requires registration pursuant to article 16 of the vehicle and traffic law or pursuant to section 20-265; or

3. Any business that is wholly or partially engaged in towing or booting vehicles and requires a license pursuant to section 20-496 or section 20-531.

§ 20-565.1 Tire shop license; application; fee. a. License required. It shall be unlawful for any person to own, control or operate a tire shop without first having obtained a license for such business in the manner provided in this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than two years and expire on the date the commissioner prescribes by rule.

b. License application. An application for a license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as the commissioner shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. The name and address of the applicant;

2. An email address that the applicant monitors where the department can send license application materials, official notifications, and other correspondence;

3. If the applicant does not reside in the city, the name and address of a registered agent within the city upon whom process or other notification may be served; and

4. A signed statement certifying compliance with all applicable laws, regulations and rules including:

(a) that the applicant is in compliance with section 16-118;

(b) that the applicant is in compliance with section 16-122;

(c) that the applicant is in compliance with section FC 3401.2 of the New York city fire code;

(d) that the applicant is in compliance with section 4-12 of title 34 of the rules of the city of New York, regarding the use of roadways, or a successor provision; and

(e) that the applicant is in compliance with sections 27-1905 and 27-1913 of the environmental

conservation law.

c. Fee. There shall be a biennial fee of \$200 for a license to operate a tire shop.

§ 20-565.2 Issuance of license. A license to operate a tire shop shall be granted in accordance with the provisions of this subchapter, chapter 1 of this title, and applicable rules of the commissioner.

§ 20-565.3 Denial, renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may deny or refuse to renew any license required under this subchapter and may suspend or revoke such license, after due notice and opportunity to be heard, if the applicant or licensee, or, where applicable, any of its officers or principals, directors, members, managers, employees or other ownership interest of the organization, is found to have:

1. Committed two or more violations of any provision of this subchapter or any rules promulgated thereunder in the preceding two years; or

2. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter.

§ 20-565.4 Display of license. Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in close proximity to the main entrance door of each licensee's tire shop in such a manner that the license is visible from outside the building where such center is located.

§ 20-565.5 Facilities and inspections. a. The commissioner may inspect a tire shop for violations of this subchapter and rules promulgated pursuant to this subchapter.

b. The commissioner may determine whether a tire shop operated pursuant to a license issued under this subchapter is suitable for the proper storage and handling of tires.

§ 20-565.6 Rulemaking. The commissioner shall promulgate such rules as the commissioner deems necessary to effectuate the provisions of this subchapter.

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

SS
LS #13952
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