

The following amendments to pedicab rule were promulgated by publication on p. 3718 of the *City Record* on 9/22/09 with the Mayor's statement of necessity for immediate implementation. The amendments became effective on publication on 9/22/09.

NOTICE OF ADOPTION

Notice of Adoption of Amendments to Rule Regarding the Licensing of Pedicab Businesses and Pedicab Operators.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 20-104(b) and Section 20-108 of Chapter 1, and Section 20-265 of Chapter 2, Title 20 of the Administrative Code of the City of New York and in accordance with the requirements of Section 1043 of the New York City Charter that the Department promulgates and adopts amendments to an existing rule regarding the licensing of pedicab businesses and pedicab drivers.

These amendments were proposed and published on August 14, 2009. The required public hearing was held on September 14, 2009.

Material being deleted is shown below in brackets and material being be added is underlined.

RULE

Section 1. Section 2-415 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

§2-415 Definitions. Whenever used in this subchapter, the term:

- (a) "Licensee" shall mean a person licensed pursuant to subchapter 9 of chapter 2 of the New York City Administrative Code.
- (b) "Applicant" shall mean any person applying for a pedicab business license or a pedicab driver license or for a renewal thereof and, unless otherwise provided by law or rule, the term shall include such person upon the issuance of such license or renewal thereof to such applicant.
- (c) ["Applicant pool for registration plates" or "pool" shall mean the total number of qualified applications for the assignment of pedicab registration plates from which the plates to be issued by the Commissioner pursuant to section 20-255 of the Administrative Code of the City of New York are to be selected.
- (d) "Established pedicab business" shall mean a business that has been engaged in a bona fide pedicab business before April 23, 2007, the date of enactment of Local Law No. 19 for the year 2007, as verified by written documentation furnished to the Commissioner.
- (e)]"Pedicab identification[number]" or "[PIN]PID shall mean any combination of three or more letters and numbers that are permanently inscribed or stamped into the bottom bracket shell, head tube, or other non-detachable metal component of a pedicab frame and that uniquely identify the pedicab.
- [(f) "Prospective licensee" shall mean an applicant to whom the Commissioner has tentatively approved to be issued a pedicab business license subject to such applicant furnishing proof of insurance as required by section 20-253 of the Administrative Code of the City of New York covering each pedicab to be registered by such applicant and for which pedicab registration plates have been selected.
- (g)](d) "Accident" shall mean any event arising from the operation of a pedicab that causes or

caused human injury or damage to property.

§2. Section 2-416 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is repealed and new section 2-416 is added to read as follows:

§2-416 Application Procedures for and Issuance of Initial Pedicab Business Licenses and Pedicab Registration Plates. (a) An applicant for a pedicab business license and for the initial issuance of pedicab registration plates shall submit a completed application for a pedicab business license, which shall include a list that identifies by PID each of the pedicabs for which such applicant seeks registration. This completed application must be submitted to the Department by the end of the application period specified in section 20-251 of the New York City Administrative Code.

(b) An applicant for a pedicab business license may present for inspection only such pedicabs as are listed in, and identified on, the application as specified in subdivision (a) of this section.

(c) A pedicab registration plate shall be issued for a pedicab to an applicant for such plate and for a pedicab business license only upon:

(1) payment to the Department of the sixty dollar (\$60) registration fee for each additional pedicab registration plate to be issued in excess of the one pedicab included in the annual pedicab business license fee up to the maximum number authorized to be issued to each business licensee;

(2) submission of proof of the insurance coverage required pursuant to section 20-253 of the Administrative Code of the City of New York for each pedicab for which a registration plate is to be issued;

(3) presentation for inspection at the time, date and location(s) designated by the Department of the pedicabs that are included on the list that identifies by PID each of the pedicabs for which such applicant seeks registration;

(4) determination by the Department that a pedicab presented for inspection passes such inspection; and

(5) determination by the Department that the applicant for the registration plates qualifies for the issuance of the pedicab business license.

(d) a pedicab business license shall be issued only upon the Commissioner determining that such applicant meets all the requirements of sections 20-250, 20-252 and 20-253 of the Administrative Code of the City of New York and the requirements of this subchapter.

(e) (1) Whenever a pedicab that is presented for inspection pursuant to subdivision (c) of this section fails such inspection, such pedicab may be presented for re-inspection no later than 30 days after the expiration date for filing applications for pedicab registration plates and at such times, dates and locations designated by the Department.

(2) The Department shall re-inspect a pedicab upon payment of the fifty-five dollar (\$55) re-inspection fee.

(f) An application for a pedicab registration plate shall be void if the pedicab for which the application was made does not qualify to be issued a registration plate within 30 days after the expiration date for filing applications for pedicab registration plates.

(g) An application for a pedicab registration plate that is voided pursuant to subdivision (f) of this section shall not subsequently be reinstated.

§3. Subdivisions (a), (b) and (e) of section 2-418 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

§2-418 Termination of license upon change of beneficial ownership. (a) A pedicab business license shall be voided upon any person or organization becoming the beneficial owner [of ten percent or more] of the licensed business entity if such person or organization did not previously

hold [at least a ten percent] an interest, unless prior written approval from the Commissioner is obtained to authorize such change[to a member of the immediate family or dependents of a natural person holding such interest in such entity upon the death or permanent disability of such person].

(b) If the Department determines there is reason to conclude that a license is void because a person or organization has become the beneficial owner of [ten percent or more of] the licensed business entity if such person or organization did not previously hold [at least a ten percent] an interest in the business entity to which the license was issued, without receipt of the requisite authorization from the Commissioner, the Department will provide written notice to the licensee. Within ten business days of the date of such written notice, the licensee has the opportunity to be heard by submitting to the Department a written response objecting to the Department's determination and providing written documentation that there has been no such change in the beneficial ownership in the business entity to which the license was issued.

(e) The voiding of a pedicab business license because of such change in the beneficial ownership [of ten percent or more] in the business entity holding such license shall be effective as of the date of the unauthorized change in the beneficial ownership in the business entity. Such voiding also invalidates all the pedicab registration plates issued to such licensee, and such licensee shall, within five business days of the voiding of the pedicab business license, surrender each such plate to the Commissioner.

§4. Section 2-419 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is repealed and new section 2-419 is added to read as follows:

§2-419 Abandonment of seized pedicab.

(a) Any pedicab that is not claimed by its owner within fifteen business days after the mailing of the decision of the adjudication by the Commissioner of the violation underlying the seizure shall be deemed by the Department to be abandoned.

(b) If the Commissioner determines that the abandoned pedicab is suitable for operation, such pedicab shall be sold at public auction to the highest bidder.

(c) If the Commissioner determines that the abandoned pedicab is not suitable for operation, or if the abandoned pedicab is not sold at public auction within fifteen business days after it is offered for sale, the Commissioner shall sell the abandoned pedicab to a scrap metal processor.

(d) Any proceeds from the sale of an abandoned pedicab less any expenses incurred by the Department shall be held by the Department without interest, for the benefit of the owner of the abandoned pedicab, for a period of one year. If such proceeds have not been claimed within such one year period, such proceeds shall be paid into the general fund of the City.

§5. Subdivision b of section 2-421 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

(b) Whenever a pedicab registration [plate] is not renewed within fifty-nine days after it has expired, such [plate]registration shall be void, and such registration shall not be reinstated.

§6. Section 2-423 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

§2-423 [Transfer of Pedicab Registration Plate] Replacement of a registered pedicab . A licensee may [transfer a registration issued to a pedicab identified on the list it has provided the Department from such pedicab to]replace a pedicab that is issued a current registration plate (such pedicab to be referred to in this section as the "current pedicab") with another pedicab (such pedicab to be referred to in this section as the "replacement pedicab") [of] owned by such licensee only if:

(a) Such licensee [requests the transfer] notifies the Department in writing of the proposed replacement, describes and substantiates the reason for the replacement, and identifies the current pedicab [that had been issued the registration plate, by the PIN listed with the Department, and the pedicab registration plate that is to be transferred] by the registration plate number issued by the Department and the PID listed with the Department for such pedicab and describes the replacement pedicab[, by its PIN, to which such pedicab registration plate is to be transferred] and furnishes its PID.

(b) Such licensee presents:

(1) the replacement pedicab [to which the pedicab registration plate is to be transferred] for inspection by the Department; and

(2) either presents the pedicab registration plate that was [removed from the] issued to the current pedicab [to which it was issued], provides proof that the current pedicab and its registration plate have been destroyed or are otherwise physically impossible to be made available, or presents the current pedicab [from which the pedicab registration plate is to be removed for transfer to such other] and surrenders to the Department the registration plate [be removed for transfer to such other] of the current pedicab.

(c) The replacement pedicab passes inspection and the Department affixes to it a pedicab registration plate [that replaces the plate that had been issued to the pedicab from which it was transferred].

§7. Subchapter GG of Title 6 of the Rules of the City of New York is amended by adding new sections 2-426, 2-427 and 2-428 to read as follows:

§2-426 Expiration date for pedicab registration plates. Registration plates for pedicabs shall expire annually on November 1.

§2-427 Obligation of pedicab driver to give notice of change of status of driver's license.

Every pedicab driver shall notify the Department in writing whenever the motor vehicle driver's license that qualified the driver to be issued a pedicab driver license is no longer valid for any reason, including, but not limited to, that it was suspended or revoked by the issuing jurisdiction, it expired and was not renewed, there is a change in the issuing jurisdiction, or there is a change in the name of the person to whom the license is issued. A pedicab driver shall give such notice within five business days after the driver knows or should know of such change in the status of the motor vehicle driver's license that qualified the driver to be issued a pedicab driver license, and shall within such time present to the Department a currently valid motor vehicle driver license.

§2-428 Records. (a) A pedicab business licensee shall maintain complete, accurate and legible records that include:

(1) a list identifying each pedicab such licensee operates, with the PID and registration plate number issued to such pedicab;

(2) the name, pedicab driver license number issued to each pedicab driver authorized to operate each pedicab used by such licensee, whether such driver operates the pedicab as an employee, a lessee or in any other manner;

(3) a copy of the terms under which pedicab drivers are authorized to operate each pedicab;

(4) a daily log of the operation of each pedicab showing the time it leaves and is returned to the licensee's premises, and the name of the pedicab driver who is authorized to operate the pedicab during the period it is logged out to such driver; and

(5) a copy of the record of every summons, complaint, or notice of violation of any law or regulation issued to a pedicab driver operating a pedicab registered to the licensee and the disposition thereof that is submitted to the pedicab business licensee pursuant to subdivision i of section 20-259 of the Administrative Code of the City of New York;

(6) a copy of the policies, procedures and instructional materials used for training drivers about their obligation to follow all provisions of state and local law governing the operation of a bicycle, including training regarding the obligation of a driver to provide to the pedicab business licensee authorizing the use of its pedicab a copy of any summons, complaint or notice of any law or regulation received by such driver while operating a pedicab registered to such pedicab business, and the basis for assessing the satisfactory completion of the required training;
(7) a log listing the names, pedicab driver licenses, the dates and time when they received the training required by Section 20-259 (h) of the Administrative Code of the City of New York, and whether each pedicab driver satisfactorily completed the training.
(b) A pedicab business licensee shall retain the records it is required to maintain for not less than three years.

Statement of Basis and Purpose: Section 20-104 (b) of the Administrative Code of the City of New York authorizes the Commissioner to promulgate and amend all rules he or she deems necessary to carry out the powers and duties of the Department. Section 20-108 of such Code authorizes the Commissioner to set the expiration dates of licenses issued pursuant to Chapter 2 of Title 20 of such Code. Section 20-265, as added to Title 20 by Local Law 19 for the Year 2007, further authorizes the Commissioner to adopt such rules as are necessary to carry out its provisions to license and regulate the pedicab business and the operation of pedicabs. In addition, Section 15 of Local Law Number 53 for the Year 2009 authorizes the Commissioner to promulgate such rules as are necessary to implement it.

These revisions amend subchapter GG to Chapter 2 of Title 6 of the Rules of the City of New York. The revisions repeal the procedures for assigning and apportioning pedicab registration plates to pedicab business licenses because the cap established by Local Law 19 for the Year 2007 has expired. The amendments implement the application process within the prescribed 60 day period as specified in Local Law 53 for the Year 2009 by detailing the requirements for submission of applications for pedicab registration plates within that 60 day application period. To complete the registration process for pedicabs and the applications for pedicab business licenses, the amendments specify that applicants for registration plates present the pedicabs listed in their applications at the time and place specified by the Department for qualifying inspection. The amendments provide that pedicabs that were not presented for inspection as scheduled by the Department or that failed inspection could be presented for reinspection up to 30 days after the end of the 60 day application period to maximize the opportunity for business license applicants to have their pedicabs pass the required qualifying inspection. By establishing a specific time period for completing the pedicab registration application process and the qualifying inspections, the amendments provide that any application for a registration plate would be denied for any pedicab identified in the application that failed to pass inspection by no later than 30 days after the end of the 60 day application period.

The amendments also provide that registration plates for new pedicabs will be issued only for the replacement of pedicabs currently registered to a pedicab business licensee, and specifies how such transfers are to be effectuated. The rule further provides that a pedicab business that fails to renew the registration of a pedicab within the time allowed cannot have the registration plate for such cab reinstated.

Finally, amendments add three new provisions to implement Local Law 19 for the Year 2007. Section 2-419 specifies when a seized pedicab is deemed abandoned after the violation that triggered the seizure is adjudicated, and how such abandoned property is to be disposed of by the

Department. This addition is necessary to make clear how the seizure process is to be completed when the owner abandons a seized pedicab. Section 2-427 prescribes that pedicab drivers notify the Department in writing of any change in the status of the motor vehicle driver license that qualified a pedicab driver to be issued a driver license to enable the Department to enforce the requirement that a pedicab driver must possess a currently valid motor vehicle driver license. Finally, Section 2-428 specifies the records that pedicab business licensees are required to maintain about the operation of their pedicabs and the drivers authorized to operate them.

The amendments to subchapter GG of Title 6 are necessary for the proper implementation of amendments to Local Law Number 19 for the Year 2007 enacted by the Council as Local Law Number 53 for the Year 2009.

NOTICE OF SUBSTANTIAL NEED FOR THE IMMEDIATE IMPLEMENTATION

September 17, 2009

I hereby find, pursuant to §1043, subdivision e, paragraph 1(c) of the City Charter, and represent to the Mayor, that there is a substantial need for the immediate implementation of the amendments to the rule governing pedicabs upon the publication in the City Record of its Notice of Adoption. Local Law Number 53 of 2009 became effective on August 13, 2009. Pursuant to that law, the Department of Consumer Affairs (DCA) must commence accepting applications for pedicab registration plates and pedicab business licenses forty days after its effective date for a sixty day period. The immediate implementation of this rule is necessary so that the procedures for accepting applications for pedicab registration plates and business licenses be in effect when the sixty day period for accepting applications commences.

To implement the application process, as well as other amendments made by Local Law Number 53, the Department is required to promulgate amendments to the current "Pedicab Business and Pedicab Driver" Rule (Subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York). In order for these rules to become effective at the commencement of the application period, it is necessary for the Mayor to waive the thirty-day waiting period in the effective date of these amendments following the publication of the adoption notice in the City Record.

Please note that the immediate effective date would be after (i) the Notice of Public Hearing and Opportunity to Comment on the rule was published in the City Record; (ii) a public hearing has been held and all comments received have been considered; and (iii) the Notice of Adoption of the final rule will have been published in the City Record. To ensure such implementation upon adoption after the second publication, I request that Mayor Bloomberg approve this waiver.

/s/
Jonathan Mintz
Commissioner
Department of Consumer Affairs

APPROVED: /s/
Michael R. Bloomberg
Mayor

DATE: 9/18/2009

Note: New York City businesses must comply with all relevant federal, state, and City laws and rules. All laws and rules of the City of New York, including the Consumer Protection Law and Rules, are available through the Public Access Portal, which businesses can access by visiting www.nyc.gov/consumers. For convenience, sections of the New York City Licensing Rules are included as a handout in this packet. The Rules are current as of August 2009.

Please note that businesses are responsible for knowing and complying with the most current laws, including any City Council amendments. The Department of Consumer Affairs (DCA) is not responsible for errors or omissions in the handout provided in this packet. The information is not legal advice. You can only obtain legal advice from a lawyer.

RULES OF THE CITY OF NEW YORK
TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS
CHAPTER 2: LICENSES
SUBCHAPTER GG: PEDICAB BUSINESS AND PEDICAB DRIVER

§2-415 Definitions.

Whenever used in this subchapter, the term:

(a) "Licensee" shall mean a person licensed pursuant to subchapter 9 of chapter 2 of Title 20 of the New York City Administrative Code.

(b) "Applicant" shall mean any person applying for a pedicab business license or a pedicab driver license or for a renewal thereof and, unless otherwise provided by law or rule, the term shall include such person upon the issuance of such license or renewal thereof to such applicant.

(c) "Applicant pool for registration plates" or "pool" shall mean the total number of qualified applications for the assignment of pedicab registration plates from which the plates to be issued by the Commissioner pursuant to §20-255 of the Administrative Code of the City of New York are to be selected.

(d) "Established pedicab business" shall mean a business that has been engaged in a bona fide pedicab business before April 23, 2007, the date of enactment of Local Law No. 19 for the year 2007, as verified by written documentation furnished to the Commissioner.

(e) "Pedicab identification number" or "PIN" shall mean any combination of three or more letters and numbers that are permanently inscribed or stamped into the bottom bracket shell, head tube, or other non-detachable metal component of a pedicab frame and that uniquely identify the pedicab.

(f) "Prospective licensee" shall mean an applicant to whom the Commissioner has tentatively approved to be issued a pedicab business license subject to such applicant furnishing proof of insurance as required by §20-253 of the Administrative Code of the City of New York covering each pedicab to be registered by such applicant and for which pedicab registration plates have been selected.

(g) "Accident" shall mean any event arising from the operation of a pedicab that causes or caused injury to a person or damage to property.

§2-416 Application Procedures for Persons Seeking a Pedicab Business License and Pedicab Registration Plates.

(a) To be eligible for the issuance of pedicab registration plates on or before September 20, 2007, the effective date of Local Law No. 19 for the Year 2007, all applications for pedicab business licenses and for pedicab registration plates shall be governed by the following procedures:

(1) The Department shall accept completed applications for pedicab business licenses on or after the Monday following the date of publication in the City Record of the "Notice of Adoption" of this subchapter.

(2) Completed applications for such licenses must be received by the Department no later than 5:00 P.M. of the tenth calendar day following the date the Department will start accepting applications for pedicab business licenses. An application shall be deemed complete only if the applicant has furnished all the information and documentation requested on the application for such pedicab business license, and for the issuance of pedicab registration plates.

(3) The Commissioner shall identify two pools from the applicant pool for registration plates. The first such pool shall be established as the established business applicant pool for registration plates by including all applicants qualified as described in subdivision (b) of this section. The second such pool shall be established as the new business applicant pool for registration plates by including all qualified applicants as described in paragraph one of subdivision (c) of this section.

(4) Applicants for pedicab business licenses shall be notified whether the Commissioner has approved or denied their application for a pedicab business license. Such notification shall be made not later than five business days after the final date for receipt of applications, as provided by paragraph two of subdivision (a) of this section. Approved applicants shall be deemed prospective licensees until the assignment of pedicab registrations plates is completed and the licenses are issued.

(b) To qualify for inclusion in the established business applicant pool for registration plates, an applicant requesting a pedicab registration plate shall satisfy the following requirements:

(1) Request to be included in such pool in the pedicab business license application;

(2) Specify the number of pedicabs for which an applicant requests registration plates, up to thirty, which is the maximum authorized by subdivision b of §20-251 of the Administrative Code of the City of New York, for each licensee; and

(3) Submit with its license application any of the below described qualifying documentation sufficient to verify the applicant was engaged in the pedicab business in New York City before April 23, 2007:

(i) a certificate of incorporation or a "doing business as" registration issued by a government agency in the name of the applicant for the pedicab business license that either on its face pertained to a pedicab business or can otherwise be shown to have pertained to such a business;

(ii) any other documentation issued by a governmental agency that authenticates that the person applying for a pedicab business license had, in fact, been engaged in such business;

(iii) certificates of insurance showing a policy for liability insurance was issued by an insurer authorized to do business in this state in the name of the person applying for a pedicab business license which was in force for an entire policy period commencing before April 23, 2007; or

(iv) an accurate and sworn statement affirming that the applicant has been engaged in the pedicab business as a sole-proprietor pedicab business or as a pedicab operator for at least one year prior to April 23, 2007, three independent references from persons who can substantiate that the applicant was engaged in the pedicab business during such period, and a copy of federal and state income tax returns that such applicant filed in any of the two most recent tax years, provided however that such applicant shall be eligible to request and to be issued only one pedicab registration plate out of the established business applicant pool for registration plates.

(4) Applicants for the established business applicant pool for registration plates shall be included in such pool upon determination by the Commissioner that such applicants are qualified to be issued pedicab business licenses and have submitted the documentation required verifying that they were engaged in the pedicab business before April 23, 2007.

(5) Applicants in the established business applicant pool shall be grouped according to the following criteria for the purpose of determining the number of pedicab registration plates to be assigned to each applicant within each group in accordance with subdivision (d) of this section:

(i) Group A shall include all applicants who are qualified as established businesses pursuant to the provisions of subparagraph (iv) of paragraph three of subdivision (b) of this section;

(ii) Group B shall include all applicants who are qualified as established businesses pursuant to the provisions of subparagraphs (i), (ii) or (iii) of paragraph three of subdivision (b) of this section and who are either unable to substantiate with proof of insurance that they had insured any pedicabs or who can substantiate with such proof that they had insured nine or fewer pedicabs for the most recent policy period ending prior to April 23, 2007;

(iii) Group C shall include all applicants who are qualified as established businesses pursuant to the provisions of subparagraph (i), (ii) or (iii) of paragraph three of subdivision (b) of this section and who are able to substantiate with proof of insurance that they had insured more than ten and up to forty-nine pedicabs for the most recent policy period ending prior to April 23, 2007;

(iv) Group D shall include all applicants who are qualified as established businesses pursuant to the provisions of subparagraphs (i), (ii) or (iii) of paragraph three of subdivision (b) of this section and who are able to substantiate with proof of insurance that they had insured fifty or more pedicabs for the most recent policy period ending prior to April 23, 2007.

(c) Applicants for pedicab registration plates shall be included in the new business applicant pool for registration plates and the assignment of pedicab registration plates from such pool shall be governed by the following procedures:

(1) Any applicant for a pedicab business license who does not request to be included in the established business applicant pool for registration plates or who requests to be included in such pool but who fails to submit the documentation required to verify it was engaged in the pedicab business before April 23, 2007, shall be included in the new business application pool for registration plates.

(2) The number of pedicab registration plates available for applicants in the new business applicant pool for registration plates, up to the maximum authorized by

subdivision b of section 20-251 of the Administrative Code of the City of New York, shall be the difference, if any, between three hundred twenty-five, as provided by subdivision a of section 20-251 of the Administrative Code of the City of New York, and the number of registration plates issued to the applicants in the established business applicant pool.

(d) Pedicab registration plates shall be selected from the established business applicant pool and the new business applicant pool according to the following procedure:

(1) Pedicab registration plates shall first be assigned to applicants in the established business applicant pool until the maximum of three hundred twenty-five registration plates authorized by law to be issued is exhausted or until all requests for registration plates from applicants in the established business applicant pool, up to thirty plates for any pedicab business, are satisfied, whichever occurs first. If applicants in the established business applicant pool request fewer than three hundred twenty-five pedicab registration plates, the remaining number of pedicab registration plates shall be assigned to the new business applicant pool.

(2) Pedicab registration plates shall be selected for assignment to applicants in the established business applicant pool and the new business applicant pool in rounds. Each round shall consist of all qualified applicants in the respective pool who have outstanding requests for the assignment of registration plates at the start of each selection round. The following procedure shall be used to assign plates during each round:

(i) If the number of plates available for assignment equals or exceeds the number eligible to be assigned at the beginning of the round to all applicants remaining in the groups established pursuant to paragraph five of subdivision (b) of this section, then each applicant in Groups A and B shall be offered one pedicab registration plate, the applicants in Group C shall be offered five pedicab registration plates, and the applicants in Group D shall be offered ten pedicab registration plates during that round up to the maximum number each applicant had requested or the maximum of thirty plates per business has been offered, whichever is less. The selection procedure shall move to the next round until the number of pedicab registration plates available for assignment is less than the number to be assigned according to the procedures for assigning pedicab registration plates to the applicants remaining in the groups established pursuant to paragraph five of subdivision (b) of this section who have outstanding requests.

(ii) If the number of applicants with outstanding requests at the beginning of a round is more than the number of registration plates available to be issued, then each of the applicants remaining in any of the groups established pursuant to paragraph five of subdivision (b) of this section shall be assigned a coded identifier that will be the basis for randomly selecting the number of applicants equal to the number of registration plates available for that last round. Each of such randomly selected applicants shall be assigned one of the remaining registration plates, regardless of the group to which the applicant belongs.

(3) Prospective licensees with outstanding requests for the assignment of pedicab registration plates after all registration plates authorized by law are assigned to be issued shall be included in a waiting list for pedicab registration plates to be created and

administered by the Commissioner as provided in section 2-419 of this subchapter for the issuance of such registration plates that become available at any time.

(e) Pedicab registration plates selected for assignment to prospective licensees shall be issued upon an applicant's compliance with the following requirements:

(1) Prospective licensees who are selected to be assigned pedicab registration plates from an applicant pool for registration plates shall be issued a registration plate only upon completing the initial registration process by the forty-fifth calendar day after the date on which the Commissioner mailed notification to the applicant of the offer to assign such pedicab registration plate. However, for good cause shown, the Commissioner may extend the time period for no more than forty-five additional calendar days.

(2) A prospective licensee must satisfy the following requirements to complete the initial registration process to be eligible to be issued a pedicab registration plate:

(i) Submit payment to the Department of the one hundred and ten dollar (\$110) fee for initial pedicab business license, and the sixty dollar (\$60) registration fee for each additional pedicab registration plate to be assigned in excess of the one pedicab included in the annual pedicab business license fee;

(ii) Furnish a list identifying the make, model and PIN for each pedicab to be inspected for issuance of an assigned pedicab registration plate;

(iii) Submit proof of the insurance coverage required by section 20-253 of the Administrative Code of the City of New York; and

(iv) Present for inspection at the location(s) designated by the Department each pedicab for which a pedicab registration plate has been assigned to be issued.

(3) Prospective licensees who present for inspection a pedicab for which a pedicab registration plate has been assigned within the time allowed for completing the initial registration process may present such pedicab for re-inspection within no later than fourteen days after the last date for completing the initial registration process.

(4) A prospective licensee shall not be issued a pedicab business license until it has been issued at least one pedicab registration plate.

(f) An offer to issue a pedicab registration plate to a prospective licensee selected from a pool shall be revoked if:

(1) A prospective licensee fails to complete all the requirements of the initial registration process with respect to any pedicab registration plate which has been assigned to be issued to such licensee. The offer of assignment of such plate shall be revoked as of the day after the last day for completing the initial registration process.

(2) A pedicab to which a registration plate had been selected to be issued fails to pass re-inspection within the time allowed as specified in paragraph three of subdivision (e) of this section.

(g) Any pedicab registration plate that is revoked as provided in subdivision (f) of this section shall be made available for assignment to applicants for pedicab registration plates on the waiting list.

(h) A prospective licensee shall be issued a pedicab business license upon the Commissioner determining the applicant meets all the requirements of sections 20-250, 20-252 and 20-253 of the Administrative Code of the City of New York and the requirements of this subchapter.

§2-417 Proof of Insurance.

An applicant for a pedicab business license or a renewal thereof shall submit a certificate of insurance establishing that it maintains a policy of liability insurance for the amounts specified in section 20-253 of the Administrative Code of the City of New York issued by an insurer authorized in this state to write such coverage, or procured by an excess line broker pursuant to section 2118 of the New York State Insurance Law.

§2-418 Termination of License upon Change of Beneficial Ownership.

(a) A pedicab business license shall be voided upon any person or organization becoming the beneficial owner of ten percent or more of the licensed business entity if such person or organization did not previously hold at least a ten percent interest, unless prior written approval from the Commissioner is obtained to authorize such change to a member of the immediate family or dependents of a natural person holding such interest in such entity upon the death or permanent disability of such person.

(b) If the Department determines there is reason to conclude that a license is void because a person or organization has become the beneficial owner of ten percent or more of the licensed business entity if such person or organization did not previously hold at least a ten percent interest in the business entity to which the license was issued, without receipt of the requisite authorization from the Commissioner, the Department will provide written notice to the licensee. Within ten business days of the date of such written notice, the licensee has the opportunity to be heard by submitting to the Department a written response objecting to the Department's determination and providing written documentation that there has been no such change in the beneficial ownership in the business entity to which the license was issued.

(c) If the licensee fails to submit such response and documentation within such period, the Commissioner's determination that the license is void shall be final.

(d) Upon receipt of the licensee's written objection and submission of the documentation described above, the Commissioner shall make a determination whether there has been a change in the beneficial ownership as specified in subdivision (a) of this section in such business entity without having received authorization from the Commissioner. The Commissioner's determination that the license is void because of such change shall then be final.

(e) The voiding of a pedicab business license because of such change in the beneficial ownership of ten percent or more in the business entity holding such license shall be effective as of the date of the unauthorized change in the beneficial ownership in the business entity. Such voiding also invalidates all the pedicab registration plates issued to such licensee, and such licensee shall, within five business days of the voiding of the pedicab business license, surrender each such plate to the Commissioner.

§2-419 Creation and Administration of Waiting List for Pending Pedicab Registration Plate Applications.

(a) The Commissioner shall establish a waiting list for pending pedicab registration plate applications in accordance with the following provisions.

(b) All applicants remaining in the established pedicab business applicant pool or the new business applicant pool after the three hundred and twenty-five pedicab registration plates have been assigned to be issued, and all persons who seek to apply for a pedicab business license and a pedicab registration plate after the last date for filing an application for being eligible to be included in the established business applicant pool or the new business applicant pool and before the waiting list is created, shall be included on the waiting list on the date it is created in accordance with the following procedures:

(1) Each applicant to be included on the waiting list at the time of its creation shall be assigned a coded identifier that will be the basis for randomly selecting the order in which each applicant will appear on the waiting list for the assignment of a pedicab registration plate as it becomes available.

(2) Any pedicab business licensee or any person applying for a pedicab business license who requests to be assigned a pedicab registration plate after the waiting list has been created shall be added to the end of the waiting list of applicants for pedicab registration plates in the order that the applications are received. Whenever more than one application is received on the same day, such businesses shall be added in the order that each business is randomly selected from the applications received that day.

(c) Whenever a pedicab registration plate becomes available to be issued, such plate shall be offered for assignment to the first applicant on the waiting list. Upon the mailing of the offer to issue the requested pedicab registration plate to such applicant to the address provided by such applicant, the applicant's name shall be removed from the waiting list.

(d) Any pedicab business licensee shall, within forty-five days after the Commissioner offers to assign a pedicab registration plate to such licensee, present the pedicab to be issued the assigned registration plate for inspection and registration, at the location specified by the Commissioner, and provide proof of an insurance policy that meets the requirements of section 2-417 of this subchapter. The offer to assign a registration plate shall be void if a pedicab business licensee or a prospective licensee fails to present the pedicab for inspection with the required proof of insurance within the time specified in this subdivision.

(e) Any person on the waiting list who is not a licensee and who is offered the assignment of a pedicab registration plate shall file a completed application for a pedicab business license within fifteen days of the date the offer to assign such registration plate was mailed. Unless such applicant is qualified to be issued such pedicab business license and presents the pedicab to be issued the registration plate for inspection and registration within forty-five days thereafter, at the location specified by the Commissioner, and provides proof of an insurance policy that meets the requirements of section 2-417 of this subchapter, the offer to assign such pedicab registration plate shall be void.

(f) A pedicab business licensee or prospective licensee who presents a pedicab for inspection and registration within the time specified by this section shall be able to present such pedicab for re-inspection within no more than fourteen days after the date it initially failed inspection. If such pedicab fails to pass inspection within that period, the offer to assign the pedicab registration plate to such pedicab business licensee or prospective licensee shall be void.

§2-420 Notification of Accidents Relating to the Operation of Pedicabs.

(a) Every pedicab business licensee and pedicab driver shall submit to the Department, on a form provided for such purpose by the Department, a written report of every accident relating to a pedicab within twenty-four hours after the occurrence of such accident. Such completed form shall be signed by the pedicab business owner or his or her agent and by the pedicab driver involved in the accident.

(b) Whenever any person sustains an injury requiring medical treatment or dies in an accident related to a pedicab, the pedicab business owner to whom is issued a pedicab business license shall immediately notify the Department by telephone and by facsimile transmission to the telephone numbers prescribed by the Department, and furnish such information as is sufficient to identify the time and location of the accident and the nature of the injuries sustained by any person.

§2-421 Voiding of Pedicab Registration Plates Upon the Voiding, Suspension or Revocation of a Pedicab Business License.

(a) Whenever a pedicab business license is suspended or revoked, has been voided as provided in subchapter 9 of Chapter 2 of Title 20 of the Administrative Code of the City of New York or is not renewed within the time period provided for renewal, all pedicab registration plates issued to such licensee shall be voided as of the date of the occurrence of such event unless the Commissioner for good cause shown, within five days thereafter, issues a written finding staying the voiding of such registration plates for a period not to exceed thirty days thereafter, provided such licensee establishes to the Commissioner's satisfaction that it will be able to comply with the requirements that were the basis for the voiding of such pedicab registration plates by the end of such stayed period.

(b) Whenever a registration plate is not renewed within fifty-nine days after it has expired, such plate shall be void.

§2-422 Voiding of Pedicab Business License Upon Lapse of Insurance Policy.

(a) Upon a determination by the Department that a pedicab business license is void as provided in subdivision e of §20-253 of the Administrative Code of the City of New York because the policy of insurance required by §20-253 of such Code has lapsed, the Department shall immediately provide a written notice to the licensee of such determination.

(b) A licensee has up to fourteen days following the date of the written notice of such determination to have an opportunity to be heard by submitting to the Department a written objection to such determination with documentation demonstrating that the licensee has in force the policy of insurance required by §20-253 of the Administrative Code.

(c) If the licensee fails to submit such response with the required documentation within such period, the determination of the Department shall become final, and the license shall be void as of the date the policy lapsed.

(d) Upon receipt of the written response from the licensee, the Commissioner will make a final determination whether the policy of insurance required pursuant to §20-253 has lapsed.

§2-423 Transfer of a Pedicab Registration Plate.

A licensee may transfer a registration issued to a pedicab identified on the list it has provided the Department from such pedicab to another pedicab of such licensee only if:

(a) Such licensee requests the transfer in writing and identifies the pedicab that had been issued the registration plate, by the PIN listed with the Department, and the pedicab registration plate that is to be transferred and describes the pedicab, by its PIN, to which such pedicab registration plate is to be transferred.

(b) Such licensee presents:

(1) the pedicab to which the pedicab registration plate is to be transferred for inspection by the Department; and

(2) either presents the pedicab registration plate that was removed from the pedicab to which it was issued or presents the pedicab from which the pedicab registration plate is to be removed for transfer to such other pedicab.

(c) The pedicab passes inspection and the Department affixes to it a pedicab registration plate that replaces the plate that had been issued to the pedicab from which it was transferred.

§2-424 Advertisements on Pedicabs.

Advertisement(s) may be placed on any panel on a pedicab provided that no advertisement shall be placed on the panel that displays the rates required to be posted pursuant to §20-254 of the Administrative Code of the City of New York or on the signs required to be posted pursuant to §20-260 of such Code, that no portion of such advertisement shall be reflectorized, illuminated, animated, or extend beyond the panel of the pedicab, and that the content of such advertisement shall not violate any applicable provision of law.

§2-425 Required Signs on Pedicabs.

(a) Every pedicab shall have posted on the interior of the cab, where it is clearly visible at all times to any seated passenger, a sign with letters in at least twenty-eight point bold faced type containing the following information:

Licensee: (Insert name appearing on pedicab business license to which pedicab is registered or the DBA name of such licensee).

Telephone Number: (Insert phone number of licensee).

Pedicab Registration Number: (Insert registration number of pedicab).

"If you have a complaint about this business, contact the NYC Department of Consumer Affairs at:" (Insert Department's current complaint number and web address).

(b) The printing on the sign displaying the rate information that is required to be posted shall be in at least twenty-eight point type, and such sign shall be posted on the outside panel on each side of a pedicab where it shall be visible to persons prior to entering such pedicab.