

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF ADOPTION

Notice of Adoption of an Amendment to an Existing Rule Regarding Signage and Timing Devices for Pedicabs.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Section 20-391 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 an amendment to an existing rule regarding signage and timing devices for pedicabs.

The rule was proposed and published on April 26, 2013. The required public hearing was held on May 28, 2013.

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

RULE

Statement of Basis and Purpose

Local Law 59 of 2012 amended sections 20-254 and 20-260 of subchapter nine of chapter two of Title 20 of the Administrative Code of the City of New York to modify the information concerning rates on signs that must be posted on a pedicab when it is available for transporting a passenger for a fare, to require a pedicab driver to provide a completed Pedicab Information Card to each passenger paying a fare, and to require that fares charged for pedicab rides be determined according to the time of the ride. Sections 20-104(b) and 20-265(a) of the Administrative Code of the City of New York grant the Commissioner authority to promulgate rules and require forms necessary to carry out the provisions of subchapter nine of chapter two of Title 20 of the Administrative Code.

Section 1 amends section 2-415 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to define the terms “clear view of passengers.”

Section 2 amends section 2-425 of subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements for the signage that must be posted on both exterior sides of a pedicab and on the rear of the pedicab bicycle seat pursuant to paragraph 14 of subdivision a of section 20-254 of the Administrative Code.

Section 3 adds a new section 2-429 to subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements for the Pedicab Information Card that must be provided to passengers in accordance with paragraph 3 of subdivision c of section 20-260 of the Administrative Code. The rule also requires that a pedicab driver keep sufficient quantities of the Department’s Pedicab Information Card in the pedicab to ensure that it can distribute a card to each paying customer.

Section 4 adds a new section 2-430 to subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York to describe the requirements of the timing device a pedicab driver must use for the purpose of calculating a fare for a ride.

"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 2-415 of subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new subdivision (e) to read as follows:

(e) "Clear view of passengers" means that the object or sign that is the subject of regulation is visible at all times to all seated passengers and is not obstructed by the driver, the driver's clothing, or other parts of the pedicab.

§ 2. Section 2-425 of subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended to read as follows:

§ 2-425 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] and numbers at least [twenty-eight point] one-half (½) of an inch high, boldfaced 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] letters and numbers on the sign displaying the [rate information that is required to be posted] dollar amount to be charged per minute per ride shall be [in] at least [twenty-eight point type,] two (2) inches high, in boldfaced type and such sign shall be clearly posted on [the outside panel on each side of a] both sides of the exterior of the pedicab where it shall be visible to persons prior to entering such pedicab. The sign must also state, in letters and numbers no less than one-half (½) of an inch high, in boldfaced type, that:

(i) no additional fees may be charged; and

(ii) drivers must give passengers a Pedicab Information Card.

The sign must be laminated or protected by a clear plastic sheeting or other suitable material so that the text will not be destroyed, soiled, distorted or rendered illegible by water, snow or other weather conditions.

(c) A required sign to be attached to the rear of the pedicab bicycle seat must:

(i) hang freely from the rear of the bicycle seat in clear view of passengers;

(ii) be laminated or protected by a clear plastic sheeting or other suitable materials so that the text will not be destroyed, soiled, distorted or rendered illegible by water, snow or other weather condition; and

(iii) state clearly in letters and numbers at least one (1) inch high the dollar amount to be charged per minute per ride.

§ 3. Subchapter GG of Chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-429 to read as follows:

§ 2-429 Pedicab Information Card.

(a) A pedicab driver must download and use the Pedicab Information Card published by the Department on its website. A pedicab driver must not change or delete any text in the Pedicab Information Card and must provide all information required by the Department.

(b) The Department's Pedicab Information Card must be printed in black ink or toner on white paper. The typeface must be no less than 12 point.

(c) The size of the Pedicab Information Card must be no less than five and one-half (5 ½) inches by eight (8) inches in height and width.

(d) A pedicab driver must not issue Pedicab Information Cards by electronic mail, SMS (texting), or other electronic means.

(e) A pedicab driver must ensure that each Pedicab Information Card provided to a paying passenger is complete, accurate, and legible.

(f) When offering to transport passengers for hire, a pedicab driver operating a pedicab must keep in the pedicab sufficient quantities of the Department's Pedicab Information Card to be able to provide one to each passenger. Failure to produce copies of the Department's Pedicab Information Card upon request by Department inspectors or law enforcement officers will be deemed a violation of this subdivision.

§ 4. Subchapter GG of chapter 2 of Title 6 of the Rules of the City of New York is amended by adding a new section 2-430 to read as follows:

§ 2-430 Approved Timer.

A pedicab driver must use a timer that has been inspected and sealed by the Department. The Department will apply the specifications, tolerances, and regulations set forth in the most current

version of Handbook 44 and the amendments thereto and Special Publication 960-12 of the National Institute of Standards and Technology when inspecting a timer presented for sealing. A driver may not use a timing device, such as a cell phone or other personal digital assistant, which uses a digital application or a mechanism that a pedicab driver can replace or modify after sealing.