

NOTICE OF ADOPTION

Notice of Adoption of a Rule Amendment regarding cumulative lists of employees of repairers of second-hand weighing or measuring devices.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer Affairs by Sections 1043 and 2203 of the New York City Charter and sections 20-104(b) and 20-603 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 a rule to REPEAL Section 4-06 of Title 6 of the Rules of the City of New York, relating to the filing of a cumulative list of repairmen or servicemen.

This rule was proposed and published on May 21, 2013. The required public hearing was held on June 20, 2013.

This rule will take effect in 30 days.

Statement of Basis and Purpose

Sections 1043 and 2203 of the New York City Charter and Section 20-104(b) of the Administrative Code give the Commissioner the power to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department. Section 20-603 of the Administrative Code gives the Commissioner of the Department of Consumer of Affairs the power to authorize a permit for those repairing used weighing or measuring devices conditioned upon compliance with the rules and regulations of any city agency applicable to such permittee. In accordance with the authority described above, the Department repeals Section 4-06 of Title 6 of the Rules of the City of New York.

Section 4-06 of Title 6 of the Rules of the City of New York requires that upon the renewal of the license each year, each licensed repairman (company) must file a cumulative list of repairmen or servicemen, including their assigned identification numbers or letters. The list must include all repairmen or servicemen employed during the license period, indicating those currently employed and those no longer employed. This Section is being repealed because it does not further the intent of the law or the Department's role in this sector, which is to ensure weighing and measuring devices are accurate, not to track employment records. As licensees of the Department, the repair companies already bear the responsibility of ensuring their employees comply with relevant laws and rules.

RULE

Section 1. Section 4-06 of Title 6 of the Rules of the City of New York, relating to the filing of a cumulative list of repairmen or servicemen, is REPEALED.