

Frequently Asked Questions: Car Wash Accountability Law and New Rules for Mobile Car Washes

- I. New Rules for Mobile Car Washes
- II. General
- III. Licensing
- IV. Enforcement
- V. Other
- VI. Other Regulatory Agencies

I. New Rules for Mobile Car Washes

When did the new rules go into effect?

Updated rules for Car Washes went into effect on February 27, 2020.

Is my business considered a Mobile Car Wash?

DCWP defines a “Mobile Car Wash” as any individual, group of individuals, or business that provides car washing services at a place other than the fixed business address of the car wash.

Are Mobile Car Washes required to be licensed?

Yes. Mobile Car Washes in NYC must have a Car Wash license from DCWP. There is no separate Mobile Car Wash license category. See **III. Licensing** for more information.

What additional license application requirements apply to Mobile Car Washes?

In addition to submitting all required documents and information for the Car Wash license, businesses that operate a Mobile Car Wash must also provide:

- make, model, and license plate number of each vehicle used by the applicant for mobile car wash services;
- Certification that all vehicles providing mobile car wash services comply with all applicable laws and rules; and
- Certification that all operators of vehicles providing mobile car wash services are legally allowed to operate them.

Are Mobile Car Washes required to display their DCWP licenses?

Yes. Licensees must conspicuously display their license or a copy of the license in every vehicle used to provide mobile car wash services while the services are being provided. The license must be easy for someone outside the vehicle to see either from the vehicle’s back window or the front windshield.

Failure to display your DCWP license will result in a violation and penalty.

What information must Car Wash and Mobile Car Wash businesses keep in their Damage Complaint Log records?

See **V. Other** for information.

I have a question about the new rules. Where can I direct my question?

You can direct legal questions to DCWP's Business Compliance Counsel at BCC@dcwp.nyc.gov.

II. General

When did DCWP begin enforcing the Car Wash Accountability Law?

DCWP began enforcing the Car Wash Accountability Law on January 15, 2018.

How did DCWP publicize the law?

DCWP did a direct mailing to all known New York City car washes; worked extensively with representatives of car wash businesses to inform businesses about the law and license requirements; posted information on the DCWP website nyc.gov/dcwp and DCWP social media channels; and issued a press release. The Car Wash Accountability Law received substantial press attention because of litigation.

III. Licensing

Who needs a Car Wash license?

You must apply for a Car Wash license if your business cleans vehicles, including washing, detailing, drying, polishing, vacuuming, or other cosmetic care of vehicles, either at a fixed location or as part of a mobile, on-demand, or "pop-up" service.

Can I submit the license application and required materials online, or must I mail the application? Please provide instructions.

A list of application requirements and copies of necessary forms are available at nyc.gov/dcwp.

The Car Wash Accountability Law states that a license is not necessary when a business is "selling, leasing, renting or repairing motor vehicles, where car washing is ancillary to the primary business of such entity." What does this mean?

You do *not* need a Car Wash license if you sell, lease, rent, or repair motor vehicles as your main service and only offer car washing as an additional service to this main service.

Examples:

- Your business is a repair shop and you wash the cars that you repair.
- Your business is a used car dealership and you wash the cars that you sell.

However, a repair shop that has a car wash on-site that is open to the public *would need* a Car Wash license even if the business uses the car wash to wash the cars it repairs.

As a general principle, if the car wash operates as a business that is open to the public, it will not be considered ancillary to another business.

Who does *not* need a Car Wash license?

You do *not* need a Car Wash license if you:

- Sell, lease, rent, or repair motor vehicles as your main service and only offer car washing as an additional service to this main service. (For example, your business is a repair shop and you wash the cars that you repair.)
- Operate a self-service facility for washing vehicles, where customers—not facility employees—clean vehicles.
- Clean vehicles on an intermittent basis to raise funds for a not-for-profit organization.
- Are a federal, state, or local governmental agency.

How do I know if I am exempt from the licensing requirement?

Whether or not a business is exempt from the Car Wash Accountability Law will be a largely factual determination. If you have any doubt about whether or not you should obtain a license, you can email DCWP’s Business Compliance Counsel at BCC@dcwp.nyc.gov.

What if I cannot find a broker/insurance company to write a bond?

A list of bonding companies is available at nyc.gov/dcwp. Search “bonding companies.” The list on the DCWP website is not exhaustive, and DCWP does not endorse or recommend any particular bonding company. Listed companies have supplied bonds for DCWP license categories in the past and/or requested to be included on the list.

Will a business’ list of employees (Part III of Self-Certification) be shared with any third party?

DCWP will protect the confidentiality of worker names and personally identifiable information to the maximum extent allowed by local, state, and federal law.

If a corporation or other business entity has multiple businesses at the same location, e.g., a car wash, repair shop, and gas station, should the applicant list all employees of the corporation or just those who work for the car wash?

If the businesses are separate legal entities, the applicant should list only the employees of the car wash.

If the businesses are not legally separate entities, the applicant should list all employees and identify to the best of the applicant’s ability which employees work for which business.

If employees are seasonal or transient, how often should a business update the list of employees with DCWP?

Businesses should notify DCWP as soon as possible about *any* change to information they submitted as part of the license application, including the list of employees. It is the business’ responsibility to make sure that the information DCWP has on file remains current.

In the Self-Certification (Part II, Section 4: Nonpayment or Underpayment of Wages), applicants are asked to indicate whether they have had a final determination of liability in a civil, criminal, or administrative action involving nonpayment or underpayment of wages. For what period of time should applicants include a final determination of liability?

Applicants should provide final determinations of liability related to nonpayment or underpayment of wages during the previous five (5) years.

Is the license fee prorated if I submit an application in the middle of the license term?

Information about the license fee, including how fees are prorated, is available at nyc.gov/dcwp.

What are some specific examples of conduct or violations that might result in DCWP denying a license application?

DCWP reviews each license application independently. The reasons DCWP might deny a license application are fact specific, and one denial may have very little relevance to another. Applicants should make sure that applications are complete, truthful, and include all necessary supporting documentation.

Can I appeal if my license application is denied? What is the process for appeal?

In advance of a denial, applicants are given the opportunity to correct superficial defects and/or to submit any missing documentation or information.

Businesses whose applications are ultimately denied for failure to correct superficial defects may reapply at any time.

Businesses whose applications are denied because of untruthfulness, fraud, attempted deceit, or refusal to comply with DCWP follow-up requests may reapply one year from the date of the denial.

A final determination denying a license is subject to review under Article 78 of The New York Civil Practice Law and Rules.

How should a licensee handle a change of ownership?

Businesses should notify DCWP immediately about any contemplated changes in ownership or business structure. **Please note that certain substantive changes in business structure will render a DCWP license void if the change occurred without the prior written approval of DCWP.** See New York City Administrative Code, Sections 20-110 and 20-111.

To notify DCWP, email onlineappsdocs@dcwp.nyc.gov.

IV. Enforcement

Where can I find resources to help me prepare for inspections and avoid violations?

You can refer to [Inspection Checklist: Car Washes](#), which you can access at nyc.gov/BusinessToolbox. Please monitor DCWP's website for updates.

What should a business do if a DCWP inspector performs an inspection of a car wash that submitted an application to DCWP but did not receive a license yet?

Businesses that do not have a license will receive a summons from a DCWP inspector. The summons contains instructions on how to resolve or contest the charge(s).

To check the status of a submitted application, email onlineappsdocs@dcwp.nyc.gov.

What will DCWP do about violators?

DCWP will take enforcement action when appropriate and welcomes all information concerning non-compliance with New York City laws and regulations.

How will DCWP ensure the equitable inspection of car washes?

DCWP has tools in place to make sure that enforcement is conducted fairly throughout the five boroughs and within specific industries or licensing categories.

V. Other

What information must Car Washes keep in their Damage Complaint Log records?

All Car Wash licensees (including Mobile Car Washes) must maintain an electronic record of complaints of vehicle damage in chronological order.

Records must include:

- date of complaint;
- date the licensee received complaint;
- name, address, phone number, and email address of individual or entity making the complaint;
- make and model number of vehicle;
- date the licensee washed vehicle;
- description of complaint;
- whether individual or entity making the complaint provided photos or other documents;
- resolution of complaint, including amount of compensation and method of payment;
- name and address of insurance company or third party involved in resolution, if any, and claim number;

- date of resolution;
- employee or manager who handled the complaint;
- *(if the business is a Mobile Car Wash)* license plate number of vehicle(s) used to provide the mobile car wash services that are the subject of the complaint; and
- *(if the business is a Mobile Car Wash)* name of operator of vehicle used to provide the mobile car wash services that are the subject of the complaint.

How can I get the Car Wash Damage Complaint Log template created by DCWP?

The Complaint Log, in Excel, is available at nyc.gov/dcwp.

VI. Other Regulatory Agencies

Who should I contact if I have questions about DOHMH and DEP permits?

If you have any questions about DOHMH or DEP permits, contact agencies directly:

- **DOHMH:**
Contact:
Li Huang, Office of Public Health Engineering/Building Water Supply
25-01 Jackson Avenue, CN-56
Long Island City, NY 11101
Call (718) 310-2850 or 311 and ask for “Well Water Permits.”
Visit nyc.gov/health
- **DEP:**
Call (718) 595-6531 (Cross-Connection Control Unit).

How should businesses handle self-certification for permits from DOHMH, DEP, or New York State Department of Labor?

Businesses should complete the Car Wash Self-Certification, which requires applicants to certify compliance with all applicable City, state, and federal laws, regulations, and rules, thoroughly and truthfully. Compliance with City, state, and federal laws includes having all necessary permits, insurances, and bonds required to operate a car wash business. The Self-Certification is available at nyc.gov/dcwp.