

LICENSE ENFORCEMENT

LICENSE ENFORCEMENT

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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 relevant New York State Law and/or New York City Law and Rules are included as a handout in this packet. The New York City Law and Rules are current as of 2011.

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.

NEW YORK CITY ADMINISTRATIVE CODE

TITLE 20: CONSUMER AFFAIRS

CHAPTER 1: LICENSE ENFORCEMENT

§ 20-101. Legislative Intent.

The council finds that for the protection and relief of the public from deceptive, unfair and unconscionable practices, for the maintenance of standards of integrity, honesty and fair dealing among persons and organizations engaging in licensed activities, for the protection of the health and safety of the people of New York city and for other purposes requisite to promoting the general welfare, licensing by the department of consumer affairs is a necessary and proper mode of regulation with respect to certain trades, businesses and industries. The council finds further that, in order to secure the above-mentioned purposes, and generally to carry out responsibilities for supervising and regulating licensed activities, trades, businesses and industries, the commissioner of consumer affairs requires powers, remedies and sanctions which are equitable, flexible and efficient. Finally, the council finds that sanctions and penalties applied by the commissioner and by the courts for the violation of laws and regulations by individuals and organizations engaging in various licensed activities, trades, businesses and industries, must be sufficient to achieve these above-mentioned purposes of licensing.

§ 20-102. Definitions.

Wherever used in this title:

- a. "Commissioner" shall mean the commissioner of consumer affairs.
- b. "Department" shall mean the department of consumer affairs.
- c. "License" shall mean an authorization by the department of consumer affairs to carry on various activities within its jurisdiction, which may take the form of a license, permit, registration, certification or such other form as is designated under law, regulation or rule.
- d. "Organization" shall mean a business entity, including but not limited to a corporation, trust, estate, partnership, cooperative, association, firm, club or society.
- e. "Person" shall mean a natural person or an organization.
- f. "Trade name" shall mean that name under which an organization or person solicits, engages in, conducts or transacts a business or activity.

§ 20-103. Construction of this Chapter and Chapter Two of this Title.

The provisions of this chapter and chapter two of this title shall be liberally construed in accordance with the legislative declaration of the city council set forth in section 20-101.

§ 20-104. Powers of the Commissioner with Respect to Licensing.

- a. The commissioner shall have cognizance and control of the granting, issuance, transferring, renewal, denial, revocation, suspension and cancellation of all licenses issued under chapter two and under all other laws conferring such powers upon him or her. The commissioner or the commissioner's designee shall collect all fees for all such licenses and permits and shall otherwise enforce the provisions of chapter two.
- b. The commissioner shall, as he or she determines necessary and appropriate, promulgate, amend and rescind regulations and rules:
 1. to carry out the powers and duties of the department;
 2. to prevent and remedy fraud, misrepresentation, deceit and unconscionable dealing, and to promote fair trade practices by those engaging in licensed activities;
 3. to require adequate disclosure by those engaging in licensed activities of both the terms and conditions under which they perform licensed activities, adequate disclosure of the true names or true corporate names of licensees, and adequate disclosure of applicable local, state and federal law pertinent to consumers' interests regarding the conduct of activities licensed under chapter two;
 4. to require that licensees keep such records as he or she may determine are necessary or useful for carrying out the purposes of chapter two and, except as specifically set forth in chapter two, retain them for three years;
 5. to ensure that all persons and organizations licensed under this title have made appropriate financial disclosure, and that the premises complies with all legal requirements necessary to engage in the licensed activity;
 6. with respect to licensed activities, to protect the health, safety, convenience and welfare of the general public; and
 7. to ensure that those engaging in licensed activities do not discriminate against any person on the basis of age, sex, race, color, national origin, creed or religion in violation of city, state or federal laws.
- c. The commissioner shall compile all regulations and rules promulgated by the department and maintain a copy thereof, available for public inspection at his or her principal office at such times as that office shall be open for business. A record of each license issued indicating its kind and class, the license number, the fee received therefor and such other records as the commissioner may require shall be kept by the department.
- d. The commissioner or the commissioner's designee shall be authorized to conduct investigations, to issue subpoenas, to receive evidence, to hear complaints regarding activities for which a license is or may be required, to take depositions on due notice, to serve interrogatories, to hold public and private hearings upon due notice, to take testimony and to promulgate, amend and modify procedures and practices governing such proceedings.
- e. (1) The commissioner shall be authorized, upon due notice and hearing, to suspend, revoke or cancel any license issued by him or her in accordance with the provisions of chapter two and to impose or institute fines or civil penalties for the violation of (i) any of the provisions of chapter two of this title and regulations and rules promulgated under chapter two of this title and (ii) any of the provisions of any other law, rule or regulation, the enforcement of which is within the jurisdiction of the department including but not limited to subchapter one of chapter five of this title (the consumer protection law) subchapter two of chapter five (the truth in-pricing-law); provided that such violation is committed in the course of and is related to the conduct of the business, trade or occupation which is required to be licensed pursuant to chapter two of this title. Except to the extent that dollar limits are otherwise specifically provided such fines or civil penalties shall not exceed five hundred dollars for each violation.

- (2) The commissioner may arrange for the redress of injuries caused by such violations, and may otherwise provide for compliance with the provisions and purposes of chapter two of this title.
 - (3) The commissioner or the commissioner's designee shall be authorized to suspend the license of any person pending payment of such fine or civil penalty or pending compliance with any other lawful order of the department.
 - (4) The commissioner shall be authorized to impose a fine or civil penalty or to suspend a license or both for a failure to appear at a hearing at the department after due notice of such hearing. If a license has been suspended, it shall be returned to the department forthwith upon receipt of the order of suspension. Failure to surrender the license shall be grounds for a fine or civil penalty or revocation of the license.
 - (5) Any of the remedies provided for in this section shall be in addition to any other remedies provided under any other provision of law.
- f. The commissioner, upon due notice and hearing, may require that persons licensed under chapter two of this title who have committed repeated, multiple or persistent violations of chapter two or any other law, rule or regulation the enforcement of which is within the jurisdiction of the department, conspicuously display at their place of business and in advertisements a notice (of a form, content and size to be specified by the commissioner), which shall describe the person's record of such violations; provided that, for each time such display is required, the commissioner may require that such notice be displayed for not less than ten nor more than one hundred days.
- g. The commissioner may refuse to issue or renew any license issued in accordance with the provisions of chapter two of this title and may suspend or revoke any such license, after due notice and opportunity to be heard, upon the occurrence of any one or more of the following conditions:
1. Two or more judgments within a two-year period against the applicant or licensee for theft of identity as defined in section three hundred eighty-s of the general business law; or
 2. One criminal conviction against the applicant or licensee for acts of identity theft or unlawful possession of personal identification information as defined in article one hundred ninety of the penal law; or
 3. Two or more criminal convictions within a two-year period of any employees or associates of the applicant or licensee for acts of identity theft or unlawful possession of personal identification information as defined in article one hundred ninety of the penal law that are committed with the use of the applicant's or licensee's equipment, data, technology, or other similar resource. It shall be an affirmative defense that a applicant or licensee did not have reasonable grounds to believe the proscribed acts were taking place with the use of the licensee's equipment, data, technology, or other similar resource or that the proscribed acts were not taking place with the use of the applicant's or licensee's equipment, data, technology, or other similar resource.

§ 20-105. Additional Powers of Commissioner with Respect to Unlicensed Activities.

- a. It shall be unlawful for any person required to be licensed pursuant to the provisions of chapter two or pursuant to provisions of state law enforced by the department to engage in any trade, business or activity for which a license is required without such license.
- b. In addition to the enforcement procedures set forth in section 20-106 of this chapter, the commissioner after notice and a hearing shall be authorized:
 1. to impose fines upon any person in violation of subdivision a of this section of one hundred dollars per violation per day for each and every day during which such person violates such subdivision.

2. to order any person in violation of subdivision a of this section immediately to discontinue such activity at the premises on which such activity is occurring.
 3. to order that such premises on which such activity is occurring be sealed, provided that such premises are primarily used for such activity.
 4. to order that any devices, items or goods sold, offered for sale available for public use or utilized in the operation of a business and relating to such activity for which a license is required but has not been obtained pursuant to the provisions of chapter two shall be removed, sealed or otherwise made inoperable.
- c. Orders of the commissioner issued pursuant to this subdivision shall be posted at the premises on which unlicensed activity occurs in violation of this section.
 - d. Orders of the commissioner issued pursuant to paragraph two, three or four of subdivision b of this section shall be stayed with respect to any person who, prior to service of the notice provided in subdivision b of this section, had submitted a full and complete application in proper form and accompanied by the requisite fee for a license or the renewal of a license while such application is pending.
 - e. Ten days after the posting of an order issued pursuant to paragraph two, three or four of subdivision b of this section and upon the written directive of the commissioner, officers and employees of the department and officers of the New York city police department are authorized to act upon and enforce such orders.
 - f. Any devices, items or goods removed pursuant to the provisions of subdivision b of this section shall be stored in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such devices, items, or goods may be charged with reasonable costs for removal and storage payable prior to the release of such devices, items or goods to such owner or such other person.
 - g. The commissioner shall order that any premises which are sealed pursuant to this section shall be unsealed and that any devices, items or goods removed, sealed or otherwise made inoperable pursuant to this section shall be released, unsealed or made operable upon:
 1. payment of all outstanding fines and all reasonable costs for removal and storage, and
 2. presentation of proof that a license has been obtained for such activity or, if such person or premises are for any reason ineligible to obtain a license, proof satisfactory to the commissioner that such premises, devices, items or goods will not be used in violation of this section.
 - h. It shall be a misdemeanor for any person to remove the seal on any premises or remove the seal or make operable any devices, items or goods sealed or otherwise made inoperable in accordance with an order of the commissioner.
 - i. The owner or other person lawfully entitled to reclaim the devices, items or goods removed pursuant to this section shall reclaim such devices, items or goods. If such owner or such other person does not reclaim such devices, items or goods within ninety days of their removal, such devices, items or goods shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture the department shall, upon a public notice of at least five days, sell such forfeited devices, items or goods at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.
 - j. In the event that any removal made pursuant to this section shall include any perishable items, goods or food products which cannot be retained in custody without such items, goods or food products becoming unwholesome, putrid, decomposed or unfit in any way, they may be delivered to the commissioner of health for disposition pursuant to the provisions of section 17-323 of this code.

- k. The provisions of this section shall not be construed to apply to general vendors required to be licensed pursuant to subchapter twenty-seven of chapter two of this title.

§ 20-106. Judicial Enforcement.

- a. Except as otherwise specifically provided in chapter two of this title, or in subdivision b of this section, any person, whether or not he or she holds a license issued under chapter two, who violates any provision of chapter two or any regulation or rule promulgated under it shall, upon conviction thereof, be punished for each violation by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment not exceeding fifteen days, or both; and any such person shall be subject also to a civil penalty in the sum of one hundred dollars for each violation, to be recovered in a civil action.
- b. Any person who engages without a license therefor in an activity for which a license is required by any provision of chapter two, shall, upon conviction thereof, be subject to the following sanctions:
 - 1. If he or she has never held a license for such activity, he or she shall be subject to a fine of not less than twenty-five dollars, nor more than five hundred dollars, or by imprisonment not exceeding fifteen days, or both; and any such person shall be subject also to the payment of a civil penalty in the sum of the greater of twice the applicable license fee or one hundred dollars, to be recovered in a civil action.
 - 2. If he or she has never held a license for such activity, and has been convicted once previously for engaging in such activity without a license, or if he or she has held such license and his or her license has lapsed prior to such person's perfecting an application for a renewal, he or she shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment not exceeding thirty days, or both; and he or she shall be subject also to civil penalty in the sum of one thousand dollars, to be recovered in a civil action.
 - 3. If such person has held such a license, but his or her license has been suspended or revoked, or he or she has twice previously been convicted of engaging in such activity without a license, he or she shall be subject to a fine of not less than two hundred dollars nor more than two thousand dollars, or by imprisonment not exceeding sixty days, or both; and he or she shall be subject also to a civil penalty in the sum of two thousand dollars, to be recovered in a civil action.
- c. Every manager or proprietor of a business required to be licensed under chapter two who consents to, causes or allows that business to operate without a license and every person aiding such unlicensed business and every owner or lessee of any building, part of building, grounds, room or place, who leases or lets the premises for the operation of any unlicensed business or assents that the premises be used for any such purpose, is in violation of this title and shall be subject to a penalty of one hundred dollars per day for every day during which the unlicensed business operates. This penalty shall be prosecuted, sued for and recovered in the name of the city.
- d. The corporation counsel is authorized to bring an injunction proceeding to restrain or enjoin any violation of this title.

§ 20-107. Application; Filing Fee; License Fee.

All applications for licenses shall be made to the commissioner or the commissioner's designee in such form and detail as shall be prescribed. Except as specifically provided in chapter two, every application shall include the license fee for the full license term. If the license is not issued, the lesser of fifty dollars or one-half of the amount of the annual license fee shall be retained by the department as a non-returnable filing fee. In the event a license is issued for less than the full license term, the

applicable fee shall be decreased proportionately to the nearest half year, except that in no case shall the fee be less than the fee for one-half year. Where a two year license is surrendered for a reason other than suspension or revocation and less than one year of the license term has expired, the licensee may apply for a refund of an amount equal to one year's license fee. Except as otherwise specifically provided for in chapter two, reference to fees, license fees or any other word of similar import shall be deemed to be the license fee for one year. Notwithstanding any inconsistent provision of this section, whenever the commissioner increases or decreases the term of a type of license pursuant to section 20-108 of this chapter, the fee for such license shall be increased or decreased proportionately and the amount of refund due upon surrender of such license before the expiration of the term for a reason other than suspension or revocation shall be prorated to the unexpired term.

§ 20-108. License Terms.

- a. The commissioner shall establish by regulation the expiration date of licenses issued pursuant to chapter two.
- b. Licenses issued pursuant to chapter two shall be for a two-year term unless otherwise specifically provided for in chapter two; provided, however, that whenever the commissioner changes the expiration date of a type of license pursuant to subdivision a of this section, he or she may also increase or decrease the term of such type of license by rule to the extent necessary to effectuate the change.

§ 20-109. Transferability.

No license issued under chapter two shall be assignable or transferable unless otherwise specifically provided by law or regulation or rule issued by the commissioner.

§ 20-110. Change of Corporate Ownership.

Where any person or organization becomes the beneficial owner of ten percent or more of the stock of an organization to which a license has been granted pursuant to chapter two, if such person or organization previously did not hold at least a ten percent interest, such license shall immediately become void unless prior written approval of the commissioner or the commissioner's designee is obtained.

§ 20-111. Change in a Partnership.

Any license issued under chapter two shall immediately become void upon the addition or termination of any general partner or upon the dissolution of a partnership unless prior written approval of the commissioner or the commissioner's designee is obtained.

§ 20-112. Address of Licensed Activity.

Except as specifically provided in chapter two, a license shall be valid only for the location designated upon the application therefor, except in the case of licenses issued for activities which in their nature are carried out at large and not at a fixed place of business. No license shall be issued for more than one location. Licensees shall, at least ten days prior thereto, notify the commissioner or the commissioner's designee by registered or certified mail, or personal service, of any change of address of the licensed premises or of the residence of the licensee.

§ 20-113. Trade Name.

A license issued under chapter two shall be valid only for activities conducted under the name of the person or organization to whom such license was issued or under the trade name stated in the application therefor; if a licensed activity is to be conducted under a trade name, the application must

state that trade name. No license shall be issued for more than one trade name, and no licensed activity may be carried out under more than one such name; provided, however, that if a person or organization was engaged in bona fide licensed activities under more than one such trade name or was issued a license to conduct licensed activities under more than one trade name prior to June fifth, nineteen hundred seventy-three, a single license shall be issued for such trade names. Licensees shall notify the commissioner or the commissioner's designee of any change of trade name at least ten days before such change becomes effective, and no such change may take place without the prior written approval of the commissioner or the commissioner's designee.

§ 20-114. License Terms.

- a. All licensed vehicles or places of business shall be regularly inspected, and reports thereof shall be made to the commissioner.
- b. All licensees shall conspicuously post on their premises, licenses issued under chapter two and said licenses shall be accessible at all times for inspection by any interested person. Licensees having no fixed place of business shall exhibit their licenses upon the request of any interested person.

§ 20-115. Bonds.

Except as specifically provided in chapter two, a bond may be required for any licensed activity in a form and amount approved by the commissioner for the due observance of the provisions of chapter two and the laws, regulations and rules governing the conduct of licensed activities. The amount of the bond shall be established by the commissioner after a public hearing, five-day notice of which shall be published in the City Record.

§ 20-116. Advertising.

- a. Any person required to be licensed under chapter two or pursuant to provisions of state law enforced by the department to carry on a trade, occupation or business activity, who is not so licensed may not advertise the availability of goods and services related to the carrying on of such trade, occupation or business activity in any print publication or broadcast media having a circulation or audience within the city.
- b. The commissioner after notice and hearing shall be authorized to impose civil penalties upon any person found to have violated subdivision a of this section. Such penalties shall be levied for each broadcast of such advertisement and shall be not less than fifty dollars nor more than two hundred fifty dollars for each violation. Such penalties for printed advertisements shall be determined based on the period of time the publication in which the advertisement appears remains current. The current period shall be determined as that time when a publication is initially offered for sale until the period when the next dated publication is offered for sale. In no case shall this period be less than twenty-four hours. If the current period is:
 - daily, such penalty shall be not less than fifty dollars nor more than one hundred dollars per day;
 - weekly, such penalty shall be not less than two hundred fifty dollars nor more than three hundred fifty dollars per week;
 - greater than one week and not more than one month, such penalty shall be not less than three hundred fifty dollars nor more than five hundred dollars;
 - greater than one month, such penalty shall be not less than five hundred dollars nor more than one thousand dollars.

Such civil penalties may be recovered in a civil action before any court having jurisdiction of such actions.

- c. The commissioner shall promulgate regulations requiring that any person required to be licensed under this title or pursuant to provisions of state law enforced by the department shall state in all print advertising with respect to such licensed activity the license number, and that the activity is licensed by the department.

§ 20-117. Licensee Disclosure of Security Breach; Notification Requirements.

- a. Definitions. For the purposes of this section,
 - 1. The term “personal identifying information” shall mean any person's date of birth, social security number, driver's license number, non-driver photo identification card number, financial services account number or code, savings account number or code, checking account number or code, brokerage account number or code, credit card account number or code, debit card number or code, automated teller machine number or code, personal identification number, mother's maiden name, computer system password, electronic signature or unique biometric data that is a fingerprint, voice print, retinal image or iris image of another person. This term shall apply to all such data, notwithstanding the method by which such information is maintained.
 - 2. The term “breach of security” shall mean unauthorized possession of personal identifying information that compromises the security, confidentiality or integrity of such information. Good faith or inadvertent possession of any personal identifying information by an employee or agent of the licensee for the legitimate purposes of the business of the licensee shall not constitute a breach of security.
- b. Any person required to be licensed pursuant to chapter two of this title, or pursuant to provisions of state law enforced by the department, that owns or leases data that includes personal identifying information and any person required to be licensed pursuant to chapter two of this title, or pursuant to provisions of state law enforced by the department, that maintains but does not own data that includes personal identifying information shall immediately disclose to the department and to the police department any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach if such personal identifying information is reasonably believed to have been acquired by an unauthorized person.
- c. Subsequent to compliance with the provisions set forth in subdivision b of this section, any person required to be licensed pursuant to chapter two of this title, or pursuant to provisions of state law enforced by the department, that owns or leases data that includes personal identifying information shall disclose, in accordance with the procedures set forth in subdivision e of this section, any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach to any person whose personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.
- d. Subsequent to compliance with the provisions set forth in subdivision b of this section, any person required to be licensed pursuant to chapter two of this title, or pursuant to provisions of state law enforced by the department, that maintains but does not own data that includes personal identifying information shall disclose, in accordance with the procedures set forth in subdivision e of this section, any breach of security following discovery by a supervisor or manager, or following notification to a supervisor or manager, of such breach to the owner, lessor or licensor of the data if the personal identifying information was, or is reasonably believed to have been, acquired by an unauthorized person.
- e. The disclosures required by subdivisions c and d of this section shall be made as soon as practicable by a method reasonable under the circumstances. Provided said method is not inconsistent with the legitimate needs of law enforcement or any other investigative or protective

measures necessary to restore the reasonable integrity of the data system, disclosure shall be made by at least one of the following means:

1. Written notice to the individual at his or her last known address; or
 2. Verbal notification to the individual by telephonic communication; or
 3. Electronic notification to the individual at his or her last known e-mail address.
- f. Should disclosure pursuant to paragraphs one, two or three of subdivision e be impracticable or inappropriate given the circumstances of the breach and the identity of the victim, such disclosure shall be made by a mechanism of the licensee's choosing, provided such mechanism is reasonably targeted to the individual in a manner that does not further compromise the integrity of the personal information disclosed and has been approved, or is in compliance with rules promulgated, by the Commissioner.
- g. Any person required to be licensed pursuant to chapter two of this title, or pursuant to provisions of state law enforced by the department, that discards any records of an individual's personal identifying information shall do so in a manner intended to prevent retrieval of the information contained therein or thereon.
- h. Any person required to be licensed pursuant to chapter two of this title, or pursuant to provisions of state law enforced by the department, who shall violate any of the provisions of this section, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500) and shall be liable for a civil penalty of one hundred dollars (\$100) for each violation.

§ 20-118. Notification Regarding Identify Theft.

Any person, firm, partnership, corporation or association required to be licensed under chapter two, or pursuant to provisions of state law enforced by the department, shall immediately notify the department upon the occurrence of a judgment against such person, firm, partnership, corporation or association for theft of identity; a conviction of such person, firm, partnership, corporation or association of an offense specified in subdivision g of section 20-104 of this chapter; or a conviction of the person's, firm's, partnership's, corporation's or association's employees or associates for acts of identity theft or unlawful possession of personal identification information as defined in article one hundred ninety of the penal law that are committed with the use of the person's, firm's, partnership's, corporation's or association's equipment, data, technology, or other similar resource.

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 relevant New York State Law and/or New York City Law and Rules are included as a handout in this packet. The New York City Law and Rules are current as of 2012.

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RULES OF THE CITY OF NEW YORK

TITLE 6: DEPARTMENT OF CONSUMER AFFAIRS

CHAPTER 1: LICENSE ENFORCEMENT

§ 1-01. Fingerprinting.

- (a) Applicants for the following licenses and permits must appear in person at the License Issuance Division of the Department and be fingerprinted. This requirement applies to: an individual, if the applicant is an individual; the general partners, if the applicant is a partnership; and the officers, directors and stockholders owning 10 percent or more of the stock of the corporation (“principal stockholder”), if the applicant is a corporation.
 - (1) Auctioneer; Night Auctioneer
 - (2) Commercial Refuse Removal
 - (3) Employment Agency; Employment Agency Manager
 - (4) Home Improvement Contractor; Home Improvement Salesman
 - (5) Junk Dealer
 - (6) Locksmith; Locksmith Apprentice; Keymaker
 - (7) Pawnbroker
 - (8) Process Server
 - (9) Secondhand Dealer
 - (10) Television, Radio and Audio Equipment Service Dealer and Service Manager
- (b) The Commissioner may, in his or her discretion, waive the fingerprint requirement if a person required to be fingerprinted is unavailable, or for other good cause shown.

§ 1-01.1. Applications.

- (a) No applicant for a license or a renewal thereof shall fail to provide complete and truthful responses to all the information requested on an application for such license or renewal thereof and any documents related thereto.
- (b) No applicant for a license or renewal thereof shall conceal any information, make a false statement or falsify or allow to be falsified any certificate, form, signed statement, application or report required to be filed with an application for a license that is to be issued by the department or for a renewal thereof.

§ 1-02. Term and Expiration Date of Licenses.

- (a) The (a) The licenses and permits listed below shall be for a two-year term and shall expire on the dates indicated:

License	Date (years refer to calendar years)
Amusement Devices, Arcades and Operators ¹	January 16 of Even Years
Auctioneer and Night Auction Sales	June 15 of Even Years
Billiard Room	August 1 of Odd Years
Booting of Motor Vehicles	December 31 of Odd Years ²
Cabaret	September 30 of Even Years
Catering Establishment	September 30 of Even Years
Debt Collection Agency	January 31 of Odd Years
Electronic or Home Appliance Service Dealers	June 30 of Even Years
Electronic Stores	December 31 of Even Years
Employment Agency	May 1 of Even Years
Garage, Parking Lot	March 31 of Odd Years
Home Improvement Contractor	June 30 of Every Odd Year
Home Improvement Salesperson	October 31 of Every Odd Year
Horsedrawn Cab	March 31 of Even Years
Horsedrawn-Cab Driver	May 31 of Even Years
Laundry	December 31 of Odd Years
Locksmith; Locksmith Apprentice	May 31 of Odd Years
Motion Picture Operators	December 31 of Even Years
Process Server	February 28 of Even Years
Products-for-the-Disabled Dealer	March 15 of Odd Years
Secondhand Dealer	July 31 of Odd Years
Sidewalk Stand ³	March 31 of Even Years
Sightseeing Bus	March 31 of Even Years
Sightseeing Guide	March 31 of Even Years
Storage Warehouse	April 1 of Odd Years
Towing Vehicles	December 31 of Odd Years 2

¹ (a) Operators of a carousel, ferris wheel, gravity steeplechase, chute, scenic cave, bicycle carousel, scenic railway, striking machine, switchback, merry-go-round, puppet show and all other rides of or devices of like or similar character which operate for a period of more than two weeks shall apply for a license expiring March 15 of each year. This provision shall also apply to operators of such rides that are permanently mounted on a fixed platform that is mobile, such as a truck chassis or truck trailer.

(b) Operators of such rides or devices referred to in paragraph (a) which operate for a period of two weeks or less shall apply for a permanent registration number. Such operators shall then apply for an individual permit to operate each device for the specified time designated in the application. Such operators must renew the permit for each device for each occasion he or she operates such devices.

² The license term and the license expiration date for these licenses are specified in the Administrative Code and are listed here only for reference.

³ This provision applies to sidewalk stands, other than newsstands. Newsstand licenses shall expire in accordance with subdivision (c) below.

- (b) General vendor licenses are valid for one year. Such licenses shall expire September 30 of each year.
- (c) Newsstand licenses are valid for a two year term and shall expire on either March 31 or September 30 and in either odd or even numbered years, depending on the date designated in the license document.
- (d) After the effective date of this subdivision, the expiration dates for revocable consents and licenses to operate an unenclosed sidewalk cafe shall be as follows:
 - 1. The grant or renewal of a revocable consent to operate an unenclosed sidewalk cafe shall be for a term that expires in the second calendar year following the calendar year in which such consent is granted or renewed, and such term shall expire on the day and month in such second calendar year as specified below:
 - A. September 15 if the last digit of the license number of the sidewalk cafe ends in a number evenly divisible by three;
 - B. December 15 if the last digit of the license number of the sidewalk cafe ends in zero or in an even number that is not evenly divisible by three;
 - C. April 15 if the last digit of the license number of the sidewalk cafe ends in an odd number that is not evenly divisible by three;
 - 2. The grant or renewal during the same calendar year of a license to operate an unenclosed sidewalk cafe license as the year in which the revocable consent to operate such unenclosed sidewalk cafe is granted or renewed shall be for a term that expires on the same date on which such revocable consent expires in accordance with paragraph 1 of this subdivision.
 - 3. The licenses and revocable consents that are issued or renewed thereafter shall be for two year terms that expire on the day and month in the second calendar year of such term as specified in paragraph 1 of this subdivision.
- (e) After the effective date of this subdivision, the expiration dates for revocable consents and licenses to operate an enclosed sidewalk cafe shall be as follows:
 - 1. The grant or renewal of a revocable consent to operate an enclosed sidewalk cafe shall be for a term that expires on the day in the month and calendar year as specified below:
 - A. May 15 of the first even numbered year that is at least two years after the date such revocable consent is issued or renewed if the last digit of the license number of such sidewalk cafe is an even number; or
 - B. May 15 of the first odd numbered year that is at least two years after the date such revocable consent is issued or renewed if the last digit of the license number of such sidewalk cafe is an odd number.
 - 2. The grant or renewal during the same calendar year of a license to operate an enclosed sidewalk cafe license as the year in which the revocable consent to operate such enclosed sidewalk cafe is granted or renewed shall be for a term that expires in the same year in which such revocable consent expires in accordance with paragraph 1 of this subdivision.
 - 3. The licenses and revocable consents that are issued or renewed thereafter shall be for two year terms that expire on the day in the month in the second calendar year of such term as specified in paragraph 1 of this subdivision.
- (f) Pedicab business licenses and pedicab driver licenses are valid for one year. Pedicab business licenses shall expire November 1 of each year and pedicab driver licenses shall expire April 30 of each year.
- (g) In all instances where the license expiration dates differ from those in existence prior to the effective date of this section, or amendments thereto, the License Issuance Division of the Department shall make appropriate adjustments.

§ 1-03. Display of Sign.

- (a) Every licensee must post conspicuously at his or her place of business a sign, at least 11 inches by 17 inches with letters at least 1-inch high, reading as follows:
If you have a complaint about this business, contact:
the NYC Department of Consumer Affairs
Licensee: (Insert name appearing on license(s)).
Type(s) of License(s): (Identify license(s) held).
License #s: (Insert corresponding license number(s)).
- (b) Every licensee licensed to operate a sidewalk cafe pursuant to § 20-224 of subchapter 6 of Chapter 2 of Title 20 of the Administrative Code of the City of New York is also required to:
- (1) include in the sign required by subdivision a of this section, in letters and in numerals at least 1 inch high stating the maximum number of tables authorized by such license and the maximum number of chairs authorized pursuant to subdivision d of § 20-224 of the Administrative Code of the City of New York; and
 - (2) post the sign required by subdivision a of this section at a location from which it shall be visible to persons on that portion of the sidewalk that is adjacent to such licensee's sidewalk cafe.
- (c) The sign required by subdivision a of this section need not be posted on horsedrawn cabs or for licenses issued for activities which are only carried out at large and not at a fixed place of business.

§ 1-04. Display of License.

Every licensee must post conspicuously his or her license (or permit) at the licensee's place of business. This requirement does not apply to licenses issued for activities which are only carried out at large and not at a fixed place of business. A licensee having no fixed place of business must exhibit his or her license (or permit) upon the request of any person. A licensee may post a copy of the license (or permit) at the licensee's place of business only if the original is available at such place of business for inspection by any person.

§ 1-05. License Number in Advertisements and Other Printed Matter.

Any advertisement, letterhead, receipt or other printed matter of a licensee must contain the license number assigned to the licensee by the New York City Department of Consumer Affairs. The license number must be clearly identified as a New York City Department of Consumer Affairs license number and must be disclosed and disseminated in a lawful manner. Any telephone listing consisting solely of the name, address, and telephone number of the licensee need not specify the licensee's license number.

Licenses holding licenses for more than one location must also include their respective license number(s) clearly identified as New York City Department of Consumer Affairs license number(s) on all correspondence and other printed matter which contains or makes reference to one or more of such licensees' licensed location(s).

§ 1-06. Proof of Surety Bond.

No license or renewal shall be issued unless the licensee or applicant submits proof that every bond required by the Department for the license is in effect and does not expire prior to the end of the licensing period. Except where otherwise provided, all such bonds must allow any person aggrieved by the bondholder's breach of the conditions of the bond to proceed against the bond.

§ 1-07. Liability Insurance.

Every licensee required to have liability insurance must obtain a liability insurance policy that obligates the insurer to notify the License Issuance Division of the Department if the policy is canceled or if the insured fails to renew 30 days prior to the expiration of the policy.

§ 1-08. Change of Address.

A licensee shall notify the Department in writing of any change of address within 10 days of the change. This requirement applies to the address of the licensed business, and to the residence addresses of: individual licensees; all partners of partnership licensees; and the officers and principal stockholders of corporate licensees.

§ 1-09. Late Renewal.

Any application for a license renewal that is filed sixty days or more after the expiration date of such license shall be treated as a new license application.

§ 1-10. Lost or Mutilated Licenses and License Plates and Lost or Stolen Records.

- (a) *Lost License or License Plate.* A licensee shall immediately report, in an affidavit, the loss of a license or license plate issued to him or her by the Department, requesting the issuance of a new license or plate. Replacement licenses and plates are issued at the discretion of the Department.
- (b) *Mutilated License or License Plate.* Should a license or license plate issued by the Department to any licensee become mutilated or otherwise illegible, the holder of the license or plate shall promptly surrender it to the Department and request the issuance of a new license or plate. The request shall be made upon a form provided by the Department.
- (c) *Fee.* A fee of fifteen dollars (\$15) shall be charged for the issuance of a replacement license, and a fee of twenty-five dollars (\$25) shall be charged for the issuance of a replacement license plate. This fee shall be paid when the affidavit for a lost license or plate is filed or when a mutilated or otherwise illegible license or plate is surrendered and a request for the issuance of a new license or plate is filed. This fee will be refunded should the Department decide not to issue the replacement license or plate.
- (d) *Lost or Stolen Records.* A licensee shall report to the Department, in an affidavit, the loss or theft of any records required to be maintained by it under Chapters 1 and 2 of Title 20 of the New York City Administrative Code, within ten calendar days of such loss or theft.

§ 1-11. Dishonored Check Fee.

Any licensee or license applicant who, in payment of a license fee, renewal fee, fine or other fee or charge assessed by the Department, tenders or causes to be tendered to the Department a check or other item that is subsequently dishonored, shall pay to the Department, in addition to any other fees or penalties provided by law, the amount of any fee for a dishonored check or other item that is charged to the Department for such check or item.

§ 1-12. Compliance with the Consumer Protection Law.

Every licensee and applicant must comply with the Consumer Protection Law of 1969, as amended, and all regulations promulgated under that law.

§ 1-13. Response to Complaints.

A licensee or license applicant must respond in writing to the Department about any complaint sent to the licensee or applicant by the Department. The response must be made within 20 days of the date the complaint is sent to the licensee or applicant and must set forth the licensee's or applicant's

position regarding the transaction which is the subject of the complaint, including the facts which the licensee or applicant believes justify its position. The licensee or applicant must respond to subsequent communications from the Department concerning the complaint within 10 days after receiving a communication.

§ 1-14. Notice of Hearing and Subpoena Duces Tecum.

A licensee must appear in person at the Department to answer a notice of hearing or a subpoena duces tecum served upon that licensee. If the licensee is an individual, he or she must appear; if a partnership, one of its general partners must appear; and if a corporation, one of its officers must appear. A notice of hearing or subpoena duces tecum may be served by ordinary mail addressed to the licensee's place of business. They may also be served by ordinary mail addressed to the residence of an individual licensee; the residence of a general partner of a partnership licensee; or the residence of an officer or principal stockholder of a corporate licensee.

§ 1-15. Judgments.

A licensee or license applicant must satisfy any outstanding judgment against him or her that has been obtained by a consumer and that relates to activities for which a license is required:

- (a) within thirty (30) days from the date of entry of the judgment; or
- (b) if the judgment has been stayed or appealed, within thirty (30) days from the date the stay is lifted or the appeal decided; or
- (c) according to a payment schedule the parties agree upon.

§ 1-16. Inspections of Records and Business Premises.

- (a) Every licensee shall maintain the records which it is required to maintain under Chapters 1 and 2 of Title 20 of the New York City Administrative Code and the regulations promulgated thereunder, and, except as otherwise set forth in said chapters or regulations, shall retain such records for three years. Licensees shall make such records available for inspection at the offices of the Department of Consumer Affairs, or at licensee's place of business, during business hours.
- (b) The Commissioner or authorized representatives of the Commissioner may enter the business premises of a licensee during business hours for the purposes of:
 - (1) Inspecting or examining licensee's place of business in order to verify compliance with the provisions of Chapters 1 and 2 of Title 20 of the New York City Administrative Code and the regulations promulgated thereunder; and
 - (2) Inspecting or examining any records or documents licensee is required to maintain pursuant to said chapters and regulations; and
 - (3) Inspecting or examining non-public areas of licensee's place of business for the purposes stated in paragraph (b)(1) above.
- (c) Inspections of the type described above will be conducted at least once in every two-year period, and additional inspections will be conducted if an inspection reveals alleged violations of Chapters 1 and 2 of Title 20 of the New York City Administrative Code or the regulations promulgated thereunder. Additional inspections shall also be conducted whenever the Department receives information alleging violation of said chapters or regulations.

§ 1-17. Wearing of Badge Prohibited.

No licensee or employee or agent of such licensee shall purchase, procure, or have made, or shall wear, display, carry, possess or exhibit any badge, insignia, shield, medal, decoration or facsimile thereof that in any way denotes, suggests, implies or could lead anyone to believe it confers or represents its wearer has an official or governmental status, except when required to do so by law or

rule, nor shall a licensee in any way permit, authorize, encourage, acquiesce or consent to, any employee or agent doing so.

§ 1-18. Surrender of Identification Documents Issued by the Department.

Whenever any licensee has not renewed a license upon its expiration, such former licensee shall, within not later than 10 business days after the expiration of such license, destroy all license and identification documents that have been issued to such licensee and to any of its employees or agents.