



Legislation Text

File #: Int 0711-2024, **Version:** *

Int. No. 711

By Council Members Rivera, Gennaro, Schulman, Gutiérrez and Louis

A Local Law to amend the administrative code of the city of New York, in relation to licensing moped repair shops

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 38 to read as follows:

SUBCHAPTER 38

MOPEL REPAIR SHOPS

§ 20-565 Definitions.

§ 20-565.1 Moped repair shop license; application; fee.

§ 20-565.2 Issuance of license.

§ 20-565.3 Denial, renewal, suspension and revocation of license.

§ 20-565.4 Display of license.

§ 20-565.5 Inspections.

§ 20-565.6 Examination of registration.

§ 20-565.7 Rulemaking.

§ 20-565 Definitions. As used in this subchapter, the following terms have the following meanings:

Moped. The term “moped” means any limited use motorcycle as defined in section 121-b of the vehicle and traffic law.

Moped repair shop. The term “moped repair shop” means any individual, partnership, corporation, limited liability company, joint venture association or other business entity that engages in the repair of more than five mopeds in any calendar year. “Moped repair shop” shall not include:

1. Any business entity that is required to register as a repair shop pursuant to article 12-A of the vehicle

and traffic law; or

2. Any business that is required to register as a dealer in accordance with section 415 of the Vehicle and Traffic Law.

Repair. The term “repair” means any alteration or adjustment to a moped, or diagnosing a malfunction of a moped.

§ 20-565.1 Moped repair shop license; application; fee. a. License required. It shall be unlawful for any person to own, control or operate a moped repair shop without first having obtained a license for such business in the manner provided in this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than two years and expire on the date the commissioner prescribes by rule.

b. License application. An application for a license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as the commissioner shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. The name and address of the applicant;

2. An email address that the applicant monitors where the department can send license application materials, official notifications, and other correspondence;

3. If the applicant does not reside in the city, the name and address of a registered agent within the city upon whom process or other notification may be served; and

4. A signed statement certifying compliance with all applicable laws, regulations and rules.

c. Fee. There shall be a biennial fee of \$200 for a license to operate a moped repair shop.

§ 20-565.2 Issuance of license. A license to operate a moped repair shop shall be granted in accordance with the provisions of this subchapter, chapter 1 of this title, and applicable rules of the commissioner.

§ 20-565.3 Denial, renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may deny or refuse to renew any license required under this subchapter and may suspend or revoke such license, after due notice and opportunity to be heard, if

the applicant or licensee, or, where applicable, any of its officers or principals, directors, members, managers, employees or other ownership interest of the organization, is found to have:

1. Committed two or more violations of any provision of this subchapter or any rules promulgated thereunder in the preceding two years; or

2. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter.

§ 20-565.4 Display of license. Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in close proximity to the main entrance door of each licensee's moped repair shop in such a manner that the license is visible from outside the building where such center is located.

§ 20-565.5 Inspections. a. The commissioner may inspect a moped repair shop for violations of this subchapter and rules promulgated pursuant to this subchapter.

§ 20-565.6 Examination of registration. a. A licensee shall not repair any moped intended for use on a public highway or street until the licensee has verified the registration of such moped, pursuant to section 2261 of the Vehicle and Traffic Law.

§ 20-565.7 Rulemaking. The commissioner shall promulgate such rules as the commissioner deems necessary to effectuate the provisions of this subchapter.

§ 2. This local law takes effect 120 days after it becomes law.

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LS #14111
10/31/23