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Title: A Local Law to amend the administrative code of the city of New York, in relation to the use of bicycles for commercial purposes.

Sponsors: Jessica S. Lappin, Alan J. Gerson, John C. Liu, Rosie Mendez, G. Oliver Koppell, Daniel R. Garodnick, Gale A. Brewer, Lewis A. Fidler, Vincent J. Gentile, Letitia James, Michael C. Nelson, Larry B. Seabrook, David I. Weprin, Peter F. Vallone, Jr.

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Int. No. 624

By Council Members Lappin, Gerson, Liu, Mendez, Koppell, Garodnick, Brewer, Fidler, Gentile, James, Nelson, Seabrook, Weprin and Vallone Jr.

A Local Law to amend the administrative code of the city of New York, in relation to the use of bicycles for commercial purposes.

Be it enacted by the Council as follows:

Section 1. Subdivisions b, c, d, g and h of section 10-157 of chapter 1 of title 10 of the administrative code of the city of New York are amended to read as follows:

b. Every person, firm, partnership, joint venture, association [or], corporation or similar entity engaged in providing or arranging for the provision of a service as authorized herein must issue to every bicycle operator a numbered identification card which contains the name, residence address and photo of the bicycle operator

and the name, address and telephone number of the company for whom the bicycle operator is [employed] affiliated. Such identification card must be carried by the bicycle operator while the cyclist is making deliveries, or otherwise riding a bicycle on behalf of the business, and must be produced upon the demand of a police officer or any other law enforcement officer.

c. Every person, firm, partnership, joint venture, association [or], corporation or similar entity engaged in providing or arranging for the provision of a service as authorized herein shall maintain in a log book to be kept for such purpose, the name and place of residence address of every [employee operating a] bicycle operator, the date of employment or association and discharge of each person in said service, and every messenger or delivery person's identification number. The owner of any business engaged in providing or arranging for the provision of a service as authorized in this section shall be responsible for maintaining in the log book a daily trip record in which all entries shall be made legibly in ink and each entry shall be dated and include the bicycle identification number, the operator's name and place of origin and destination for each trip. No entry shall be rewritten either in whole or in part except in such manner as may be provided by regulation of the commissioner; any such unauthorized rewriting shall give rise to a rebuttable presumption of an act of fraud, deceit or misrepresentation. Such log book shall be made available for inspection during regular and usual business hours upon request of an agent of the police commissioner or any police officer or any other person authorized by law.

d. The owner of any business engaged in providing or arranging for the provision of a service as authorized in this section shall file an annual report in such form as shall be designated by the police commissioner by rule or regulations. Said report shall include, inter alia, the number of bicycles it owns and the number and identity of any [employees it may retain] bicycle operators employed by or otherwise affiliated with such business. Any business engaged in providing or arranging for the provision of a service as authorized in this section shall be responsible for the compliance with the provisions of the section of any [employees it shall retain] bicycle operators employed by or otherwise affiliated with such business. Nothing

contained in this section shall be construed as applying to persons under the age of sixteen who use a bicycle to deliver daily newspapers or circulars.

g. [Except as otherwise provided in subdivision h of this section, the] The person, firm, partnership, joint venture, association, corporation or other similar entity engaged in providing or arranging for the provision of a service as authorized in this section shall be liable for any violation of any of the provisions of this section, or of any of the rules or regulations that may be promulgated pursuant hereto[.]. Such violation shall be [a violation] triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred and fifty dollars [or imprisonment for not more than fifteen days or both such fine and imprisonment].

h. [Any person who makes deliveries or otherwise operates a bicycle on behalf of a business without carrying the identification required by subdivision b of this section or who fails to produce such identification upon demand as required by such subdivision, or who fails to wear protective headgear required by subdivision e of this section, shall be guilty of a traffic infraction and upon conviction thereof shall be liable for a fine of not less than twenty-five dollars nor more than fifty dollars. It shall be an affirmative defense to such traffic infraction that the business did not provide the protective headgear required by subdivision e of this section. Such traffic infraction may be adjudicated by such an administrative tribunal as is authorized under article two-A of the vehicle and traffic law.] In any prosecution of a person, firm, partnership, joint venture, association, corporation or other similar entity for a violation of this section, there shall be a rebuttable presumption that such person, firm, partnership, joint venture, association, corporation or other similar entity utilizing the services of the bicycling operator had knowledge that the bicycle operator was in violation of any subdivision of this section.

§2. This local law shall take effect sixty days after its enactment into law.