Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to businesses using a bicycle for commercial purposes

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Attachments: 1. Legislative History Report, 2. Summary of Int. No. 1117-A, 3. Summary of Int. No. 1117, 4. Int. No. 1117, 5. March 9, 2016 - Stated Meeting Agenda with Links to Files, 6. Committee Report 11/15/16, 7. Hearing Testimony 11/15/16, 8. Hearing Transcript 11/15/16, 9. Proposed Int. No. 1117-A - 5/11/17, 10. Committee Report 5/9/17, 11. Hearing Transcript 5/9/17, 12. May 10, 2017 - Stated Meeting Agenda with Links to Files, 13. Fiscal Impact Statement, 14. Hearing Transcript - Stated Meeting 5-10-17, 15. Mayor's Letter, 16. Int. No. 1117-A (FINAL), 17. Local Law 91, 18. Minutes of the Recessed Stated Meeting of May 10, 2017 held on May 24, 2017, 19. Minutes of the Stated Meeting - May 10, 2017

Date	Ver.	Action By	Action	Result
3/9/2016	*	City Council	Introduced by Council	
3/9/2016	*	City Council	Referred to Comm by Council	
11/15/2016	*	Committee on Transportation	Hearing Held by Committee	
11/15/2016	*	Committee on Transportation	Laid Over by Committee	
5/9/2017	*	Committee on Transportation	Hearing Held by Committee	
5/9/2017	*	Committee on Transportation	Amendment Proposed by Comm	
5/9/2017	*	Committee on Transportation	Amended by Committee	
5/9/2017	A	Committee on Transportation	Approved by Committee	Pass
5/10/2017	A	City Council	Approved by Council	Pass
5/10/2017	A	City Council	Sent to Mayor by Council	
5/30/2017	A	Mayor	Hearing Held by Mayor	
5/30/2017	A	Mayor	Signed Into Law by Mayor	
6/2/2017	A	City Council	Recved from Mayor by Council	

Int. No. 1117-A

By Council Members Van Bramer, Rodriguez, Rosenthal, Kallos, Constantinides, Chin, Cohen, Menchaca, Rose and Greenfield

A Local Law to amend the administrative code of the city of New York, in relation to businesses using a bicycle for commercial purposes

Be it enacted by the Council as follows:

Section 1. Section 10-157 of the administrative code of the city of New York, as amended by local law number 56 for the year 2012, paragraph 2 of subdivision e as added by local law number 9 for the year 2007, paragraph 3 of subdivision e as added by local law number 54 for the year 2012, subdivision i as added by local law number 52 for the year 2012, subdivision j as added by local law number 55 for the year 2012, subdivision k as added by local law number 41 for the year 2013, is amended to read as follows:

a. For purposes of this section and section 10-157.1, the following terms [shall] have the following meanings:

[(1)] Bicycle. The term "bicycle" [shall have] has the same meaning as in section 19-176 [of this code], and [shall] also [mean] means any wheeled device propelled exclusively by human power as well as any motor-assisted device that is not capable of being registered by the New York state department of motor vehicles[;].

[(2)] Bicycle operator. The term “bicycle operator” means a person who delivers packages, parcels, papers, or articles of any type by bicycle on behalf of a business using a bicycle for commercial purposes and who is paid by such business.

Business using a bicycle for commercial purposes. The term “business using a bicycle for commercial purposes” [shall mean] means a person, firm, partnership, joint venture, association, corporation, or other entity [which engages in the course of its business] that, either on behalf of itself or others, [in delivering] delivers packages, parcels, papers, or articles of any type by bicycle. Nothing contained in this section shall be construed as applying to persons under the age of sixteen who use a bicycle only to deliver daily newspapers or circulars.

b. [A business using a bicycle for commercial purposes shall provide identification of such business by requiring every bicycle to be identified by affixing to the rear of each bicycle, bicycle seat or both sides of the delivery basket, a metal or plastic sign measuring no less than three inches by five inches, with the name of the business and an identification number unique to that particular bicycle in lettering and numerals no less than

one inch in height so as to be plainly readable at a distance of not less than ten feet and maintaining same in good condition thereon. A sign is no longer in good condition if it is missing any of its component parts or is otherwise damaged so as to impair its functionality.] A business using a bicycle for commercial purposes that does not have a site within the city that is open and available to the public must provide to the department of transportation, upon a form prescribed by the department, the following information:

(1) the name under which such business is authorized to do business in the state, pursuant to the business corporation law,

(2) the registered agent upon whom process against such business may be served and the address of such agent, or, if the business has designated the secretary of state as its agent for receiving such process, the post office address to which the secretary of state may mail a copy of such process, and

(3) any other information requested by the department.

c. [Every] A business using a bicycle for commercial purposes must assign to [every] each of its bicycle [operator employed by such business] operators a three digit identification number, except that the department of transportation may promulgate a rule to require an identification number with four or more digits. Such business must issue to [every] each of its bicycle [operator] operators an identification card [which] that contains the name, [three digit] identification number and photo of the bicycle operator and the name, address and telephone number of [the] such business [by which the bicycle operator is employed]. [Such business shall ensure that such identification card is carried by the bicycle operator while such bicycle operator is making deliveries, or otherwise riding a bicycle on behalf of the business, and such] A bicycle operator shall carry such identification card while making deliveries or otherwise operating a bicycle on behalf of any such business. [Such] A bicycle operator shall be required to produce such identification card upon the demand of an authorized employee of the police department or department of transportation or any other person authorized by law.

d. [Every] A business using a bicycle for commercial purposes shall maintain a roster of its bicycle

operators [employed by such business]. Such roster shall include [the] for each such bicycle operator: name [and place of residence]; home address [of every employee operating a bicycle on behalf of such business, the]; start date [of employment and discharge of each such employee, every such employee's three digit]; discharge date, if applicable; identification number[, and whether such employee has completed]; and date of completion of the bicycle safety course required by paragraph 3 of subdivision e of this section. [The owner of any business using a bicycle for commercial purposes shall be responsible for maintaining such roster.] Such roster shall be made available for inspection [during regular and usual business hours or any other such time that such entity is open for business] upon request of an authorized employee of the police department or department of transportation or any other person authorized by law.

e. (1) [The owner of any] A business using a bicycle for commercial purposes shall provide[,] at its own expense[,] or ensure the availability of protective headgear suitable for each of its bicycle [operator] operators. Such business may not require any of its bicycle operators to provide such headgear at such operator's expense. Such headgear shall:

(i) meet the standards set forth by the consumer product safety commission in title 16, part 1203 of the code of federal regulations; and

(ii) [be readily available at each site of the business using a bicycle for commercial purposes for use by each bicycle operator; and

(iii)] be replaced if such headgear is no longer in good condition. Headgear is no longer in good condition if it is missing any of its component parts or is otherwise damaged so as to impair its functionality.

(2) Each bicycle operator shall wear protective headgear that meets the requirements of paragraph 1 of this subdivision while making deliveries or otherwise operating a bicycle on behalf of [such] a business using a bicycle for commercial purposes. The term "wear [such] protective headgear" means having the headgear fastened securely upon the head with the headgear straps.

(3) Each bicycle operator shall [be required to] complete a bicycle safety course prior to making

deliveries or otherwise operating a bicycle on behalf of a business using a bicycle for commercial purposes. For purposes of this section, “bicycle safety course” shall mean information provided by the department of transportation[,] regarding safe bicycling and adherence to traffic and commercial bicycle laws. [Such requirement shall include, but not be limited to, the following:

(i) Each bicycle operator shall complete a bicycle safety course prior to operating a bicycle on behalf of a business using a bicycle for commercial purposes;

(ii) Each business using a bicycle for commercial purposes shall indicate on the roster required to be maintained by subdivision d of this section that each bicycle operator employed by such business has completed such bicycle safety course;

(iii) The owner of any business using a bicycle for commercial purposes shall ensure that all bicycle operators employed by such business shall complete such bicycle safety course prior to operating a bicycle on behalf of such business, shall maintain records of such operators' completion of such bicycle safety course, and shall make such records available for inspection during regular business hours or any other time such business is open for business upon request of an authorized employee of the police department or department of transportation or any other person authorized by law; and

(iv)] (4) The commissioner of transportation shall post on the department of transportation's website the content of the bicycle safety course required by this section [on or before the effective date of this section].

f. [The owner of any] A business using a bicycle for commercial purposes, notwithstanding that a bicycle may be provided by [an employee thereof] any of its bicycle operators, shall provide at its own expense [and] or ensure that each bicycle is equipped with: a lamp; a bell or other device capable of giving an audible signal from a distance of at least one hundred feet, provided however that a siren or whistle shall not be used; brakes; reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel; as well as other devices or material in accordance with section 1236 of the vehicle and traffic law. Such business may not require any of its bicycle operators to provide such equipment at such operator’s expense.

g. [Any] A business using a bicycle for commercial purposes shall be responsible for the compliance with the provisions of this section of [any employees it shall retain] its bicycle operators. Violation of any of the provisions of this section by any such business, or of any of the rules or regulations that may be promulgated pursuant hereto, 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 fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition, any such business [using a bicycle for commercial purposes] that violates any of the provisions of this section or any of the rules promulgated pursuant hereto shall be subject to a civil penalty of one hundred dollars. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than thirty days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of two hundred fifty dollars. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board.

h. Any [person] bicycle operator who makes deliveries or otherwise operates a bicycle on behalf of a business using a bicycle for commercial purposes [without carrying the identification sign required by subdivision b of this section or] without carrying the identification card required by subdivision c of this section, or who fails to produce such identification [sign or] card upon demand pursuant to such [subdivisions] subdivision, or who fails to wear protective headgear required by subdivision e of this section or the retro-reflective apparel required by subdivision i 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 such business did not provide the protective headgear, the identification card or the retro-reflective apparel required by subdivisions [b,] c, e or i 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.

i. A business using a bicycle for commercial purposes shall provide for and require each of its bicycle [operator employed by such business] operators to wear, and each such bicycle operator shall wear, a retro-reflective jacket, vest, or other wearing apparel on the upper part of such operator's body as the outermost garment while making deliveries[,] or otherwise [riding] operating a bicycle on behalf of such business, the back of which shall indicate such [business'] business's name and such bicycle operator's individual identification number as assigned pursuant to subdivision c of this section in lettering and numerals not less than one inch in height so as to be plainly readable at a distance of not less than ten feet.

j. The provisions of this section shall be enforceable by an authorized employee of the police department or department of transportation or any other person authorized by law.

k. A business using a bicycle for commercial purposes shall not possess any motorized scooter and shall not permit any [employee of such business] person to operate [such] a motorized scooter on behalf of such business. A business using a bicycle for commercial purposes shall be liable for any violation of section 19-176.2(b) [of this code] committed by [an employee] any person operating a motorized scooter on behalf of such business [while such employee is operating a motorized scooter on behalf of such business]. For purposes of this section, "motorized scooter" shall be as defined in section 19-176.2 [of this code].

§ 2. Subdivision a of section 10-157.1 of the administrative code of the city of New York, as amended by local law number 56 for the year 2012, is amended to read as follows:

a. [Every] A business using a bicycle for commercial purposes, as defined in subdivision a of section 10 -157 [of this chapter], shall post one or more signs at each [business using the bicycle for commercial purposes site summarizing] site of such business, provided that, if such business has only a post office address within the city, such business shall provide a written notice to each of its bicycle operators. Such sign or notice shall summarize:

(1) the responsibilities of bicycle operators and businesses using a bicycle for commercial purposes pursuant to section 10-157 [of this chapter]; and

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(2) the provisions of the vehicle and traffic law, administrative code of the city of New York and department of transportation traffic rules and regulations that the commissioner of transportation in his or her discretion determines are most important for the safe operation of bicycles in [New York] the city. [Not less than fifteen days prior to the effective date of this section, the] The department of transportation shall post on its website the provisions required to be [posted] summarized on such sign or notice under this subdivision.

§ 3. Subdivision b of section 10-157.1 of the administrative code of the city of New York, as added by local law number 10 for the year 2007, is amended to read as follows:

b. Every sign or notice required pursuant to subdivision a of this section shall be:

(1) in English and Spanish and any other language spoken predominantly by any bicycle operator [utilized by the] of a business using a bicycle for commercial purposes; and

(2) in the case of a sign, posted in a manner conspicuous to such business's bicycle operators [utilized by the business] and to patrons of [the] such business present at the [employment] business site; or

(3) in the case of a notice, provided to such business's bicycle operators.

§ 4. This local law takes effect 120 days after it becomes law, except that the department of transportation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such date.

KET 1/24/17 7:12PM
LS 7013/2015