



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 regulating valet parking.

Sponsors: Rafael L. Espinal, Jr.

Indexes:

Attachments: 1. Summary of Int. No. 1126, 2. March 22, 2016 - Stated Meeting Agenda with Links to Files

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Int. No. 1126

By Council Member and Espinal

A Local Law to amend the administrative code of the city of New York, in relation to regulating valet parking.

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 34 to read as follows:

Subchapter 34

VALET PARKING

§ 20-547. Definitions

§ 20-548. License required

§ 20-549. Application

§ 20-550. Operating requirements

§ 20-551. Violations

§ 20-547 Definitions. For the purpose of this subchapter, the following terms shall have the following meanings:

Valet parking. The term “valet parking” shall mean the receiving and taking possession of any vehicle for purposes of driving, moving, parking or storing of such vehicle, whether or not a charge is imposed for such activity.

Valet parking operator. The term “valet parking operator” shall mean any person engaged in the business of valet parking.

Valet parking attendant. The term “valet parking attendant” shall mean any employee or agent of a valet parking operator who engages in valet parking or the storage or handling of the key or other operating device for a vehicle for purposes of valet parking.

Licensee. The term “licensee” shall mean any person authorized by the department to be a valet parking operator.

Patron. The term “patron” shall mean a customer or client of a valet parking business.

Public right-of-way. The term “Public right-of-way” shall mean a public highway, road, street, avenue, alley, driveway, path, sidewalk, roadway or any other public place or public way.

§ 20-548. License required. It shall be unlawful for any person to engage in valet parking that involves the transport of vehicles on or over any public right-of-way without a valid valet parking operator license issued by the department. No such license is required under this subchapter if the valet parking is provided for a non-recurring special event at a private residence.

§ 20-549. Application. The application for a valet parking operator license or for any renewal thereof shall be in writing in such form and manner as the commissioner shall prescribe and shall state each of the following:

- a. The name and location of the entity or entities to be provided with valet parking;
- b. The seating capacity or other occupancy capacity of the entity or entities to be provided with valet

parking;

c. A signed statement from the owners of the entity or entities to be provided with valet parking services of the applicant. The applicant shall notify the department within fifteen days of any modification, transfer, amendment or termination of any agreement requesting the services of a valet parking operator;

d. The hours of operation and the number of employees of the applicant.

e. The routes to be used between the passenger loading/unloading zone or other vehicle pickup point and the parking or storage location.

f. A copy of the written contract between the applicant and the operator of any third-party parking facility designated as the parking or storage location for the licensee. The applicant shall notify the department within fifteen days of any modification, transfer, amendment or termination of the contract.

g. A signed statement from the operator of any third-party parking facility designated as the parking or storage location as to that facility's ability to accept the cars, the total number of spaces to be reserved for the applicant's operations, and the total number of spaces in such facility.

h. The location of any proposed signs related to the applicant's valet parking services;

i. Proof that the applicant has valid insurance in satisfaction of the requirements specified in section 20-550 of this subchapter; and

j. Disclosure of all prior valet parking operator licenses issued to the applicant by the department.

§ 20-550. Operating requirements.

a. Operating in the public right-of-way. In the course of providing valet parking services, the licensee shall at no time, unless expressly authorized by the department and posted on the license:

1. Park and leave standing any patron's vehicle upon any portion of the public right-of-way; or

2. Use the public right-of-way for vehicle pickup and drop off locations.

b. For the purpose of enforcing this subchapter the department in conjunction with the department of transportation may promulgate rules and regulations concerning the permissible use of the public right-of-way

which may include the use of parking meters and streets.

c. Receipt. The licensee shall issue a sequentially numbered receipt to each patron upon receipt of patron's vehicle for valet parking. The receipt shall explicitly state the terms and conditions under which the vehicle is being accepted.

d. Pedestrian walkways. The licensee shall ensure that pedestrian walkways are not blocked at any time during valet parking operations.

e. Parking on private property. The licensee shall at no time allow any patron's vehicle to be parked upon private property without a signed statement of authorization by the owner or other person having legal control of such private property.

f. Valet parking attendants. All valet parking attendants must have a valid driver's license. The licensee shall not allow any employee who has been convicted within the previous five years of a felony involving automobile theft, automobile vandalism, reckless driving or driving under the influence of drugs or alcohol to drive a patron's vehicle or handle a patron's vehicle keys.

g. Locking of vehicles. The licensee shall ensure that the valet parking attendants lock the ignition and the entry points to any parked vehicle, remove the keys from such vehicle and maintain the key in a secure location. The licensee shall ensure that the valet parking attendants do not store any key or other operating device in or upon the parked vehicle.

h. Sign requirements. Each licensee shall maintain, at each location where a patron surrenders their vehicle for parking, a sign in a size and style to be determined by the department plainly visible to oncoming traffic, displaying the licensee's name, the address and telephone number of the business, the hours of operation, the permit number and valet parking fees, if any.

i. Records. Every licensee shall maintain an updated list of all of the names and addresses of its employees who provide valet parking services. Such list shall be maintained at the business listed on the license application. The licensee shall also maintain all financial records related to the valet parking operation for a

minimum of three years and shall make them available to the department at any time during the licensee's hours of operation.

j. Insurance requirements.

1. The licensee shall obtain, carry, maintain and keep in full force and effect a policy or policies of comprehensive general liability insurance with a minimum limit of one million dollars per occurrence, combined single limit coverage and two million dollars in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the licensee, its agents and employees. The licensee shall also carry a policy or policies of comprehensive vehicle liability insurance covering personal injury and property damage with minimum limits of one million dollars per occurrence, combined single limit, covering any vehicle in the possession of the licensee, its agents and employees in conjunction with the operation of vehicles pursuant to the permit.

2. The licensee shall provide the department with a certificate or certificates of insurance, showing that the policies of insurance required by this section are in effect in the required amounts. All of the policies required under this section shall contain an endorsement specifically stating that the coverage contained in the policies affords insurance pursuant to the terms and conditions as set forth in this section.

k. Fees and license term.

1. There shall be a biennial fee of one hundred dollars for a license to engage in the business of valet parking at each place of business where valet parking is provided in the city.

2. All even-numbered licenses shall expire on December 31 of the even-numbered year, and all odd-numbered licenses shall expire on December 31 of the odd-numbered year, next succeeding in the year in which the license is issued.

§ 20-550. Violation. Any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of not more than five hundred dollars for each violation.

§ 2. This local law shall take effect immediately.