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Title: A Local Law to amend the administrative code of the city of New York, in relation to reflective vests for commercial bicyclists.

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Int. No. 709

By Council Members de Blasio, Brewer, Gennaro, Gonzalez, James, Koppell, Stewart, Weprin and Gerson

A Local Law to amend the administrative code of the city of New York, in relation to reflective vests for commercial bicyclists.

Be it enacted by the Council as follows:

Section 1. Subdivisions f, g and h of section 10-157 of the administrative code of the city of New York are relettered as subdivisions g, h and i, respectively, subdivisions h and i, as newly relettered, are amended and a new subdivision f is added to read as follows:

f. (1) The owner of any business engaged in providing a service as authorized in this section shall provide to each bicycle operator whom he or she employs, at no expense to any such bicycle operator, a suitable reflective vest. All such reflective vests shall:

(i) meet the ANSI/ISEA 107-2004 class 1 standard for high-visibility safety apparel;

(ii) be readily available at each employment site for use by each bicycle operator; and

(iii) be replaced if such reflective vest is no longer in good condition. A reflective vest 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 a reflective vest that meets the requirements of paragraph 1 of this subdivision while making deliveries or otherwise operating a bicycle on behalf of such business. The term “wear a reflective vest” means wearing the reflective vest on a bicycle operator’s upper torso in the manner such reflective vest was designed to be worn.

[g.] h. Except as otherwise provided in subdivision [h] i of this section, the violation of any of the provisions of this section, 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 and fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment.

[h.] i. 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 or a reflective vest required by [subdivision] subdivisions e and f, respectively, 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 or reflective vest required by [subdivision] subdivisions e and f, respectively, 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.

§2. This local law shall take effect sixty days after it shall have been enacted into law.