



## Legislation Text

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Int. No. 1609

By Council Members Torres, Brannan, Lander, Chin, Ayala, Koslowitz, Adams, Louis, Levine, Powers, Rosenthal, Cabrera, Richards, Gibson and Salamanca (by request of the Mayor)

A Local Law to amend the charter and administrative code of the city of New York, in relation to changing the name of the Department of Consumer Affairs to the Department of Consumer and Worker Protection, and to repeal sections 20-a and 2204 of the New York city charter, and to repeal subdivision b of section 20-9016 of chapter 1 of title 20-A of the administrative code of the city of New York in relation thereto

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision g of section 15 of chapter 1 of the New York city charter, as separately amended by local law numbers 65 and 67 for the year 2015, is amended to read as follows:

1. The office of operations shall develop a standardized customer service training curriculum to be used, to the extent practicable, by relevant agencies for training agency inspectors. Such training shall be reviewed annually and updated as needed, taking into account feedback received through the customer service survey created and maintained by the office on the city's website pursuant to subdivision h of this section. Such training shall include specific protocols for such inspectors to follow when interacting with non-English speakers to ensure that such inspectors provide language translation services during inspections. Such training shall also include culturally competent instruction on communicating effectively with immigrants and non-English speakers during inspections. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] and worker protection, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the bureau of fire prevention of the fire department.

§ 2. Paragraph 2 of subdivision i of section 20 of chapter 1 of the New York city charter, as added by

local law number 5 for the year 2010, is amended to read as follows:

2. The interagency green team shall include as members the commissioners of buildings, environmental protection, transportation, design and construction, health and mental hygiene and the chairperson of the city planning commission, or their respective designees, and such other members as the director shall designate. The director shall also designate members from among the fire commissioner and the commissioners of parks and recreation, consumer [affairs] and worker protection, emergency management, housing preservation and development, sanitation, and the chairperson of the landmarks preservation commission, or their respective designees, with respect to specific matters being considered by the interagency green team where the director determines it appropriate to do so.

§ 3. Section 20-a of chapter 1 of the New York city charter is hereby REPEALED.

§ 4. Paragraph 2 of subdivision c of section 20-d of chapter 1 of the charter of the New York city charter, as added by local law number 178 for the year 2017, is amended to read as follows:

2. Advise and assist the mayor and the heads of city agencies that have powers and duties relating to nightlife establishments including, but not limited to, the department of consumer [affairs] and worker protection, the police department, the fire department, the department of health and mental hygiene, the department of city planning, the department of buildings and the department of small business services, on issues relating to the nightlife industry;

§ 5. The opening paragraph of section 1057-a of chapter 46 of the New York city charter, as amended by local law number 139 for the year 2016, is amended to read as follows:

§ 1057-a. Agency based voter registration. Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the business integrity commission, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department

of small business services, the department for the aging, the department of citywide administrative services, the department of city planning, the department of consumer [affairs] and worker protection, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, the department of youth and community development, the fire department, and the human resources administration. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services, in the same language as such application, renewal, recertification or change of address form where practicable; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies shall provide assistance to applicants in completing voter registration forms, including the section of the form allowing for registration to become an organ donor, and in cases in which such an agency would provide assistance with its own form, such agency shall provide the same degree of assistance with regard to the voter registration and organ donor forms as is provided with regard to the completion of its own form, if so requested. Such agencies shall also receive and transmit the completed application form from any applicants who request to have such form transmitted to the board of elections for the city of New York.

§ 6. The opening paragraph of section 1057-a of chapter 46 of the New York city charter, as amended by local law number 11 for the year 2019, is amended to read as follows:

§ 1057-a. Agency based voter registration. Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms

pursuant to the provisions of this section. The following offices are hereby designated as participating voter registration agencies: The administration for children's services, the business integrity commission, the city clerk, the civilian complaint review board, the commission on human rights, community boards, the department of small business services, the department for the aging, the department of citywide administrative services, the department of city planning, the department of consumer [affairs] and worker protection, the department of correction, the department of cultural affairs, the department of environmental protection, the department of finance, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of parks and recreation, the department of probation, the department of records and information services, the taxi and limousine commission, the department of transportation, the department of youth and community development, the fire department, and the human resources administration. Participating agencies shall include a mandate in all new or renewed agreements with those subcontractors having regular contact with the public in the daily administration of their business to follow the guidelines of this section. Such participating agencies shall be required to offer voter registration forms to all persons together with written applications for services, renewal or recertification for services and change of address relating to such services, in the same language as such application, renewal, recertification or change of address form where practicable; provided however that this section shall not apply to services that must be provided to prevent actual or potential danger to the life, health, or safety of any individual or of the public. Such agencies shall provide assistance to applicants in completing voter registration forms, including the section of the form allowing for registration to become an organ donor, and in cases in which such an agency would provide assistance with its own form, such agency shall provide the same degree of assistance with regard to the voter registration and organ donor forms as is provided with regard to the completion of its own form, if so requested. As part of such assistance, such agencies shall also, upon request by an applicant who identifies himself or herself as being on parole and when practically feasible, check publicly available information to inform such applicant if a restoration of their right to vote has been granted, provided that such

assistance may be provided by a person other than the person to whom the request was made and further provided that such assistance shall not be considered an endorsement of the accuracy of any publicly available information not maintained by the city. Such agencies shall also receive and transmit the completed application form from any applicants who request to have such form transmitted to the board of elections for the city of New York.

§ 7. Subdivision b of section 1307 of chapter 56 of the New York city charter, as added by local law number 66 for the year 2015, is amended to read as follows:

b. The department shall conduct outreach and education targeted to small business owners and the general public related to the duties of such dedicated small business advocates and their role as a central point of contact for businesses seeking assistance from city agencies. Information indicating how to contact the small business advocates established pursuant to subdivision a of this section shall be prominently posted on the websites of relevant agencies. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] and worker protection, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, the bureau of fire prevention of the fire department and the department of small business services.

§ 8. Subdivision a of section 2100 of chapter 63 of the New York city charter, as amended by local law number 34 for the year 2002, is amended to read as follows:

a. There shall be a business integrity commission, which shall consist of a full-time chairperson appointed by the mayor and of the commissioners of the department of small business services, the department of consumer [affairs] and worker protection, the department of investigation, the police department and the department of sanitation, or their designees.

§ 9. The title of chapter 64 of the New York city charter is amended to read as follows:

Chapter 64: Department of Consumer [Affairs] and Worker Protection

§ 10. Sections 2201 and 2202 of chapter 64 of the New York city charter, as added by local law number

68 for the year 1968, are amended to read as follows:

§ 2201. Department; commissioner. There shall be a department of consumer [affairs] and worker protection, the head of which shall be the commissioner of consumer [affairs] and worker protection.

§ 2202. Deputies. The commissioner may appoint [two] such deputies as he or she deems necessary for the discharge of his or her duties.

§ 11. Subdivisions d, e, f and paragraph 1 of subdivision h of section 2203 of chapter 64 of the New York city charter, subdivision d as added by local law number 68 for the year 1968, subdivision e as amended by local law number 11 for the year 2016, subdivision f and paragraph 1 of subdivision h as relettered and amended by local law number 46 for the year 2013, are amended to read as follows:

(d) The commissioner shall enforce all laws relating to the advertising and offering for sale and the sale of all commodities, goods, wares and services[]; in addition he shall receive and evaluate complaints and initiate his own investigations relating to these matters and take appropriate action, including referral to a federal or state agency].

(e) [The commissioner shall have all powers as set forth in:] The office of labor standards shall be established within the department. Such office shall be headed by a director who shall be appointed by the commissioner.

(1) [chapter 8 of title 20 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding earned sick time, and the power to conduct investigations regarding violation of such chapter upon his or her own initiative; and] The commissioner shall:

(i) enforce municipal labor laws and other labor laws the commissioner is empowered to enforce;

(ii) plan, make recommendations, conduct research and develop programs for worker education, worker safety and worker protection;

(iii) facilitate the exchange and dissemination of information in consultation with city agencies,

federal and state officials, businesses, employees, independent contractors and nonprofit organizations working in the field of worker education, safety, and protection;

(iv) provide educational materials to employers and develop programs, including administrative support, to assist employers with compliance with labor laws;

(v) implement public education campaigns to heighten awareness of employee and independent contractor rights under federal, state, and local law;

(vi) collect and analyze available federal, state, and local data on the city's workforce and workplaces and coordinate with federal and state officials and other city agencies to identify gaps and prioritize areas for the improvement of working conditions and practices for employees and independent contractors in the city and within particular industries, and to promote the implementation and enforcement of laws, rules and regulations designed to improve such working conditions and practices; and

(vii) recommend efforts to achieve workplace equity for women, communities of color, immigrants and refugees, and other vulnerable workers.

(2) [section 22-507 of the administrative code relating to the receipt, investigation, and resolution of complaints thereunder regarding the retention of grocery workers, and the power to conduct investigations regarding violations of such section upon his or her own initiative.] Division of paid care. The commissioner shall establish a division of paid care within the office of labor standards and shall appoint the division head, who shall be distinct from the director of the office of labor standards.

(f) (1) The commissioner, in the performance of said functions, [including those functions pursuant to subdivision e of this section, ]shall be authorized to hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, mediate disputes, receive and evaluate complaints, conduct investigations in response to complaints or upon his or her own initiative, and take appropriate action, including referral to a federal or state agency, and to receive, administer, pay over and distribute monies collected in and

as a result of actions brought for violations of laws relating to deceptive or unconscionable trade practices, labor standards, or of related laws, and to promulgate, amend and modify rules and regulations necessary to carry out the powers and duties of the department.

(2) The commissioner, in the performance of said functions, shall be authorized to investigate and conduct on-site inspections into working conditions and compliance with any law that he or she has the authority to enforce. In conducting any such investigation, whether in response to a complaint or upon his or her initiative, the commissioner and his or her authorized representatives shall, consistent with applicable law and in accordance with rules of the department, have the power to enter and inspect any place of business or employment during business or working hours for the purpose of:

(i) examining or making copies of any papers, books, records, or other documents required to be kept or maintained under a law that the commissioner enforces;

(ii) speaking with any person about working conditions, practices, or any other matter the commissioner may deem necessary or appropriate to determine whether any person has violated any provision of a law that the commissioner enforces; and

(iii) observing any notice, posting or other document that is required to be posted or maintained at the business or workplace under a law that the commissioner enforces.

(h) (1) The department shall have the power to render decisions and orders. Notwithstanding any inconsistent provision of law, the department shall be authorized, upon due notice and hearing, to impose civil penalties for, and to order restitution or other forms of equitable relief for and payment of monetary damages in connection with, the violation of any laws or rules the enforcement of which is within the jurisdiction of the department pursuant to this charter, the administrative code or any other general, special or local law. [The department shall have the power to render decisions and orders and to impose civil penalties for all such violations, and to order equitable relief for and payment of monetary damages in connection with enforcement of chapter 8 of title 20 of the administrative code.] Except to the extent that dollar limits are otherwise



specifically provided, such civil penalties shall not exceed five hundred dollars for each violation. All proceedings authorized pursuant to this subdivision shall be conducted in accordance with rules promulgated by the commissioner. The remedies and penalties provided for in this subdivision shall be in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

§ 12. Section 2203 of chapter 64 of the New York city charter is amended by adding a new subdivision i to read as follows:

(i) All powers granted to the commissioner of consumer affairs, the commissioner of consumer and worker protection, or the director of the office of labor standards by this charter, the administrative code, or any other general, special, or local law shall be exercised solely by the commissioner or his or her designee.

§ 13. Section 2204 of chapter 64 of the New York city charter is hereby REPEALED.

§ 14. Subdivision a of section 3-114 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 34 for the year 2013, is amended to read as follows:

a. The chief business operations officer, or other representative of the office of the mayor designated by the mayor, shall ensure that each relevant agency designates an employee or employees to serve as agency liaison(s) to such agency's regulated community or communities, including but not limited to relevant chambers of commerce and industry groups. Each liaison shall report to the chief business operations officer, or other representative of the office of the mayor designated by the mayor. Each liaison shall, to the extent practicable, meet regularly with such liaison's agency's regulated community or communities. For purposes of this subdivision, relevant agencies shall include the department of buildings, the department of consumer [affairs] and worker protection, the department of health and mental hygiene, the department of environmental protection, the department of sanitation, and the fire department.

§ 15. Subdivision b of section 3-116 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 23 for the year 2015, is amended to read as follows:

b. The mayor's office of operations shall report in writing to the director of the office of veterans' affairs, the veterans' advisory board, and the council the following data for the prior calendar year, to the extent practicable, disaggregated by borough: (1) the total number of Mitchell-Lama housing applications received from veterans or their surviving spouses who have identified themselves as the head of household on such applications; (2) the total number of Mitchell-Lama housing applications approved by the department of housing preservation and development for veterans or their surviving spouses who have identified themselves as the head of household on such application; (3) the total number of fee-exempt mobile food vending licenses and food vending permits issued by the department of health and mental hygiene to veterans, (4) the number of general vending licenses issued by the department of consumer [affairs] and worker protection to veterans; (5) the total number of veterans who submitted an application to the department of consumer [affairs] and worker protection for a general vending license; (6) the total number of veterans residing in the city who utilized a HUD-VASH voucher; and (7) the total number of civil service examination applications received by the department of citywide administrative services for which the applicant claimed a veterans credit as provided for in section 85 of the civil service law.

§ 16. Section 3-140 of chapter 1 of title 3 of the administrative code of the city of New York, as added by local law number 104 for the year 2015, is amended to read as follows:

§ 3-140 Office of Labor Standards.

a. For purposes of this section, “[director] commissioner” means the [director of the office of labor standards] commissioner of consumer and worker protection.

b. No later than February 15, 2017, and no later than every February fifteenth thereafter, the [director] commissioner shall post on the office’s website the following information for the prior calendar year regarding enforcement of chapter 9 of title 20 of the code:

- i. the number of complaints against employers filed with the office;
- ii. the number of investigations conducted by the [director] commissioner;

- iii. the results of each enforcement action undertaken by the [director] commissioner; and
- iv. such other information as the [director] commissioner may deem appropriate.

§ 17. Subdivision h of section 10-117 of chapter 1 of title 10 of the administrative code of the city of New York, as added by chapter 311 of the laws of 1992, is amended to read as follows:

h. In addition to police officers, officers and employees of the department of consumer [affairs] and worker protection, sanitation, environmental protection and transportation shall have the power to enforce the provisions of this section and may issue notices of violation, appearance tickets or summonses for violations thereof.

§ 18. Paragraph 1 of subdivision b of section 10-131 of chapter 1 of title 10 of the administrative code of the city of New York is amended to read as follows:

1. It shall be unlawful for any person to sell, offer to sell or have in such person's possession any air pistol or air rifle or similar instrument in which the propelling force is a spring or air, except that the sale of such instruments if accompanied by delivery to a point without the city, and possession for such purpose, shall not be unlawful if such person shall have secured an annual license from the police commissioner of the city authorizing such sale and possession. The sale and delivery of such instruments within the city from one licensee to another licensee, and the use of such instruments in connection with an amusement licensed by the department of consumer [affairs] and worker protection or at rifle or pistol ranges duly authorized by law shall not be considered a violation of this subdivision.

§ 19. Subparagraphs (a) and (d) of paragraph 3 of subdivision g of section 10-131 of chapter 1 of title 10 of the administrative code of the city of New York, subparagraph (a) as amended by local law number 83 for the year 2009 and subparagraph (d) as added by local law number 83 for the year 2009, are amended to read as follows:

(a) Authorized agents and employees of the department of consumer [affairs] and worker protection, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of this

subdivision. A proceeding to recover any civil penalty pursuant to this subdivision shall be commenced by service of a notice of hearing that shall be returnable to [the administrative tribunal of the department of consumer affairs] a tribunal of the office of administrative trials and hearings. [The administrative] Such tribunal [of such department] shall have the power to impose civil penalties for a violation of this subdivision of not less than one thousand dollars (\$1000) nor more than five thousand dollars (\$5000) for the first offense and not less than three thousand dollars (\$3000) nor more than eight thousand dollars (\$8000) for each succeeding offense occurring within two years of the first offense, without regard to whether the first offense involved a toy or imitation firearm of the same model involved in any succeeding offense. For the purposes of this subdivision, selling, offering for sale, possessing, using or attempting to use or give away any single toy or imitation firearm in violation of this subdivision shall be considered a single violation.

(d) For purposes of this paragraph:

(i) the term "department" shall refer to the department of consumer [affairs] and worker protection;

(ii) the term "commissioner" shall refer to the commissioner of [the department of] consumer [affairs] and worker protection;

(iii) the term "premises" shall refer to land and improvements or appurtenances or any part thereof; and

(iv) companies shall be deemed "related" if an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the corporation of one company is or has been an officer, principal, director, or stockholder owning more than ten percent of the outstanding stock of the other, but companies shall not be deemed related solely because they share employees other than officers, principals, or directors.

§ 20. Subdivisions c and g of section 10-134.2 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 58 for the year 1998, are amended to read as follows:

c. No person who sells or offers for sale laser pointers shall place such laser pointers on open display so that such laser pointers are accessible to the public without the assistance of such seller, or his or her employee or other agent, offering such laser pointers for sale, unless: (1) such laser pointers on open display are clearly

and fully visible from a place of payment for goods or services or customer information at which such seller or an employee or other agent of such seller is usually present during hours when the public is invited or (2) such laser pointers are in a package, box or other container provided by the manufacturer, importer or packager that is larger than forty-one square inches. Further, it shall be unlawful to display laser pointers in any manner or to post a sign advertising the availability of laser pointers unless a notice has been posted, in a form and manner prescribed by rule of the department of consumer [affairs] and worker protection, indicating that the sale or giving of laser pointers to persons eighteen years of age or younger is a misdemeanor.

g. Authorized agents and employees of the department of consumer [affairs] and worker protection, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of subdivisions b and c of this section. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a notice of hearing that shall be returnable to the administrative tribunal of the department of consumer [affairs] and worker protection. The administrative tribunal of the department shall have the power to impose civil penalties for a violation of subdivision b or c of this section as follows: not more than three hundred dollars for the first violation; not more than five hundred dollars for the [section] second violation by the same person within a two-year period; and not more than one thousand dollars for the third and all subsequent violations by the same person within a two-year period. For purposes of determining whether a violation of subdivision b or subdivision c of this section should be adjudicated as a second, third or subsequent violation, violations of subdivision b and violations of subdivision c of this section by the same person within a two-year period shall be aggregated.

§ 21. Subdivisions e and f of section 10-137 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 43 for the year 2004, are amended to read as follows:

e. The provisions of this section shall be enforced by the police department and the department of consumer [affairs] and worker protection.

f. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the

service of a notice of hearing that shall be returnable to [the] an administrative tribunal of the [department of consumer affairs] office of administrative trials and hearings.

§ 22. Subdivisions b, d, e, and g of section 10-160 of chapter 1 of title 10 of the administrative code of the city of New York, as added by local law number 70 for the year 1992, are amended to read as follows:

b. Security measures. A bank shall maintain the following security measures with respect to each of its automated teller machine facilities:

(1) a surveillance camera or cameras, which shall view and record all persons entering, exiting, and moving within or about an automated teller machine facility located within the interior of a building, or which shall view and record all activity occurring within a minimum of three feet in front of an automated teller machine located on an exterior wall of a building open to the outdoor air. Such camera or cameras need not view and record banking transactions made at the automated teller machine. The recordings made by such cameras shall be preserved by the bank for at least thirty days;

(2) within six months after the submission of the report of the temporary task force required by subdivision c of this section, entry doors equipped with locking devices which permit entry to such facility only to persons using an automated teller machine card or access code issued by a bank for that purpose. Provided, however, that any automated teller machine facility located within the interior of a building that is not equipped with such entry door locking devices within six months after the submission of such report shall thereafter have at least one security guard stationed therein during the period of time after regular banking hours when such automated teller machine facility is available to banking customers;

(3) entry doors equipped with fire exit bolts pursuant to paragraph two of subdivision k of section 27-371 of the code:

(4) adequate lighting;

(5) at least one exterior wall made substantially of untinted glass or other untinted, transparent material, which provides an unobstructed view of the automated teller machine or machines within the automated teller

machine facility;

(6) reflective mirrors or surfaces at each automated teller machine which provide the user a rear view;

(7) a reflective mirror or mirrors placed in a manner which permits a person present in the automated teller machine facility to view areas within such facility which are otherwise concealed from plain view; and

(8) a clearly visible sign, which at a minimum, states:

(i) the activity within the automated teller machine facility is being recorded by surveillance camera;

(ii) customers should close the entry door completely upon entering if the automated teller machine facility is located within the interior of a building;

(iii) customers should not permit entrance to any unknown person at any time after regular banking hours when an automated teller machine facility located within the interior of a building is available to banking customers;

(iv) customers should place withdrawn cash securely upon their person before exiting the automated teller machine facility; and

(v) complaints concerning security in the automated teller machine facility should be directed to the bank's security department or to the department of consumer [affairs] and worker protection, together with telephone numbers for such complaints. Where emergency assistance is needed due to criminal activity or medical emergency, call 911 at the nearest available public telephone. Paragraphs two, three, five and seven of this subdivision shall not apply to any automated teller machine facility located on an exterior wall of a building open to the outdoor air. Paragraph five of this subdivision shall not apply to any automated teller machine facility located in (i) a landmark building or within an historic district, if compliance with paragraph five would require the approval of the landmarks preservation commission, and such approval has been sought and denied; or (ii) any building, if compliance with paragraph five would require the removal of a load-bearing wall as defined in section 27-232 of the code.

d. *List of facilities.* Any bank which operates an automated teller machine facility shall file a list of

such facilities with the police department, the department of consumer [affairs] and worker protection, and the department of buildings, including the street addresses, intersecting streets, hours of operation, method of security, and method of surveillance at each facility, and the telephone number of the bank's security department. The police department shall distribute to each police precinct a list of all automated teller machine facilities in the precinct which are available to banking customers.

*e. Violations and penalties.*

(1) A bank found to be in violation of any provision of subdivision b of this section shall be subject to a civil penalty of not more than two hundred fifty dollars. Each violation of any provision of subdivision b of this section with respect to a particular automated teller machine facility shall be considered a separate violation thereof.

(2) Any bank found to be in violation of any provision of subdivision b of this section shall correct the violation within three days after such finding. Failure to correct the violation within three days after such finding shall subject the bank to a civil penalty of not less than five hundred dollars or more than one thousand dollars and an additional civil penalty of two hundred fifty dollars per day for each day such violation continues.

(3) Any bank found to be in violation of subdivision h of this section shall be liable for a civil penalty of not more than one thousand dollars for each automated teller machine facility for which a report has not been filed. Any bank which makes a material false statement or material omission in any report filed pursuant to subdivision h of this section shall be liable for a civil penalty of not more than five thousand dollars for each report.

(4) A proceeding to recover any civil penalty authorized to be imposed pursuant to this section shall be commenced by the service of a notice of violation which shall be returnable to [the commissioner of consumer affairs] any tribunal established within the office of administrative trials and hearings. Such commissioner, after due notice and an opportunity for a hearing, shall be authorized to impose the civil penalties prescribed by this



section.

*g. Enforcement; statistics.*

(1) The police department, the department of consumer [affairs] and worker protection, and the department of buildings shall be authorized to enforce this section.

(2) Statistics of crimes associated with the use of automated teller machines compiled and maintained by the police department shall be made available upon the request of any bank.

(3) Notwithstanding the provisions of section six hundred sixty-six of the charter, a notice of violation issued by the department of buildings pursuant to this section shall not be subject to review by the board of standards and appeals.

§ 23. Subdivision a of section 11-139 of chapter 1 of title 11 of the administrative code of the city of New York, as added by local law number 10 for the year 2017, is amended to read as follows:

a. Each agency designated as a participating agency under the provisions of this section shall, in coordination with the department of finance, implement and administer a program of distribution of information about the senior citizen rent increase exemption program pursuant to the provisions of this section. The following offices are hereby designated as participating agencies: the department for the aging, the city clerk, community boards, the department of consumer [affairs] and worker protection, the commission on human rights, the department of housing preservation and development, the department of health and mental hygiene, the human resources administration/department of social services, and the department of parks and recreation; provided, however, that the department of finance, as it deems appropriate, may designate additional agencies to be participating agencies. The department of finance shall further make such information available to city hospitals and public libraries.

§ 24. Subdivision c of section 11-245.8 of chapter 2 of title 11 of the administrative code of the city of New York, as added by local law number 4 for the year 2017, is amended to read as follows:

c. The notice that is required, pursuant to this section, to be provided by the commissioner of finance or

his or her designee no later than October thirty-first of each year shall include contact information for the office of financial empowerment at the department of consumer [affairs] and worker protection.

§ 25. Subdivisions b, c, and d of section 11-1303 of chapter 13 of title 11 of the administrative code of the city of New York, subdivisions b and d as amended by local law number 145 for the year 2017 and subdivision c as amended by local law number 2 for the year 2000, are amended to read as follows:

b. *Application for license.*

1. *Wholesale tobacco license.* In order to obtain a license to engage in business as a wholesale dealer, a person shall file application with the commissioner of finance for one license for each place of business that he or she desires to have for the sale of cigarettes or tobacco products in the city. Every application for a wholesale tobacco license shall be made upon a form prescribed and prepared by the commissioner of finance and shall set forth such information as the commissioner shall require. The commissioner of finance may, for cause, refuse to issue a wholesale tobacco license. Upon approval of the application, the commissioner of finance shall grant and issue to the applicant a wholesale tobacco license for each place of business within the city set forth in the application. Wholesale tobacco licenses shall not be assignable and shall be valid only for the persons in whose names such licenses have been issued and for the transaction of business in the places designated therein and shall at all times be conspicuously displayed at the places for which issued.

2. *Retail tobacco license.* In order to obtain a license to engage in business as a retail dealer, a person shall file an application with the commissioner of consumer [affairs] and worker protection in accordance with the provisions of section 20-202.

c. *Duplicate licenses.* Whenever any license issued by the commissioner of finance under the provisions of this section is defaced, destroyed or lost, the commissioner of finance shall issue a duplicate license to the holder of the defaced, destroyed or lost license upon the payment of a fee of fifteen dollars. A duplicate retail dealer license may be obtained from the commissioner of consumer [affairs] and worker protection as provided in section 20-204 of this code.

d. *Suspension or revocation of licenses.*

1. After a hearing, the commissioner of finance may suspend or revoke a wholesale tobacco license and the commissioner of consumer [affairs] and worker protection, upon notice from the commissioner of finance, may suspend or revoke a retail tobacco license whenever the commissioner of finance finds that the holder thereof has failed to comply with any of the provisions of this chapter or any rules of the commissioner of finance prescribed, adopted and promulgated under this chapter.

2. The commissioner of finance may also suspend or revoke a wholesale tobacco license in accordance with the requirements of any other sections of this code or any rules promulgated thereunder which authorizes the suspension or revocation of a wholesale tobacco license.

3. The commissioner of consumer [affairs] and worker protection may also suspend or revoke a retail tobacco license in accordance with the requirements of any other section of this code or any rules promulgated thereunder that authorize suspension or revocation of a retail tobacco license.

4. Upon suspending or revoking any wholesale tobacco license, the commissioner of finance shall direct the holder thereof to surrender to the commissioner of finance immediately all wholesale tobacco licenses or duplicates thereof issued to such holder and the holder shall surrender promptly all such licenses to the commissioner of finance as directed. Before the commissioner of finance suspends or revokes a wholesale tobacco license or notifies the commissioner of consumer [affairs] and worker protection of a finding of a violation of this chapter with respect to a retail tobacco license pursuant to paragraph (1) of this subdivision, the commissioner of finance shall notify the holder and the holder shall be entitled to a hearing, if desired, if the holder, within ninety days from the date of such notification, or if the commissioner of finance has established a conciliation procedure pursuant to section 11-124 and the taxpayer has requested a conciliation conference in accordance therewith within ninety days from the mailing of a conciliation decision or the date of the commissioner's confirmation of the discontinuance of the conciliation proceeding, both (A) serves a petition upon the commissioner of finance and (B) files a petition with the tax appeals tribunal for a hearing. After such

hearing, the commissioner of finance, good cause appearing therefor, may suspend or revoke the wholesale tobacco license, and, in the case of a retail tobacco license, notify the commissioner of consumer [affairs] and worker protection of a violation of this chapter or any rules promulgated thereunder. Upon such notification, the commissioner of consumer [affairs] and worker protection may suspend or revoke a retail tobacco license as provided in subdivision b of section 20-206. The commissioner of finance may, by rule, provide for granting a similar hearing to an applicant who has been refused a wholesale tobacco license by the commissioner of finance.

§ 26. Subdivision d of section 11-1307 of chapter 13 of title 11 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

d. Without limiting the powers granted the commissioner of consumer [affairs] and worker protection pursuant to title 20 and any rules promulgated thereunder, the commissioner of finance or the commissioner's duly authorized representatives are hereby authorized to examine the books, papers, invoices and other records, and stock of cigarettes or tobacco products in and upon any premises where the same are placed, stored and sold, and equipment of any such agent or dealer pertaining to the sale and delivery of cigarettes or tobacco products taxable under this chapter. To verify the accuracy of the tax imposed and assessed by this chapter, each such person is hereby directed and required to give to the commissioner of finance or the commissioner's duly authorized representatives, the means, facilities and opportunity for such examinations as are herein provided for and required.

§ 27. Paragraph 2 of subdivision b of section 15-205 of chapter 2 of title 15 of the administrative code of the city of New York, as amended by local law number 149 for the year 2016, is amended to read as follows:

2. No newsstand may be located within ten feet from either side of a fire hydrant, except that this prohibition shall not apply to any newsstand which was first licensed by the department of consumer [affairs] and worker protection before August 1, 1979, where the person who held the license for such newsstand on August 1, 1991 continues to be the licensee for such newsstand; provided, however, that where a newsstand

which was first licensed before August 1, 1979 is reconstructed in its entirety or in substantial part, which reconstruction was commenced on or after August 1, 1991, such newsstand shall be subject to such prohibition.

§ 28. Subdivision a of section 16-205 of chapter 2 of title 16 of the administrative code of the city of New York, as added by local law number 39 for the year 1986, is amended to read as follows:

a. There shall be in the department a solid waste management board consisting of the commissioner, the commissioner of consumer [affairs] and worker protection and the executive director of the office for economic development, all of whom shall serve on the board without compensation and all of whom shall have the power to exercise or delegate any of their functions, powers and duties as members of the board. Such board may grant variances from a regulation or modify assignments or rates of the commissioner involving the transportation, storage, processing or disposal of solid waste when such board finds that such regulation or order would impose unreasonable economic hardship. The specific terms of any variance granted shall be determined by such board on a case by case basis. Any person seeking a variance shall do so by filing with such board a petition for variance in a form prescribed by such board. Such forms shall document the need for a variance.

§ 29. Subdivisions e and f of section 16-306.1 of chapter 3 of title 16 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, are amended to read as follows:

e. The provisions of this section relating to private carters shall be enforced by the business integrity commission. The provisions of this section relating to covered establishments shall be enforced by the department, the department of health and mental hygiene, and the department of consumer [affairs] and worker protection.

f. The department, the business integrity commission, the department of health and mental hygiene, and the department of consumer [affairs] and worker protection may promulgate any rules necessary to implement this section, including, but not limited to, rules establishing reporting requirements sufficient to demonstrate compliance with this chapter.

§ 30. Subdivisions e and f of section 16-324 of chapter 3 of title 16 of the administrative code of the city of New York, subdivision e as added by local law number 146 for the year 2013 and subdivision f as added by local law number 142 of 2013, are amended to read as follows:

e. (1) Any covered establishment that violates section 16-306.1 of this chapter or rules of the department, the department of health and mental hygiene, or the department of consumer [affairs] and worker protection promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or the commissioner of health and mental hygiene, or the commissioner of consumer [affairs] and worker protection, or in a proceeding returnable before [the environmental control board, the health tribunal at] any tribunal established within the office of administrative trials and hearings[, or the administrative tribunal of the department of consumer affairs,] in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer [affairs] and worker protection shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(2) Any transfer station that violates section 16-306.1 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner or in a proceeding returnable before the environmental control board in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment

that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

(3) Any private carter that violates section 16-306.1 of this chapter or rules of the business integrity commission promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the chair of the business integrity commission, or in a proceeding brought by the chair of the business integrity commission held in accordance with title 16-A of this code, except that the chair of the business integrity commission shall not issue a notice of violation, but shall issue a warning, for any violation by a designated covered establishment that occurs during the first twelve months after the commissioner designates such covered establishment pursuant to subdivision b of section 16-306.1.

f. Any person who violates section 16-329 of this chapter or any rule promulgated pursuant thereto shall be liable for a civil penalty recoverable in a civil action brought in the name of the commissioner, the commissioner of health and mental hygiene or the commissioner of consumer [affairs] and worker protection, or in a proceeding before the environmental control board, [the health] or any tribunal [at] established within the office of administrative trials and hearings[, or the administrative tribunal of the department of consumer affairs,] in the amount of two hundred fifty dollars for the first violation, five hundred dollars for the second violation committed on a different day within a period of twelve months, and one thousand dollars for the third and each subsequent violation committed on different days within a period of twelve months, except that the department, the department of health and mental hygiene, and the department of consumer [affairs] and worker protection shall not issue a notice of violation, but shall issue a warning and provide information on replacement material, for any violation that occurs before January first, two thousand sixteen.

§ 31. Subdivisions f and g of section 16-329 of chapter 3 of title 16 of the administrative code of the city of New York, as added by local law number 142 for the year 2013, are amended to read as follows:

f. On and after January first, two thousand fifteen, the department shall provide outreach and education as follows:

(1) if expanded polystyrene single service articles are not designated as a recyclable material pursuant to subdivision b of this section, the department, in consultation with the department of health and mental hygiene and the department of consumer [affairs] and worker protection, shall conduct outreach and education to food service establishments, mobile food commissaries, and stores to inform them of the provisions of this section and provide assistance with identifying replacement material, and such outreach and education shall be offered in multiple languages; and

(2) if expanded polystyrene single service articles are designated as a recyclable material pursuant to subdivision b of this section, the department shall provide instruction and materials for residential building owners, net lessees or persons in charge of such buildings, and their employees and residents, for the purpose of improving compliance with such new recycling designation.

g. The department, the department of health and mental hygiene and the department of consumer [affairs] and worker protection shall have the authority to enforce the provisions of this section.

§ 32. Subdivision a of section 16-427 of chapter 4-A of title 16 of the administrative code of the city of New York, as added by local law number 13 for the year 2008, is amended to read as follows:

a. The department and the department of consumer [affairs] and worker protection shall have the authority to enforce the provisions of this chapter. Any notice of violation charging a violation of any provision of this chapter shall be returnable to the environmental control board, which shall have the power to impose civil penalties as provided herein.

§ 33. Subdivision h of section 16-455 of chapter 4-B of title 16 of the administrative code of the city of New York, as added by local law number 1 for the year 2008, is amended to read as follows:

h. The department shall have the authority to enforce all provisions of this chapter. The department of consumer [affairs] and worker protection also shall have the authority to enforce paragraphs one, two and five of subdivision a of section 16-453 of this chapter.

§ 34. Subdivision a section 16-463 of chapter 4-C of title 16 of the administrative code of the city of



New York, as added by local law number 56 for the year 2013, is amended to read as follows:

a. 1. Notwithstanding any other provision of law, the commissioners of sanitation and consumer [affairs] and worker protection, and the chairperson of the business integrity commission, shall be authorized to adopt rules providing for the licensing or registration, supervision and inspection of the operation and activities relating to the purchase and sale, acceptance and storage of recyclable material, including but not limited to scrap metal facilities located within the city of New York. This paragraph shall not apply to a redemption center, dealer or distributor as defined in section 27-1003 of the environmental conservation law.

§ 35. Subdivision h of section 16-464 of chapter 4-C of title 16 of the administrative code of the city of New York, as added by local law number 56 for the year 2013, is amended to read as follows:

h. The provisions of this chapter may be enforced by the department, the police department, the department of consumer [affairs] and worker protection and the business integrity commission.

§ 36. Subdivision e of section 16-476 of chapter 4-D of title 16 of the administrative code of the city of New York, as added by local law number 57 for the year 2013, is amended to read as follows:

e. The provisions of this chapter may be enforced by the department, the police department, the department of consumer [affairs] and worker protection and the business integrity commission.

§ 37. Section 16-502 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-502. New York city trade waste commission.

There is hereby created a New York city trade waste commission. Such commission shall consist of the commissioner of investigation, the commissioner of small business services, the commissioner of consumer [affairs] and worker protection, the commissioner of sanitation, and one member who shall be appointed by the mayor and shall serve as chair with compensation therefor; provided that if the chair holds other city office or employment, no additional compensation shall be received. The chair shall have charge of the organization of the commission and have authority to employ, assign and superintend the duties of such officers and employees

as may be necessary to carry out the provisions of this chapter.

§ 38. Subdivision e of section 16-504 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

e. To appoint, within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein. In addition to such employees appointed by the commission, the commissioners of small business services, investigation, consumer [affairs] and worker protection, transportation, sanitation, health, finance, environmental protection and police may, at the request of the chair, provide staff and other assistance to the commission in all matters under its jurisdiction;

§ 39. Subdivision a of section 16-505 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. It shall be unlawful for any person to operate a business for the purpose of the collection of trade waste from the premises of a commercial establishment required to provide for the removal of such waste pursuant to the provisions of section 16-116 of this code, or the removal or disposal of trade waste from such premises, or to engage in, conduct or cause the operation of such a business, without having first obtained a license therefor from the commission pursuant to the provisions of this chapter. Notwithstanding the provisions of this subdivision, a business solely engaged in the removal of waste materials resulting from building demolition, construction, alteration or excavation shall be exempt from the licensing provisions of this subdivision where, except in regard to the principals of a business solely in either or both of the class seven or the class three category of licensees as defined in rules previously promulgated by the commissioner of consumer [affairs] and worker protection pursuant to subchapter eighteen of chapter two of title twenty of this code, no principal of such applicant is a principal of a business or a former business required to be licensed pursuant to this chapter or such former subchapter eighteen. Grant of such exemption shall be made by the commission upon its review of an exemption application, which shall be in the form and contain the information prescribed by rule of the commission and shall be accompanied by a statement by the applicant

describing the nature of the applicant's business and listing all principals of such business.

§ 40. Subdivision a of section 16-513 of chapter 1 of title 16-A of the administrative code of the city of New York, as amended by local law number 56 for the year 2015, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents:

(i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto;

(ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the transportation and disposal of waste containing asbestos;

(iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof;

(iv) has failed to pay, within the time specified by a court, the department of consumer [affairs] and worker protection or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto;

(v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer [affairs] and worker protection pursuant to section 16-306 or former subchapter eighteen of title twenty of this code;

(vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the handling of trade waste, or any laws prohibiting deceptive, unfair, or unconscionable trade practices;

(vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant as a trade waste broker lacks good character, honesty and integrity;

(viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based;

(ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known;

(x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; or

(xi) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto.

§ 41. Subdivisions a, b, and c of section 16-515 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, are amended to read as follows:

a. Except as otherwise provided in subdivision b or subdivision c of this section, any person who violates any provision of this chapter or any of the rules promulgated thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or may be returnable to the department of consumer [affairs] and worker protection or other administrative tribunal of competent jurisdiction;

b. (i) Any person who violates subdivision a of section 16-505 or section 16-524 of this chapter shall,

upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the department of consumer [affairs] and worker protection or other administrative tribunal of competent jurisdiction; and

c. Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed one thousand dollars for each such violation to be recovered in a civil action or returnable to the department of consumer [affairs] and worker protection or other administrative tribunal of competent jurisdiction.

§ 42. Section 16-517 of chapter 1 of title 16-A of the administrative code of the city of New York, as amended by local law number 34 for the year 2002, is amended to read as follows:

§ 16-517. Enforcement.

Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees or agents of the commission. In addition, such notices of violation may be issued by the police department, and, at the request of the commission and with the consent of the appropriate commissioner, by authorized employees and agents of the department of consumer [affairs] and worker protection, the department of small business services, the department of transportation, and the department of sanitation.

§ 43. Subdivision b of section 16-518 of chapter 1 of title 16-A of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

b. Notwithstanding the provisions of subdivision a of this section, the commission may provide by rule that hearings or specified categories of hearings pursuant to this chapter may be conducted by the department of consumer [affairs] and worker protection. Where the department of consumer [affairs] and worker protection conducts such hearings, the commissioner of consumer [affairs] and worker protection shall make the final

determination.

§ 44. Subdivision e of section 17-177 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 67 for the year 1990, is amended to read as follows:

e. *Enforcement.* The department shall enforce the provisions of this section. In addition, designated enforcement employees of the department of buildings, the department of consumer [affairs] and worker protection, the department of environmental protection, the fire department and the department of sanitation shall have the power to enforce the provisions of this section.

§ 45. Subdivision d of section 17-189 of chapter 1 of title 17 of the administrative code of the city of New York, as added by local law number 49 for the year 2005, is amended to read as follows:

d. *Enforcement.* The department and the department of consumer [affairs] and worker protection shall enforce the provisions of this section. A proceeding to recover any civil penalty authorized pursuant to subdivision c of this section shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health where the department issues such a notice or, where the department of consumer and worker protection issues such a notice, to [the adjudication division of the department of consumer affairs] any tribunal established within the office of administrative trials and hearings [where such department issues such a notice]. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. The administrative tribunal of the board of health and [the adjudication division of the department of consumer affairs] tribunals established within the office of administrative trials and hearings shall have the power to render decisions and to impose the remedies and penalties provided for in subdivision c of this section, in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

§ 46. Subparagraph (b) of paragraph 3 of subdivision b of section 17-307 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

(b) Preferences shall be given in the issuance of permits pursuant to this paragraph and in the placement on such waiting list to the following categories of persons in the following order:

(i) Veterans who on August second, nineteen hundred ninety-one held a valid general vendor's license issued by the department of consumer [affairs] and worker protection pursuant to subchapter twenty-seven of chapter two of title twenty of the code by virtue of having claimed a disability.

(ii) Disabled veterans.

(iii) Disabled persons.

(iv) Veterans.

§ 47. Subdivision d of section 17-327 of chapter 3 of title 17 of the administrative code of the city of New York, as amended by local law number 22 for the year 2002, is amended to read as follows:

d. Application for a license or the renewal of a license shall be made to the department of health and mental hygiene. Such application shall contain the name and address of the owner of the horse and of the owner of the rental horse business in which such horse is to be used if such person is not the owner of the horse, the age, sex, color, markings and any other identifying marks such as brands or tattoos of the horse, the location of the stable where the horse is to be kept and any other information which the commissioner of health and mental hygiene may require. An application with respect to a horse which is used in the operation of a “horse drawn cab” as defined in subchapter twenty-one of chapter two of title twenty of this code shall include the identification number required to be inscribed on such horses hoof pursuant to the rules and regulations of the department of consumer [affairs] and worker protection. The application shall be accompanied by the license or renewal fee.

§ 48. Subdivision b of section 17-328 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

b. The certificate of license shall at all times remain at the stable where the horse is kept and shall be available for inspection by any police officer, agent of the department and the ASPCA, or to veterinarians

employed or retained by the department or the ASPCA or employees of the department of consumer [affairs] and worker protection or any persons designated by the commissioner to enforce this subchapter.

§ 49. Subdivision j of section 17-330 of chapter 3 of title 17 of the administrative code of the city of New York, as repealed and added by local law number 2 for the year 1994, is amended to read as follows:

j. Stables in which horses used in a rental horse business are kept shall be open for inspection by authorized officers, veterinarians and employees of the department, and any persons designated by the commissioner to enforce the provisions of this subchapter, agents of the ASPCA, police officers, and employees of the department of consumer [affairs] and worker protection.

§ 50. Subdivision a of section 17-334 of chapter 3 of title 17 of the administrative code of the city of New York is amended to read as follows:

a. The provisions of this subchapter shall not be construed to supersede or affect any of the provisions of subchapter twenty-one of chapter two of title twenty of the code relating to a "horse drawn cab" as defined therein or any of the regulations of the commissioner of consumer [affairs] and worker protection promulgated thereunder.

§ 51. Subdivision h of section 17-504 of chapter 5 of title 17 of the administrative code of the city of New York, as amended by local law number 152 for the year 2013, is amended to read as follows:

h. A copy of the smoking and electronic cigarette use policy shall be provided to the department, the department of buildings, the department of consumer [affairs] and worker protection, the department of environmental protection, the fire department and the department of sanitation upon request.

§ 52. Subdivision a of section 17-507 of chapter 5 of title 17 of the administrative code of the city of New York, as added by local law number 2 for the year 1988, is amended to read as follows:

a. The department shall enforce the provisions of this chapter. In addition, designated enforcement employees of the department of buildings, the department of consumer [affairs] and worker protection, the department of environmental protection, the fire department and the department of sanitation shall have the



power to enforce the provisions of this chapter.

§ 53. Section 17-709 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

§ 17-709. Enforcement.

The department of health and mental hygiene and the department of finance shall enforce the provisions of this subchapter. The department of consumer [affairs] and worker protection shall enforce sections 17-703, 17-703.1, 17-704, 17-704.1, 17-705 and 17-706. In addition, designated enforcement employees of any authorizing agency shall have the power to enforce the provisions of this subchapter.

§ 54. Subdivision b of section 17-710 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 145 for the year 2017, is amended to read as follows:

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-704.1, 17-705 or 17-706 shall be commenced by the service of a notice of violation which shall be returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter where the department of health and mental hygiene issues such notice, the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter where the department of consumer [affairs] and worker protection or a designated employee of any authorizing agency issues such notice, or an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. Such notice shall contain a statement that any hearing for a second violation or subsequent violation of any of the provisions described in paragraph (5) of subdivision a of this section at the same place of business within a three-year period shall also constitute a hearing for the revocation of a retail dealer's tobacco license where the retail dealer is found to be in violation of any such sections. The department of health and mental hygiene, the department of consumer [affairs] and worker protection and the department of finance shall notify each other within thirty days of a final

determination that a retail dealer has been found to be in violation of section 17-703, 17-703.2, 17-704, 17-704.1, 17-705 or subdivision a or b of section 17-706. A proceeding to recover any civil penalty authorized pursuant to the provisions of subdivision a of this section for a violation of section 17-708 shall be returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter. Such tribunal shall have the power to impose the civil penalties prescribed by subdivision a of this section. The office of administrative trials and hearings acting pursuant to section 558 or section 2203 of the charter, in addition to subdivision 2 of section 1048 of the charter and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to impose the civil penalties prescribed by subdivision a of this section for a violation of section 17-703, 17-703.1, 17-703.2, 17-704, 17-704.1, 17-705 or 17-706.

§ 55. Section 17-717 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 146 for the year 2017, is amended to read as follows:

§ 17-717. Enforcement.

The department, the department of consumer [affairs] and worker protection and the department of finance shall enforce the provisions of this subchapter. A proceeding to recover any civil penalty authorized pursuant to section 17-716 shall be commenced by the service of a notice of violation returnable to the office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter where the department issues such a notice or to the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter where the department of consumer [affairs] and worker protection issues such a notice or to an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance where the department of finance issues such notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. Such notice shall contain a statement that any hearing for a third violation or subsequent violation of section 17-715 at the same place of business within a three-year period shall also constitute a

hearing for the suspension of a retail dealer's license where the retail dealer is found to be in violation of such section. The office of administrative trials and hearings acting pursuant to section 558 and subdivision 2 of section 1048 of the charter, the office of administrative trials and hearings acting pursuant to section 2203 and subdivision 2 of section 1048 of the charter and an adjudication division of the department of finance or the administrative tribunal selected by the commissioner of finance shall have the power to render decisions and to impose the remedies and penalties provided for in section 17-716, in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings. The department, the department of consumer [affairs] and worker protection and the department of finance shall notify each other within 30 days of finding that a retail dealer has been found liable for any section of this subchapter.

§ 56. Section 17-718 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 97 for the year 2013, is amended to read as follows:

§ 17-718. Rules.

The commissioner of the department, the commissioner of consumer [affairs] and worker protection and the commissioner of finance shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this subchapter.

§ 57. Subdivisions a and b of section 17-1103 of chapter 11 of title 17 of the administrative code of the city of New York, as added by local law 36 for the year 2005, are amended to read as follows:

b. Pursuant to section 33-1004 of the environmental conservation law, the department of consumer [affairs] and worker protection shall have concurrent authority with the department, the department of environmental protection and the state of New York to enforce the provisions of subdivision a of section 17-1102 of this chapter, provided that all penalties, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in section 17-1104 of this chapter and shall be payable to and deposited with New York city.

c. A proceeding to recover any civil penalty authorized pursuant to section 17-1104 shall be commenced by the service of a notice of violation returnable to the administrative tribunal established by the board of health pursuant to section 558 of the charter of the city of New York where the department issues such notice, the environmental control board established pursuant to section 1049-a of the charter of the city of New York where the department of environmental protection issues such notice, or the adjudication division of the department of consumer [affairs] and worker protection established pursuant to section 20-104(e) of the administrative code of the city of New York where that department issues such notice. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged, and, if sworn to or affirmed, shall be prima facie evidence of the facts contained therein. The administrative tribunal of the board of health, the environmental control board and the [adjudication division] tribunal of the department of consumer [affairs] and worker protection at the office of administrative trials and hearings shall have the power to render decisions and orders and to impose the remedies and penalties provided for in section 17-1104, in addition to any other remedies or penalties provided for the enforcement of such provisions under any other law including, but not limited to, civil or criminal actions or proceedings.

§ 58. Section 17-1409 of chapter 14 of title 17 of the administrative code of the city of New York, as added by local law number 2 for the year 2012, is amended to read as follows:

§ 17-1409. Enforcement and penalties.

The provisions of this chapter shall be enforced by the department and the department of consumer [affairs] and worker protection. Any person found to be in violation of section 17-1402 or 17-1403 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than five hundred dollars for each violation. Any person found to be in violation of section 17-1405 or 17-1407 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than two hundred fifty dollars for each violation. Such civil penalties may be recovered in proceedings before the environmental control board or [the administrative tribunal of the department of consumer affairs

and worker protection] any tribunal established within the office of administrative trials and hearings or in an action in any court of appropriate jurisdiction. Notices of violation returnable to such board or tribunal may be served by officers and employees of the department and the department of consumer [affairs] and worker protection. In any proceeding it shall be an affirmative defense that the respondent is a laborer in the employ of the carpet business to do the physical work of installing the carpet and that he or she has no ownership interest in or control of the business or in any corporation, partnership or other legal entity that owns or controls the business and that he or she has no managerial or supervisory responsibility.

§ 59. Subdivisions a and c of section 19-124 of chapter 1 of title 19 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, are amended to read as follows:

a. *Permit required.* It shall be unlawful to erect or maintain a canopy over the sidewalk without a permit granted by the commissioner, and unless such canopy is erected and maintained in accordance with this section and the rules of the department. Such canopies may be erected and maintained: 1. In connection with the entrance to a building or place of business within a building by or with the consent of the owner of the building. 2. In connection with a sidewalk cafe licensed by the commissioner of consumer [affairs] and worker protection. Such canopies shall be constructed of a noncombustible frame, covered with flameproof canvas or cloth, approved slow-burning plastic, sheet metal or other equivalent material, securely fastened to the face of the building and supported by posts in the ground or in the sidewalk, located between the building line and the curb line, and not less than eight feet above the sidewalk.

c. *Permit fees.* Prior to the issuance of such permit, each applicant shall pay to the commissioner an annual fee as set forth in the rules of the department, except that the fee for a permit for a canopy in connection with a sidewalk cafe licensed by the commissioner of consumer [affairs] and worker protection shall be twenty-five dollars.

§ 60. Subdivision h and paragraph 4 of subdivision j of section 19-136 of chapter 1 of title 19 of the administrative code of the city of New York, subdivision h as amended by local law number 22 for the year

2002 and subdivision j as amended by local law number 78 for the year 2001, are amended to read as follows:

h. In addition to police officers, officers and authorized employees of the department, the department of consumer [affairs] and worker protection, the department of health and mental hygiene, and the department of sanitation shall have the power to enforce the provisions of this section, other than subdivision j of this section, relating to the sale and display of goods, wares or merchandise in the public space.

4. If a fixed stand coin operated ride is placed on the sidewalk in violation of the provisions of this subdivision, any authorized officer or employee of the department or the department of consumer [affairs] and worker protection, or member of the police department, is authorized to provide for the removal of such fixed stand coin operated ride to any garage, automobile pound or other place of safety, and such ride may be subject to forfeiture upon notice and judicial determination. If a forfeiture hearing is not commenced, the owner or other person lawfully entitled to the possession of such ride may be charged with reasonable costs for removal and storage payable prior to the release of such device; provided, however, that a fixed stand coin operated ride that is not claimed within thirty days after its removal shall be deemed to be abandoned and may be sold at a public auction after having been advertised in the City Record, the proceeds thereof being paid into the general fund or such unclaimed fixed stand coin operated ride may be used or converted for use by the department or by another city agency or by a not-for-profit corporation.

§ 61. Subdivision b of section 19-169 of chapter 1 of title 19 of the administrative code of the city of New York, as amended by local law number 104 for the year 1993, is amended to read as follows:

b. Where the owner of such property, or his or her lessee, requests a police officer to arrange for removal of any such unlawfully parked vehicle, such vehicle shall be removed at the direction of the police department by the next available towing company participating in the rotation tow program established pursuant to section 20-519 of the code. Nothing in this section shall be construed to preclude an owner of such property, or his or her lessee, acting pursuant to this section, from arranging for the removal of such unlawfully parked vehicle by a tow operator of such person's choice. The commissioner of consumer [affairs] and worker

protection shall promulgate a regulation establishing performance standards for licensees in order to insure that vehicles summonsed under this section are towed as expeditiously as possible.

§ 62. Subdivisions l and m of section 19-169.1 of chapter 1 of title 19 of the administrative code of the city of New York, as added by local law number 94 for the year 1997, are amended to read as follows:

1. Authorized officers and employees of the department and the department of consumer [affairs] and worker protection and members of the police department shall have the power to enforce the provisions of this section and any rules promulgated hereunder.

m. The commissioner of consumer [affairs] and worker protection is authorized to promulgate such rules as the commissioner deems necessary to effectuate the provisions of this section.

§ 63. Subdivisions b, c, f, j, and k of section 19-169.2 of chapter 1 of title 19 of the administrative code of the city of New York, subdivisions b, f, j, and k as added by local law number 24 for the year 1995, paragraph 1 of subdivision c as amended by local law number 90 for the year 1997, and paragraphs 4 and 5 of subdivision c as added by local law number 88 for the year 1997, are amended to read as follows:

b. Except as provided in paragraph two of subdivision a of section 20-531 of this code, no person shall engage in booting unless such person is licensed by the department of consumer [affairs] and worker protection pursuant to subchapter 32 of chapter 2 of title 20 of this code and any rules promulgated pursuant thereto.

c. 1. No motor vehicle may be booted unless a sufficient number of signs is conspicuously posted and maintained by the owner of the property in the form, manner and location prescribed by rule of the commissioner of consumer [affairs] and worker protection and this subdivision. Such signs shall contain such information as the commissioner of consumer [affairs] and worker protection shall prescribe in such rule including, but not limited to, the word "warning," the name, business address, business telephone number and license number of the person authorized by the property owner to boot the vehicle, the hours during which and the circumstances under which vehicles are prohibited from parking on such property and are subject to booting or towing, if applicable, the fees to be charged for booting and the telephone number of the office within the

department of consumer [affairs] and worker protection responsible for receiving complaints regarding booting. The word "warning" on such signs shall be in letters not less than five inches high and shall be in the color red and the lettering on such signs stating the hours during which and the circumstances under which vehicles are prohibited from parking on such property and are subject to booting shall be not less than two inches high. The lettering on such signs which provides the name, business address, business telephone number, and license number of the person authorized to boot the vehicle, the fees to be charged for booting and the department of consumer [affairs] and worker protection telephone complaint number, shall be not less than three-fourths of an inch high.

4. No motor vehicle shall be booted by a person licensed by the department of consumer [affairs] and worker protection pursuant to subchapter thirty-two of chapter two of title twenty of this code and any rule promulgated pursuant thereto unless such licensee has been authorized to boot such motor vehicle pursuant to a written contract between such licensee and the owner, lessee, managing agent or other person in control of the property on which such motor vehicle is parked. Such contract shall also provide that such owner, lessee, managing agent or other person in control of the property shall be liable for any violation by such licensee or his or her employees or agents of any of the provisions of this section or of subchapter thirty-two of chapter two of title twenty of this code or of any rules promulgated pursuant to this section or such subchapter.

5. An owner, lessee, managing agent or other person in control of property who has entered into a written contract with a person licensed by the department of consumer [affairs] and worker protection pursuant to subchapter thirty-two of chapter two of title twenty of this code authorizing such licensee to boot motor vehicles parked on such property shall be liable for any violation by such licensee or such licensee's employees or agents of the provisions of this section, of subchapter thirty-two of chapter two of title twenty of this code or of any rules promulgated pursuant to this section or such subchapter.

f. No release or waiver of any kind purporting to limit or avoid liability for damages to a vehicle that has been booted shall be valid. In addition, any person who booted a vehicle, or other person authorized to



accept payment of any charges for such booting, shall provide a signed receipt to the individual paying the booting charges at the time such charges are paid. Such receipt shall state the name, business address, business telephone number and license number of the person who has booted such vehicle as such information appears on the license to engage in booting, and such receipt shall also include a telephone number for the office within the department of consumer [affairs] and worker protection responsible for receiving complaints with respect to booting.

j. Authorized employees of the department, or the department of consumer [affairs] and worker protection, or any police officer, shall have the power to enforce the provisions of this section and any rules promulgated pursuant thereto and the department of consumer [affairs] and worker protection shall be authorized to impose the civil penalties provided for in this section, may arrange for the redress of any injuries caused by violations of this section and may otherwise provide for compliance with the provisions and purposes of this section.

k. The commissioner of consumer [affairs] and worker protection is authorized to promulgate such rules as the commissioner deems necessary to effectuate the provisions of this section.

§ 64. Section 19-551 of chapter 5 of title 19 of the administrative code of the city of New York, subdivision a as added by local law number 220 for the year 2018 and subdivision b as added by local law number 218 for the year 2018, is amended to read as follows:

§ 19-551. Driver Assistance.

a. Driver assistance services. The commission, in consultation with the department of consumer [affairs] and worker protection, the department of small business services and any other agencies designated by the mayor, shall provide services and information to assist drivers, or owners of vehicles, licensed by the commission including but not limited to financial counseling, mental health services and referrals to non-profit organizations or other entities that may provide additional assistance to such drivers or owners. The commission may provide such services and information through the unit that issues licenses, the website of the

commission, or such other means as the commission deems appropriate.

b. Financial education for drivers. The commission, in consultation with the department of consumer [affairs] and worker protection and any other agencies designated by the mayor, shall engage in outreach and education efforts that are intended to inform individuals who are considering whether to enter into purchase, rental, lease or loan agreements for the purpose of obtaining vehicles for use as for-hire vehicles, and individuals who are considering whether to purchase, refinance or lease a taxicab license, about the costs and benefits of entering into such arrangements and transactions. Such outreach and education efforts may include written materials describing the common terms of such arrangements and transactions and identifying resources intended to help an individual understand the terms of such arrangements and transactions. The commission shall make any materials designed for the purposes of conducting such outreach and education available in English and in the six languages most commonly spoken by drivers, as those languages are determined by the commission, and in any other languages the commission determines to be appropriate. The commission shall make such materials available on the commission's website.

§ 65. The title of title 20 of the administrative code of the city of New York is amended to read as follows:

Title 20. Consumer [Affairs] and Worker Protection.

§ 66. Section 20-101 of chapter 1 of title 20 of the administrative code of the city of New York is amended to read as follows:

§ 20-101. Legislative intent.

The council finds that for the protection and relief of the public from deceptive, unfair and unconscionable practices, for the maintenance of standards of integrity, honesty and fair dealing among persons and organizations engaging in licensed activities, for the protection of the health and safety of the people of New York city and for other purposes requisite to promoting the general welfare, licensing by the department of consumer [affairs] and worker protection is a necessary and proper mode of regulation with respect to certain

trades, businesses and industries. The council finds further that, in order to secure the above-mentioned purposes, and generally to carry out responsibilities for supervising and regulating licensed activities, trades, businesses and industries, the commissioner of consumer [affairs] and worker protection requires powers, remedies and sanctions which are equitable, flexible and efficient. Finally, the council finds that sanctions and penalties applied by the commissioner and by the courts for the violation of laws and regulations by individuals and organizations engaging in various licensed activities, trades, businesses and industries, must be sufficient to achieve these above-mentioned purposes of licensing.

§ 67. Section 20-102 of chapter 1 of title 20 of the administrative code of the city of New York is amended to read as follows:

§ 20-102. Definitions.

Wherever used in this title:

- a. "Commissioner" shall mean the commissioner of consumer [affairs] and worker protection.
- b. "Department" shall mean the department of consumer [affairs] and worker protection.
- c. "License" shall mean an authorization by the department of consumer [affairs] and worker protection to carry on various activities within its jurisdiction, which may take the form of a license, permit, registration, certification or such other form as is designated under law, regulation or rule.
- d. "Organization" shall mean a business entity, including but not limited to a corporation, trust, estate, partnership, cooperative, association, firm, club or society.
- e. "Person" shall mean a natural person or an organization.
- f. "Trade name" shall mean that name under which an organization or person solicits, engages in, conducts or transacts a business or activity.

§ 68. Paragraph 1 of subdivision h of section 20-231 of chapter 2 of title 20 of the administrative code of the city of New York, as repealed and added by local law number 64 of 2003, is amended to read as follows:

1. After November first, nineteen hundred seventy-nine, no newsstand may be operated unless its design

has been approved by the art commission. The art commission shall evaluate newsstand designs in conformity with guidelines to be established by the department [of consumer affairs]. Approval or disapproval of a design submission shall be issued within thirty days of filing an application with the commission.

§ 69. Subdivisions f and g of section 20-259 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, are amended to read as follows:

f. If there are exceptional circumstances, the police commissioner, in consultation with the commissioners of the departments of consumer [affairs] and worker protection and transportation, shall be authorized, upon notice, to restrict or prohibit any pedicab driver from operating his or her pedicab on any street, avenue or other location for a specified period of time. Such specified period of time shall not exceed fourteen days except, during the period that commences November 12 and concludes January 7 of the following year, in and around the area of Manhattan bound on the north by Fifty-ninth Street, on the south by Thirty-ninth Street, on the east by Lexington Avenue and on the west by Eighth Avenue, the fourteen day time limit shall not be in effect.

1. For the purposes of this subdivision, exceptional circumstances shall include, but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space, a parade, demonstration or other such event or occurrence at or near such location.

g. Every affected community board may, at any time subsequent to enactment of this local law, conduct public hearings hereon and submit written recommendations to the department [of consumer affairs], the department of transportation, the police department and the council. Such recommendations may include, but not be limited to, methods to address any impact this law may have on such community with respect to pedestrian and vehicle traffic flow.

§ 70. Paragraph 1 of subdivision c of section 20-260 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 59 for the year 2012, is amended to read as follows:

1. The department shall create a pedicab information card in a size and style to be determined by the

commissioner that states in substance: (i) all pedicabs shall display a sign disclosing the price to be charged per minute per ride on the exterior of the pedicab and the rear of the bike seat of the pedicab; (ii) drivers are not permitted to charge tax; (iii) gratuity is not required; (iv) it shall be unlawful for a pedicab driver to charge any added fee, including fees for additional passengers; (v) passengers may call 311 if they have a complaint regarding a pedicab driver or business; and (vi) such additional information as required by the commissioner. Each such document shall include an area where each pedicab driver shall insert: (i) his or her name and pedicab driver's license number, which shall be clearly identified as a [New York city] department [of consumer affairs] license number; (ii) the pedicab business name, address, telephone number and pedicab business license number, which shall be clearly identified as a [New York city] department [of consumer affairs] license number; (iii) the rate per ride as indicated on the exterior of the pedicab and the rear of the bike seat of the pedicab pursuant to paragraphs 14 and 15 of subdivision a of section 20-254 of this subchapter; (iv) the date; (v) the total number of minutes and/or fraction of a minute of the pedicab ride; and (vi) the total charge of the pedicab ride.

§ 71. Section 20-529 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law number 41 for the year 2011, is amended to read as follows:

§ 20-529. Reporting on industry compliance.

Beginning on November 15, 2011 and annually on that date thereafter, the [New York city] department [of consumer affairs] shall submit a report to the council concerning violations issued to tow truck licensees. Such annual report shall contain data from the preceding twelve months that includes but is not limited to: (a) the total number of violations issued, disaggregated by section of the administrative code violated; (b) the total number of violations issued to each licensee; (c) the number of license suspensions, disaggregated by licensee; (d) the number of license revocations, disaggregated by licensee; and (e) the total number of meetings of the tow advisory board.

§ 72. Section 20-779.1 of chapter 5 of title 20 of the administrative code of the city of New York, as

renumbered and amended by local law number 63 for the year 2017, is amended to read as follows:

§ 20-779.1. Penalties.

a. (1) Criminal Penalties. Any provider who violates any provision of this subchapter shall be guilty of a class A misdemeanor.

(2) Civil Penalties. Any provider of immigration assistance services who violates any provision of this subchapter or any rule or regulation promulgated hereunder shall be liable for a civil penalty of not less than five hundred dollars nor more than five thousand dollars for the first violation and for each succeeding violation a civil penalty of not less than one thousand dollars nor more than ten thousand dollars.

b. A proceeding to recover any civil penalty authorized pursuant to the provisions of this section shall be commenced by the service of a notice of violation that shall be returnable to [the administrative tribunal of the department of consumer affairs] any tribunal established within the office of administrative trials and hearings.

§ 73. Section 20-782 of chapter 5 of title 20 of the administrative code of the city of New York, as added by local law number 15 for the year 2005, is amended to read as follows:

§ 20-782. Consumer information.

Not later than the first day of February of the year two thousand and five and on a quarterly basis thereafter, not later than February first, May first, August first, and November first of each year, any person offering, providing, or facilitating a payday loan in New York city shall submit to the department [of consumer affairs] and the council the residential zipcode of each consumer who lives within the city boundaries and has entered into a payday loan during the immediately preceding quarter.

§ 74. The definitions of “commissioner” and “department” in section 20-912 of chapter 8 of title 20 of the administrative code of the city of New York, as added by local law number 199 for the year 2017, are amended to read as follows:

**"Commissioner"** shall mean the [head of such office or agency as the mayor shall designate pursuant to section 20-a of the charter] commissioner of consumer and worker protection.

"**Department**" shall mean [such office or agency as the mayor shall designate pursuant to section 20-a of the charter] the department of consumer and worker protection.

§ 75. Subdivision e of section 20-926 of chapter 9 of title 20 of the administrative code of the city of New York, as added by local law number 104 for the year 2015, is amended to read as follows:

e. For the purposes of this chapter, "department" shall mean [such office or agency as the mayor shall designate pursuant to section 20-a of the charter] the department of consumer and worker protection and "commissioner" shall mean [the head of such office or agency] the commissioner of consumer and worker protection.

§ 76. The definitions of "director" and "office" in section 20-927 of the administrative code of the city of New York are REPEALED and such section is amended by adding new definitions of "commissioner" and "department" in alphabetical order to read as follows:

**Commissioner.** The term "commissioner" means the commissioner of consumer and worker protection.

**Department.** The term "department" means the department of consumer and worker protection.

§ 77. Subdivision c of section 20-928 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

c. The [director] commissioner may by rule require additional terms to ensure that the freelance worker and the hiring party understand their obligations under the contract.

§ 78. Section 20-931 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-931 Complaint procedure; jurisdiction of [director] commissioner.

a. *Complaint.* A freelance worker who is aggrieved by a violation of this chapter may file a complaint with the [director] commissioner within two years after the acts alleged to have violated this chapter occurred. The [director] commissioner shall prescribe the form of the complaint, which shall include, at a minimum:

1. The name and mailing address of the freelance worker and of the hiring party alleged to have

violated this chapter;

2. A statement detailing the terms of the freelance contract, including a copy of such contract if available;

3. The freelance worker's occupation;

4. A statement detailing the alleged violations of this chapter; and

5. A signed affirmation that all facts alleged in the complaint are true.

b. *Referral to navigation program.* At the time the [director] commissioner receives a complaint alleging a violation of this chapter, the [director] commissioner shall refer the freelance worker to the navigation program identified in section 20-932.

c. *Jurisdiction.*

1. The [director] commissioner does not have jurisdiction over a complaint if:

(a) Either party to the contract has initiated a civil action in a court of competent jurisdiction alleging a violation of this chapter or a breach of contract arising out of the contract that is the subject of the complaint filed under subdivision a of this section, unless such civil action has been dismissed without prejudice to future claims; or

(b) Either party to the contract has filed a claim or complaint before any administrative agency under any local, state or federal law alleging a breach of contract that is the subject of the complaint filed under subdivision a of this section, unless the administrative claim or complaint has been withdrawn or dismissed without prejudice to future claims.

2. Where the [director] commissioner lacks jurisdiction over a complaint, the [director] commissioner shall notify the following, in writing, within 10 days of discovering the lack of jurisdiction:

(a) The freelance worker; and

(b) The hiring party, if the [director] commissioner discovered the lack of jurisdiction after sending a notice to the hiring party pursuant to subdivision d of this section.



d. *Notice to hiring party.* Within 20 days of receiving a complaint alleging a violation of this chapter, the [director] commissioner shall send the hiring party named in the complaint a written notice of complaint. Such notice shall inform the hiring party that a complaint has been filed alleging violations of this chapter, detail the remedies available to a freelance worker for violations of this chapter by a hiring party and include a copy of the complaint and notice that failure to respond to the complaint creates a rebuttable presumption in any civil action commenced pursuant to this chapter that the hiring party committed the violations alleged in the complaint. The [director] commissioner shall send such notice by certified mail and shall bear the cost of sending such notice.

e. *Response.*

1. Within 20 days of receiving the notice of complaint, the hiring party identified in the complaint shall send the [director] commissioner one of the following:

(a) A written statement that the freelance worker has been paid in full and proof of such payment;

or

(b) A written statement that the freelance worker has not been paid in full and the reasons for the failure to provide such payment.

2. Within 20 days of receiving the written response, the [director] commissioner shall send the freelance worker a copy of:

(a) The response;

(b) Any enclosures submitted to the [director] commissioner with the response;

(c) Materials informing the freelance worker that he or she may bring an action in a court of competent jurisdiction;

(d) Any other information about the status of the complaint; and

(e) Information about the navigation program described in section 20-932.

3. If the [director] commissioner receives no response to the notice of complaint within the time

provided by paragraph 1 of this subdivision, the [director] commissioner shall mail a notice of non-response to both the freelance worker and the hiring party by regular mail and shall include with such notice proof that the [director] commissioner previously mailed the notice of complaint to the hiring party by certified mail. Upon satisfying the requirements of this paragraph, the [director] commissioner may close the case.

§ 79. Section 20-932 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-932 Navigation program.

a. The [director] commissioner shall establish a navigation program that provides information and assistance, as set forth in subdivision c of this section, relating to the provisions of this chapter. Such program shall include assistance by a natural person by phone and e-mail and shall also include online information.

b. The [director] commissioner shall make available model contracts on the website of the [office] department for use by the general public at no cost. Such model contracts shall be made available in English and in the six languages most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning.

c. The navigation program shall provide the following:

1. General court information and information about procedures under this chapter;
2. Information about available templates and relevant court forms;
3. General information about classifying persons as employees or independent contractors;
4. Information about obtaining translation and interpretation services and other courtroom services;
5. A list of organizations that can be used for the identification of attorneys; and
6. Other information, as determined by the [director] commissioner, related to the submission of a complaint by a freelance worker or the commencement of a civil action pursuant to this chapter by a freelance worker.

d. The navigation program shall include outreach and education to the public on the provisions of this

chapter.

e. The navigation program shall not provide legal advice.

§ 80. Paragraph 4 of subdivision a of section 20-933 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

4. Within 10 days after having commenced a civil action pursuant to subdivision a of this section, a plaintiff shall serve a copy of the complaint upon an authorized representative of the [director] commissioner. Failure to so serve a complaint does not adversely affect any plaintiff's cause of action.

§ 81. Subparagraph b of paragraph 3 of subdivision a of section 20-934 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

(b) The [director] commissioner from sending a notice of complaint pursuant to section 20-931, unless otherwise barred from doing so.

§ 82. Section 20-936 of chapter 10 of title 20 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

§ 20-936 Follow-up; data collection; reporting.

a. No later than six months after the [director] commissioner sends to a freelance worker either a hiring party's response and accompanying materials or a notice of non-response pursuant to paragraph 2 or 3 of subdivision e of section 20-931, the [director] commissioner shall send the freelance worker a survey requesting additional information about the resolution of the freelance worker's claims. Such survey shall ask whether or not the freelance worker pursued any such claims in court or through an alternative dispute resolution process and whether or not the hiring party ultimately paid any or all of the compensation the freelance worker alleged was due or if the matter was resolved in a different manner. Such survey shall state clearly that response to the survey is voluntary.

b. The [director] commissioner shall collect and track information about complaints alleging violations

of this chapter. The information collected shall include, at minimum:

1. The identity of the hiring party alleged to have violated this chapter;
2. The freelance worker's occupation;
3. The section of this chapter that was alleged to have been violated;
4. The value of the contract;
5. The response or non-response from the hiring party; and
6. Information from a completed survey identified in subdivision a of this section.

c. One year after the effective date of the local law that added this chapter, and every fifth year thereafter on November 1, the [director] commissioner shall submit to the council and publish on its website a report regarding the effectiveness of this chapter at improving freelance contracting and payment practices.

That report shall include, at a minimum:

1. The number of complaints the [director] commissioner has received pursuant to this chapter;
2. The value of the contracts disaggregated into ranges of \$500 and by section of this chapter alleged to have been violated;
3. The numbers of responses and non-responses received by the [director] commissioner disaggregated by contract value into ranges of \$500 and by section of this chapter alleged to have been violated;
4. The proportion of surveys received from freelance workers that indicate that they pursued their claims in court and the proportion of surveys received from freelance workers that indicate that they pursued their claims through an alternative dispute resolution process and a summary of the outcomes of such cases; and
5. Legislative recommendations for this chapter, including consideration of whether certain occupations should be exempted from the scope of the definition of freelance worker in section 20-927.

§ 83. The definitions of “director” and “office” in section 20-1201 of the administrative code of the city of New York are REPEALED and such section is amended by adding new definitions of “commissioner” and

“department” in alphabetical order to read as follows:

**Commissioner.** The term “commissioner” means the commissioner of consumer and worker protection.

**Department.** The term “department” means the department of consumer and worker protection.

§ 84. Section 20-1202 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1202 Outreach and education.

The [director] commissioner shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to employers, employees and members of the public who are likely to be affected by this law.

§ 85. The opening paragraph of section 20-1203 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1203 Reporting.

The [director] commissioner shall report annually on the city’s website, without revealing identifying information about any non-public matter or complaint, on the effectiveness of its enforcement activities under this chapter. The report shall include the following information:

§ 86. Section 20-1205 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1205 Notice and posting of rights.

a. The [director] commissioner shall publish and make available notices for employers to post in the workplace or at any job site informing employees of their rights protected under each subchapter of this chapter before the effective date of the local law that added each corresponding subchapter. Such notices shall be made available in a downloadable format on the city’s website in accordance with the requirements for language access as described in chapter 11 of title 23. The [director] commissioner shall update such notices if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the director.

b. In accordance with the rules of the [office] department, every employer shall conspicuously post at any workplace or job site where any employee works the notices described in subdivision a of this section that are applicable to the particular workplace or job site. Such notices shall be in English and any language spoken as a primary language by at least five percent of employees at that location if the [director] commissioner has made the notice available in that language.

§ 87. Section 20-1206 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1206 Recordkeeping

a. Employers shall retain records documenting their compliance with the applicable requirements of this chapter for a period of three years and shall allow the [office] department to access such records and other information, consistent with applicable law and in accordance with rules of the department and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter.

b. An employer's failure to maintain, retain or produce a record or other information required to be maintained by this chapter and requested by the [office] department in furtherance of an investigation conducted pursuant to this chapter that is relevant to a material fact alleged by the [office] department in a notice of violation issued pursuant to this subchapter creates a rebuttable presumption that such fact is true.

§ 88. Section 20-1207 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1207 Administrative enforcement; jurisdiction and complaint procedures.

a. *Jurisdiction.* The [director] commissioner shall enforce the provisions of this chapter.

b. *Complaints and investigations.*

1. Any person, including any organization, alleging a violation of this chapter may file a complaint with the [office] department within two years of the date the person knew or should have known of the alleged violation.

2. Upon receiving such a complaint, the [office] department shall investigate it.

3. The [office] department may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the [office] department with information or evidence that the [office] department requests pursuant to the investigation. If, as a result of an investigation of a complaint or an investigation conducted upon its own initiative, the [office] department believes that a violation of this chapter has occurred, the [office] department may attempt to resolve it through any action authorized by [section 20-a] chapter 64 of the charter. Adjudicatory powers pursuant to this subchapter may be exercised by the [director] commissioner or by the office of administrative trials and hearings pursuant to [section 20-a] chapter 64 of the charter.

5. The [office] department shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The [office] department shall, to the extent practicable, notify such complainant that the [office] department will be disclosing the complainant's identity before such disclosure.

§ 89. Subdivision a of section 20-1208 of chapter 12 of title 20 of the administrative code of the city of New York, as amended by local law number 69 for the year 2018, is amended to read as follows:

a. For violations of this chapter, the [office] department may grant the following relief to employees or former employees:

1. All compensatory damages and other relief required to make the employee or former employee whole;

2. An order directing compliance with the notice and posting of rights and recordkeeping requirements set forth in sections 20-1205 and 20-1206; and

3. For each violation of:

(a) Section 20-1204,

(1) Rescission of any discipline issued, reinstatement of any employee terminated and payment

of back pay for any loss of pay or benefits resulting from discipline or other action taken in violation of section 20-1204;

(2) \$500 for each violation not involving termination; and

(3) \$2,500 for each violation involving termination;

(b) Section 20-1221, \$200 and an order directing compliance with section 20-1221;

(c) Section 20-1222, payment of schedule change premiums withheld in violation of section 20-1222 and \$300;

(d) Section 20-1231, payment as required under section 20-1231, \$500 and an order directing compliance with section 20-1231;

(e) Section 20-1241, \$300 and an order directing compliance with section 20-1241;

(f) Subdivision a of section 20-1251, the greater of \$500 or such employee's actual damages;

(g) Subdivisions a and b of section 20-1252, \$300; and

(h) Subdivision a or b of section 20-1262, \$500 and an order directing compliance with such subdivision, provided, however, that an employer who fails to provide an employee with the written response required by subdivision a of section 20-1262 may cure the violation without a penalty being imposed by presenting proof to the satisfaction of the [office] department that it provided the employee with the required written response within seven days of the [office] department notifying the employer of the opportunity to cure.

§ 90. Section 20-1210 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

§ 20-1210 Enforcement by the corporation counsel.

The corporation counsel or such other persons designated by the corporation counsel on behalf of the [office] department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1207 through 20-1209, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation,



mandating compliance with the provisions of this chapter or such other relief as may be appropriate.

§ 91. Subdivision d of section 20-1211 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

d. *Relationship to [office] department action.*

1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the [office] department. Failure to so serve a notice does not adversely affect any plaintiff's cause of action.

2. An employee need not file a complaint with the [office] department pursuant to subdivision b of section 20-1207 before bringing a civil action; however, no person shall file a civil action after filing a complaint with the [office] department unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the [office] department after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by an employee does not preclude the [office] department from investigating the employer or commencing, prosecuting or settling a case against the employer based on some or all of the same violations.

§ 92. Paragraph 4 of subdivision a of section 20-1212 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

4. Nothing in this section prohibits (i) the [office] department from exercising its authority under section 20-1207 through 20-1209, or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1207 or a civil action pursuant to section 20-1211 based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.

§ 93. Paragraphs 1 and 3 of subdivision c of section 20-1221 of chapter 12 of title 20 of the

administrative code of the city of New York, as added by local law number 107 for the year 2017, are amended to read as follows:

1. Provide fast food employees with written notice of the work schedule as required by subdivision b of this section by (i) posting the schedule in a conspicuous place at the workplace that is readily accessible and visible to all employees and (ii) transmitting the work schedule to each fast food employee, including by electronic means, if such means are regularly used to communicate scheduling information. The [office] department may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees in connection with such posting and transmittal;

3. Upon request by any fast food employee, and in accordance with the rules of the [office] department, provide such employee with (i) such employee's work schedule in writing for any previous week worked for the past three years and (ii) the most current version of work schedules of all fast food employees who work at the same fast food establishment as the requesting employee, whether or not changes to the work schedule have been posted.

§ 94. Subdivisions b and j of section 20-1241 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 106 for the year 2017, are amended to read as follows:

b. When shifts become available that must be offered to current fast food employees pursuant to subdivision a, a fast food employer shall post a notice that states the number of shifts being offered; the schedule of the shifts; whether the shifts will occur at the same time each week; the length of time such fast food employer anticipates requiring coverage of the shifts; the number of fast food employees needed to cover the shifts; the process, date and time by which fast food employees may notify such fast food employer of their desire to work the shifts; the criteria such fast food employer will use for the distribution of the shifts; an advisement that a fast food employee may accept a subset of the shifts offered but that shifts will be distributed according to the criteria described in the notice; and an advisement that while fast food employees working at all locations owned by the fast food employer may accept offered shifts immediately, shifts will be distributed

first to fast food employees currently employed at the location where the shifts will be worked. The fast food employer shall post such notice for three consecutive calendar days in a conspicuous and accessible location where notices to fast food employees are customarily posted, unless a shorter posting period is necessary in order for the work to be timely performed as may be prescribed by the rules of the [director] commissioner. The fast food employer shall also provide the notice in writing directly to each fast food employee electronically.

j. The [director] commissioner may promulgate rules regarding how and to which fast food employees offers of shifts pursuant to subdivision g shall be made by fast food employers that own at least 50 fast food establishments in the city based on the geographic distribution of such establishments.

§ 95. Subdivision b of section 20-1252 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 99 for the year 2017, is amended to read as follows:

b. A retail employer shall conspicuously post in a location that is accessible and visible to all retail employees at the work location the work schedule of all the retail employees at that work location at least 72 hours before the beginning of the scheduled hours of work and shall update the schedule and directly notify affected retail employees after making changes to the work schedule. Retail employers shall also transmit the work schedule by electronic means, if such means are regularly used to communicate scheduling information. The [office] department may by rule establish requirements or exceptions necessary to ensure the privacy and safety of employees.

§ 96. Subdivision b of section 20-1262 of chapter 12 of title 20 of the administrative code of the city of New York, as added by local law number 69 for the year 2018, is amended to read as follows:

b. An employee may request, and in so doing is protected by the provisions of subchapter 1 of this chapter, and an employer may grant or deny, a change to a work schedule other than the temporary changes an employer is required to grant under subdivision a of this section. An employee request for such other change to a work schedule and an employer response to such a request shall follow the procedure in paragraphs 2 and 3 of subdivision a of this section to the extent applicable and as set forth in rules promulgated by the [director]

commissioner.

§ 97. The definitions of “director” and “office” in section 20-1301 of chapter 13 of title 20 of the administrative code of the city of New York are REPEALED and the definitions of “commissioner” and “department” in such section, as added by local law number 98 for the year 2017, are amended to read as follows:

§ 20-1301 Definitions.

**Commissioner.** The term “commissioner” means the commissioner of consumer and worker protection.

**Department.** The term “department” means the department of consumer and worker protection.

§ 98. Subdivisions a, c, g, and h of section 20-1302 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, are amended to read as follows:

§ 20-1302 Requirement to deduct and remit voluntary contributions to not-for-profits.

a. A fast food employer shall, upon authorization from a fast food employee and upon receipt of a registration letter as provided in subdivision b of section 20-1303 pertaining to the relevant not-for-profit, deduct voluntary contributions from such fast food employee's paycheck and remit them to the not-for-profit designated by such fast food employee. An authorization shall be written, whether on paper or by an electronic or other method prescribed by the [director] commissioner, and shall include:

c. An authorization is in effect until the fast food employee revokes the authorization in writing, whether on paper or by an electronic or other method prescribed by the [director] commissioner, to the not-for-profit. The not-for-profit shall transmit the revocation to the fast food employer.

g. *Processing fee.* Upon request by a fast food employer, the not-for-profit shall reimburse the fast food employer for the costs associated with deduction and remittance, as calculated pursuant to rules of the [office] department.

h. *Written notice of rights and obligations.* A fast food employer shall provide written notice to its fast food employees of their rights and of the fast food employer's obligations under this section on a form provided

by the [office] department. Such notice shall be posted in a conspicuous place in the fast food establishment. Such notice shall include a statement that labor organizations as defined by the national labor relations act, employee organizations as defined by subdivision 5 of section 201 of the civil service law, and labor organizations as defined in subdivision 5 of section 701 of the labor law are not permitted to seek remittances under this chapter pursuant to subdivision b of section 20-1310.

§ 99. Section 20-1303 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1303 Registration by not-for-profits required.

a. Before it may accept deductions pursuant to this chapter, a not-for-profit shall register with the [office] department by providing the following in the manner prescribed by the [office] department:

b. The [office] department shall issue a registration letter to the registered not-for-profit confirming that it has met the conditions required to trigger the requirements of this chapter. A not-for-profit or fast food employee seeking to have a fast food employer make payroll deductions pursuant to this chapter must provide a copy of the [office's] department's registration letter to the relevant fast food employer along with the request for such deductions authorization.

§ 100. Paragraph 4 of subdivision a of section 20-1304 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

4. When prescribed by the [director] commissioner, a list of the not-for-profit's employees;

§ 101. Section 20-1307 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1307 Enforcement.

a. The [office] department shall investigate potential violations and enforce the provisions of this chapter consistent with section[s 20-a and] 2203 of the charter and with all powers and duties described therein

and according to rules and policies of the [office] department.

b. *Violations by fast food employers.*

1. Except as provided in subdivision c of this section, an aggrieved fast food employee or duly authorized representative thereof or an aggrieved not-for-profit may file a complaint with the [office] department regarding violations of this chapter by a fast food employer. Except for an allegation of retaliation in violation of section 20-1306, the [office] department shall only investigate such a complaint if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter.

2. Except as otherwise provided in subdivision c of this section, if a fast food employer is found to have violated this chapter, including by retaliation, the [office] department may award any of the following, in addition to any other remedy provided in the charter or other law:

(a) Deductions and remittances as authorized by the fast food employee and the payment of interest to the not-for-profit from the date of the failure to deduct or remit based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year; and

(b) Payment of a further sum as a civil penalty in an amount not exceeding \$500 for each violation of this chapter. However, in cases where a final disposition has been entered against a fast food employer twice within any consecutive three-year period determining that such fast food employer has willfully failed to deduct or remit funds in accordance with this chapter, or has retaliated against a fast food employee in violation of section 20-1306, the [office] department may impose a civil penalty in an amount not exceeding \$1,000 for each violation of this chapter.

(c) Reinstatement, back pay and other appropriate relief for any fast food employee found to have been subject to retaliation in violation of section 20-1306.

3. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation,

the history of previous violations, and the good faith of the fast food employer. No procedure or remedy set forth in this section is exclusive of or a prerequisite for asserting a claim for relief to enforce any rights under this chapter in a court of competent jurisdiction.

c. *Failure to honor a revocation.* A fast food employer or a not-for-profit that the [office] department finds has failed to honor the revocation of a fast food employee of voluntary deductions and instead has retained contributions after revocation shall refund the fast food employee the amount of the contribution wrongfully retained. If the refund to the fast food employee is not made within 60 days of receipt of the revocation by the party that retained the contribution, the [office] department may require the payment of interest on the amount of the refund owed based on the rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate of no less than six percent per year.

d. *False or misleading disclosures to fast food employees.* It is a violation of this chapter for a not-for-profit intentionally to make materially false or misleading disclosures to fast food employees under subdivision a of section 20-1304, and as set forth in rules prescribed by the [director] commissioner. Where a violation is established, such not-for-profit shall cure the false or misleading statements to fast food employees within 30 days. Upon establishing a second such violation within two years of a previous violation, the [director] commissioner shall revoke any previously issued letter of registration as set forth in subdivision b of section 20-1303.

e. The [office] department shall make rules establishing a process for such interested parties as the [office] department may identify by rule to petition the [director] commissioner to re-examine or revoke a not-for-profit's registration pursuant to this chapter.

f. Any party with rights under this chapter may bring an action pursuant to article 78 of the civil practice law and rules to enforce, vacate or modify an order, determination or other disposition of the [office] department, the office of administrative trials and hearings or other relevant tribunal.

§ 102. Subdivisions a and b of section 20-1308 of chapter 13 of title 20 of the administrative code of the

city of New York, as added by local law number 98 for the year 2017, are amended to read as follows:

a. Except as otherwise provided by law, any person claiming to be aggrieved by a fast food employer's violation of this chapter has a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, if the relevant not-for-profit demonstrates that it has complied with sections 20-1303 and 20-1304 by providing a copy of the registration letter from the [office] department unless such person has filed a complaint with the [office] department with respect to such claim. If the court finds in favor of the plaintiff, it shall award such person, in addition to other relief, reasonable attorney's fees and costs.

b. Notwithstanding any inconsistent provision of subdivision a of this section, if the [office] department dismisses a complaint or the complaint is withdrawn, an aggrieved person maintains all rights to commence a civil action pursuant to this section.

1. An employee need not file a complaint with the [office] department before bringing a civil action; however, no person shall file a civil action after filing a complaint with the [office] department unless such complaint has been withdrawn or dismissed without prejudice to further action.

2. No person shall file a complaint with the [office] department after filing a civil action unless such action has been withdrawn or dismissed without prejudice to further action.

§ 103. Section 20-1309 of chapter 13 of title 20 of the administrative code of the city of New York, as added by local law number 98 for the year 2017, is amended to read as follows:

§ 20-1309 Limitations period.

The [office] department shall not investigate violations of this chapter committed more than two years before the filing of a complaint or the commencement of such investigation, whichever is earlier. Each failure to comply with this chapter constitutes a separate violation; a pattern of such violations is a continuing violation for purposes of assessing the limitations period.

§ 104. Subdivision c of section 20-1310 of chapter 13 of title 20 of the administrative code of the city of



New York, as added by local law number 98 for the year 2017, is amended to read as follows:

c. The [office] department shall promulgate rules necessary to ensure that this law will be applied in a manner consistent with federal or state labor law and will not affect the relationship among workers or employees and employers, and the entities described in subdivision b, except as specifically provided in this chapter.

§ 105. Subdivisions a and b of section 20-9011 of chapter 1 of title 20-A of the administrative code of the city of New York, as renumbered and amended by local law number 107 for the year 2017, are amended to read as follows:

a. Except as otherwise provided in subdivision b of this section, any person who violates any provision of this chapter or any of the rules promulgated thereto shall be liable for a civil penalty which shall not exceed ten thousand dollars for each such violation. Such civil penalty may be recovered in a civil action or may be returnable to [the department of consumer affairs or other] another administrative tribunal of competent jurisdiction;

b. Any person who violates subdivision a of section 20-9004 shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall also be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to [the department of consumer affairs or other] another administrative tribunal of competent jurisdiction; and

§ 106. Section 20-9013 of chapter 1 of title 20-A of the administrative code of the city of New York, as renumbered and amended by local law number 107 for the year 2017, is amended to read as follows:

§ 20-9013 Enforcement.

Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by authorized employees or agents of the commission or the police department. In addition, such

notices of violation may, at the request of the commission and with the consent of the appropriate commissioner, be issued by authorized employees and agents of the department of consumer [affairs] and worker protection or the department of investigation.

§ 107. Subdivision b of section 20-9016 of chapter 1 of title 20-A of the administrative code of the city of New York is hereby REPEALED.

§ 108. The definition of “department” in subdivision a of section 22-507 of chapter 5 of title 22 of the administrative code of the city of New York, as added by local law number 11 for the year 2016, is amended to read as follows:

**Department.** The term "department" means the department of consumer [affairs] and worker protection or any other agency or office designated by the mayor.

§ 109. Subdivisions e and g of section 24-163.6 of chapter 1 of title 24 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, are amended to read as follows:

e. The commissioner may issue a waiver for the use of the best available retrofit technology by a diesel fuel-powered sight-seeing bus where the department of consumer [affairs] and worker protection makes a written finding, which is approved, in writing, by the commissioner, that such technology is unavailable for purchase for such bus, in which case the owner or operator of such bus shall be required to use the technology for reducing the emission of pollutants that would be the next best best available retrofit technology and that is available for purchase for such bus. Any waiver issued pursuant to this subdivision shall expire after three years. The commissioner shall not renew any waiver issued pursuant to this subdivision after January 1, 2014.

g. Not later than January 1, 2008, and not later than January 1 of each year thereafter, the commissioner shall submit a report to the comptroller and the speaker of the council regarding, among other things, the use of the best available retrofit technology by diesel fuel-powered sight-seeing buses during the immediately preceding fiscal year. This report shall include, but not be limited to: (i) the total number of diesel fuel-powered sight-seeing buses licensed pursuant to subchapter 21 of chapter 2 of title 20 of the administrative

code; (ii) the number of such buses that utilized the best available retrofit technology, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iii) the number of such buses that utilized other authorized technology in accordance with this section, including a breakdown by vehicle model, engine year and the type of technology used for each vehicle; (iv) the number of such buses that are equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter in accordance with subdivision f of this section; (v) the locations where such buses that utilized the best available retrofit technology, utilized such other authorized technology in accordance with this section or were equipped with an engine certified to the applicable United States environmental protection agency standard for particulate matter were used; (vi) the age of the engine with which each bus that did not utilize the best available retrofit technology is equipped; and (vii) all waivers issued pursuant to subdivision e of this section, which shall include, but not be limited to, all findings and specific information submitted by the department of consumer [affairs] and worker protection or the owner or operator of a diesel fuel-powered sight-seeing bus upon which such waivers are based and the type of other authorized technology utilized in accordance with this section in relation to each waiver, instead of the best available retrofit technology.

§ 110. Subdivision b of section 24-529 of chapter 5 of title 24 of the administrative code of the city of New York, as added by local law number 62 for the year 2015, is amended to read as follows:

b. Prior to filing an application for a license or renewal of a license to operate a car wash pursuant to subchapter 33 of chapter 2 of title 20 of this code, an applicant shall certify to the commissioner that the following information, in a form and method prescribed by the commissioner, will be maintained by the applicant at its principal place of business for a minimum of three years, and such information shall be made available to the department or the department of consumer [affairs] and worker protection upon request:

1. The source from which the applicant draws or will draw its water, whether from the public water supply, well water or other source;
2. For renewal applicants, the amount of water drawn from public sources each month since the

applicant last filed an application;

3. Construction drawings and as-built plans, meaning the final set of drawings produced at the completion of construction, of any oil/water separator system or sand interceptor, attesting to the volume of the system and to the maximum flow of wastewater that the system can filter and otherwise clarify efficiently;

4. Written certification that the applicant has regularly removed, in accordance with the respective manufacturer's specifications, oil, sediment and other residues that may be regulated by the commissioner pursuant to department rules regarding sewer use from its oil/water separator system and sand interceptor, as well as the method or methods used to remove and dispose of such oil, sediment and other residues, and for renewal applicants, the frequency of such removal and disposal since the applicant last filed an application;

5. Written certification that the applicant has complied with the rules of the department regarding testing and reporting with respect to all backflow prevention devices;

6. A logbook of monitoring and inspection results and repair and maintenance activities with regard to oil/water separators, sand interceptors and other pretreatment devices or systems, and backflow prevention devices, since the applicant last filed an application, provided that an applicant for a new car wash shall begin maintaining such information between sixty and ninety days of commencement of operations after receiving a license from the department of consumer [affairs] and worker protection pursuant to section 20-541 of this code; and

7. Material safety data sheets or safety data sheets that indicate the chemicals used in the operation of the car wash, where such material safety data sheets or safety data sheets are required by federal, state or local law, rule or regulation.

§ 111. Subdivision h of section 27-525.1 of chapter 1 of title 27 of the administrative code of the city of New York, as added by local law number 35 for the year 2006, is amended to read as follows:

h. In addition to employees of the department, employees of the police department and the department of consumer [affairs] and worker protection shall have the authority to enforce the provisions of this section

regarding security guards.

§ 112. Paragraph 3 of subdivision b of section 27-848.04 of chapter 1 of title 27 of the administrative code of the city of New York, as added by local law number 80 for the year 1989, is amended to read as follows:

(3) For retrofit installations in occupied residential dwellings, the installer shall have a home improvement contractor's license from the department of consumer [affairs] and worker protection.

§ 113. Section 28-103.1.3 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 5 for the year 2010, is amended to read as follows:

§ 28-103.1.3 Innovation review board.

There is hereby established within the department an innovation review board which shall include as members in addition to the commissioner, the commissioners of environmental protection, health and mental hygiene and design and construction and the chairperson of the city planning commission, or their respective designees. The commissioner shall also designate members from among the fire commissioner and the commissioners of transportation, parks and recreation, consumer [affairs] and worker protection, emergency management, housing preservation and development and sanitation and the chairperson of the landmarks preservation commission, and non-governmental organizations and individuals, or their respective designees, with respect to specific matters being considered by the board where the commissioner determines it appropriate to do so.

§ 114. Section 28-103.22 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 75 for the year 2009, is amended to read as follows:

The commissioner shall, through or in cooperation with the department of small business services, the department of consumer [affairs] and worker protection, and other city agencies deemed appropriate, develop an outreach program to manufacturers and installers of security grilles, business improvement districts, local development corporations, chambers of commerce and community boards to alert these groups and the

businesses that utilize security grilles of the permit requirements and the requirements of this section, the penalties associated with violation thereof and the availability of any business loans, grants or tax subsidies related to the installation or use of such security grilles.

§ 115. Section 28-103.32 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 190 for the year 2018, is amended to read as follows:

The department, in conjunction with (i) the mayor's office of immigrant affairs, (ii) the commission on human rights, (iii) the department of consumer [affairs] and worker protection, (iv) the department of health and mental hygiene, (v) the department of small business services, (vi) the department of citywide administrative services and (vii) any other office or agency designated by the mayor, shall conduct education and outreach to increase awareness of sections 403.2.1 and 403.4 of the New York city plumbing code, regarding single-occupant toilet room requirements. Such education and outreach shall be tailored to business owners, and shall, at a minimum, include educational materials concerning such single-occupant toilet room requirements and the related posting and signage requirements, including samples of acceptable signage. Such materials and sample signage shall be available in the designated citywide languages as defined in section 23-1101. Information concerning such requirements shall also be made available on the department's website.

§ 116. Section 28-117.4.3 of chapter 1 of title 28 of the administrative code of the city of New York, as added by local law number 8 for the year 2008, is amended to read as follows:

In addition to employees of the department, employees of the police department and the department of consumer [affairs] and worker protection shall have the authority to enforce the provisions of this article regarding security guards.

§ 117. Section BC 3111.1 of the New York city building code, as renumbered by local law 141 for the year 2013, is amended to read as follows:

3111.1 General.

Sidewalk cafes provided beyond the building line shall comply with the requirements of this section, the

New York City Zoning Resolution, the Commissioners of the Department of Consumer [Affairs] and Worker Protection and Department of Transportation, and with the projection limitations of Chapter 32 of this code.

§ 118. Section BC 3111.3 of the New York city building code, as renumbered by local law number 141 for the year 2013, is amended to read as follows:

3111.3. Awnings.

Awnings supported entirely from the building may be placed over unenclosed sidewalk cafes provided they are at least 8 feet (2438 mm) clear above the sidewalk and within the limits specified by the Commissioner of the Department of Consumer [Affairs] and Worker Protection. Such awnings shall be in compliance with Section 3105 of this code.

§ 119. Section BC 3202.2.1.4.7 of the New York city building code, as added by local law number 33 for the year 2007, is amended to read as follows:

3202.2.1.4.7 Other agency approvals

An applicant wishing to erect a marquee shall provide proof that the Commissioners of the Departments of Transportation, Consumer [Affairs] and Worker Protection, and Environmental Protection have not permitted the use of a space or structure on or under the sidewalk beneath the proposed marquee in such a manner that the construction of the proposed marquee shall interfere with the removal or repair of any such permitted use or structure.

§ 120. Section BC 3202.4.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

3202.4.1 Sidewalk cafes

Enclosures for sidewalk cafes, where permitted by the Commissioner of the Department of Consumer [Affairs] and Worker Protection pursuant to applicable law and constructed in compliance with Section 3111, may be constructed beyond the street line.

§ 121. Section FC 316.4.1 of the New York city fire code, as added by local law number 26 for the year 2008, is amended to read as follows:

316.4.1 Licensing.

Department permits and other approvals shall be issued to an automotive salvage and wrecking facility only if such facility is licensed and maintained in accordance with requirements of the New York State Department of Motor Vehicles and the New York City Department of Consumer [Affairs] and Worker Protection.

§ 122. The definition of “director” in section 32-201 of chapter 2 of title 32 of the administrative code of the city of New York, is REPEALED, the definition of “division” in such section, as added by local law number 98 for the year 2016, is amended, and such section is amended by adding a new definition of “commissioner” in alphabetical order to read as follows:

**Commissioner.** The term “commissioner” means the commissioner of consumer and worker protection.

**Division.** The term “division” means the division of paid care established pursuant to subdivision [h] e of section [20-a] 2203 of the charter.

§ 123. Subdivision a of section 32-202 of chapter 2 of title 32 of the administrative code of the city of New York, as added by local law number 98 for the year 2016, is amended to read as follows:

a. The division shall assist the [director] commissioner in developing policies and programs that apply to paid care workers.

§ 124. This local law takes effect immediately; provided that the amendments to sections 20-1301 through 20-1304, and sections 20-1307 through 20-1310 of the administrative code of the city of New York made by sections 97 through 104 of this local law, shall not affect the expiration of such sections pursuant to local law 98 for the year 2017 and shall expire therewith.