



Legislation Text

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Int. No. 2233-A

By Council Members Gibson, The Speaker (Council Member Johnson), Gjonaj, Holden, Ayala, Brannan, Rosenthal, D. Diaz, Brooks-Powers, Yeger, Gennaro, Moya, Adams, Lander, Dinowitz, Rivera, Ampy-Samuel, Louis and Borelli

A Local Law to amend the administrative code of the city of New York, in relation to reducing penalties and allowing opportunities to cure for certain violations, to repeal chapter 4-B of title 16 of such code, relating to the recycling of plastic carryout bags and film plastic, to repeal section 20-117 of such code, relating to disclosure of a security breach by a licensee of the department of consumer and worker protection, to repeal section 20-118 of such code, relating to notification of the department of consumer and worker protection by a licensee of a judgment regarding identity theft, to repeal section 20-212 of such code, relating to the licenses required to operate an amusement device, gaming café, and amusement arcade, to repeal 20-213 of such code, relating to the fees for such licenses, to repeal subchapter 13 of chapter 2 of title 20 of such code, relating to the licensing of auctioneers by the department of consumer and worker protection, to repeal sections 20-297.2, 20-297.3, and 20-297.4 of such code, relating to the licensing of laundries, to repeal subdivision e of section 20-634 of such code, relating to the collection of written statements from applicants for a license by the commissioner of the department of consumer and worker protection to the advisory task force, to repeal subchapter 16 of chapter 2 of title 20 of such code, relating to the licensing of persons who are conducting a sale of goods, wares or merchandise, to repeal section 20-348 of such code, relating to permitting conduct of games of bingo after 6 p.m. on Sundays, to repeal subchapter 2 of chapter 4 of title 20 of the administrative code of the city of New York, relating to the sale of charcoal, to repeal subchapter 4 of chapter 4 of title 20 of such code, relating to the sale of chopped meat, to repeal subchapter 6 of chapter 4 of title 20 of such code, relating to the sale of processed meats or meat products, to repeal subchapter 9 of chapter 4 of title 20 of such code, in relation to the sale of plumbing fixtures that do not comply with section 604.4 of the New York city plumbing code, to repeal subchapter 10 of chapter 4 of title 20 of such code, in relation to the sale of water supply control valves, to repeal subchapter 11 of chapter 4 of title 20 of such code, in relation to the sale of gauges that utilize mercury, to repeal section 20-713 of such code, in relation to the display of the current selling price of prescription drugs

Be it enacted by the Council as follows:

Section 1. Section 10-121 of the administrative code of the city of New York, subdivision a of such section as amended by local law number 2 for the year 2003, subdivision b of such section as amended by local law number 29 for the year 2003, subdivision e of such section as added by local law number 111 for the year 1993 and subdivision g of such section as added by local law number 2 for the year 2003, is amended to read as

follows:

§ 10-121 Violation. a. Any person convicted of a violation of any of the provisions of section 10-119 or 10-120 of the code shall be punished by a fine of not less than seventy-five dollars nor more than one hundred fifty dollars, for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period, plus the cost of the removal of the unauthorized signs, imprisonment for not more than ten days, or both; provided, however, that subdivision b of section 10-119 of the code shall not apply with respect to criminal prosecutions brought pursuant to this subdivision.

b. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-119 [or 10-120] of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose the civil penalties of [not less than] seventy five dollars [nor more than one hundred fifty dollars] for the first offense and [not less than] one hundred fifty dollars [nor more than two hundred fifty dollars] for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of section 10-119 [or 10-120], in addition to any penalty imposed, shall be responsible for the cost of the removal of the unauthorized signs. Anyone found to have violated section 10-119 of this chapter by affixing any handbill, poster, notice, sign or advertisement to a tree by means of nailing or piercing the tree by any method shall have an additional penalty imposed equal to the amount of the original penalty.

c. In the instance where the notice of violation, appearance ticket or summons is issued for breach of the provisions of section 10-120 of the code and sets forth thereon civil penalties only, such process shall be returnable to the environmental control board, which shall have the power to impose a civil penalty of not less than seventy five dollars nor more than one hundred fifty dollars for the first offense and not less than one hundred fifty dollars nor more than two hundred fifty dollars for the second and each subsequent offense within a twelve month period. Anyone found to have violated the provisions of section 10-120, in addition to any

penalty imposed, shall be responsible for the cost of the removal of the signs that were torn down, defaced or destroyed.

d. In the event that a violator fails to answer such notice of violation, appearance ticket or summons within the time provided therefor by the rules and regulations of the environmental control board, he or she shall become liable for additional penalties. The additional penalties shall not exceed fifty dollars for each violation.

[d]e. Any person found in violation of any of the provisions of section 10-119 or 10-120 of the code shall be liable for a civil penalty as provided for in [subdivision] subdivisions b and c of this section.

[e]f. Liability and responsibility for any civil penalty imposed pursuant to this section for any violation of section 10-119 or 10-120 of the code shall be joint and severable on the part of any corporation found to be liable and responsible and its officers, principals, and stockholders owning more than ten percent of its outstanding voting stock.

g. For the purposes of imposing a criminal fine or civil penalty pursuant to this section, every handbill, poster, notice, sign or advertisement pasted, posted, painted, printed or nailed in violation of section 10-119 of the code or torn down, defaced or destroyed in violation of section 10-120 of the code, shall be deemed to be the subject of a separate violation for which a separate criminal fine or civil penalty shall be imposed.

§ 2. Subdivision b of section 10-127 of the administrative code of the city of New York is amended to read as follows:

b. Vehicles, markings of. Every commercial vehicle operating on the streets of the city shall at all times display permanently, plainly marked on both sides in letters and any numerals [not less than three inches in height] in accordance with section 390.21 of title 49 of the code of federal regulations, the name [and address] of the owner thereof. The commissioner of transportation may promulgate rules imposing requirements or prohibitions relating to such markings, or both, applicable to such commercial vehicles, provided that any such requirements or prohibitions imposed by such commissioner shall not be more restrictive than any requirements

or prohibitions applicable to such vehicles set forth in section 390.21 of title 49 of the code of federal regulations.

§ 3. Subdivisions c and d of section 10-169 of the administrative code of the city of New York, as added by local law number 67 for the year 2014, are amended to read as follows:

c. Any person who violates the provisions of paragraph two of subdivision b of this section shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of [two hundred fifty] one hundred dollars for the first offense and [five] three hundred fifty dollars for each subsequent offense within any eighteen-month period. Any person who violates the provisions of paragraph two of subdivision b of this section or any rules promulgated pursuant thereto by attaching or enclosing by any means any publicly accessible collection bin to or on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of [five hundred] three hundred fifty dollars for the first offense and [one thousand] eight hundred fifty dollars for each subsequent offense within any eighteen-month period. For purposes of this section, each publicly accessible collection bin placed on any city property, or property maintained by the city, or on any public sidewalk or roadway, shall be deemed a separate violation.

d. Any person who violates the provisions of paragraphs one, four or five of subdivision b of this section or any rules promulgated pursuant thereto shall be liable for a civil penalty recoverable in a proceeding before the environmental control board of fifty dollars for the first offense and one hundred dollars for each subsequent offense within any eighteen-month period.

§ 4. Subdivision i of section 11-208.1 of the administrative code of the city of New York, as added by local law number 157 for the year 2019, is amended to read as follows:

i. The owner of a ground floor or second floor commercial premises, including of a designated class one property, as such terms are defined in subdivision a of section 11-3001, shall be required to file registration statements and supplemental registrations pursuant to subdivisions b, c and d of such section, [as part of] with

the income and expense statement required to be submitted pursuant to this section.

§ 5. Subdivision f of section 11-3001 of the administrative code of the city of New York, as added by local law number 157 for the year 2019, is amended to read as follows:

f. The department of finance shall require the registration statements and supplemental registration required to be filed pursuant [this] to subdivisions b, c and d of this section to be filed [as part of] with the income and expense statement required to be submitted to such department pursuant to section 11-208.1.

§ 6. Paragraph (i) of subdivision d of section 16-116 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

(i) Except as provided in paragraph (ii) of this subdivision, violation of any of the provisions of this section or any rules promulgated pursuant thereto shall be punishable by a civil penalty of not less than fifty nor more than one hundred dollars, provided that a [first-time] violation of subdivision (b) of this section or any rules promulgated pursuant thereto by any owner, lessee or person in control of a commercial establishment shall be [mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, such owner, lessee or person submits proof of having cured the violation at the hearing of such notice of violation. Any notice of violation, appearance ticket or summons issued for a violation of this section shall be returnable before the environmental control board which shall impose the penalty herein provided] punishable by a civil penalty of fifty dollars.

§ 7. Paragraph a of subdivision 9 of section 16-118 of the administrative code of the city of New York, as amended by local law number 137 for the year 2018, is amended to read as follows:

a. (1) not less than 50 and not more than 250 dollars for a first violation, except that the civil penalty shall be not less than 250 and not more than 350 dollars for a second violation of subdivision [3,] 4 or 6 of this section within any 12 month period, and not less than 350 and not more than 450 dollars for a third or subsequent violation of subdivision [3,] 4 or 6 of this section within any 12 month period;

(2) notwithstanding subparagraph (1) of paragraph a of this subdivision, 50 dollars for a first violation

of paragraph (a) of subdivision 2 or of subdivision 3 of this section, or of any rules promulgated pursuant thereto, 100 dollars for a second violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period, and 100 dollars for a third or subsequent violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period;

§ 8. Subdivision f of section 16-120 of the administrative code of the city of New York, as amended by local law number 135 for the year 2018, is amended to read as follows:

f. Any person violating the provisions of this section, except subdivision e, shall be liable for a civil penalty of [not less than \$25 nor more than \$100] \$50 for the first violation, [not less than] \$100 [nor more than \$200] for a second violation within any twelve-month period, and [not less than] \$200 [nor more than \$300] for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (1) of subdivision e of this section shall be liable for a civil penalty of \$100 for the first violation, \$250 for a second violation within any twelve-month period, and \$350 for a third or subsequent violation within any twelve-month period. Any person violating the provisions of paragraph (2) of subdivision e of this section shall be liable for a civil penalty \$75 for the first violation, \$300 for a second violation within any twelve-month period, and \$400 for a third or subsequent violation within any twelve-month period.

§ 9. Subdivision e of section 16-127 of the administrative code of the city of New York is amended to read as follows:

e. Any person violating the provisions of this section shall be liable and responsible for a civil penalty of [not less than twenty-five dollars nor more than one hundred] fifty dollars.

§ 10. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-143 to read as follows:

§ 16-143. Corrective action request program. a. Definitions. For purposes of this section, the term “corrective action request” or “CAR” means a formal notice by the department that a condition is in violation of this title and that a request is being made for action to be taken by the respondent to whom such notice is

addressed to correct the condition so described.

b. No later than October 1, 2021, the commissioner shall create a program for the issuance of corrective action requests for certain first-time violations of this title.

c. Corrective action request. 1. The corrective action request shall provide notice of the nature of the violation and that the law authorizes civil penalties for such violation.

2. The department shall issue a corrective action request to a person in lieu of a notice of violation for a condition that would violate, for the first time, the following sections of this chapter:

(a) Paragraphs (1), (2), (4) and (5) of subdivision b of section 10-169;

(b) Subdivision b of section 16-116; and

(c) Subdivision g of section 16-308.

3. A corrective action request may be served by either of the following means:

(a) Personal service; or

(b) Service in accordance with clause (ii) of subparagraph (a) of paragraph 2 of subdivision d of section 1049-a of the charter of the city of New York. Notwithstanding any inconsistent provision of law, service pursuant to this subparagraph shall be complete on the date a copy of the corrective action request is mailed to the respondent.

4. Any corrective action requested by a corrective action request shall be performed within 30 days of service of such request pursuant to paragraph 3 of this subdivision, unless issuance of such corrective action request is protested as provided herein.

5. Within 14 days after the date of service of the corrective action request pursuant to paragraph 3 of this subdivision, unless a different time is specified on such request, the respondent may protest the issuance of such request in the manner described on such request.

6. Protests shall be reviewed by the department and a final determination of the protest shall be made

within a reasonable period of time.

d. On or before July 1, 2022, the commissioner shall report to the speaker of the council and the mayor about the program established pursuant to this section. Such report shall include, but not be limited to, the following information:

1. The number of corrective action requests issued and the resolution of such requests;
2. The number of notices of violations issued for the violations described in paragraph 2 of subdivision

c.

3. The impact of the program on operations of the department, street cleanliness, and quality of life; and
4. Any recommendations for improvement of such program.

§ 11. Subdivisions b and f of section 16-324 of the administrative code of the city of New York, subdivision b as amended by local law number 77 for the year 2013 and subdivision f as added by local law number 142 for the year 2013, are amended to read as follows:

b. Any person who violates subdivision g of section 16-308 of this chapter or any rules promulgated pursuant thereto shall be liable for a civil penalty in the amount of two hundred fifty dollars for the first violation, [one thousand] five hundred dollars for the second violation committed within a twelve-month period, and [two thousand five hundred] one thousand dollars for the third and each subsequent violation committed within a twelve-month period.

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, or in a proceeding before the environmental control board, the health tribunal at the office of administrative trials and hearings, or the administrative tribunal of the department of consumer affairs, in the amount of [two] one hundred fifty dollars for the first violation, [five] two hundred fifty dollars for the second violation committed on a different day within a period of twelve months, and [one thousand] five hundred 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 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].

§ 12. Chapter 4-B of title 16 of the administrative code of the city of New York is REPEALED.

§ 13. Section 17-144 of the administrative code of the city of New York is amended to read as follows:

§ 17-144 Nuisances; who is liable. a. It is hereby declared to be the duty, of which there shall be a joint and several liability, of every owner, part owner, person interested, and every lessee, tenant, and occupant, of, or in, any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in the city, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer, and board having charge of any ground, place, building or erection therein, to keep, place and preserve the same and every part, and the sewerage, drainage and ventilation thereof in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health, subject to the health code and orders of the department.

b. A food service establishment that violates this section or any rule promulgated thereunder in a manner that does not present an imminent health hazard or public health hazard, as such terms are defined in section 81.03 of the health code of the city of New York, shall be subject to a civil penalty of \$500; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service

establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 14. Section 17-192 of the administrative code of the city of New York is amended by adding new subdivisions d, e and f to read as follows:

d. Labels required. Food service establishments and mobile food unit commissaries shall comply with the requirements set forth in subdivision (c) of section 81.08 of the health code of the city of New York regarding labeling for food products containing artificial trans fat.

e. Penalties. Any food service establishment or mobile food unit commissary that violates any of the provisions of this section or any rule promulgated pursuant thereto by the department shall be liable for a civil penalty of \$100. Where a food service establishment or mobile food unit commissary is found to have violated this section or any rule promulgated pursuant thereto by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

f. Cure permitted. Any food service establishment or mobile food unit commissary that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such establishment or commissary proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated

pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 15. Subdivision d of section 17-199.11 of the administrative code of the city of New York, as added by local law number 75 for the year 2019, is amended to read as follows:

d. Any food service establishment that violates any of the provisions of this section or any rule promulgated thereunder by the department shall be liable for a civil penalty [not to exceed \$200] of \$100. Where a person is found to have violated this section or any rule promulgated thereunder by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

§ 16. Section 17-199.11 of the administrative code of the city of New York is amended by adding a new subdivision f to read as follows:

f. Any food service establishment that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17. Subdivision c of section 17-325 of the administrative code of the city of New York, paragraph 2 as

amended by local law number 38 for the year 2013, is amended to read as follows:

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of subdivision a, b, or c of section 17-307 of this subchapter shall be liable for a civil penalty of not less than one hundred fifty dollars nor more than one thousand dollars together with a penalty of one hundred dollars per day for every day during which the unlicensed business operated.

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of [not less than] twenty-five [nor more than fifty] dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] fifty dollars [nor more than one hundred dollars].

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] one hundred dollars [nor more than two hundred and fifty dollars], in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of [not more than five hundred] two hundred fifty dollars.

3. Notwithstanding paragraph 2 of this subdivision, any person that violates subdivision c of section 17-311 by failing to firmly affix a current letter grade or letter grade pending card to a vending vehicle or pushcart in a conspicuous place as required by rules of the department shall be liable for a civil penalty of five hundred dollars.

4. Any person that violates section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder, shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the

commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 17-311 or subdivisions a or b of section 17-315, or any rules promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 18. Section 17-377 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

[§17-377] § 17-377 Permit to be kept on premises; mutilation prohibited. a. A permit shall be kept on the premises designated on the permit.

[It] b. Such permit shall be placed in a clean, transparent cover or frame and displayed in such a manner as to be clearly visible to the public.

[It] c. Such permit shall be available for inspection at all times by the department. d. No person shall mutilate, obstruct or tear down [a] such permit.

§ 19. Section 17-381 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

[§17-381] § 17-381 Penalties. a. Any person found in violation of any provision of this subchapter, other than subdivision b of section 17-377, or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the

commissioner.

b. Any person found in violation of subdivision b of section 17-377 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation.

c. Any person that violates subdivision b of section 17-377 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 17-377 or any rules promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 20. Subdivision e of section 17-508 of the administrative code of the city of New York, as amended by local law number 147 for the year 2017, is amended to read as follows:

e. 1. Every person who violates subdivisions a or b of this section shall, for a first violation thereof, be liable for a civil penalty of not less than two hundred dollars nor more than four hundred dollars; for a second violation, both of which were committed within a period of twelve months, be liable for a civil penalty of not less than five hundred dollars nor more than one thousand dollars; and for a third or subsequent violation, all of which were committed within a period of twelve months, be liable for a civil penalty of not less than one thousand dollars nor more than two thousand dollars. Notwithstanding any provision of law in this paragraph to the contrary, where a person prohibits smoking and the use of electronic cigarettes in all indoor places of

employment pursuant to subdivision a of section 17-504, and such person is in compliance with subdivision a of section 17-506 of this chapter, a violation of subdivision b of this section by such person for failure to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy in the workplace shall, for a first violation thereof, make such person liable for a civil penalty of fifty dollars; for a second violation thereof, both of which were committed within a period of twelve months, liable for a civil penalty of one hundred dollars; and for a third or subsequent violation thereof, all of which were committed within a period of twelve months, liable for a civil penalty of one hundred fifty dollars.

2. Where a person prohibits smoking and the use of electronic cigarettes in all indoor places of employment pursuant to subdivision a of section 17-504, and such person is in compliance with subdivision a of section 17-506 of this chapter, such person shall not be subject to a civil penalty for a violation of subdivision b of this section for failure to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of this section by failing to comply with subdivision f of section 17-504 through failure to post a smoking and electronic cigarette use policy or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

3. Every person who violates subdivision d of this section shall be liable for a civil penalty of one hundred dollars for each violation, except that every person who violates subdivision d of this section by

smoking, or using an electronic cigarette, in a pedestrian plaza as prohibited by paragraph seven of subdivision c of section 17-503 or in a park or other property under the jurisdiction of the department of parks and recreation as prohibited by paragraph three of subdivision d of section 17-503 shall be liable for a civil penalty of fifty dollars for each violation. Every owner of a class A multiple dwelling who violates subdivision d-1 of this section, and every tenant-shareholder, condominium unit owner and tenant who violates subdivision d-2 of this section, shall be liable for a civil penalty of one hundred dollars for each violation, provided that a violation of paragraph two, three or four of subdivision d-1 shall be considered a single violation regardless of whether such owner failed to disclose a smoking policy, to provide notification of adoption of such policy or a material change to such policy, or to make available copies of such policy to more than one person.

§ 21. Subdivision b of section 17-513.2 of the administrative code of the city of New York, as added by local law number 147 for the year 2017, is amended to read as follows:

b. Class A multiple dwelling smoking policy requirement. The civil penalty provided in paragraph 3 of subdivision e of section 17-508 shall be the sole remedy for violation of subdivision d-1 or d-2 of such section.

§ 22. Chapter 13 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1307 to read as follows:

§ 17-1307 Penalties. a. Any child care service found in violation of section 17-1303 or any provision of any rule promulgated thereunder shall be subject to a civil penalty of \$500 for each such violation.

b. Any applicant for a new or renewal permit to operate a child care service found in violation of section 17-1304, or of any provision of any rule promulgated thereunder, for failing to disclose whether a serious injury or the death of a child in its care shall be subject to a civil penalty of \$1,000 for each such violation.

c. Any child care service that violates section 17-1303 or any rule promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such child care service proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted

by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a child care service that has received, for the first time, a notice of violation of section 17-1303 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A child care service may seek review, in the office of administrative trials and hearings, of the determination that the child care service has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 23. Section 17-1501 of the administrative code of the city of New York, as added by local law number 90 for the year 2013, is amended to read as follows:

§ 17-1501 Definitions. As used in this [Chapter] chapter, the following terms [shall] have the following meanings:

[a. “Consultative inspection”] Consultative inspection. The term “consultative inspection” means an educational sanitary inspection of a food service establishment that shall not result in fines or a grade.

[b. “Covered languages”] Covered languages. The term “covered languages” means Chinese, English, Haitian Creole, Korean, Bengali, Russian and Spanish, and any other language determined by the department.

[c. “Critical violations”] Critical violations. The term “critical violations” [shall have] has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

[d. “Food service establishment”] Food service establishment. The term “food service establishment” means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the health code of the city of New York.

[e. “Food service establishment inspector”] Food service establishment inspector. The term “food service establishment inspector” means any individual employed by the department who as part of his or her duties conducts inspections of food service establishments pursuant to subdivision a of section 81.51 of the health code of the city of New York.

Food worker. The term “food worker” has the meaning it is given in section 81.03 of the health code of the city of New York.

[f. “General violations”] General violations. The term “general violations” [shall have] has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

Grade card. The term “grade card” has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

Grade pending card. The term “grade pending card” has the meaning it is given in section 23-01 of title 24 of the rules of the city of New York.

[g. “Imminent health hazard or public health hazard” shall have] Imminent health hazard or public health hazard. The term “imminent health hazard or public health hazard” has the meaning it is given in section 81.03 of the health code of the city of New York.

[h. “Initial inspection”] Initial inspection. The term “initial inspection” means the first sanitary inspection within an inspection cycle.

[i. “Inspection cycle”] Inspection cycle. The term “inspection cycle” means a series of related inspections of food service establishments consisting of at least an initial inspection and including, if triggered by the initial or any subsequent inspections within that cycle, a reinspection and any compliance inspections conducted by the department because of a previous inspection score in that cycle.

[j. “Notice of violation”] Notice of violation. The term “notice of violation” means a written notice issued by a food service establishment inspector alleging that there was a violation of law or regulation at the food service establishment on the day of the food service establishment inspection.

[k. “Sanitary inspection”] Sanitary inspection. The term “sanitary inspection” means any on-site review by the department of a food service establishment's physical facilities, food handling operations, equipment, sanitary condition, maintenance, and worker hygiene practices. The term may include, but shall not be limited to include, initial, reinspection, compliance and pre-permit inspections.

§ 24. Section 17-1507 of the administrative code of the city of New York, as added by local law number 138 for the year 2019, is amended to read as follows:

§ 17-1507 Required healthy eating information. a. Every food service establishment that sells food for consumption on its premises shall display public information messaging created by the department pursuant to subdivision b of this section in a conspicuous location within such establishment.

b. The department shall create public information messaging on healthy eating for all consumer, including but not specific to, individuals with diet-related conditions such as diabetes, heart disease and hypertension. Such messaging shall include, but not be specific to, the risks of excessive sugar and carbohydrate intake. The department shall make such messaging available to food service establishments in each of the designated citywide languages as defined in section 23-1101.

c. Any [person who] food service establishment that violates subdivision a of this section, or any rules promulgated pursuant to this section, shall be liable for a civil penalty of not more than \$500, recoverable in a proceeding before any tribunal established within the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings.

d. Any food service establishment that violates subdivision a of this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the

food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 25. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-1508 to read as follows:

§ 17-1508 Posting, signage and display violations. a. A food service establishment shall post a grade card or grade pending card in accordance with the requirements set forth in subdivision (b) of section 81.51 of the health code of the city of New York.

b. A food service establishment that fails to display or conspicuously display a grade card or grade pending card in violation of subdivision a of this section shall be subject to a civil penalty of \$500.

c. Except as provided by subdivision b of this section, a food service establishment that violates this chapter, chapter 1 of this title or any rule or provision of the health code of the city of New York promulgated pursuant to either chapter, failing to post or conspicuously post a sign, poster, image, card or other required information, or by failing to display or conspicuously display any permit, license or certification, shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

d. Subdivision c of this section does not apply to any violation by a food service establishment of this chapter, or chapter 1 of this title, or any rule or provision of the health code of the city of New York promulgated pursuant to either chapter, for failure to post a sign, poster, image, card or other required information to the extent the department determines that the posting of such sign, poster, image, card or other required information is required in order to mitigate a risk of immediate death or serious injury to the general public or patrons of such establishment.

§ 26. Chapter 15 of title 17 of the administrative code of the city of New York is amended by adding new sections 17-1509, 17-1510, 17-1511, 17-1512, 17-1513, 17-1514, 17-1515, 17-1516, 17-1517 and 17-1518 to read as follows:

§ 17-1509 Food protection. a. A person who is charged with the management or supervision of the operations of a food service establishment shall comply with the requirements set forth in subdivision (a) of section 81.15 of the health code of the city of New York regarding a food protection course and certification.

b. A food service establishment that violates subdivision a of this section or any rule promulgated pursuant thereto shall be subject to a civil penalty of \$400.

§ 17-1510 Personal hygiene and other food protection. a. Hair coverings. 1. A food worker shall comply with the requirements set forth in subdivision (b) of section 81.13 of the health code of the city of New York regarding hair restraints.

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to the following penalties: for one or two such employees observed without hair coverings, \$100; for three such employees observed without hair coverings, \$125; and for four or more such employees observed without hair coverings, \$150; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describes the conditions or

activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

b. Eating and drinking. 1. A food worker shall comply with the requirements of subdivision (h) of section 81.13 of the health code of the city of New York regarding eating and drinking.

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to the following penalties: for one or two such employees observed to be in violation of this subdivision, \$100; for three such employees observed to be in violation of this subdivision, \$125; and for four or more such employees observed to be in violation of this subdivision, \$150; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

c. Storage of sanitizing cloths. 1. A food service establishment shall store cloths used for the sanitizing of food contact and non-food contact surfaces in accordance with the requirements set forth in subdivision (c) of section 81.27 of the health code of the city of New York.

2. A food service establishment that violates this subdivision or any rule promulgated thereunder shall be subject to a civil penalty of \$100; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for a first-time violation of this subdivision or any rule or regulation issued thereunder. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law

authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 17-1511 Pests and garbage. a. Food service establishments shall conduct daily inspections for pests, as defined in subdivision (d) of section 151.01 of the health code of the city of New York, in accordance with the requirements set forth in subdivision (b) of section 81.23 of the health code of the city of New York.

b. Food service establishments shall comply with the requirements set forth in subdivisions (a) and (c) of section 81.24 of the health code of the city of New York pertaining to garbage and waste disposal.

c. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1512 Food packages. a. A food service establishment shall comply with the requirements set forth in subdivision (b) of section 81-07 of the health code of the city of New York regarding food packaging.

b. A food service establishment that violates this section or any rule promulgated thereunder shall be subject to a civil penalty of \$200.

c. Notwithstanding subdivision b of this section, a food service establishment that violates this section

or any rule promulgated thereunder by failing to discard or return to the package distributor, or to segregate from other food packages, food packages that are dented but not swollen, leaking, rusted or otherwise damaged, shall be subject to a civil penalty of \$50; except that there shall be a civil penalty of \$0 imposed upon a food service establishment for such a violation that occurs for the first time. The notice of violation for such first-time violation shall inform the food service establishment of the provision of law or rule that the department believes the food service establishment violated, describe the conditions or activity that is the basis for the notice of violation, and advise the food service establishment that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 17-1513 Food contact surfaces. a. A food service establishment shall comply with the requirements set forth in paragraph (1) of subdivision (d) of section 81.17 of the health code of the city of New York pertaining to food contact surfaces.

b. A food service establishment that violates this section or any rule promulgated pursuant thereto shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within 7 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1514 Plumbing. a. A food service establishment shall comply with the requirements set forth in

section subdivisions (a) and (b) of section 81.20 regarding potable waste and disposal of sewage and liquid waste.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1515 Lighting. a. A food service establishment shall comply with the requirements set forth in subdivision (a) of section 81.19 of the health code of the city of New York regarding lighting.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a

notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of cure within 15 days of receiving written notification of such determination.

§ 17-1516 Non-food contact surfaces. a. A food service establishment shall comply with the requirements set forth in subdivision (e) of section 81.17 of the health code of the city of New York regarding non-food contact surfaces.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1517 Bulbs. a. A food service establishment shall comply with the requirements set forth in subdivision (b) of section 81.19 regarding light bulb shielding.

b. A food service establishment that violates this section or any rule promulgated pursuant to this section shall be subject to a civil penalty of \$100; except that such food service establishment shall not be subject to a civil penalty for a first-time violation if such food service establishment proves to the satisfaction of the

department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a food service establishment that has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A food service establishment may seek review, in the office of administrative trials and hearings, of the determination that the food service establishment has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 17-1518 Rules. The commissioner may promulgate rules as necessary to implement the provisions of this chapter.

§ 27. Section 17-1707 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, is amended to read as follows:

§ 17-1707 Violations and fines. a. Any person found in violation of any provision of this chapter, other than subdivision c of section 17-1703 of this chapter, or any provision of any rule promulgated thereunder shall be subject to a civil penalty of five hundred dollars per day for each such violation. Each violation in connection with the sale of more than one animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

b. Any person found in violation of subdivision c of section 17-1703 of this chapter or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the

commissioner.

c. Any person that violates subdivision c of section 17-1703 or any rules promulgated pursuant thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 17-1703 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 28. Section 19-108 of the administrative code of the city of New York, as added by local law number 104 for the year 1993, is amended to read as follows:

§ 19-108 Display of permit. a. A copy of any permit issued pursuant to this subchapter shall be kept on the site of the opening or use or at the designated field headquarters of the work with respect to which the permit was issued and shall be presented upon demand of a police officer or any authorized officer or employee of the department or of any other city agency.

b. Corrective action request. If the commissioner finds that a permittee has violated this section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify the permittee of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such permittee an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspections which the department may incur as a result of such violation.

§ 29. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-124.1 to read as follows:

§ 19-124.1 Banners. a. Permit required. It shall be unlawful to install, place, affix or attach a banner on any property within the jurisdiction of the department without first obtaining a permit from the commissioner.

b. Permit conditions. The commissioner may issue permits for the display of banners promoting cultural exhibits and events or public or historical events which foster tourism or enhance the image of the city. The commissioner may issue permits to business improvement districts, local development corporations or other organizations that have received commercial revitalization program funds from the department of small business services, otherwise known as CRP fund recipients, within the past year for the display of banners within the areas of the business improvement district, local development corporation or CRP fund recipient that are designed to provide information about such areas to the general public.

c. Advertising prohibited. Banners shall contain no advertisements. The trade name or logo of the sponsor of the event may be placed on the banner but shall occupy no more than ten percent of the banner in total. It shall be unlawful to install, place, affix or attach a banner on any property within the jurisdiction of the department which contains a sponsor trade name or logo without the specific prior authorization of the commissioner.

d. Obstruction of egress prohibited. No part of any banner shall be located beneath a fire escape or so located as to obstruct operation of fire escape drop ladders or counterbalanced stairs or so as to obstruct any exit from a building.

e. Rules. The commissioner may, except as otherwise provided by law, promulgate rules pertaining to banner permit conditions, permit fees, permit transferability and permit revocation, and for the design, installation, inspection, maintenance, and removal of banners on any property within the jurisdiction of the department as the commissioner may deem necessary for the safety and convenience of the public.

f. Corrective action request. If the commissioner finds that any person has violated subdivision c of this

section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify such person of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such person an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspections which the department may incur as a result of such violation.

§ 30. Section 19-127 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:

§ 19-127 Use of hand trucks on the streets. a. It shall be unlawful for any person to use hand trucks for commercial purposes upon any street unless each hand truck shall have attached thereon a sign or plate displaying the name and address of the owner of the hand truck, in letters not less than one inch in size.

b. Corrective action request. If any person violates subdivision a of this section or any rules promulgated pursuant thereto for the first time, the commissioner shall notify such person of such violation and request that action be taken to correct such violation in such a manner within 30 days and shall afford such person an opportunity to contest the commissioner's finding in a manner set forth in the rules of the department. The commissioner may assess a fee for the administrative expense and the expense of additional inspection which the department may incur as a result of such violation.

§ 31. Subparagraph (b) of paragraph 6 of subdivision f of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, is amended to read as follows:

(b) Any owner or person in control of one or more newsracks found by the board to have failed to certify, or to have failed to accurately demonstrate that such owner or person repainted or used best efforts to remove graffiti and other unauthorized writing, painting, drawing, or other markings or inscriptions, as required by paragraph one of subdivision e of this section, or failed to comply with any other requirements of such paragraph, or failed to comply with any provision of paragraph two of subdivision c of this section, or failed to maintain insurance as required by subdivision d of this section, shall be liable for a civil penalty determined in

accordance with the number of newsracks such person owns or controls as follows:

Number of newsracks owned or controlled by such person	A violation of paragraph one of subdivision e, paragraph two of subdivision c or subdivision d of this section
Up to and including ninety-nine [newracks] <u>newsracks</u>	Two hundred fifty [to five hundred] dollars
More than ninety-nine and less than two hundred fifty newsracks	Three hundred seventy-five to seven hundred fifty dollars
More than two hundred forty-nine and less than five hundred newsracks	Seven hundred fifty to one thousand five hundred dollars
More than four hundred ninety-nine and less than seven hundred fifty newsracks	One thousand one hundred twenty-five to two thousand two hundred fifty dollars
More than seven hundred forty-nine and less than one thousand newsracks	One thousand five hundred to three thousand dollars
One thousand or more newsracks	Two thousand to four thousand dollars

§ 32. Subdivision a of section 19-150 of the administrative code of the city of New York, as amended by local law number 4 for the year 2011, is amended to read as follows:

a. In addition to or as an alternative to the penalties set forth in section 19-149, any person who violates any of the provisions of this subchapter, or of section 24-521 of the code, or any order issued by or rule promulgated by the commissioner pursuant thereto or the terms or conditions of any permit issued pursuant thereto, or who causes, authorizes or permits such violation shall be liable for a civil penalty for each violation as provided in subdivision b. In the case of a continuing violation, each day's continuance shall be a separate and distinct offense[, except that in the case of a violation of section 19-133.1, failure to remove an ATM booth pursuant to an order issued in accordance with subdivision c of section 19-133.1 shall be subject to a civil penalty of not less than two thousand five hundred dollars nor greater than five thousand dollars for the first day of such violation and a civil penalty of five thousand dollars for every five days beyond the first day that such violation shall be in effect, and provided further that there shall be rebuttable presumption that the ATM booth has remained in place during each such five-day period] unless otherwise provided in this subchapter.

§ 33. Paragraph 1 of subdivision b of section 19-150 of the administrative code of the city of New York,

as amended by local law number 5 for the year 2018, is amended to read as follows:

1. Except as otherwise provided in [subdivision c of this section] this subchapter, such civil penalty shall be determined in accordance with the following schedule:

Section of the Administrative Code	Maximum Civil Penalty (dollars)
19-102	10,000
19-107	10,000
<u>19-108</u>	<u>75</u>
19-109	10,000
19-111	5,000
19-112	5,000
19-113	5,000
19-115	5,000
19-116	5,000
19-117 [subd](a)	10,000
19-119	10,000
19-121	10,000
19-122	5,000
19-123	10,000
<u>19-124 (a)</u>	<u>300</u>
<u>19-124 (b)</u>	<u>75</u>
<u>19-124 (e)</u>	<u>75</u>
<u>19-124.1 (a)</u>	<u>450</u>
<u>19-124.1 (c)</u>	<u>75</u>
<u>19-125 (a)</u>	<u>300</u>
<u>19-125 (c)</u>	<u>150</u>
19-126	10,000
<u>19-127</u>	<u>75</u>
19-128	5,000
19-133	5,000
19-133.1	10,000
19-135	5,000
<u>19-136 (j)</u>	<u>300</u>
19-137	5,000
19-138	5,000
19-139	10,000
19-141	5,000

19-144	10,000
19-145	10,000
19-146	5,000
19-147	10,000
19-148	5,000
24-521	10,000
All other [Provisions] provisions of this subchapter and rules or orders relating thereto	5,000

§ 34. Sections 20-117 and 20-118 of the administrative code of the city of New York are REPEALED.

§ 35. Chapter 1 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-119 to read as follows:

§ 20-119 Penalties. Except as otherwise provided in this chapter, any person who violates any provision of this chapter or any rules promulgated pursuant to this chapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal or the tribunal to which the department has delegated its adjudicatory authority, of the determination that the person has not submitted proof of a cure within fifteen days of receiving

written notification of such determination.

§ 36. Subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York is renumbered as subchapter 3-A of chapter 4 of title 20 of such code, and sections 20-211, 20-214, 20-215, and 20-216 are renumbered as sections 20-626, 20-627, 20-628, and 20-629 respectively, and the heading of subchapter 3 of chapter 2 of title 20 of the administrative code of the city of New York, as added by local law 72 for the year 1995, is amended to read as follows:

SUBCHAPTER [3]~~3-A~~

AMUSEMENT DEVICES, ARCADES AND OPERATORS

§ 37. Sections 20-212 and 20-213 of the administrative code of the city of New York are REPEALED.

§ 38. Subdivisions h and i of section 20-626 of the administrative code of the city of New York, section 20-626 as renumbered by section thirty-six of this local law, subdivision h as added by local law number 72 for the year 1995 and subdivision i as added by local law number 58 for the year 2005, are amended to read as follows:

[h. “Affected community board” means the community board in which an amusement device or amusement arcade would be located if a license were to be granted pursuant to this subchapter.]

[i.] h. “Gaming cafe” is a place where, for a fee charged directly or indirectly, persons are provided access to three or more computers or electronic devices in which game software has been installed by or for the owner or operator for the purpose of playing a game on the premises.

§ 39. Section 20-627 of the administrative code of the city of New York, as added by local law number 72 for the year 1995, paragraphs (2) and (3) of subdivision a and subdivisions c and d as amended by local law number 58 for the year 2005, paragraph (3) of subdivision c as amended by local law number 45 for the year 2013 and paragraph (4) of subdivision c as added by local law number 59 for the year 2005, and as renumbered by section thirty-six of this local law, is amended to read as follows:

§ 20-627 [License requirements. a. Generally. (1) The application shall be made on a form to be

provided by the commissioner and shall include such information as the commissioner shall deem pertinent.

(2) Every amusement device owner, gaming cafe owner or amusement arcade owner must submit to the department either a valid certificate of occupancy or an equivalent document duly issued by the department of buildings stating that the premises in which such amusement device, gaming cafe or amusement arcade is to be located is situated in an area which is zoned to permit such use or a valid, current permit or special permit has been granted by the appropriate city agency permitting such use at the given location. If such permit or special permit shall expire or be terminated for any reason during the pendency of any license, the licensee shall present to the department a new permit or special permit authorizing such continued use of the premises for an amusement device, gaming cafe or amusement arcade. If such new permit or special permit is not presented within ten days of the expiration of the prior permit or special permit, such amusement device license, gaming cafe or amusement arcade license shall be terminated automatically and without any requirement of notice or hearing by the department.

(3) Within fifteen days of receipt of a new application for a license to operate an amusement device, gaming cafe or an amusement arcade, the commissioner shall give notice of such new application to the affected community board and the council member for that district. The affected community board shall have fifteen days from receipt of the notification to comment on such application to the department.

(4) The commissioner shall promptly notify the affected community board and the council member for that district of the final disposition of any license application that was subject to comment by the community board under paragraph three of this subdivision.

b. Amusement Devices] Amusement devices. a. Requirements for amusement devices.

(1) [In order to apply for an amusement device license, the amusement device owner must present to the department a completed application at least thirty days before the amusement device is to be operated.

(2)] Every amusement device owner must [submit with his or her license application for an amusement device proof that he or she has purchased] purchase insurance or [posted] post cash or other security in an

amount not less one million dollars (\$1,000,000) per occurrence or a bond in an amount not less than two million five hundred thousand dollars (\$2,500,000) in the aggregate against liability for injury to persons arising out of the use of the amusement device. In addition, [the application must be accompanied by the] every amusement device owner must maintain in such owner's possession for display at the commissioner's request certificates of insurance for workers' compensation and disability coverage.

[(3)] (2) Every amusement device owner must [submit proof that] ensure that all such amusement devices have undergone an inspection [of the amusement device was made] by the department of buildings, and that such amusement [device] devices have passed an elevator and/or electrical control inspection, prior to the [issuance or renewal of a license] first instance of operation of any such amusement devices.

[(4)] (3) Every portable amusement device shall be equipped with a stairway on either or both sides thereof so that the stairway in use at any time for access to or egress from such portable amusement device shall at all times be within a reasonable distance from the sidewalk, such distance to be determined at the discretion of the commissioner. The operator of such portable amusement device shall not at any time permit any person to be admitted to the portable amusement device or to depart therefrom except by the stairway.

(4) Notification of accidents. Every amusement operator shall provide notice to the department of any accident relating to an amusement device within twenty-four hours after the occurrence of such accident, or immediately after such accident if any person sustains an injury requiring medical treatment or dies as a result of such accident. The commissioner shall set by rule the form and content of such notice and the manner in which such notice shall be transmitted to the department.

[c.] b. Amusement [Arcades and Gaming Cafes] arcades and gaming cafes.

(1) [The commissioner, at the time an amusement arcade or gaming cafe license application is made, may prescribe conditions for the operation of such amusement arcade or gaming cafe in order to minimize adverse effects on the surrounding area, including, but not limited to, prescribing hours of operation and requirements for security and supervision. After a license is granted, the commissioner may prescribe such

conditions from time to time upon notice and opportunity to be heard.

(2)] Each player-operated amusement device located within an amusement arcade or gaming cafe shall display a sign or signs, located and designed so as to be discernible by all players and prospective players, setting forth the rules of play, including the price of each game.

[(3)] (2) Where the amusement arcade or gaming cafe owner or the amusement operator in the amusement arcade or gaming cafe offers free games or prizes, signs shall be required to set out with clarity the number of wins or the score required to obtain a free game or prize; provided, however, that no amusement arcade or gaming cafe owner or amusement operator in the amusement arcade or gaming cafe shall offer money prizes or awards or such other prizes or awards which are redeemable or may be redeemed in money at the amusement arcade or gaming cafe or any other establishment, or which may be used as a credit or allowance or which may be exchanged for any money, credit or allowance. [Any license to operate an amusement arcade or gaming cafe issued pursuant to subdivision c of section 20-212 of this subchapter shall be revoked, after notice and hearing, where (i) the department finds that the owner or operator of such arcade or cafe or an employee thereof has permitted on the premises of such arcade or cafe the offering or distribution of such prizes or awards; or (ii) the owner or operator of such arcade or cafe, or an employee thereof, is convicted of violating any section of article 225 of the penal law or of a lesser offense in satisfaction of a criminal charge pursuant to article 225 of the penal law, for conduct occurring on the premises of such arcade or cafe.]

[(4)] (3) No amusement arcade or gaming cafe owner or operator shall permit persons under the age of eighteen, unless such persons are otherwise exempt under New York State Education Law, to enter or remain in an amusement arcade or gaming cafe between the hours of nine a.m. through three p.m. on weekdays during the regularly scheduled school year for public schools. Such owners shall prominently display a sign stating that, unless exempt by New York State Education Law, persons under eighteen years of age are not to enter or remain on the premises at such times and that the truancy laws of the state of New York will be enforced.

[d.] c. Placement and [Operation] operation. No amusement device or player-operated amusement

device or group of amusement devices and/or player-operated amusement devices shall be placed or operated in such a manner as to obstruct, or cause by the congregating of persons, an obstruction to, or interfere with, any public corridor or passageway, or to obstruct the entrance or exit to any premises. No amusement device or player-operated amusement device or group of amusement devices and/or player-operated amusement devices shall be placed on a public sidewalk in front of or adjacent to an amusement arcade or gaming cafe.

§ 40. Subdivision e of section 20-629 of the administrative code of the city of New York, section 20-629 as renumbered by section thirty-six of this local law, and subdivision e as amended by local law number 86 for the year 2009, is amended to read as follows:

e. Any person who violates the provisions of this section or any rules promulgated hereunder shall be guilty of a class B misdemeanor. In addition, the commissioner may, upon due notice, hold hearings to determine whether violations of the provisions of this section have occurred. Such notice shall contain a concise statement of the facts constituting the alleged violation and shall set forth the date, time and place of the hearing. Upon a finding of a violation of the provisions of this section, the commissioner shall be authorized to impose a civil penalty [of not more than five hundred dollars] as provided in section 20-630 of this subchapter.

§ 41. Subchapter 3-A of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-630 to read as follows:

§ 20-630 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of 20-629 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has

been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-629 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of law, a civil penalty of zero dollars shall be imposed for a first violation of subdivision c of section 20-629 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision c of section 20-629 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

c. Notwithstanding subdivision a of this section, any person who violates paragraph (4) of subdivision a of section 20-627 or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of five hundred dollars.

§ 42. Subdivisions a and b of section 20-227.1 of the administrative code of the city of New York, as added by local law number 8 for the year 2003, are amended to read as follows:

a. Any person found to be operating an unlicensed sidewalk cafe shall be liable for a civil penalty of [at least] two hundred [and not more than one thousand] dollars for the first violation, [at least] and two hundred [and not more than one thousand] dollars for each additional violation occurring on the same day; and [at least]

five hundred [and not more than two thousand] dollars for the second violation and each subsequent violation at the same place of business within a two-year period. For purposes of this section, any violation for operating an unlicensed sidewalk cafe shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.

b. Any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license and/or a revocable consent or rules promulgated by the commissioner pursuant to this subchapter, shall be liable for a civil penalty of [at least] two hundred [and not more than one thousand] dollars for the first violation, [at least] and two hundred [and not more than one thousand] dollars for each additional violation occurring on the same day; and [at least] five hundred [and not more than two thousand] dollars for the second violation, and [at least] one thousand [and not more than four thousand] dollars for each subsequent violation at the same place of business within a two-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a two-year period, any person licensed to operate a sidewalk cafe at such place of business shall be subject to suspension or revocation of his or her sidewalk cafe license for such place of business. For purposes of this section, any such violation by any license holder at a place of business shall be included in determining the number of violations by any subsequent license holder at the same place of business unless the subsequent license holder provides the department with adequate documentation demonstrating that the subsequent license holder acquired the premises or business through an arm's length transaction as defined in subdivision f of this section and that the sale or lease was not conducted, in whole or in part, for the purpose of permitting the original license holder to avoid the effect of violations on the premises.

A sidewalk cafe license shall be suspended or revoked at the same hearing at which a person is found liable for a third violation or subsequent violations at the same place of business within a two-year period.

§ 43. Section 20-227.1 of the administrative code of the city of New York is amended by adding a new subdivision i to read as follows:

i. Notwithstanding any inconsistent provision of this section, any person found to be operating an unlicensed sidewalk café or any holder of a license found to be operating a sidewalk cafe in violation of this subchapter, the terms and conditions of such license or a revocable consent, or rules promulgated by the commissioner pursuant to this subchapter shall be subject to a civil penalty of zero dollars for a first violation, if such person or holder of a license proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to such person or holder of a license who has received, for the first time, a notice of violation of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. Such person or holder of a license may seek review, in the department's administrative tribunal, of the determination that such person or holder of a license has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 44. Section 20-232 of the administrative code of the city of New York is amended to read as follows:

§ 20-232 Revocation. In addition to any other basis for revoking, a newsstand license may be revoked upon a finding by the commissioner that the location listed in [the] such license was not utilized for a period of two consecutive months or more or that the newsstand licensee is not using the stand primarily for the sale of newspapers and periodicals. If the commissioner chooses to exercise such power of revocation, the commissioner shall first notify the licensee of an anticipated revocation in writing and afford the licensee thirty

days from the date of such notification to correct the condition. The commissioner shall notify the licensee of such thirty-day period in writing. If the licensee proves to the satisfaction of the commissioner that the condition has been corrected within such thirty-day period, the commissioner shall not revoke such license. The commissioner shall permit such proof to be submitted to the commissioner electronically or in person. The licensee may seek review by the commissioner of the determination that the licensee has not submitted such proof within fifteen days of receiving written notification of such determination.

§ 45. Subdivision d of section 20-240.1 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

d. Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and shall be subject to the penalty and enforcement provisions of either subchapter [twenty-five] twenty-seven of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation [issued] promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section [20-327] 20-237 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 46. Subchapter 7 of chapter 2 of title 20 of the administrative code of the city of New York is amended

by adding a new section 20-241.2 to read as follows:

§ 20-241.2 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation.

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of (i) restrictions imposed pursuant to section 20-231 relating to the display or offering for sale of merchandise from any public space adjacent to a newsstand or from any portion of a newsstand exterior, the affixation of materials to a newsstand or the location of sales made at a newsstand; (ii) paragraph 1 of subdivision h of section 20-231 or any rule or regulation promulgated thereunder; (iii) subdivision i of section 20-231 or any rule or regulation promulgated thereunder; (iv) subdivision b of section 20-233 of this subchapter or any rule or regulation promulgated thereunder, or (v) subdivision (a) of section 2-66 of title 6 of the rules of the city of New York, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation for any violation described in (i) through (v). The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding any inconsistent provision of this section, a civil penalty of zero dollars shall be imposed for a first violation of subdivision b of section 20-231 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation shall inform the respondent of the

provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-231 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 47. Subchapter 8 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-247.1 to read as follows:

§ 20-247.1 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed.

§ 48. Section 20-249 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, subdivision j of such section as added by local law number 53 for the year 2009, is amended to read as follows:

§ 20-249 Definitions. Whenever used in this subchapter:

[a. “Family member” shall mean] Family member. The term “family member” means a member of the immediate family, including, but not limited to, a spouse, domestic partner, sibling, child, grandchild, parent or grandparent.

[b. “Owned” or “owns” shall mean] Owned or owns. The term “owned” or “owns” means possession with good legal title, or possession under a lease, reserve title contract, conditional sales agreement or vendor's agreement or similar agreement.

[c. “Pedicab” shall mean] Pedicab. The term “pedicab” means a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely

propelled by human power, and that is operated to transport passengers for hire.

[d. “Pedicab owner” or “owner” shall mean] Pedicab owner or owner. The term “pedicab owner” or “owner” means any person who owns one or more pedicabs in the city of New York.

[e. “Pedicab business” or “business” shall mean] Pedicab business or business. The term “pedicab business” or “business” means a pedicab owner who operates or authorizes the operation of one or more pedicabs in the city of New York.

[f. “Pedicab business license” shall mean] Pedicab business license. The term “pedicab business license” means a license issued by the commissioner pursuant to section 20-250.

[g. “Pedicab driver” shall mean] Pedicab driver. The term “pedicab driver” means any natural person who propels and operates a pedicab in the city of New York.

[h. “Pedicab driver license” shall mean] Pedicab driver license. The term “pedicab driver license” means a license issued by the commissioner to a pedicab driver to operate a pedicab.

[i. “Person” shall mean] Person. The term “person” means any natural person, firm, partnership, joint venture, corporation or association.

[j. “Registration plate” shall mean] Registration plate. The term “registration plate” means a unique identification tag issued by the commissioner pursuant to section 20-255.

§ 49. Subdivision b of section 20-263 of the administrative code of the city of New York, as added by local law number 19 for the year 2007, is amended to read as follows:

b. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty [that shall not be] of: (1) [less than] two hundred [nor more than five hundred] dollars for the first violation and for each additional violation committed on the same day; (2) [less than] five hundred [nor more than one thousand] dollars for the second violation committed, and each additional violation committed on the same day, within a [one year] one-year period; and (3) [less than] one thousand [nor more than four thousand] dollars for the third and any subsequent violation committed, and each

additional violation committed on the same day, within a [one year] one-year period; provided that any person who violates section 20-253, paragraph 6 or 7 of subdivision b or subdivision d or e of section 20-259, or any rule or regulation promulgated thereunder, shall be subject to a civil penalty of: (1) five hundred dollars for the first violation; (2) one thousand dollars for the second violation committed, and each additional violation committed on the same day, within a one-year period; and (3) four thousand dollars for the third and any subsequent violation committed, and each additional violation committed on the same day, within a one-year period; and provided further that a person shall be subject to a civil penalty of zero dollars for a first violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 13, 14 or 15 of subdivision a of section 20-254 or subdivision d or e of section 20-255 of this subchapter or any rule or regulation promulgated thereunder, or any rule or regulation promulgated pursuant to subdivision b of section 20-265 of this subchapter. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. The pedicab business that authorizes the operation of such pedicab shall be jointly and severally liable with the pedicab driver thereof, for the penalties imposed by this section.

§ 50. Subdivision b of section 20-275 of the administrative code of the city of New York, as amended by local law number 197 for the year 2017, is amended to read as follows:

b. Except as otherwise provided in this subchapter, any person who violates any of the provisions of this subchapter or any rule or regulation issued thereunder shall be subject to a civil penalty of [not more than] \$175 for the first violation, \$300 for the second violation and \$500 for [each] the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of section 20-270 or 20-271 of this subchapter or any rule or regulation issued thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-270 or section 20-271 of this subchapter or any rule or regulation issued thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 51. Subchapter 12 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding new sections 20-277.1 and 20-277.2 to read as follows:

§ 20-277.1 Tickets. a. Every pawn ticket issued by a pawnbroker shall include a notation in either of the following forms: “not accountable for loss of goods by fire or theft” or “protected against loss by fire or theft.” The commissioner may adopt such rules and regulations to permit words having practically the same meaning as the foregoing.

b. Every pawnbroker shall, in every possible way, call attention to the contents of the pawn ticket, including the placing in a prominent position in such pawnbroker’s place of business of a sign reading: “Read your ticket.”

c. In every case where a charge is made or a fee exacted for extra care, the pawnbroker shall specifically

call the pledgor's attention to the said charge at the time the loan is made, and no such charge or fee shall be allowed unless such pledgor shall sign an agreement to pay such extra charge and the fee for such extra charge, as agreed upon, shall be plainly written on the face of the pawn ticket.

d. Every pawnbroker shall place in a prominent position in such pawnbroker's place of business a reproduction of the application for the pawn ticket and the front of the pawn ticket which have been enlarged to twice their normal size, and a reproduction of the back of the pawn ticket which has been enlarged to three times its normal size.

§ 20-277.2 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation; except that a person shall not be subject to such civil penalty for a first-time violation of subdivision b or d of section 20-277.1 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b or d of section 20-277.1, or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 52. Subchapter 13 of chapter 2 of title 20 of the administrative code of the city of New York is REPEALED.

§ 53. Subchapter 14.1 of chapter 2 of title 20 of the administrative code of the city of New York is renumbered as subchapter 3-B of chapter 4 of title 20 of such code, and sections 20-297.1, 20-297.5, 20-297.6, and 20-297.7 are renumbered as 20-631, 20-632, 20-633, and 20-634 respectively, and the heading of subchapter 14.1 of chapter 2 of title 20 of such code, as added by local law number 87 for the year 2016, is amended to read as follows:

SUBCHAPTER [14.1]3-B

LAUNDRIES

§ [20-297.1] 20-631 Definitions.

§ [20-297.2 License required.]

§ [20-297.3 Application.]

§ [20-297.4 Fee; bond.]

§ [20-297.5] 20-632 General provisions.

§ [20-297.6] 20-633 Additional provisions for industrial laundries and industrial laundry delivery.

§ [20-297.7] 20-634 Advisory task force.

§ 54. Sections 20-297.2, 20-297.3 and 20-297.4 of the administrative code of the city of New York are REPEALED.

§ 55. Section 20-631 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-631 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Industrial laundry. The term “industrial laundry” means (i) a facility used to provide laundry services to commercial clients, including but not limited to hotels, hospitals, restaurants, gyms and retail laundries, or (ii) a facility used to provide laundry services maintained or operated in connection with any commercial institution, including but not limited to any hotel, restaurant or gym. The term “industrial laundry” does not include the

laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

Industrial laundry delivery. The term “industrial laundry delivery” means:

1. To transport laundry from a commercial client within the city to an industrial laundry within or outside the city for laundry services;
2. To transport laundry from a commercial client outside the city to an industrial laundry within the city for laundry services;
3. To transport laundry from an industrial laundry within the city to a commercial client within or outside the city after laundry services have been performed; or
4. To transport laundry from an industrial laundry outside the city to a commercial client within the city after laundry services have been performed.

Laundry. The term “laundry” means clothing, apparel, sheets, towels, linens and other fabrics that are intended for laundry services.

Laundry operator. The term “laundry operator” means any person who operates an industrial laundry, a retail laundry or a business that engages in industrial laundry delivery.

Laundry service. The term “laundry service” means washing, drying, starching or ironing laundry for a fee, and includes such services when they are provided along with or as an incident to the rental of clothing, apparel or other fabrics. The term “laundry service” does not include dry cleaning.

Retail laundry. The term “retail laundry” means (i) a business that provides laundry services to the general public; (ii) a business that stores or collects laundry for laundry services or delivery for the general public; or (iii) a business that offers self-service laundry machinery for direct use by the general public. The term “retail laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

[Successor. The term “successor” means any applicant for a license to operate an industrial laundry that

satisfies two or more of the following criteria:

1. The applicant uses the same facility or workforce to offer substantially the same services as the predecessor industrial laundry.
2. The applicant shared in the ownership or otherwise exercised control over the management of the predecessor industrial laundry.
3. The industrial laundry employs in a managerial capacity any person who controlled the wages, hours or working conditions of the employees of the predecessor industrial laundry.
4. At least one of the principals of the applicant is a spouse, domestic partner, parent, stepparent, foster parent, adoptive parent, sibling, stepsibling, foster sibling, adoptive sibling, child, stepchild, foster child or adopted child of any owner, partner, officer or director of the predecessor industrial laundry, or of any person who had a financial interest in the predecessor industrial laundry.]

§ 56. Section 20-632 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-632 General provisions. a. [Each licensee shall attach to all handcarts and pushcarts a label or tag that displays, in letters not less than two inches in height, such licensee's name, address and license number.

b.] Bills, tickets, cards, advertising or stationery issued or distributed by any [licensee] laundry operator shall contain such [licensee's] laundry operator's name[,], and address [and license number].

[c.] b. Charges to laundry consumers shall state accurately and clearly the [name and address of the consumer and] computation of the laundry charge.

[d. Each retail laundry licensee, industrial laundry licensee and industrial laundry delivery licensee shall notify the commissioner within 30 days of any sale, assignment or change in ownership of such retail laundry, industrial laundry or business that engages in industrial laundry delivery.]

[e.] c. Each retail laundry where the general public may use self-service laundry machinery shall have on premises an attendant from 8:00 P.M. until closing or 6:00 A.M. the following day, whichever is earlier.

[f.] d. Each vehicle used for retail or industrial laundry delivery shall display, in letters no less than two inches in height, the [licensee's] laundry operator's name, business address and business telephone number [and the license number assigned by the commissioner].

§ 57. Section 20-633 of the administrative code of the city of New York, as added by local law number 87 for the year 2016 and as renumbered by section fifty-three of this local law, is amended to read as follows:

§ 20-633 Additional provisions for industrial laundries and industrial laundry delivery.

a. Minimum standards of cleanliness and hygiene.

1. In addition to complying with section [20-297.5] 20-632, each operator of an industrial laundry [licensee] shall:

(a) Launder all laundry using a detergent that is appropriate for each type of fabric;

(b) Handle, store and process laundered and unlaundered laundry in a manner that minimizes the spread of contaminants and keeps laundered articles clean; and

(c) Clean all work surfaces at regular intervals. Work surfaces include all surfaces in rooms where laundry is exposed to open air, including but not limited to laundry equipment, work stations, and floors, whether or not it is expected that laundry will come into direct contact with such surfaces.

2. No operator of an industrial laundry [licensee] may represent that laundry services have been provided when such laundry services in fact have not been provided.

3. Each operator of an industrial laundry [licensee] shall develop procedures for complying with the minimum standards of cleanliness and hygiene set forth in paragraph 1 of this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services are processed.

b. Functional separation of laundered and unlaundered laundry. 1. In addition to complying with section [20-297.5] 20-632, each operator of an industrial laundry [licensee] and each laundry operator engaged in industrial laundry delivery [licensee] shall maintain functional separation of laundered and unlaundered laundry in accordance with the following requirements:

(a) Each operator of an industrial laundry [licensee] and each laundry operator engaged in industrial laundry delivery [licensee] shall enclose laundry in suitable containers before and after laundering and shall not allow containers that hold unlaundered laundry to be subsequently used for laundered laundry without first having been thoroughly cleaned and sanitized; and

(b) Each operator of an industrial laundry [licensee] shall store laundered laundry and unlaundered laundry in separate, clearly marked areas of the facility when such laundry is not actively being processed.

2. Each operator of an industrial laundry [licensee] and each laundry operator engaged in industrial laundry delivery [licensee] shall develop procedures for maintaining functional separation of laundered and unlaundered laundry as required by this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services and industrial laundry delivery are provided.

§ 58. Subdivision e of section 20-634 of the administrative code of the city of New York is REPEALED.

§ 59. Subchapter 3-B of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-635 to read as follows:

§ 20-635 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the

department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of this section, there shall be a civil penalty of zero dollars imposed for a first violation of subdivision b of section 20-632 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-632 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 60. Subchapter 16 of chapter 2 of title 20 of the administrative code of the city of New York is REPEALED.

§ 61. Section 20-332 of the administrative code of the city of New York, as added by local law number 153 for the year 2013, is amended to read as follows:

§ 20-332 Violation. a. Any person who violates any of the provisions of this subchapter or any rule or regulation [issued] promulgated thereunder shall be subject to a civil penalty of [not more than] one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for [each] the third and any subsequent violation; except that a person shall [not] be subject to [such] a civil penalty of zero dollars for a first-time violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1 of this subchapter and any rule or

regulation [issued] promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-324, paragraph 1 of subdivision b of section 20-327.1, or subdivision g of section 20-327.1 of this subchapter or any rule or regulation [issued] promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-326 or paragraph 2 of subdivision b of section 20-327.1 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates section 20-326 or paragraph 2 of subdivision b of section 20-327.1 of this subchapter shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 62. Section 20-348 of the administrative code of the city of New York is REPEALED.

§ 63. Subchapter 19 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-359 to read as follows:

§ 20-359 Penalties. a. Any person who violates any provision of this subchapter or any rules

promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder by failing to conspicuously display a license upon the premises where a game is to be conducted at all times during the conduct thereof, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-346 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

b. Notwithstanding any other provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-349 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates such section 20-349 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 64. Subchapter 24 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-415 to read as follows:

§ 20-415 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation.

b. Notwithstanding subdivision a of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision 6 of section 20-417 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding subdivision a of this section, the civil penalty for a violation of subdivision 7 of section 20-417 or any rule promulgated pursuant thereto shall be five hundred dollars.

§ 65. Section 20-417 of the administrative code of the city of New York is amended by adding new subdivisions 6 and 7 to read as follows:

6. A service dealer shall display in the area where electronic and home appliances are accepted for repair a sign that contains the identity of the service dealer, informs the customer of the customer's right to a written

estimate of all repairs and indicates that no repair work may be done without the customer's authorization, in addition to any other information required by the commissioner. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this subdivision.

7. A licensee shall at all times carry insurance which in the opinion of the commissioner is adequate to protect the public. The commissioner shall promulgate such regulations as the commissioner determines necessary and appropriate for the proper implementation and enforcement of this subdivision.

§ 66. Subdivision c of section 20-472 of the administrative code of the city of New York, paragraph 1 of subdivision c as amended by local law number 40 for the year 1988 and paragraph 2 of subdivision c as amended by local law number 38 for the year 2013, is amended to read as follows:

c. 1. In addition to the penalties prescribed by subdivision a of this section, any person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter shall be liable for a civil penalty of [not less than] two hundred fifty dollars [nor more than one thousand dollars] together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated; except that a person who violates, or any person aiding another to violate, the provisions of section 20-453 of this subchapter by engaging in continued unlicensed activity as defined by the commissioner, considering factors including but not limited to the frequency and duration of such unlicensed activity, shall be liable for a civil penalty of one thousand dollars together with a penalty of two hundred fifty dollars per day for every day during which the unlicensed business operated.

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-453, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of [not less than] twenty-five [nor more than fifty] dollars.

(b) For the second violation issued for the same offense within a period of two years of the date of a first

violation, a penalty of [not less than] fifty dollars [nor more than one hundred dollars].

(c) For the third violation issued for the same offense within a period of two years of the date of a first violation, a penalty of [not less than] one hundred dollars [nor more than two hundred and fifty dollars].

(d) For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a penalty of [not more than five] two hundred and fifty dollars.

§ 67. Subdivision c of section 20-472 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Notwithstanding any inconsistent provision of this subdivision, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-461 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-461 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of twenty-five dollars for a second violation and a civil penalty of fifty dollars for a third or subsequent violation.

§ 68. Paragraph 3 of subdivision b of section 20-485.5 of the administrative code of the city of New York, as added by local law number 38 for the year 1992, is amended to read as follows:

3. Notwithstanding the provisions of section 20-485.6 of this subchapter, the civil penalties imposed for a violation of this subdivision shall be those provided for violations of section 20-708 of this title; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if

accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 69. Section 20-485.6 of the administrative code of the city of New York, as added by local law number 38 for the year 1992, is amended to read as follows:

§ 20-485.6 Violations. a. The civil penalties imposed pursuant to this section shall be in addition to any other sanctions and orders which may be imposed by the commissioner pursuant to this title including but not limited to such sanctions and orders which may be imposed pursuant to section 20-105 of this code.

b. Notwithstanding the provisions of subdivisions a and b of section 20-106 and except as provided in paragraph 3 of subdivision b of section 20-485.5, any person who violates any provision of this subchapter or any rules promulgated thereunder shall be subject to a civil penalty of [not less than two hundred and fifty dollars nor more than two thousand dollars for each violation,] one hundred seventy-five dollars for the first violation, three hundred dollars for the second violation and five hundred dollars for the third and any subsequent violation, to be recovered in a civil action; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department

to a person who has received, for the first time, a notice of violation of subdivision a of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

c. Notwithstanding any other provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision c of section 20-485.5 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first-time violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision c of section 20-485.5 or any rule or regulation promulgated thereunder shall be subject to a civil penalty of one hundred seventy-five dollars for a second violation and a civil penalty of three hundred dollars for a third or subsequent violation.

§ 70. Subdivisions b and c of section 20-574 of the administrative code of the city of New York are amended to read as follows:

b. [Punishment. Any person who shall violate any such rules and regulations shall be liable to forfeit and pay a civil penalty in the sum of not more than one hundred dollars for each violation.

c.] Violations. Any person who shall violate any of such rules and regulations shall be guilty of an offense triable by a judge of the New York city criminal court, and punishable by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars for each offense or by imprisonment not exceeding ten days, or by both.

§ 71. Section 20-593 of the administrative code of the city of New York is amended to read as follows:

§ 20-593 Punishment. Any person who shall violate any of the foregoing provisions for the regulation of

weights and measures or any rule or regulation promulgated thereunder shall forfeit and pay a penalty of fifty dollars for the first violation, seventy-five dollars for the second violation and one hundred dollars for [each and every such offense] the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-595 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 72. Chapter 3 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-595 to read as follows:

§ 20-595 Labels and signage. a. All information required by this chapter, or by rules and regulations promulgated thereunder, to appear on a container, as such term is used in this chapter and in any rules and regulations promulgated thereunder, shall be represented in the English language. A translation in any language other than English of such information may supplement the representation to provide fuller consumer information.

b. Whenever it is required by law or rule that a scale, weighing or measuring device be provided for customer use, a prominent and conspicuous sign or poster shall be posted on or above the scale, weighing or measuring device stating that the device is for customer use and may be used to reweigh customer purchases, in

language and in accordance with any other specifications that the commissioner shall set by rule.

§ 73. Subchapter 2 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 74. Subchapter 4 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 75. Section 20-672 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

g. Every gasoline or diesel motor fuel dispensing device that is not in proper working order shall be marked with a sign, placard or other display according to specifications that the commissioner shall set by rule.

§ 76. Paragraph 3 of subdivision a of section 20-674 of the administrative code of the city of New York, as added by local law number 31 for the year 1988, is amended to read as follows:

(3) In addition to the penalties prescribed by paragraph one of subdivision a of this section, any person who violates the provisions of this subchapter or any rules or regulations promulgated thereunder, other than sections 20-673.1 and 20-673.2 and any rules or regulations promulgated thereunder, shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-672 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of

the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 77. Subchapter 6 of chapter 4 of title 20 of the administrative code of the city of New York is REPEALED.

§ 78. Section 20-683 of the administrative code of the city of New York is amended to read as follows:

§ 20-683 Punishment. Any person who shall violate any of the provisions of this subchapter shall be liable to forfeit and pay a civil penalty in the sum of [not more than] three hundred dollars for the first violation, four hundred dollars for the second violation and five hundred dollars for [each violation] the third and any subsequent violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-682 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 79. Section 20-688 of the administrative code of the city of New York is amended to read as follows:

§ 20-688 Penalties. Any person, firm, corporation or association or agent or employee thereof, who shall violate any of the provisions of this subchapter or of the regulations promulgated pursuant to section 20-686 shall pay a civil penalty of [not less than twenty-five dollars nor more than two hundred fifty dollars for each

violation] one hundred dollars for the first violation, one hundred seventy-five dollars for the second violation and two hundred twenty-five dollars for the third and any subsequent violation; and shall, upon conviction thereof, be punished by a fine of not less than twenty-five nor more than two hundred fifty dollars for each such violation.

§ 80. Subchapter 9 of chapter 4 of title 20 of the administrative code of the city of New York, as added by local law number 29 for the year 1989, is REPEALED.

§ 81. Subdivision a of section 20-692 of the administrative code of the city of New York, as added by local law number 94 for the year 1989, is amended to read as follows:

a. Any person who shall violate any of the provisions of subdivisions a or b of section 20-691 shall be subject to a civil penalty of [not less than one hundred dollars nor more than one hundred] fifty dollars for the first violation, one hundred dollars for the second violation and one hundred fifty dollars for [each violation] the third and any subsequent violation, except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or b of section 20-691 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 82. Subchapters 10 and 11 of chapter 4 of title 20 of the administrative code of the city of New York

are REPEALED.

§ 83. Subparagraph (a) of paragraph 2 of subdivision f of section 20-708.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2017, is amended to read as follows:

(a) upon inspection, up to \$25 for the first 20 violations and up to \$50 for each successive violation, total violations not to exceed \$2,000, except that a retail store shall not be subject to the civil penalty described above for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder if such retail store proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation or notices of violation and prior to the commencement of an adjudication of such notice or notices, that the violation or violations have been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation or violations have been cured shall be offered as part of any settlement offer made by the department to a retail store that has received a notice of violation or notices of violation for a first-time violation or first-time violations of subdivision b of this section or any rule promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A retail store may seek review, in the department, of the determination that proof of a cure was not submitted within 15 days of receiving written notification of such determination.

§ 84. Section 20-711 of the administrative code of the city of New York, as amended by local law number 84 for the year 1991, is amended to read as follows:

§ 20-711 Penalties. Any person who shall violate the provisions of section 20-708 or section 20-709 hereof or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall pay a civil penalty of [not less than twenty-five dollars nor more than] fifty dollars for the first violation, one hundred and seventy-five dollars for the second violation and two hundred fifty dollars for [each] the third and each subsequent violation and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred fifty dollars for each

violation; except that a person shall be subject to a civil penalty of zero dollars for a first violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-708 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, each group of identical consumer commodities for which on any single day the total selling price or price per measure is not displayed in accordance with section 20-708 or section 20-709 or rules promulgated pursuant to this subchapter, other than the provisions of section 20-708.1 or rules promulgated under such section, shall be considered a single violation.

§ 85. The title of subchapter 3 of chapter 5 of title 20 of the administrative code of the city of New York, as amended by local law number 25 for the year 2003, is amended to read as follows:

[POSTING OF PRESCRIPTION DRUG PRICES AND NOTICES] EMERGENCY CONTRACEPTION

§ 86. Section 20-712 of the administrative code of the city of New York, subdivision (d) as added by local law number 25 for the year 2003, is amended to read as follows:

§ 20-712 Definitions. [(a) “Current selling price” means the price to be paid by the purchaser to the pharmacy for a listed drug.

(b) “Prescription drugs”] As used in this subchapter, the following terms have the following meanings:

Prescription drugs. The term “prescription drugs” means any drug which may be dispensed only with a physician’s prescription.

[(c) “Pharmacy”] Pharmacy. The term “pharmacy” means any retail outlet selling prescription drugs within the city.

[(d) “Emergency contraception”] Emergency contraception. The term “emergency contraception” means one or more prescription drugs, used separately or in combination, to be administered to or self-administered by the patient in a dosage and manner for preventing pregnancy when used after intercourse, found safe and effective for that use by the United States food and drug administration, and dispensed for that purpose in accordance with professional standards of practice.

§ 87. Section 20-713 of the administrative code of the city of New York is REPEALED.

§ 88. Section 20-714 of the administrative code of the city of New York is amended to read as follows:

§ 20-714 Regulations. [(a) The commissioner shall promulgate regulations designating those prescription drugs which, because of the frequency with which they are prescribed, shall be posted pursuant to section 20-713. The commissioner may except from such regulation such drugs to the extent that, and under such conditions as are consistent with the policy of this subchapter whenever the commissioner shall find that, because of the nature of such prescription drugs, compliance with section 20-713 is unreasonably burdensome or unnecessary for adequate protection of consumers.

(b)] The commissioner shall promulgate such [other] regulations as shall be necessary to effectuate the purposes of this subchapter[, including, but not limited to, requirements as to the manner of display of prescription drug prices].

§ 89. Section 20-715 of the administrative code of the city of New York, as amended by local law number 25 for the year 2003, is amended to read as follows:

§ 20-715 Penalties. Any person who shall violate the provisions of [section 20-713,] section 20-713.1[,] or regulations promulgated pursuant to this subchapter shall pay a civil penalty of [not less than two] one

hundred [fifty] seventy-five dollars [nor more than five hundred dollars] for the first offense, [and for each succeeding offense a penalty of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation] five hundred dollars for the second offense and seven hundred and fifty dollars for the third offense and each succeeding offense and shall, upon conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars for the first offense and for each succeeding offense a fine of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation. For the purposes of this section, if on any single day [the current selling price list is not displayed in accordance with section 20-713 or regulations promulgated pursuant to this subchapter, or] the required signage is not displayed in accordance with section 20-713.1 or regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 90. Section 20-722 of the administrative code of the city of New York is amended to read as follows:

§ 20-722 Penalties. Any person or agent or employee thereof who shall violate any provision of this subchapter or of the regulations promulgated pursuant thereto shall be subject to a civil penalty of [not less than] twenty-five dollars [nor more than two hundred fifty dollars] for each day in which a violation occurs, except that any person or agent or employee thereof shall be subject to a civil penalty of zero dollars for a first violation of any provision of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties.

§ 91. Section 20-728 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-728[.] Penalties. Violation of this subchapter or any rule or regulation promulgated thereunder, shall be punishable by payment of a civil penalty in the sum of [not less than] twenty-five dollars for the first

violation, fifty dollars for the second violation and [nor more than] one hundred dollars for [each] the third and any subsequent violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of any provision of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of any provision of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 92. Section 20-743 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-743[.] Penalties. Any person, partnership, corporation or other business entity who violates any provision of this subchapter or any of the regulations promulgated hereunder shall be liable for a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation and for each succeeding violation a civil penalty of not less than five hundred dollars nor more than seven hundred fifty dollars; except that a person, partnership, corporation or other business entity shall not be subject to the civil penalty described above for a first-time violation of subdivision [(a)] a of section 20-740 of this subchapter or any rule or regulation promulgated thereunder, if such person, partnership, corporation or other business entity proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be

deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person, partnership, corporation or other business entity who has received, for the first time, a notice of violation of subdivision [(a)] a of section 20-740 of this subchapter or any rule or regulation [issued] promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person, partnership, corporation or other business entity may seek review, in the department's administrative tribunal, of the determination that the person or entity has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 93. Section 20-748 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-748[.] Penalties. Violation of this subchapter, or any regulation promulgated pursuant to it, shall be punishable by payment of a civil penalty [not to exceed two hundred fifty dollars] of one hundred fifty dollars; except that a person shall not be subject to a civil penalty described above for a first-time violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-747, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-746 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 94. Section 20-753 of the administrative code of the city of New York, as amended by local law

number 153 for the year 2013, is amended to read as follows:

§ 20-753[.] Penalties. Any person who shall violate the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty [or not less than] of fifty dollars [and not more than two hundred and fifty dollars] for the first offense [and for each succeeding offense a penalty of not less than one hundred dollars nor more than five hundred dollars for each such violation]; one hundred dollars for the second offense; and two hundred fifty dollars for the third offense and any subsequent offense; except that a person shall not be subject to the civil penalty described above for a first-time violation of [subdivision c of] section 20-750 or 20-751 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-753, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as satisfactory proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of [subdivision c of] section 20-750 or 20-751 of this subchapter or any rule or regulation [issued] promulgated thereunder or pursuant to section 20-753. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 95. Section 20-810 of the administrative code of the city of New York, as amended by local law number 153 for the year 2013, is amended to read as follows:

§ 20-810[.] Violations. A person violating sections 20-808 or 20-809 of this subchapter shall be subject

to a civil penalty of not less than two hundred fifty dollars nor more than five hundred dollars for the first violation; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-809 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 96. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 24 to read as follows:

SUBCHAPTER 24

CAR RENTALS

§ 20-861 Reservations. A motor vehicle rental business that reserves vehicles for consumers shall conspicuously display a sign or notice on its business premises that informs consumers of their rights pertaining to such reservations. The commissioner shall establish the rights pertaining to such reservations, and the form and content of such sign or notice, by rule.

§ 20-862 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) \$150 for the first violation; (ii) \$250 for the second violation; and (iii) \$350 for the third and any subsequent violation; except that a person shall not be subject to such civil penalty of \$0 for a first-time violation of section 20-861 of this subchapter or any rule or

regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability only if the department is satisfied by such proof that the violation has been cured for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 97. Subdivision (d) of section 24-227, as added by local law number 153 for the year 2013, is amended to read as follows:

(d) [The commissioner may recommend to the board that there] There shall be no civil penalty imposed for a first violation of this section if, within [forty five] 30 days [of the return date set forth on the notice] after the issuance of the notice of violation for such violation, or, if applicable, within any additional time granted by the commissioner pursuant to this subdivision, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section[. If], and the commissioner accepts such certification of compliance[, he or shall recommend to the board that no civil penalty shall be imposed for the violation]. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section. If

completion of such certification as prescribed in the rules of the department cannot be accomplished within 30 days after the issuance of the violation, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents demonstrating that the remediation process has begun.

§ 98. Paragraph (1) of subdivision (b) of section 24-231 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, is amended to read as follows:

(b) (1) [The commissioner may recommend to the board that there] There shall be no civil penalty imposed for a first violation of [this section] subdivision (a) of this section or of any variance granted by the commissioner in accordance with subdivision (d) of this section if, within 30 days after the issuance of the notice of violation for such violation or, if applicable, within the time granted by the commissioner pursuant to this paragraph [two of this subdivision], the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules that (i) permanent improvements or modifications have been made to the establishment, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the establishment is in full compliance with the sound levels set forth in this section[. If], and the commissioner accepts such certification of compliance[, he or she shall recommend to the board that no civil penalty shall be imposed for the violation]. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations of this section. If completion of such certification as prescribed in the rules of the department cannot be accomplished within 30 days, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and

appropriate documents demonstrating that the remediation process has begun.

(2) [Where the completion of appropriate permanent improvements or modifications and testing within 30 days after the issuance of the violation would cause the respondent undue hardship, the respondent may apply to the commission for additional time to submit an appropriate certification of compliance, but not more than 30 days. Application for such additional time must be submitted to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents in support of the claim of undue hardship.

(3)] Nothing in this subdivision shall be construed to prohibit enforcement personnel from issuing additional notices of violation, summonses or appearance tickets where sound levels exceed the limits set forth in subdivision a of this section during the periods of time set forth in [paragraphs] paragraph one [and two] of this subdivision for submission of a certification of compliance for a first violation.

§ 99. Section 24-232 of the administrative code of the city of New York is amended by adding a new subdivision (g) to read as follows:

(g) There shall be no civil penalty imposed for a first violation of this section or any rules promulgated pursuant to this section if, within 30 days after the issuance of the notice of violation for such violation, or, if applicable, within any additional time granted by the commissioner pursuant to this subdivision, the respondent admits liability for the violation and files a certification with the department in a form and manner and containing such information and documentation as shall be prescribed in the department's rules showing that (i) permanent improvements or modifications have been made, including but not limited to the installation of appropriate sound insulation, isolators, suspension mounting and/or sound mitigation devices or materials, as applicable; and (ii) appropriate sound measurements taken in accordance with the department's rules substantiate that the applicable commercial or business enterprise is in full compliance with the sound levels set forth in this section, and the commissioner accepts such certification of compliance. Such violation may nevertheless serve as a predicate for purposes of imposing penalties for subsequent violations. If completion of

such certification as prescribed in the rules of the department cannot be accomplished within 30 days, the respondent may apply to the commissioner for additional time to submit an appropriate certification of compliance, but not more than 30 days. The respondent shall submit such application for additional time to the commissioner within 30 days after the issuance of the violation along with an admission of liability and appropriate documents demonstrating that the remediation process has begun.

§ 100. Table I in paragraph (5) of subdivision (b) of section 24-257 of the administrative code of the city of New York, as added by local law number 113 for the year 2005, row 24-218 (a) as added by and row 24-218 (a-1) as amended by local law number 72 for the year 2016, and rows 24-227 and 24-231 (a) as amended by local law number 153 for the year 2013, is amended by removing the rows beginning 24-218, 24-231 (b) and 24-231 (c), amending the rows beginning 24-218 (a-1), 24-227, 24-231 (a), 24-232, 24-237 (d), 24-238, 24-242 and 24-244, and adding the rows beginning 24-218 (e), 24-231(d), 24-238 (a) and 24-244(b) to read as follows:

TABLE I						
Civil Penalties						
Violations related to section and subdivision	First Violation		Second Violation*		Third and Subsequent Violations*	
	Maxi-mum	Minimum	Maxi-mum	Minimum	Maxi-mum	Minimum
24-216 (d)	2,625	650	5,250	1,300	7,875	1,950
[24-218]	[1,000]	[350]	[2,000]	[700]	[3,000]	[1,050]
24-218 (a)	150	75	250	150	500	350
24-218 (a-1)	[1,000] <u>350</u>	350	[2,000] <u>700</u>	700	[3,000] <u>1,050</u>	1,050
24-218 (e)	<u>1,000</u>	<u>350</u>	<u>2,000</u>	<u>700</u>	<u>3,000</u>	<u>1,050</u>
24-218.1	50	50	50	50	50	50
24-220	1,400	440	2,800	880	4,200	1,320
24-222	3,500	875	7,000	1,750	10,500	2,625
24-223	3,500	875	7,000	1,750	10,500	2,625
24-224	3,500	875	7,000	1,750	10,500	2,625
24-225	1,400	440	2,800	880	4,200	1,320
24-226	1,400	440	2,800	880	4,200	1,320
24-227	[875] <u>220</u>	[0] <u>220</u>	[1,750] <u>440</u>	440	[2,625] <u>660</u>	660

24-228	1,400	440	2,800	880	4,200	1,320
24-229	1,400	440	2,800	880	4,200	1,320
24-230	1,400	440	2,800	880	4,200	1,320
24-231 (a)	[8,000] <u>2,000</u>	[0] <u>2,000</u>	[16,000] <u>4,000</u>	4,000	[24,000] <u>6,000</u>	6,000
[24-231 (b)]	[1,750]	[440]	[3,500]	[880]	[5,250]	[1,320]
[24-231 (c)]	[875]	[350]	[1,750]	[700]	[2,625]	[1,050]
24-231 (d)	<u>560</u>	<u>560</u>	<u>1,120</u>	<u>1,120</u>	<u>1,680</u>	<u>1,680</u>
24-232	[1,400] <u>440</u>	440	[2,800] <u>880</u>	880	[4,200] <u>1,320</u>	1,320
24-233 (a)	175	50	350	100	525	150
24-233 (b)(1)	175	50	350	100	525	150
24-233 (b)(2)	350	100	700	200	1,050	300
24-234	175	50	350	100	525	150
24-235	175	50	350	100	525	150
24-236 (a)	525	150	1,050	300	1,575	450
24-236 (b)(c) (d)	1,440	440	2,800	880	4,200	1,320
24-237 (a)	1,000	150	2,000	300	3,000	450
24-237 (b)	875	220	1,750	440	2,625	660
24-237 (c)	875	220	1,750	440	2,625	660
24-237 (d)	[1,000] <u>350</u>	350	[2,000] <u>700</u>	700	[3,000] <u>1,050</u>	1,050
24-238 (a)	<u>220</u>	<u>220</u>	<u>440</u>	<u>440</u>	<u>660</u>	<u>660</u>
24-238 (b)	875	220	1,750	440	2,625	660
24-239 (b)	350	100	700	200	1,050	300
24-241	1,400	440	2,800	880	4,200	1,320
24-242	[875] <u>220</u>	220	[1,750] <u>440</u>	440	[2,625] <u>660</u>	660
24-244 (a)	1,750	440	3,500	880	5,250	1,320
24-244 (b)	<u>440</u>	<u>440</u>	<u>880</u>	<u>880</u>	<u>1,320</u>	<u>1,320</u>
24-245	2,625	660	5,250	1,320	7,875	1,980
All remaining sections and subdivisions	875	220	1,750	440	2,625	660

* By the same respondent of the same provision of law, order, rule or regulation and, if the respondent is the owner, agent, lessee or other person in control of the premises with respect to which the violation occurred,

at the same premises (all violations committed within two years).

§ 101. Subdivision (g) of section 24-257 of the administrative code of the city of New York, as added by local law 72 for the year 2016, is amended to read as follows:

(g) [The] Notwithstanding the penalty amounts set forth in Table I in paragraph (5) of subdivision (b) of this section, the department may set default penalties that shall not exceed 400 percent of the penalty amount set by rule by the department for a violation of this chapter, except that the default penalty imposed pursuant to subdivision (b) of this section for a violation of [section 24-218(a)] subdivision (a) of section 24-218, as set forth in section [3-115] 47-02 of title [48] 15 of the rules of the city of New York or any successor provision, shall not exceed 150 percent of the scheduled penalty set forth therein.

§ 102. Section 24-257 of the administrative code of the city of New York is amended by adding a new subdivision (h) to read as follows:

(h) (1) Notwithstanding table I in paragraph 5 of subdivision (b) of this section, a cure period is available for a first violation of subdivision (e) of section 24-218 as set forth in such subdivision, a first violation of section 24-227 as set forth in subdivision (d) of such section, a first violation of section 24-231 as set forth in paragraph (1) of subdivision (b) of such section and a first violation of section 24-232 as set forth in subdivision (g) of such section.

(2) Notwithstanding table I in paragraph 5 of subdivision (b) of this section, an owner, operator, manager or other person having control of any place of public performance shall be subject to a civil penalty of \$0 for a first violation of subdivision d of section 24-218.1. The notice of violation for such first violation shall inform such owner, operator, manager or other person of the provision of law or rule that the department believes such owner, operator, manager or other person has violated, describe the condition or activity that is the basis for the notice of violation, advise such owner, operator, manager or other person that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. For a second, third or subsequent violation of subdivision d of section 24-218.1 or any rules

promulgated pursuant thereto, such owner, operator, manager or other person shall be liable for a civil penalty in the amount prescribed for such violation in table I of paragraph 5 of subdivision (b) of this section.

§ 103. Section 28-204.2 of the administrative code of the city of New York, as amended by local law number 34 for the year 2008, is amended to read as follows:

§ 28-204.2 Order to certify correction. Each such notice of violation shall contain an order of the commissioner directing the respondent to correct the condition constituting the violation and to file with the department electronically or in such other manner as the department may authorize by rule a certification that the condition has been corrected. Unless otherwise provided by rule, such order shall require that violations classified as major or lesser be corrected within 30 days from the date of the order, that violations classified as immediately hazardous be corrected forthwith. Such order shall also require that certification of the correction of the violation shall be filed with the department in a manner and form and within such period of time as shall be established by the department. In any proceeding before the environmental control board, no civil penalty shall be imposed for a lesser violation or for a first-time violation of the major violations listed in items 1.1 through 1.7 of this section if the respondent complies with the commissioner's order to correct and to certify correction of the violation within the applicable time period. However, such violation may serve as a predicate for purposes of assessing aggravating factors attributable to multiple offenses.

1. As described in this section, no civil penalty shall be imposed upon correction of the following first-time major violations:

1.1. Failure to post, or post in accordance with the restrictions and prohibitions set forth in section 28-105.11, a building permit or a copy thereof for work at a work site in violation of section 28-105.11, or violation of a corresponding rule promulgated by the department;

1.2. Failure to maintain a sign in accordance with the requirements of title 27, title 28, the zoning resolution of the city of New York, or the rules of the city of New York in violation of section 28-301.1, or violation of a corresponding rule promulgated by the department;

1.3. Failure by an owner of a boiler to file a complete boiler inspection report in violation of section 28-303.7, or violation of a corresponding rule promulgated by the department;

1.4. A sign in a commercial, or C, district exceeds surface area restrictions in violation of section 32-64 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.5. A sign in a specified commercial, or C, district projects across the street line limitation in violation of section 32-652 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department;

1.6. A sign displayed on an awning, canopy or marquee in a commercial, or C, district in violation of the restrictions set forth in section 32-653 of the zoning resolution of the city of New York, or violation of a corresponding rule promulgated by the department; and

1.7. Miscellaneous sign violation under the zoning resolution of the city of New York, or violation of a

corresponding rule promulgated by the department.

§ 104. Sections one through three and six through twelve of this local law take effect 120 days after they become law, except that the commissioner of sanitation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 105. Sections four and five of this local law take effect immediately.

§ 106. Sections thirteen through twenty-seven of this local law take effect 180 days after they become law, except that the commissioner of health and mental hygiene and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 107. Sections twenty-eight through thirty-three of this local law take effect 120 days after they become law, except that the commissioner of transportation and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 108. Sections thirty-four, thirty-five, forty-two through fifty-one, and sixty through ninety-six of this local law take effect 120 days after they become law, except that the commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 109. Sections thirty-six through forty-one of this local law take effect on March 15, 2022, provided that no license shall be required to operate an amusement arcade or a gaming café after January 15, 2022, and except that the commissioner of consumer and worker protection shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 110. Section fifty-two of this local law takes effect on June 15, 2022.

§ 111. Sections fifty-three through fifty-nine of this local law take effect on December 31, 2021.

§ 112. Sections ninety-seven through one hundred and two of this local law take effect 120 days after they become law, except that the commissioner of environmental protection and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 113. Section one hundred and three of this local law takes effect 120 days after it becomes law, except that the commissioner of buildings and the chief administrative law judge of the office of administrative trials and hearings shall take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

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