

A LOCAL LAW

To amend the administrative code of the city of New York in relation to regulating and licensing pedicabs

Be it enacted by the Council as follows:

1 Section 1. Chapter 2 of title 20 of the administrative code of the city of New
2 York is amended by adding a new subchapter 9 to read as follows.

Subchapter 9

Pedicabs

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5 **§ 20-248 Legislative findings.** It is the purpose of this subchapter to
6 regulate and control pedicab businesses to protect consumers and to ensure the safety of the
7 public, including passengers using pedicabs, to protect the health of pedicab drivers, and to
8 minimize the effect of pedicabs on traffic and congestion. It is also the purpose of this
9 subchapter to require the inspection of pedicabs to ensure that pedicabs are safely operated in the
10 streets of the city, and to provide a process for their removal if they have not been inspected as
11 required.

12 **§ 20-249 Definitions.** Whenever used in this subchapter:

13 a. “Owned” or “owns” shall mean possession with good legal title, or
14 possession under a lease, reserve title contract, conditional sales agreement or vendor’s
15 agreement or similar agreement.

16 b. “Pedicab” shall mean a bicycle as defined in the vehicle and traffic law or
17 other device that is designed and constructed to transport or carry passengers, that is propelled by
18 human power, and that is operated to transport passengers for hire.

1 c. “Pedicab owner” or “owner” shall mean any person who owns one or
2 more pedicabs in the city of New York.

3 d. “Pedicab business” or “business” shall mean a pedicab owner who
4 operates or authorizes the operation of one or more pedicabs in the city of New York.

5 e. “Pedicab business license” shall mean a license issued by the
6 commissioner pursuant to section 20-250.

7 f. “Pedicab driver” shall mean any natural person who propels and operates
8 a pedicab in the city of New York.

9 g. “Pedicab driver license” shall mean a license issued by the commissioner
10 to a pedicab driver to operate a pedicab.

11 h. “Person” shall mean any natural person, firm, partnership, joint venture,
12 corporation or association.

13 **§ 20-250 Pedicab business license.** a. It shall be unlawful for a pedicab
14 owner to conduct a pedicab business unless such pedicab owner shall have first obtained from
15 the commissioner a pedicab business license.

16 b. In order to obtain, amend or renew a pedicab business license, a pedicab
17 owner shall file an application with the commissioner. Such application shall be made upon such
18 form as prescribed by the commissioner and shall contain:

19 1. A list of all pedicabs owned, leased or controlled by such pedicab owner
20 to be used in such owner’s pedicab business. Each such pedicab shall be uniquely identified on
21 such list. Any device prohibited from operation by section 19-171.1 of title 19 of this code shall
22 not be included on such list;

1 2. Proof that there is in force for the full license term a policy of public
2 liability and property damage insurance that meets the requirements of section 20-252 of this
3 subchapter for each pedicab listed pursuant to paragraph one of this subdivision; and

4 3. Such other information as the commissioner may require to establish the
5 pedicab owner's eligibility for a pedicab business license under this subchapter.

6 c. A pedicab business license shall be valid for a term of one year. There
7 shall be an annual fee of one hundred and twenty-five dollars dollars for such license that shall
8 include the fee for registration pursuant to section 20-254 of one pedicab. The registration fee
9 for each additional pedicab shall be seventy dollars.

10 d. Notwithstanding subdivision a of this section, a person holding a pedicab
11 driver license shall not be required to obtain a pedicab business license to drive a pedicab that is
12 owned by a pedicab business licensed under this subchapter.

13 **§20-251. Issuance of pedicab business license.** a. A pedicab business
14 license shall be issued only to a person who meets all the requirements of this subchapter and
15 any rules promulgated by the commissioner to effectuate the purposes of this subchapter.

16 b. A pedicab business license shall be valid only for the person in whose
17 name it is issued.

18 c. The commissioner may refuse to issue to a pedicab owner a pedicab
19 business license or to renew a pedicab business license to a pedicab owner based upon a
20 determination that such applicant has engaged in conduct that would constitute a basis for license
21 suspension or revocation as set forth in subdivision a of section 20-260 of this subchapter.

1 **§20-252. Insurance.** a. It shall be unlawful for any pedicab business to
2 operate or authorize the operation of a pedicab within the city unless there is in force for such
3 pedicab a policy of insurance that meets the requirements of this section.

4 b. Such policy of liability insurance shall insure such pedicab business and
5 all pedicab drivers of the pedicabs of such business, whether such pedicab drivers are employees
6 of the pedicab business or operate such pedicabs otherwise by agreement with the pedicab
7 business. The insurance shall cover liability for injury or death of any person or persons, and
8 damage to or destruction of any property in a combined single limit amount of one million
9 dollars, or such higher amount as the commissioner may determine pursuant to rule, where
10 liability for such injury or death of a person or persons, or damage to or destruction of property
11 shall arise out of the operation of the pedicab business's pedicabs.

12 c. The pedicab business shall notify the commissioner of any modification,
13 amendment, cancellation or substitution of any insurance policy required under subdivision b of
14 this section within ten days of notice to the pedicab business of such modification, amendment,
15 cancellation or substitution.

16 d. If the policy of insurance required by this section lapses for any reason,
17 the license issued pursuant to section 20-250 shall become void for such pedicab business.

18 **§ 20-253. Required equipment of pedicabs.**

19 a. Each pedicab operated in the city shall be equipped with the following
20 features:

21 1. three or more wheels, each axle not exceeding forty-eight inches with no
22 protrusion of the pedicab extending more than six inches beyond the end of each axle;

23 2. a unibody frame for the entire vehicle;

- 1 3. passenger seating for no more than two adult passengers and one
- 2 passenger three years old or younger;
- 3 4. hydraulic or mechanical disc or drum brakes, which are unaffected by rain
- 4 or wet conditions;
- 5 5. a secondary or emergency brake system;
- 6 6. battery-operated headlights capable of projecting a beam of light for a
- 7 distance of 300 feet;
- 8 7. battery-operated taillights which are visible from 500 feet;
- 9 8. turn lights;
- 10 9. side-mounted rear-view mirrors affixed to the right and left sides of the
- 11 pedicab;
- 12 10. seat belts for each passenger;
- 13 11. an audible signaling device;
- 14 12. reflectors on the spokes of the wheels of the pedicab;
- 15 13. a timer, of a type approved by the commissioner, affixed within clear view
- 16 of passengers, if the rate charged is based on period of use;
- 17 14. a sign attached to the interior of the pedicab within view of passengers
- 18 indicating the name and telephone number of the pedicab business and a telephone number that
- 19 can be used to direct consumer complaints about such pedicab to the department; and
- 20 15. a sign on the exterior of the pedicab indicating the amount to be charged
- 21 for the use of the pedicab or the basis for calculating such amount.

1 b. It shall be unlawful for a pedicab business to operate or authorize the
2 operation of, or for a pedicab driver to operate, a pedicab that does not comply with the
3 requirements of this section.

4 c. Passengers of pedicabs are not required to wear helmets.

5 **§ 20-254. Inspection; pedicab registration plate.**

6 a. It shall be unlawful for a pedicab business to operate or authorize the
7 operation of, or for a pedicab driver to operate, a pedicab unless it has been inspected by the
8 department and has been issued a registration plate that indicates on such plate, or by a
9 replaceable registration tag or decal, the expiration date of the current registration.

10 b. The expiration date of such registration plate or replaceable registration
11 tag or decal shall be a date specified by the commissioner by rule.

12 c. If the commissioner determines after such inspection that a pedicab is
13 equipped with the features set forth in subdivision a of section 20-253, upon payment of the
14 registration fee provided by section 20-250 of this subchapter, the department shall issue a
15 registration plate or replaceable registration tag or decal to the pedicab business that leased or
16 otherwise authorized the operation of such pedicab.

17 d. Such registration plate shall be securely affixed by the department to a
18 conspicuous and indispensable part of each pedicab.

19 e. The registration plate may, in the discretion of the commissioner, be of a
20 permanent nature with a replaceable registration tag or decal attached thereto, indicating the
21 expiration date of the current registration tag or decal.

1 f. The registration plate and the replaceable registration tag or decal shall be
2 of such material, form, design and dimension and set forth such distinguishing number or other
3 identification marks as the commissioner shall prescribe.

4 g. A pedicab business shall pay an additional sixty dollars as the re-
5 inspection fee for any pedicab that is determined upon inspection not to meet the requirements of
6 this section and re-applies for a registration plate or replaceable registration tag or decal.

7 §20-255. Records. Every pedicab business shall maintain such records
8 related to the ownership and operation of its pedicabs as the commissioner may prescribe by rule.
9 Such records shall be made available for inspection by the commissioner at his or her request at
10 either the offices of the pedicab business or at the offices of the department.

11 §20-256. Pedicab driver license. a. It shall be unlawful for a pedicab driver
12 to operate a pedicab unless the pedicab driver shall have first obtained a pedicab driver license
13 from the commissioner.

14 b. It shall be unlawful for a pedicab business to permit the operation of any
15 pedicabs owned by it by a person who does not have a pedicab driver license in full force and
16 effect.

17 c. In order to obtain or renew a pedicab driver license, a pedicab driver shall
18 file an application with the commissioner for such pedicab driver license. Such application shall
19 be made upon such form as prescribed by the commissioner and shall contain such information
20 as the commissioner may require to establish the applicant's eligibility for a pedicab driver
21 license under this subchapter.

22 d. To be eligible for a pedicab driver license, an applicant shall:

23 1. be at least eighteen years of age;

1 2. possess a currently valid motor vehicle driver's license; and

2 3. meet such fitness requirements as the commissioner may determine by
3 rule.

4 e. A pedicab driver license shall be valid for a term of one year. There shall
5 be a fee of thirty-five dollars for such license. The commissioner shall establish the expiration
6 date for such license by rule.

7 f. The commissioner may refuse to issue a pedicab driver license or to renew
8 such a license based upon a determination that such pedicab driver has engaged in conduct which
9 would constitute a basis for the suspension or revocation of a pedicab driver license as set forth
10 in subdivision c of section 20-260 of this subchapter.

11 **§20-257. Display of pedicab driver's identification.** The commissioner
12 shall provide a photo identification card to each pedicab driver who has obtained a pedicab
13 driver license. Such photo identification card shall include the license number of such pedicab
14 driver license and the motor vehicle driver's license number of such pedicab driver, as well as
15 the issuing state of such motor vehicle driver's license. The pedicab driver shall wear such card
16 so that it is visible to passengers and enforcement officers when such pedicab driver is operating
17 a pedicab.

18 **§20-258. Restrictions on the operation of pedicabs.** a. A pedicab driver shall
19 be subject to all provisions of state and local law governing the operation of a bicycle, which
20 include, but are not limited to, provisions of the vehicle and traffic law, the New York city
21 administrative code, and rules of the city of New York promulgated by the department of
22 transportation and the department of parks and recreation.

23 b. A pedicab driver shall not:

1 1. operate a pedicab to transport more than two persons and one child three
2 years old or younger.

3 2. operate a pedicab in motion while a passenger is standing in such pedicab.

4 3. operate a pedicab within any park in the city of New York without the
5 authorization of the department of parks and recreation.

6 4. operate a pedicab on any bridge or in any tunnel in the city of New York.

7 5. permit a pedicab to be operated by anyone in addition to him or herself.

8 6. operate a pedicab that is designed or constructed to permit propulsion by
9 more than one individual at any one time.

10 7. operate a pedicab while such pedicab driver's ability to operate such
11 pedicab is impaired by the consumption of alcohol or the use of any drug.

12 c. A pedicab business shall submit to the department, upon such form
13 prescribed by the commissioner, a written report of every accident relating to a pedicab by such
14 pedicab business within twenty-four hours after the occurrence of such accident. Such form
15 shall be signed by a principal or officer of such pedicab business.

16 **§20-259. Rates of pedicabs.** a. The basis for calculating the amount of the
17 charge for the use of a pedicab shall be displayed on the pedicab at all times.

18 b. It shall be unlawful for a pedicab driver to charge a passenger more than
19 the amount or rate displayed on the pedicab.

20 c. The pedicab driver shall provide passengers with a receipt listing the
21 amount of the charge for the use of the pedicab, the license number of the pedicab business and a
22 telephone number of such business to which complaints by consumers shall be directed, the

1 pedicab driver's license number and the telephone number at the department where complaints
2 by consumers can be reported.

3 **§20-260. Denial of license or renewal, suspension and revocation.**

4 a. In addition to any of the powers that may be exercised by the
5 commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after due
6 notice and an opportunity to be heard, may suspend or revoke a pedicab business license upon
7 the occurrence of any one or more of the following conditions:

8 1. the occurrence of fraud, misrepresentation, or false statements contained
9 in the application for such license;

10 2. the operation of a pedicab, owned by the pedicab business, by a pedicab
11 driver who does not have in full force and effect a pedicab driver license and a motor vehicle
12 driver's license;

13 3. the operation of a pedicab, owned by the pedicab business, that has not
14 been inspected or that does not have affixed to it a registration plate or replaceable registration
15 tag or decal as required by section 20-254 of this subchapter; or

16 4. violation by a pedicab business of any of the provisions of chapter one of
17 this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or any
18 other law applicable to the operation of a pedicab business.

19 b. Notwithstanding subdivision a of this section, upon the occurrence of any
20 of the conditions set forth in subdivision a, if the commissioner determines that continued
21 possession by a pedicab owner of a pedicab business license would pose an exigent danger to the
22 public, the commissioner may suspend such pedicab business license, subject to a prompt post-
23 suspension hearing.

1 c. In addition to any of the powers that may be exercised by the
2 commissioner pursuant to this subchapter or chapter one of this title, the commissioner, after due
3 notice and an opportunity to be heard, may suspend or revoke a pedicab driver license upon the
4 occurrence of any one or more of the following conditions:

5 1. the occurrence of fraud, misrepresentation, or false statements contained
6 in the application for such license;

7 2. the operation of a pedicab that has not been inspected or that does not have
8 affixed to it a registration plate or replaceable registration tag or decal as required by section 20-
9 254 of this subchapter; or

10 3. the violation by a pedicab driver of any of the provisions of chapter one of
11 this title, provisions of this subchapter, rules promulgated pursuant to this subchapter, or of any
12 other law applicable to the operation of a pedicab by such pedicab driver.

13 d. Notwithstanding subdivision c of this section, upon the occurrence of any
14 of the provisions set forth in subdivision c of this section, if the commissioner determines that
15 continued possession by a pedicab driver of a pedicab driver license would pose an exigent
16 danger to the public, the commissioner may suspend such pedicab driver license, subject to a
17 prompt post-suspension hearing.

18 e. Any pedicab business that has been found, or pedicab driver who has been
19 found, to have committed at least three violations of this subchapter within any twelve-month
20 period shall have its, his or her license suspended by the commissioner for a period of not less
21 than three months. For purposes of this subdivision only, all violations committed on any one
22 day shall constitute a single violation.

1 f. Notwithstanding the provisions of subdivision e of this section, any
2 pedicab business that has been found, or pedicab driver who has been found, to have committed
3 at least five violations of this subchapter within any twelve month period shall have its, his or her
4 license revoked by the commissioner. For purposes of this subdivision only, all violations
5 committed on any one day shall constitute a single violation.

6 g. A pedicab business that, or pedicab driver who, has had its, his or her
7 license revoked, in accordance with this section may not apply for a new license for three years
8 from the date of revocation.

9 **§20-261. Failure to display pedicab registration or pedicab driver's**
10 **license.** a. In any civil, criminal or administrative action or proceeding, the failure to display the
11 registration tag or decal on the pedicab on which it is required to be displayed as provided in
12 section 20-254 of this subchapter shall be presumptive evidence that such pedicab has not been
13 inspected and is not duly registered as required by this subchapter.

14 b. In any civil, criminal or administrative action or proceeding, the failure by
15 a pedicab driver who is required to be licensed pursuant to the provisions of this subchapter to
16 display or to exhibit on demand such pedicab driver's license in accordance with the provisions
17 of this subchapter to any officer or employee authorized to enforce the provisions of this
18 subchapter, shall be presumptive evidence that such pedicab driver is not duly licensed.

19 **§ 20-262. Penalties.** a. Any person who violates any provision of this
20 subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty
21 that shall not be: (1) less than two hundred nor more than five hundred dollars for the first
22 violation; (2) less than five hundred nor more than one thousand dollars for the second violation
23 committed within a one year period; (3) less than one thousand nor more than four thousand

1 dollars for the third violation committed within a one year period. The pedicab business that
2 authorizes the operation of such pedicab shall be jointly and severally liable with the pedicab
3 driver thereof, for the penalties imposed by this section. For purposes of this paragraph,
4 violations committed on the same day shall constitute a single violation.

5 b. A violation of sections 20-250 or 20-256 of this subchapter or any rules
6 promulgated thereunder shall constitute a violation punishable by a fine of not more than two
7 hundred fifty dollars or imprisonment of up to fifteen days, or by both such fine and
8 imprisonment.

9 c. Any police officer or authorized officer or employee of the department,
10 upon service on the pedicab business or pedicab driver of a notice of violation for the failure of
11 the pedicab business to obtain the required inspection of a pedicab pursuant to subdivision a of
12 section 20-254, may seize such pedicab. Any pedicab seized pursuant to this subdivision shall
13 be delivered into the custody of the department or other appropriate agency. The commissioner
14 shall hold a hearing to adjudicate the violation of subdivision a of section 20-254 within two
15 business days after the date of the seizure and shall render his or her determination within two
16 business days after the conclusion of the hearing.

17 d. A pedicab business shall be eligible to obtain release of a pedicab seized
18 pursuant to subdivision c of this section prior to the hearing provided for in such subdivision, if
19 such business has not been found liable for a violation of subdivision a of section 20-254 within
20 a five-year period prior to the violation resulting in seizure. The pedicab shall be released to
21 such business upon the posting of an all cash bond in a form satisfactory to the commissioner in
22 an amount sufficient to cover the maximum civil penalties which may be imposed for a violation

1 of subdivision a of section 20-254 and all reasonable costs for removal and storage of such
2 vehicle.

3 e. Where the commissioner, after adjudication of the violation of subdivision
4 a of section 20-254, finds that the pedicab business has not violated such subdivision, the
5 department shall promptly release such pedicab upon written demand of the pedicab business.

6 f. Where the commissioner, after adjudication of the violation of subdivision
7 a of section 20-254, finds a violation of such subdivision, then (i) if the pedicab is not subject to
8 forfeiture pursuant to paragraph one of subdivision h of this section, the department shall release
9 such pedicab to the pedicab business upon payment of all applicable civil penalties and all
10 reasonable costs of removal and storage; or (ii) if the pedicab is subject to forfeiture pursuant to
11 paragraph one of subdivision h of this section, the department may release such pedicab to the
12 pedicab business upon payment of all civil penalties and all reasonable costs of removal and
13 storage, or may commence a forfeiture action within ten days after the written demand by such
14 business for such pedicab.

15 g. The department shall establish by rule the time within which pedicabs that
16 are not redeemed may be deemed abandoned and the procedures for disposal.

17 h. 1. In addition to any other penalty or sanction provided for in section
18 20-260 or in this section, a pedicab seized pursuant to subdivision c of this section, and all rights,
19 title and interest therein shall be subject to forfeiture to the city upon notice and judicial
20 determination thereof if the pedicab business that owns such pedicab has been found liable at
21 least two times within a five-year period for failing to have such pedicab inspected as required by
22 subdivision a of section 20-254.

1 2. A forfeiture action pursuant to this subdivision shall be commenced by the
2 filing of a summons with a notice or a summons and complaint in accordance with the civil
3 practice law and rules. Such summons with notice or a summons and complaint shall be served
4 in accordance with the civil practice law and rules on the pedicab business that owns such
5 pedicab, and on any person listed on an application or other record of the department as an owner
6 of such pedicab. A pedicab which is the subject of such action shall remain in the custody of the
7 department or other appropriate agency pending the final determination of the forfeiture action.

8 3. Any person who receives notice of the institution of a forfeiture action
9 who claims an interest in the pedicab subject to forfeiture may assert a claim in such action for
10 the recovery of the pedicab or satisfaction of such owner's interest in such pedicab.

11 4. Forfeiture pursuant to this subdivision shall be made subject to the interest
12 of a person who claims an interest in such pedicab pursuant to subdivision three of this
13 subdivision, where such person establishes that: (i) such pedicab was operated without having
14 been inspected as required by subdivision a of section 20-254 without the knowledge of such
15 person, or if such person had knowledge of such operation, that such person did not consent to
16 such operation by doing all that could reasonably have been done to prevent such operation, or
17 (ii) that the operation of such pedicab without having been inspected as required by subdivision a
18 of section 20-254 was conducted by any person other than such person claiming an interest in the
19 pedicab, while such pedicab was unlawfully in the possession of a person who acquired
20 possession thereof in violation of the criminal laws of the United States or any state.

21 5. The department or agency having custody of the pedicab, after judicial
22 determination of forfeiture, shall, by public notice of at least five days, sell such forfeited

1 pedicab at public sale. The net proceeds of any such sale shall be paid into the general fund of
2 the city.

3 6. In any forfeiture action commenced pursuant to this subdivision, where
4 the court awards a sum of money to one or more persons in satisfaction of such person's interest
5 in the forfeited pedicab, the total amount awarded to satisfy such interest or interests shall not
6 exceed the amount of the net proceeds of the sale of the forfeited vehicle after deduction of the
7 lawful expenses incurred by the city, including reasonable costs of removal and storage of the
8 pedicab between the time of the seizure and the date of sale.

9 i. The penalties provided by subdivisions a, b, c and h of this section shall be
10 in addition to any other penalty imposed by any other provision of law or rule promulgated
11 thereunder.

12 **§20-263. Enforcement.** Authorized officers and employees of the
13 department, the police department and any department designated by the commissioner, shall
14 have the power to enforce any provision of this subchapter or any rule or regulation promulgated
15 pursuant to this subchapter.

16 **§20-264. Rules.** a. The commissioner may make and promulgate such
17 rules and prescribe such forms as are necessary to carry out the provisions of this subchapter.

18 b. The commissioner, in consultation with the commissioner of the
19 department of transportation, may establish by rule a maximum number of pedicabs that may be
20 operated pursuant to pedicab business licenses that may be issued pursuant to this subchapter.

21 c. The commissioner, in consultation with the commissioner of the
22 department of transportation, may establish by rule restrictions on the areas in which pedicabs
23 are permitted to operate in the city.

1 §2. Subdivision b of section 20-452, as amended by local law 14 for the year
2 1995, is amended to read as follows:

3 b. “General vendor.” A person who hawks, peddles, sells, leases or offers to sell
4 or lease, at retail, goods or services, including newspapers, periodicals, books, pamphlets or
5 other similar written matter in a public space. This definition shall not include a food vendor as
6 defined in subdivision c of section 17-306 of chapter three of title seventeen of this code, or a
7 person required to be licensed under section 20-229 of subchapter seven of chapter two of this
8 title of this code. This definition also shall not include persons who use stands or booths in a
9 public space for the shining of shoes. The definition of services, for purposes of this subdivision,
10 shall not include the operation of pedicabs licensed in accordance with subchapter nine of this
11 chapter.

12 §3. Title 19 of the administrative code of the city of New York is amended by
13 adding a new section 19-171.1 to read as follows:

14 §19-171.1. Multi-passenger wheeled device prohibited.

15 a. Definitions. For purposes of this section:

16 1. “Multi-passenger wheeled device” shall mean a wheeled device that is
17 designed and constructed to permit seating by more than two people, that is propelled by human
18 power, and that is designed to permit propulsion by more than two individuals simultaneously.

19 2. “Owner” shall mean any person who possesses with good legal title, or
20 possesses under a lease, reserve title contract, conditional sales agreement or vendor’s agreement
21 or similar agreement one or more multi-passenger wheeled device in the city of New York.

1 b. It shall be unlawful to operate, or cause to be operated, any multi-
2 passenger wheeled device on any street, sidewalk, highway, bridge, tunnel or park within New
3 York City.

4 c. Any person who violates subdivision b of this section may be issued a
5 notice of violation and shall be subject to a civil penalty that shall not be: (1) less than two
6 hundred nor more than five hundred dollars for the first violation; (2) less than five hundred nor
7 more than one thousand dollars for the second violation committed within a one year period; (3)
8 less than one thousand nor more than four thousand dollars for the third violation committed
9 within a one year period. This penalty may be recovered in a proceeding before the
10 environmental control board.

11 d. A person who violates subdivision b of this section shall be guilty of a
12 misdemeanor, punishable by a fine of not more than two hundred fifty dollars or imprisonment
13 of up to sixteen days, or by both such fine and imprisonment.

14 e. Where a police officer or an authorized employee of a department
15 designated by the commissioner serves a summons or notice of violation for violation of this
16 section on a person operating a multi-passenger wheeled device, such multi-passenger wheeled
17 device may be seized. Any device seized pursuant to this subdivision shall be delivered into the
18 custody of the police department. The environmental control board shall hold a hearing to
19 adjudicate the violation of subdivision b of this section on an expedited schedule and shall render
20 its determination accordingly.

21 f. The owner of a multi-passenger wheeled device seized pursuant to
22 subdivision e of this section shall be eligible to obtain release of such device prior to the hearing
23 provided for in such subdivision, if such owner has not been found liable for a violation of

1 subdivision b of this section within a five year period prior to the violation resulting in seizure.
2 The multi-passenger wheeled device shall be released to such owner upon the posting of an all
3 cash bond in a form satisfactory to the commissioner in an amount satisfactory to cover the
4 maximum civil penalties which may be imposed for a violation of subdivision b of this section
5 and all reasonable costs for removal and storage of such device.

6 g. Where the environmental control board finds that there was no violation of
7 subdivision b of this section, the owner shall be entitled forthwith to possession of the multi-
8 passenger wheeled device without charge or to the extent that any amount has been previously
9 paid for release of the device, such amount shall be refunded.

10 h. Where the board, after adjudication of the violation of subdivision b of
11 this section, finds a violation of such subdivision, then (i) if the multi-passenger wheeled device
12 is not subject to forfeiture pursuant to paragraph one of subdivision j, the police department shall
13 release such device to its owner upon payment of all applicable civil penalties and all reasonable
14 costs of removal and storage; or (ii) if the multi-passenger wheeled device is subject to forfeiture
15 pursuant to paragraph one of subdivision j of this section, the police department may release such
16 device to its owner upon payment of all civil penalties and all reasonable costs of removal and
17 storage, or may commence a forfeiture action within ten days after the written demand by such
18 owner for such device.

19 i. The department shall establish by rule the time within which multi-
20 passenger wheeled devices that are not redeemed may be deemed abandoned and the procedures
21 for disposal.

22 j. 1. In addition to any other penalty or sanction provided for in this section,
23 a multi-passenger wheeled device seized pursuant to subdivision e of this section, and all rights,

1 title and interest therein shall be subject to forfeiture to the city upon notice and judicial
2 determination thereof if the owner of such multi-passenger wheeled device has been found liable
3 at least two times within a five-year period for violation of subdivision b of this section.

4 2. A forfeiture action pursuant to this subdivision shall be commenced by the
5 filing of a summons with a notice or a summons and complaint in accordance with the civil
6 practice law and rules. Such summons with notice or a summons and complaint shall be served
7 in accordance with the civil practice law and rules on the owner of such multi-passenger wheeled
8 device. A multi-passenger wheeled device which is the subject of such action shall remain in the
9 custody of the police department or other appropriate agency pending the final determination of
10 the forfeiture action.

11 3. Any person who receives notice of the institution of a forfeiture action
12 who claims an interest in the multi-passenger wheeled device subject to forfeiture may assert a
13 claim in such action for the recovery of such device or satisfaction of such owner's interest in
14 such device.

15 4. Forfeiture pursuant to this subdivision shall be made subject to the interest
16 of a person who claims an interest in such device pursuant to subdivision three of this
17 subdivision, where such person establishes that: (i) such multi-passenger wheeled device was
18 operated in violation of this section without the knowledge of such person, or if such person had
19 knowledge of such operation, that such person did not consent to such operation by doing all that
20 could reasonably have been done to prevent such operation, or (ii) that the operation of such
21 multi-passenger wheeled device in violation of this section was conducted by any person other
22 than such person claiming an interest in the device, while such device was unlawfully in the

1 possession of a person who acquired possession thereof in violation of the criminal laws of the
2 United States or any state.

3 5. The police department, after judicial determination of forfeiture, shall, by
4 public notice of at least five days, sell such forfeited multi-passenger wheeled device at public
5 sale. The net proceeds of any such sale shall be paid into the general fund of the city.

6 6. In any forfeiture action commenced pursuant to this subdivision, where
7 the court awards a sum of money to one or more persons in satisfaction of such person's interest
8 in the forfeited device, the total amount awarded to satisfy such interest or interests shall not
9 exceed the amount of the net proceeds of the sale of the forfeited device after deduction of the
10 lawful expenses incurred by the city, including reasonable costs of removal and storage of the
11 device between the time of the seizure and the date of sale.

12 i. The penalties provided by subdivisions c, d, e and j of this section shall be
13 in addition to any other penalty imposed by any other provision of law or rule promulgated
14 thereunder.

15 §4. This local law shall take effect 90 days after its enactment, provided that
16 prior to such date, the Commissioner may take such actions, including the promulgating of rules,
17 as necessary to implement this local law.