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Commissioner

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nyc.gov/consumers

July 25, 2012

[redacted]
[redacted]
[redacted]
[redacted]

RE: Hybrid Horse Drawn Carriage (HDC) / Motorized HDC

Dear Ms. McGill:

The New York City Department of Consumer Affairs (the "Department" or "DCA") issues this letter in response to your inquiry of whether [redacted] ("[redacted]" or the "Company"), License No. [redacted], may legally operate for hire a "hybrid horseless carriage" under its existing horse-drawn carriage license. According to information provided to the Department by the Company, the carriage can be propelled by either a horse or an electric motor. [redacted] has advised the Department that the N.Y. State Department of Motor Vehicles ("DMV") has classified [redacted]'s carriage when propelled by the electric motor as a "recreational vehicle," similar to an electric motorized golf cart, which may not operate on the public roads.

The Department licenses horse drawn cabs and drivers. Section 20-372(5) of the New York City Administrative Code ("Code") defines a "horse drawn cab" as a "a *horse drawn vehicle* operating for hire, so designed and constructed to comfortably seat not more than four adults, or two adults and four children ... in the interior thereof" (emphasis added).

Based on the facts [redacted] provided to the Department, when drawn by a horse, [redacted] may legally operate the carriage for hire under the license issued from the Department provided that the carriage complies with all requirements under the Code and the rules promulgated thereunder. In short, the carriage must be equipped with all safety devices required by law, must operate only in the areas prescribed by the Code and must charge legally prescribed rates.

The Department expresses no opinion whether [redacted] may legally operate the carriage for hire when it is powered by the electric motor. When [redacted] operates the carriage under power from its electric motor, it is no longer defined as a "horse drawn cab" subject to the Department's regulatory authority. I recommend that you solicit the New York City Department of Parks & Recreation on whether you may legally operate the carriage for hire in Central Park when it is powered by the electric motor.

Additional general information about license requirements and a compilation of licensing laws is available on DCA's website at nyc.gov/consumers.

Sincerely,

[Handwritten signature]
[redacted]