

6260--A

I N S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sens. PERALTA, ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to exempting hoverboards and electric unicycles from the definition of "motor vehicle"; and to amend the executive law, in relation to directing the consumer protection division to monitor incidents of hoverboards and electric unicycles that explode or ignite

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The vehicle and traffic law is amended by adding two new
2 sections 114-e and 119-c to read as follows:
3 S 114-E. ELECTRIC UNICYCLE. EVERY DEVICE, HAVING A SINGLE WHEEL ON A
4 SINGLE AXLE, NOT EXCEEDING TWENTY-SEVEN INCHES IN HEIGHT AND NOT
5 EQUIPPED WITH HANDLEBARS, DESIGNED TO TRANSPORT ONE PERSON BY MEANS OF
6 AN ELECTRIC PROPULSION SYSTEM AND HAVING A MAXIMUM SPEED, WHEN PROPELLED
7 SOLELY BY ITS ELECTRIC PROPULSION SYSTEM, NOT IN EXCESS OF TWENTY MILES
8 AN HOUR. AN ELECTRIC UNICYCLE SHALL NOT BE DEEMED TO BE AN ELECTRIC
9 PERSONAL ASSISTIVE MOBILITY DEVICE.
10 S 119-C. HOVERBOARD. EVERY SELF-BALANCING DEVICE, HAVING TWO OR MORE
11 WHEELS ON A SINGLE AXLE, NOT EXCEEDING TWELVE INCHES IN HEIGHT, EXCLU-
12 SIVE OF ANY LEG PAD AND/OR BAR, AND NOT EQUIPPED OR DESIGNED TO BE
13 EQUIPPED WITH HANDLE BARS, DESIGNED TO TRANSPORT ONE PERSON BY MEANS OF
14 AN ELECTRIC PROPULSION SYSTEM AND HAVING A MAXIMUM SPEED, WHEN PROPELLED
15 SOLELY BY ITS ELECTRIC PROPULSION SYSTEM, NOT IN EXCESS OF TWENTY MILES
16 AN HOUR. A HOVERBOARD SHALL NOT BE DEEMED TO BE AN ELECTRIC PERSONAL
17 ASSISTIVE MOBILITY DEVICE.
18 S 2. Section 125 of the vehicle and traffic law, as amended by chapter
19 365 of the laws of 2008, is amended to read as follows:
20 S 125. Motor vehicles. Every vehicle operated or driven upon a public
21 highway which is propelled by any power other than muscular power,
22 except (a) electrically-driven mobility assistance devices operated or

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 driven by a person with a disability, (a-1) electric personal assistive
2 mobility devices operated outside a city with a population of one
3 million or more, (b) vehicles which run only upon rails or tracks, (c)
4 snowmobiles as defined in article forty-seven of this chapter, [and] (d)
5 all terrain vehicles as defined in article forty-eight-B of this
6 chapter, (E) HOVERBOARDS, AND (F) ELECTRIC UNICYCLES. For the purposes
7 of title four of this chapter, the term motor vehicle shall exclude fire
8 and police vehicles other than ambulances. For the purposes of titles
9 four and five of this chapter the term motor vehicles shall exclude farm
10 type tractors and all terrain type vehicles used exclusively for agri-
11 cultural purposes, or for snow plowing, other than for hire, farm equip-
12 ment, including self-propelled machines used exclusively in growing,
13 harvesting or handling farm produce, and self-propelled caterpillar or
14 crawler-type equipment while being operated on the contract site.

15 S 3. The vehicle and traffic law is amended by adding a new article
16 34-D to read as follows:

17 ARTICLE 34-D

18 ELECTRIC UNICYCLES AND HOVERBOARDS

19 SECTION 1280. ELECTRIC UNICYCLES AND HOVERBOARDS; LOCAL REGULATION.

20 1281. PROTECTIVE GEAR; PERSONS UNDER EIGHTEEN YEARS OF AGE.

21 1282. RECKLESS OPERATION PROHIBITED.

22 S 1280. ELECTRIC UNICYCLES AND HOVERBOARDS; LOCAL REGULATION. 1.
23 EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION TWO OF THIS SECTION, NO
24 PROVISION OF THIS CHAPTER SHALL BE DEEMED TO PROHIBIT THE GOVERNING BODY
25 OF ANY COUNTY, CITY, TOWN OR VILLAGE FROM REGULATING THE USE AND OPERA-
26 TION OF ELECTRIC UNICYCLES AND/OR HOVERBOARDS, INCLUDING THE OPERATION
27 THEREOF ON ANY PUBLIC HIGHWAY WHERE THERE IS NO ADJOINING SIDEWALK OR
28 SHOULDER.

29 2. NO PROVISION OF THIS CHAPTER SHALL BE DEEMED TO PROHIBIT THE USE
30 AND OPERATION OF ELECTRIC UNICYCLES AND HOVERBOARDS IN A PUBLIC PARK.

31 S 1281. PROTECTIVE GEAR; PERSONS UNDER EIGHTEEN YEARS OF AGE. 1. NO
32 PERSON LESS THAN EIGHTEEN YEARS OF AGE SHALL OPERATE AN ELECTRIC UNICY-
33 CLE OR HOVERBOARD UNLESS SUCH PERSON IS WEARING A HELMET, KNEE PADS AND
34 WRIST GUARDS MEETING STANDARDS ESTABLISHED BY THE COMMISSIONER.

35 2. FOR THE PURPOSES OF THIS SECTION, WEARING A HELMET MEANS HAVING A
36 HELMET OF GOOD FIT FASTENED SECURELY UPON THE HEAD WITH THE HELMET
37 STRAPS.

38 3. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL PAY A
39 CIVIL FINE NOT TO EXCEED FIFTY DOLLARS.

40 S 1282. RECKLESS OPERATION PROHIBITED. 1. FOR PURPOSES OF THIS
41 SECTION, "RECKLESS OPERATION" MEANS OPERATING AN ELECTRIC UNICYCLE OR
42 HOVERBOARD ON A PUBLIC STREET, HIGHWAY OR SIDEWALK IN SUCH A MANNER AS
43 TO ENDANGER THE SAFETY OR PROPERTY OF ANOTHER.

44 2. NO PERSON SHALL ENGAGE IN THE RECKLESS OPERATION OF AN ELECTRIC
45 UNICYCLE OR HOVERBOARD.

46 3. A VIOLATION OF THIS SECTION SHALL BE A TRAFFIC INFRACTION.

47 S 4. Section 1800 of the vehicle and traffic law is amended by adding
48 a new subdivision (e-1) to read as follows:

49 (E-1) EVERY PERSON CONVICTED OF A VIOLATION OF THE PROVISIONS OF
50 SECTION TWELVE HUNDRED EIGHTY-TWO OF THIS CHAPTER SHALL BE PUNISHED BY A
51 FINE OF NOT LESS THAN FIFTY DOLLARS, NOR MORE THAN ONE HUNDRED DOLLARS.

52 S 5. Section 94-a of the executive law is amended by adding a new
53 subdivision 4-a to read as follows:

54 4-A. ELECTRIC UNICYCLES AND HOVERBOARDS. THE DIVISION SHALL SOLICIT,
55 ACCEPT AND INVESTIGATE COMPLAINTS AND REPORTS OF ANY ELECTRIC UNICYCLE
56 OR HOVERBOARD SOLD IN THIS STATE THAT EXPLODES OR IGNITES IN FLAMES.

1 AFTER THE INVESTIGATION OF ANY SUCH COMPLAINT OR REPORT THE DIVISION
2 SHALL DETERMINE WHETHER AN EXPLOSION OR IGNITION OCCURRED. IF AN ELEC-
3 TRIC UNICYCLE OR HOVERBOARD IS DETERMINED TO HAVE EXPLODED OR IGNITED IN
4 FLAMES, THE DIVISION SHALL POST THE BRAND, MODEL, MANUFACTURER AND NAME
5 OF THE RETAIL SELLER THEREOF ON ITS PUBLIC INTERNET WEBSITE. THE DIVI-
6 SION SHALL IMPOSE A CIVIL PENALTY OF ONE THOUSAND DOLLARS, UPON EACH
7 MANUFACTURER AND RETAIL SELLER, FOR EACH ELECTRIC UNICYCLE OR HOVERBOARD
8 SOLD IN THIS STATE WHICH IS FOUND TO HAVE EXPLODED OR IGNITED IN FLAMES;
9 PROVIDED, HOWEVER, THAT ANY MANUFACTURER OR RETAIL SELLER WHICH IS
10 DETERMINED TO HAVE SOLD THREE OR MORE ELECTRIC UNICYCLES AND/OR HOVER-
11 BOARDS THAT HAVE EXPLODED OR IGNITED IN FLAMES SHALL BE PROHIBITED FROM
12 SELLING ANY ELECTRIC UNICYCLE OR HOVERBOARD IN THIS STATE.

13 S 6. This act shall take effect on the thirtieth day after it shall
14 have become a law.