

STATE OF NEW YORK

9903

IN ASSEMBLY

April 19, 2022

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to requiring liability insurance for bicycles with electric assist and electric scooters in cities having a population of one million or more

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 a new
2 section 1244 to read as follows:

3 § 1244. Liability insurance. 1. A bicycle with electric assist which
4 is operated anywhere in a city having a population of one million or
5 more other than on lands of the owner of such bicycle with electric
6 assist shall be covered by a policy of insurance, in such language and
7 form as shall be determined and established by the superintendent of
8 financial services, issued by an insurance carrier authorized to do
9 business in this state. Such policy shall provide for coverages required
10 of an "owner's policy of liability insurance" as set forth in paragraph
11 (a) of subdivision four of section three hundred eleven of this chapter.
12 In lieu of such insurance coverage as hereinabove provided, the commis-
13 sioner, in his or her discretion and upon application of a governmental
14 agency having registered in its name one or more bicycles with electric
15 assist, may waive the requirement of insurance by a private insurance
16 carrier and issue a certificate of self-insurance, when he or she is
17 satisfied that such governmental agency is possessed of financial abili-
18 ty to respond to judgments obtained against it, arising out of the
19 ownership, use or operation of such bicycles with electric assist. The
20 commissioner may also waive the requirement of insurance by a private
21 insurance carrier and issue a certificate of self-insurance upon appli-
22 cation of any person or any other corporation, having registered in its
23 name, one or more bicycles with electric assist and furnishing of proof
24 that a certificate of self-insurance has been issued and is in effect
25 pursuant to the provisions of section three hundred sixteen of this
26 chapter.

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

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1 2. Proof of insurance as required by this section shall be produced
2 and displayed by the owner or operator of such bicycle with electric
3 assist upon the request of any magistrate or any person having authority
4 to enforce the provisions of this chapter. The failure to produce such
5 proof upon the request of any such person shall not be an offense but
6 shall be presumptive evidence that such bicycle with electric assist is
7 being operated without having such insurance in force and effect.

8 3. Proof of insurance as required by this section shall be produced
9 and displayed by the owner or operator of such bicycle with electric
10 assist to any person who has suffered or claims to have suffered either
11 personal injury or property damage as a result of the operation of such
12 bicycle with electric assist by the owner or operator, if such insurance
13 coverage was required under the circumstances of such operation. It
14 shall be an affirmative defense to any prosecution for a violation of
15 this subdivision that such proof was so produced or displayed within
16 twenty-four hours of receiving notice of such injury or damage, or the
17 claim of such injury or damage.

18 4. No owner of a bicycle with electric assist shall operate or permit
19 the same to be operated anywhere in a city with a population of one
20 million or more other than on lands of the owner of the bicycle with
21 electric assist without having in full force and effect the liability
22 insurance coverage required by this section, and no person shall operate
23 a bicycle with electric assist anywhere in a city with a population of
24 one million or more other than on lands of the owner of the bicycle with
25 electric assist with the knowledge that such insurance is not in full
26 force and effect.

27 § 2. The vehicle and traffic law is amended by adding a new section
28 1290 to read as follows:

29 § 1290. Liability insurance. 1. An electric scooter which is operated
30 anywhere in a city having a population of one million or more other than
31 on lands of the owner of such electric scooter shall be covered by a
32 policy of insurance, in such language and form as shall be determined
33 and established by the superintendent of financial services, issued by
34 an insurance carrier authorized to do business in this state. Such poli-
35 cy shall provide for coverages required of an "owner's policy of liabil-
36 ity insurance" as set forth in paragraph (a) of subdivision four of
37 section three hundred eleven of this chapter. In lieu of such insurance
38 coverage as hereinabove provided, the commissioner, in his or her
39 discretion and upon application of a governmental agency having regis-
40 tered in its name one or more electric scooters, may waive the require-
41 ment of insurance by a private insurance carrier and issue a certificate
42 of self-insurance, when he or she is satisfied that such governmental
43 agency is possessed of financial ability to respond to judgments
44 obtained against it, arising out of the ownership, use or operation of
45 such electric scooters. The commissioner may also waive the requirement
46 of insurance by a private insurance carrier and issue a certificate of
47 self-insurance upon application of any person or any other corporation,
48 having registered in its name, one or more electric scooters and
49 furnishing of proof that a certificate of self-insurance has been issued
50 and is in effect pursuant to the provisions of section three hundred
51 sixteen of this chapter.

52 2. Proof of insurance as required by this section shall be produced
53 and displayed by the owner or operator of such electric scooter upon the
54 request of any magistrate or any person having authority to enforce the
55 provisions of this chapter. The failure to produce such proof upon the
56 request of any such person shall not be an offense but shall be presump-

1 tive evidence that such electric scooter is being operated without
2 having such insurance in force and effect.

3 3. Proof of insurance as required by this section shall be produced
4 and displayed by the owner or operator of such electric scooter to any
5 person who has suffered or claims to have suffered either personal inju-
6 ry or property damage as a result of the operation of such electric
7 scooter by the owner or operator, if such insurance coverage was
8 required under the circumstances of such operation. It shall be an
9 affirmative defense to any prosecution for a violation of this subdivi-
10 sion that such proof was so produced or displayed within twenty-four
11 hours of receiving notice of such injury or damage, or the claim of such
12 injury or damage.

13 4. No owner of an electric scooter shall operate or permit the same to
14 be operated anywhere in a city with a population of one million or more
15 other than on lands of the owner of the electric scooter without having
16 in full force and effect the liability insurance coverage required by
17 this section, and no person shall operate an electric scooter anywhere
18 in a city with a population of one million or more other than on lands
19 of the owner of the electric scooter with the knowledge that such insur-
20 ance is not in full force and effect.

21 § 3. Subsection (f) of section 5103 of the insurance law, as amended
22 by chapter 402 of the laws of 1986, is amended to read as follows:

23 (f) Every owner's policy of liability insurance issued on a
24 motorcycle, bicycle with electric assist, electric scooter or an all
25 terrain vehicle in satisfaction of the requirements of article six or
26 eight of the vehicle and traffic law, section twelve hundred forty-four
27 of such law, section twelve hundred ninety of such law, or section twen-
28 ty-four hundred seven of such law shall also provide for; every owner
29 who maintains another form of financial security on a motorcycle, bicy-
30 cle with electric assist, electric scooter or an all terrain vehicle in
31 satisfaction of the requirements of such articles or [~~section~~] sections
32 shall be liable for; and every owner of a motorcycle, bicycle with elec-
33 tric assist, electric scooter or an all terrain vehicle required to be
34 subject to the provisions of this article by subdivision two of section
35 three hundred twenty-one of such law shall be liable for; the payment of
36 first party benefits to persons, other than the occupants of such motor-
37 cycle, bicycle with electric assist, electric scooter or all terrain
38 vehicle, another motorcycle, bicycle with electric assist, electric
39 scooter or all terrain vehicle, or any motor vehicle, for loss arising
40 out of the use or operation of the motorcycle, bicycle with electric
41 assist, electric scooter or all terrain vehicle within this state. Every
42 insurer and self-insurer may exclude from the coverage required by this
43 subsection a person who intentionally causes his own injury or is
44 injured while committing an act which would constitute a felony or while
45 seeking to avoid lawful apprehension or arrest by a law enforcement
46 officer.

47 § 4. This act shall take effect on the one hundred twentieth day after
48 it shall have become a law. Effective immediately, the addition, amend-
49 ment and/or repeal of any rule or regulation necessary for the implemen-
50 tation of this act on its effective date are authorized to be made and
51 completed on or before such effective date.