

STATE OF NEW YORK

5677--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. TAPIA, ALVAREZ, SIMONE, SEAWRIGHT, AUBRY, BRAUNSTEIN, GLICK, SIMON, HYNDMAN, GONZALEZ-ROJAS, BURGOS, DE LOS SANTOS, GIBBS, SOLAGES, PRETLOW, LAVINE, RAJKUMAR, CUNNINGHAM, REYES, ZINERMAN, DICKENS, RIVERA, ARDILA, RAMOS, HEVESI, CRUZ, BUTTENSCHON, JEAN-PIERRE, FORREST, SHIMSKY, LUCAS, L. ROSENTHAL, ZACCARO, SAYEGH, EPSTEIN, BICHOTTE HERMELYN, RAGA -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new section 391-ee to read as follows:

§ 391-ee. Sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices. 1. As used in this section, the following terms shall have the following meanings:

(a) "Powered bicycle" means a bicycle with electric assist as defined in section one hundred two-c of the vehicle and traffic law.

(b) "Powered mobility device" means an electric scooter as defined in section one hundred fourteen-e of the vehicle and traffic law or successor provision or other personal mobility device powered by a lithium-ion or other storage battery. The term does not include powered bicycles, wheelchairs or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the department of motor vehicles.

(c) "Stock keeping unit" means each group of items offered for sale of the same brand name, quantity of contents, retail price and variety.

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

LBD10089-02-3

1 2. (a) No person shall distribute, sell, lease, rent or offer for
2 sale, lease or rental a powered bicycle unless:

3 (i) The electrical system for such bicycle has been certified by an
4 accredited testing laboratory for compliance with Underwriters Laborato-
5 ries (UL) standard 2849, or such other safety standard as the department
6 has established by rule in consultation with the fire department; and

7 (ii) Such certification or the logo, wordmark, or name of such accred-
8 ited testing laboratory is displayed: (i) on packaging or documentation
9 provided at the time of sale for such powered bicycle; or (ii) directly
10 on such powered bicycle or the battery of such bicycle.

11 (b) No person shall distribute, sell, lease, rent, or offer for sale,
12 lease, or rental, a powered mobility device unless:

13 (i) The electrical system for such powered mobility device has been
14 certified by an accredited testing laboratory for compliance with Under-
15 writers Laboratories (UL) standard 2272, or such other safety standard
16 as the department has established by rule in consultation with the fire
17 department; and

18 (ii) Such certification or the logo, wordmark, or name of such accred-
19 ited testing laboratory is displayed: (1) on packaging or documentation
20 provided at the time of sale for such powered mobility device; or (2)
21 directly on such powered mobility device or the battery of such device.

22 (c) No person shall distribute, sell, lease, rent or offer for sale,
23 lease or rental a storage battery for a powered bicycle or powered
24 mobility device unless:

25 (i) Such storage battery has been certified by an accredited testing
26 laboratory for compliance with Underwriters Laboratories (UL) standard
27 2271, or such other safety standard as the department has established by
28 rule in consultation with the fire department; and

29 (ii) Such certification, or the logo, wordmark, or name of such
30 accredited testing laboratory is displayed: (1) on packaging or documen-
31 tation provided at the time of sale for such storage battery; or (2)
32 directly on such storage battery.

33 (d) No powered bicycle or powered mobility device, or storage battery
34 for a powered bicycle or powered mobility device, shall be required to
35 display the certification or the logo, wordmark, or name of an accred-
36 ited testing laboratory as required by paragraph (a), (b) or (c) of this
37 subdivision if such powered bicycle, powered mobility device, or storage
38 battery: (i) is being sold or leased second-hand, or is being rented;
39 and (ii) does not include packaging, or does not include printed
40 documentation, at the time of distribution, sale, lease, rental or offer
41 for sale, lease or rental, as applicable.

42 (e) A person who violates paragraph (a), (b) or (c) of this subdivi-
43 sion, or any rule promulgated thereunder, is liable for a civil penalty
44 as follows:

45 (i) For the first violation, a civil penalty of zero dollars; and

46 (ii) For each subsequent violation issued for the same offense on a
47 different day within two years of the date of a first violation, a civil
48 penalty of not more than one thousand dollars.

49 (f) Each failure to comply with paragraph (a), (b) or (c) of this
50 subdivision with respect to any one stock keeping unit constitutes a
51 separate violation.

52 § 2. This act shall take effect on the one hundred eightieth day after
53 it shall have become a law.