

STATE OF NEW YORK

8310--A

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. EACHUS -- read once and referred to the Committee on Consumer Affairs and Protection -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- 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 of bicycles and scooters with electric assist and/or bicycles and scooters that are electric powered

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

1 Section 1. The general business law is amended by adding a new section
2 391-cc to read as follows:

3 § 391-cc. Sale of bicycles and scooters with electric assist and/or
4 bicycles and scooters that are electric powered. 1. No retailer shall
5 sell or offer for sale any bicycles with electric assist and/or are
6 electric powered or lithium-ion electric batteries or any scooters with
7 electric assist and/or are electric powered or lithium-ion electric
8 batteries to any firm, corporation, or person without supplying a notice
9 to be affixed to such bicycle or scooter with electric assist and/or are
10 electric powered by the retailer. Such notice shall have an adhesive
11 backing, be made from common materials used to affix other comparable
12 notices or stickers to vehicles and be printed in English and the two
13 most common non-English languages spoken in the state, based on the data
14 in the most recent American Community Survey published by the United
15 States Census Bureau. In addition to supplying one such notice with each
16 bicycle or scooter with electric assist and/or are electric powered,
17 such notices shall also be made available to any purchasing firm, corpo-
18 ration, or person upon request by the department of motor vehicles.
19 Such notice shall read:

20 "NOTICE: In New York State, you cannot use this device on sidewalks or
21 on highways with speed limits over 30 MPH unless there is a sign or

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

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1 public notice allowing it. Always yield to pedestrians and follow traf-
2 fic rules. Additional rules may apply depending on the city, town, or
3 village."

4 2. It shall be unlawful for any firm, corporation, or business entity
5 regularly engaged in the business of selling bicycles or scooters with
6 electric assist and/or are electric powered or lithium-ion electric
7 batteries at retail to sell or offer to sell any such bicycles, scoot-
8 ers, or batteries without having securely affixed a notice provided by
9 the department of motor vehicles as denoted in subdivision one of this
10 section in a manner clearly visible without the aid of magnification or
11 special devices.

12 3. The department of motor vehicles, in consultation with any and all
13 appropriate state agencies and governing bodies, shall promulgate any
14 rules and regulations necessary to implement the provisions of this
15 section.

16 4. Violation of this section by the retail entity pursuant to subdivi-
17 sion two of this section shall be punishable by a fine of not more than
18 two hundred fifty dollars for the first offense and not more than one
19 thousand dollars for each subsequent offense.

20 5. This section shall not annul, alter, affect, or exempt any person,
21 firm, partnership, corporation, association, company, or organization
22 subject to the provisions of this section from complying with the laws,
23 ordinances, rules, or regulations of any locality, relating to the
24 affixing, labeling, or provision of identification, safety, informa-
25 tional, or other materials.

26 § 2. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law. Effective immediately, the addition, amend-
28 ment and/or repeal of any rule or regulation necessary for the implemen-
29 tation of this act on its effective date are authorized to be made and
30 completed on or before such effective date.