

STATE OF NEW YORK

5158

2023-2024 Regular Sessions

IN SENATE

February 23, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing an electric scooter operator's safety manual and licensing requirement; to amend the vehicle and traffic law, in relation to requiring instruction in electric scooter safety as part of the drivers pre-licensing course; to amend the vehicle and traffic law and the insurance law, in relation to requiring liability insurance for electric scooters in cities having a population of one million or more; and to amend the vehicle and traffic law, in relation to requirements for the sale and purchase of electric scooters

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 article 12-E to read as follows:

ARTICLE 12-E

ELECTRIC SCOOTER SAFETY EDUCATION COURSE AND LICENSE

3 Section 399-aa. Electric scooter operator's safety manual.

4 399-bb. License for the operation of an electric scooter.

5 399-cc. Rules and regulations.

6 § 399-aa. Electric scooter operator's safety manual. The commissioner
7 shall develop and publish an electric scooter operator's safety manual
8 that shall be available for distribution and accessible on the depart-
9 ment's website. The manual shall include but not be limited to the
10 following:

11 (a) an overview of traffic laws governing electric scooters;

12 (b) the safe operation of electric scooters;

13 (c) bicycle lanes as defined in section one hundred two-a of this
14 chapter; and

15 (d) obligations to comply with traffic control devices and markings
16 related to electric scooter operators and pedestrians.

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

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1 § 399-bb. License for the operation of an electric scooter. 1. Upon
2 successful comprehension of the electric scooter operator's safety manu-
3 al, a resident may then make an application to receive a license for the
4 operation of an electric scooter.

5 2. (a) An application for such license shall be made to the commis-
6 sioner and shall require an applicant to furnish proof of identity, age,
7 fitness and any other information required by the commissioner. Such
8 application may also require a photographic image of the applicant.

9 (b) A nominal fee may be prescribed by the commissioner for the issu-
10 ance, renewal or amendment of a license.

11 (c) A license shall be valid from the date of issuance until a date of
12 expiration as determined by the commissioner.

13 § 399-cc. Rules and regulations. The commissioner shall promulgate
14 such rules and regulations as are necessary to effectuate the provisions
15 of this article. In addition to any requirements expressly authorized by
16 this article, such regulations may include but not be limited to vali-
17 dating that a person has read and comprehends the department's electric
18 scooter operator's safety manual.

19 § 2. Subdivision 1 of section 504 of the vehicle and traffic law is
20 amended by adding a new paragraph (a-2) to read as follows:

21 (a-2) Every license or renewal thereof issued to an applicant who has
22 a license for the operation of an electric scooter and after submission
23 of proof as set forth in this paragraph shall contain a distinguishing
24 mark, in such form as the commissioner shall determine, indicating that
25 he or she has read and comprehends the electric scooter operator's safe-
26 ty manual. Such proof shall consist of a license for the operation of
27 an electric scooter that is provided pursuant to section three hundred
28 ninety-nine-bb of this chapter. The commissioner shall not require fees
29 for the issuance of such licenses or renewals thereof containing an
30 electric scooter operator's safety manual comprehension distinguishing
31 mark which are different from fees otherwise required; provided, howev-
32 er, that notwithstanding the provisions of this section, the commission-
33 er shall not require fees for a duplication or amendment of a license
34 prior to its renewal if such duplication or amendment was solely for the
35 purpose of adding an electric scooter operator's safety manual compre-
36 hension distinguishing mark to such license.

37 § 3. The vehicle and traffic law is amended by adding a new section
38 1290 to read as follows:

39 § 1290. Operation of an electric scooter is prohibited without a
40 license. No person shall operate an electric scooter on a public roadway
41 in a city with a population of one million or more unless the operator
42 is a holder of a license for the operation of an electric scooter issued
43 to him or her pursuant to article twelve-E of this chapter.

44 § 4. Paragraphs (a), (b) and (d) of subdivision 4 of section 502 of
45 the vehicle and traffic law, paragraph (a) as amended by chapter 585 of
46 the laws of 2002, subparagraph (i) of paragraph (a) and paragraphs (b)
47 and (d) as amended by chapter 379 of the laws of 2022, are amended and a
48 new paragraph (c-6) is added to read as follows:

49 (a) (i) Upon submission of an application for a driver's license, the
50 applicant shall be required to take and pass a test, or submit evidence
51 of passage of a test, with respect to the laws relating to traffic, the
52 laws relating to driving while ability is impaired and while intoxicat-
53 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"
54 awareness, "Motorcycle Safety" awareness, "Electric Scooter Safety"
55 awareness, and "Pedestrian and Bicyclist Safety" awareness as defined by
56 the commissioner, "School Bus Safety" awareness, the law relating to

exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning motorcycle safety. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter. Such test shall include one or more questions concerning how to safely operate an electric scooter on the road and one or more questions concerning the dangers of motor vehicles to bicyclists and pedestrians and one or more questions concerning the traffic laws governing electric scooters. Such test may include one or more questions concerning school bus safety. Such test may include one or more questions concerning pedestrian and bicyclist safety. Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

(ii) The commissioner shall promulgate rules and regulations establishing eligibility standards for the taking and passing of knowledge tests in other than written form.

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision, a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision, a "School Bus Safety" awareness component as described in paragraph (c-4) of this subdivision, ~~and~~ a "Pedestrian and Bicyclist Safety" awareness component as described in paragraph (c-5) of this subdivision, and an "Electric Scooter Safety" awareness component as described in paragraph (c-6) of this subdivision, the commissioner shall cause the applicant to take a road test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. Provided, however, that the term "representative vehicle" shall not include a three-wheeled motor vehicle that has two wheels situated in the front and one wheel in

1 the rear, has a steering mechanism and seating which does not require
2 the operator to straddle or sit astride, is equipped with safety belts
3 for all occupants and is manufactured to comply with federal motor vehi-
4 cle safety standards for motorcycles including, but not limited to, 49
5 C.F.R. part 571. The commissioner shall have the power to establish a
6 program to allow persons other than employees of the department to
7 conduct road tests in representative vehicles when such tests are
8 required for applicants to obtain a class A, B or C license. If she
9 chooses to do so, she shall set forth her reasons in writing and conduct
10 a public hearing on the matter. She shall only establish such a program
11 after holding the public hearing.

12 (c-6) "Electric Scooter Safety" awareness component. (i) The commis-
13 sioner shall provide in the pre-licensing course, set forth in paragraph
14 (b) of this subdivision, a mandatory component in "Electric Scooter
15 Safety" awareness education as a prerequisite for obtaining a license to
16 operate a motor vehicle. The purpose of the component is to educate
17 prospective licensees on the potential dangers to pedestrians, bicy-
18 clists, and scooter operators created by motor vehicles. The purpose is
19 also to educate electric scooter operators on their responsibilities to
20 adhere to traffic laws.

21 (ii) The curriculum shall include, but shall not be limited to, an
22 overview of traffic laws governing electric scooters, the safe operation
23 of electric scooters, an overview of traffic laws governing motor vehi-
24 cle operators' duty to exercise due care with respect to pedestrians and
25 bicyclists, including but not limited to understanding bicyclists' and
26 pedestrians' needs and reduced visibility, respecting bicyclists' and
27 pedestrians' rights of way, safe operation near bicyclists and pedestri-
28 ans, including children and blind, deaf, elderly and disabled pedestri-
29 ans, bicycle lanes as defined in section one hundred two-a of this chap-
30 ter, safely overtaking a bicycle, the dangers of distracted driving,
31 driving at appropriate reduced speeds when special hazards exist with
32 respect to pedestrians or other weather or highway conditions, safely
33 turning, stopping, standing, and parking, motor vehicle operators' obli-
34 gations to comply with article twenty-two of this chapter, and traffic
35 control devices and markings related to electric scooter operators and
36 pedestrians.

37 (iii) In developing such curriculum, the commissioner shall consult
38 with the commissioner of transportation, the superintendent of the state
39 police, the commissioners of transportation and police of the city of
40 New York, medical professionals and pedestrian safety advocates.

41 (d) The commissioner shall make available for distribution upon regis-
42 tration at each location where the pre-licensing course will be given,
43 instructional handbooks outlining the content of the entire curriculum
44 of the pre-licensing course including the information required to be
45 included in the course pursuant to paragraphs (c), (c-1), (c-2), (c-3),
46 (c-4) [and], (c-5) and (c-6) of this subdivision. The commissioner shall
47 also provide for the additional training of the instructors necessary
48 for the competent instruction of the alcohol and drug education, "Road
49 Rage" awareness, "Work Zone Safety" awareness, "Motorcycle Safety"
50 awareness, "Electric Scooter Safety" awareness, "School Bus Safety"
51 awareness and "Pedestrian and Bicyclist Safety" awareness subject
52 matters of the pre-licensing course.

53 § 5. The vehicle and traffic law is amended by adding a new section
54 1291 to read as follows:

55 § 1291. Liability insurance. 1. An electric scooter which is operated
56 anywhere in a city having a population of one million or more other than

1 on lands of the owner of such electric scooter shall be covered by a
2 policy of insurance, in such language and form as shall be determined
3 and established by the superintendent of financial services, issued by
4 an insurance carrier authorized to do business in this state. Such poli-
5 cy shall provide for coverages required of an "owner's policy of liabil-
6 ity insurance" as set forth in paragraph (a) of subdivision four of
7 section three hundred eleven of this chapter. In lieu of such insurance
8 coverage as hereinabove provided, the commissioner, in his or her
9 discretion and upon application of a governmental agency having regis-
10 tered in its name one or more electric scooters, may waive the require-
11 ment of insurance by a private insurance carrier and issue a certificate
12 of self-insurance, when he or she is satisfied that such governmental
13 agency is possessed of financial ability to respond to judgments
14 obtained against it, arising out of the ownership, use or operation of
15 such electric scooters. The commissioner may also waive the requirement
16 of insurance by a private insurance carrier and issue a certificate of
17 self-insurance upon application of any person or any other corporation,
18 having registered in its name, one or more electric scooters and
19 furnishing of proof that a certificate of self-insurance has been issued
20 and is in effect pursuant to the provisions of section three hundred
21 sixteen of this chapter.

22 2. Proof of insurance as required by this section shall be produced
23 and displayed by the owner or operator of such electric scooter upon the
24 request of any magistrate or any person having authority to enforce the
25 provisions of this chapter. The failure to produce such proof upon the
26 request of any such person shall not be an offense but shall be presump-
27 tive evidence that such electric scooter is being operated without
28 having such insurance in force and effect.

29 3. Proof of insurance as required by this section shall be produced
30 and displayed by the owner or operator of such electric scooter to any
31 person who has suffered or claims to have suffered either personal inju-
32 ry or property damage as a result of the operation of such electric
33 scooter by the owner or operator, if such insurance coverage was
34 required under the circumstances of such operation. It shall be an
35 affirmative defense to any prosecution for a violation of this subdivi-
36 sion that such proof was so produced or displayed within twenty-four
37 hours of receiving notice of such injury or damage, or the claim of such
38 injury or damage.

39 4. No owner of an electric scooter shall operate or permit the same to
40 be operated anywhere in this state other than on lands of the owner of
41 the electric scooter without having in full force and effect the liabil-
42 ity insurance coverage required by this section, and no person shall
43 operate an electric scooter anywhere in this state other than on lands
44 of the owner of the electric scooter with the knowledge that such insur-
45 ance is not in full force and effect.

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

48 (f) Every owner's policy of liability insurance issued on a
49 motorcycle, an electric scooter or an all terrain vehicle in satisfac-
50 tion of the requirements of article six or eight of the vehicle and
51 traffic law, section twelve hundred ninety-one of such law, or section
52 twenty-four hundred seven of such law shall also provide for; every
53 owner who maintains another form of financial security on a motorcycle,
54 an electric scooter or an all terrain vehicle in satisfaction of the
55 requirements of such articles or ~~[section]~~ sections shall be liable for;
56 and every owner of a motorcycle, an electric scooter or an all terrain

1 vehicle required to be subject to the provisions of this article by
2 subdivision two of section three hundred twenty-one of such law shall be
3 liable for; the payment of first party benefits to persons, other than
4 the occupants of such motorcycle, electric scooter or all terrain vehi-
5 cle, another motorcycle, an electric scooter or all terrain vehicle, or
6 any motor vehicle, for loss arising out of the use or operation of the
7 motorcycle, an electric scooter or all terrain vehicle within this
8 state. Every insurer and self-insurer may exclude from the coverage
9 required by this subsection a person who intentionally causes his own
10 injury or is injured while committing an act which would constitute a
11 felony or while seeking to avoid lawful apprehension or arrest by a law
12 enforcement officer.

13 § 7. The vehicle and traffic law is amended by adding a new section
14 1292 to read as follows:

15 § 1292. Purchase requirements. 1. No person shall purchase any elec-
16 tric scooter, through an online or in-person transaction, unless such
17 person holds a valid license to operate an electric scooter pursuant to
18 section three hundred ninety-nine-bb of this chapter, and, in a city
19 having a population of one million or more, has obtained and maintains
20 valid insurance coverage pursuant to section twelve hundred ninety-one
21 of this article.

22 2. No dealer shall sell or offer for retail sale any electric scooter,
23 through an online or in-person transaction, until such dealer receives
24 proof that the purchaser of the electric scooter holds a valid license
25 to operate an electric scooter pursuant to section three hundred nine-
26 ty-nine-bb of this chapter, and, in a city having a population of one
27 million or more, has obtained and maintains valid insurance coverage
28 pursuant to section twelve hundred ninety-one of this article.

29 3. A person who violates the provisions of subdivision one of this
30 section shall be subject to a fine of up to five hundred dollars per
31 violation. A dealer who violates the provisions of subdivision two of
32 this section shall be subject to a fine of up to one thousand dollars
33 per violation.

34 § 8. This act shall take effect on the one hundred eightieth day after
35 it shall have become a law. Effective immediately, the addition, amend-
36 ment and/or repeal of any rule or regulation necessary for the implemen-
37 tation of this act on its effective date are authorized to be made on or
38 before such date.