

STATE OF NEW YORK

6237

2023-2024 Regular Sessions

IN SENATE

April 5, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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:

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

3 § 391-ee. Sale, lease, and rental of powered bicycles, powered mobility
4 devices, and storage batteries for such devices. 1. As used in this
5 section, the following terms shall have the following meanings:

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

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

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

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

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

23 (ii) Such certification or the logo, wordmark, or name of such accred-
24 ited testing laboratory is displayed: (i) on packaging or documentation

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

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1 provided at the time of sale for such powered bicycle; or (ii) directly
2 on such powered bicycle or the battery of such bicycle.

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

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

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

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

17 (i) Such storage battery has been certified by an accredited testing
18 laboratory for compliance with Underwriters Laboratories (UL) standard
19 2271, or such other safety standard as the department has established by
20 rule in consultation with the fire department; and

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

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

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

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

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

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

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