S T A T E O F N E W Y O R K

3179

2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to regulating the use of human transporters

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The vehicle and traffic law is amended by adding a new section 118-a to read as follows:

S 118-A. HUMAN TRANSPORTERS. A MOTORIZED PEDESTRIAN VEHICLE THAT SPORTS TWO WHEELS SIDE-BY-SIDE AND USES GYROSCOPES AND ADVANCED SOFTWARE TO KEEP ITSELF BALANCED.

S 2. Section 125 of the vehicle and traffic law, as amended by chapter 365 of the laws of 2008, is amended to read as follows:

S 125. Motor vehicles. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, [and] (d) all terrain vehicles as defined in article forty-eight-B of this chapter, (E) HUMAN TRANSPORTERS AS DEFINED IN SECTION ONE HUNDRED EIGHTEEN-A OF THIS ARTICLE. For the purposes of title four of this chapter, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five of this chapter the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

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

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S 3. Subdivision 1 of section 603-a of the vehicle and traffic law, as added by chapter 408 of the laws of 2001, is amended to read as follows:

1. In addition to the requirements of section six hundred three of this article, whenever a motor vehicle accident results in serious physical injury or death to a person, and such accident either is discovered by a police officer, or reported to a police officer within five days after such accident occurred, the police shall conduct an investigation of such accident. Such investigation shall be conducted for the purposes of making a determination of the following: the facts and circumstances of the accident; the type or types of vehicles involved, including passenger motor vehicles, commercial motor vehicles, motorcycles, limited use motorcycles, off-highway motorcycles, HUMAN TRANSPORTERS, and/or bicycles; whether pedestrians were involved; the contributing factor or factors; whether it can be determined if a violation or violations of this chapter occurred, and if so, the specific provisions of this chapter which were violated and by whom; and, the cause of such accident, where such cause can be determined. The police shall forward a copy of the investigation report to the commissioner within five business days of the completion of such report.

S 4. Subdivision (b) of section 605 of the vehicle and traffic law, as added by chapter 254 of the laws of 1989, is amended to read as follows:

(b) Every person operating a bicycle OR HUMAN TRANSPORTER which is in any manner involved in an accident on a public highway in this state in which any person is killed, other than the operator, or suffers serious physical injury as defined pursuant to subdivision ten of section 10.00 of the penal law, shall within ten days after such operator learns of the fact of such death or serious physical injury, report the matter in writing to the commissioner. If such operator is physically incapable of making such report within ten days, he or she shall make the report immediately upon recovery from the physical incapacity. If such operator is an unemancipated minor who is incapable of making such report for any reason, the parent or guardian of such operator shall make such report within ten days after learning of the fact of such accident. Every such operator of a bicycle, OR HUMAN TRANSPORTER, or parent or guardian of such unemancipated minor operator, shall make such other and additional reports as the commissioner shall require.

S 5. Section 1131 of the vehicle and traffic law, as added by chapter 162 of the laws of 1990, is amended to read as follows:

S 1131. Driving on shoulders and slopes. Except for bicycles, HUMAN TRANSPORTERS, and those classes of vehicles required to travel on shoulders or slopes, no motor vehicle shall be driven over, across, along, or within any shoulder or slope of any state controlled-access highway except at a location specifically authorized and posted by the department of transportation. The foregoing limitation shall not prevent motor vehicles from using shoulders or slopes when directed by police officers or flagpersons, nor does it prevent motor vehicles from stopping, standing, or parking on shoulders or slopes where such stopping, standing, or parking is lawful.

S 6. Subdivision (b) of section 1230 of the vehicle and traffic law, as amended by chapter 694 of the laws of 1995, is amended to read as follows:

(b) These regulations applicable to bicycles OR HUMAN TRANSPORTERS or to in-line skates shall apply whenever a bicycle is, OR HUMAN TRANSPORTERS or in-line skates are, operated upon any highway, upon private roads open to public motor vehicle traffic and upon any path set aside

for the exclusive use of bicycles, HUMAN TRANSPORTERS, or in-line skates[, or both].

S 7. Section 1231 of the vehicle and traffic law, as amended by chapter 694 of the laws of 1995, is amended to read as follows:

S 1231. Traffic laws apply to persons riding bicycles or HUMAN TRANSPORTERS OR skating or gliding on in-line skates. Every person riding a bicycle or HUMAN TRANSPORTER OR skating or gliding on in-line skates upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application.

S 8. Section 1234 of the vehicle and traffic law, as amended by chapter 16 of the laws of 1996, is amended to read as follows:

S 1234. Riding on roadways, shoulders, bicycle OR HUMAN TRANSPORTER or in-line skate lanes and bicycle OR HUMAN TRANSPORTER or in-line skate paths. (a) Upon all roadways, any bicycle OR HUMAN TRANSPORTER or in-line skate shall be driven either on a usable bicycle OR HUMAN TRANSPORTER or in-line skate lane or, if a usable bicycle or in-line skate lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or moving objects, vehicles, bicycles, HUMAN TRANSPORTERS, in-line skates, pedestrians, animals, surface hazards or traffic lanes too narrow for a bicycle, HUMAN TRANSPORTER, or person on in-line skates and a vehicle to travel safely side-by-side within the lane.

(b) Persons riding bicycles or HUMAN TRANSPORTERS OR skating or gliding on in-line skates upon a roadway shall not ride more than two abreast. Persons riding bicycles or HUMAN TRANSPORTERS OR skating or gliding on in-line skates upon a shoulder, bicycle or HUMAN TRANSPORTER OR in-line skate lane, or bicycle OR HUMAN TRANSPORTER or in-line skates path, intended for the use of bicycles or HUMAN TRANSPORTERS OR in-line skates may ride two or more abreast if sufficient space is available, except that when passing a vehicle, bicycle or HUMAN TRANSPORTER OR person on in-line skates, or pedestrian, standing or proceeding along such shoulder, lane or path, persons riding bicycles or HUMAN TRANSPORTERS OR skating or gliding on in-line skates shall ride, skate, or glide single file. Persons riding bicycles or HUMAN TRANSPORTERS OR skating or gliding on in-line skates upon a roadway shall ride, skate, or glide single file when being overtaken by a vehicle.

(c) Any person operating a bicycle or HUMAN TRANSPORTER OR skating or gliding on in-line skates who is entering the roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.

S 9. Section 1235 of the vehicle and traffic law, as amended by chapter 703 of the laws of 2004, is amended to read as follows:

S 1235. Carrying articles. No person operating a bicycle OR HUMAN TRANSPORTER shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars. No person skating or gliding on in-line skates shall carry any package, bundle, or article which obstructs his or her vision in any direction. No person operating a skate board shall carry any package, bundle, or article which obstructs his or her vision in any direction.

S 10. Section 1236 of the vehicle and traffic law, subdivision (a) as amended by chapter 860 of the laws of 1975 and subdivisions (d) and (e) as added by chapter 887 of the laws of 1976, is amended to read as follows:

S 1236. Lamps and other equipment on bicycles OR HUMAN TRANSPORTERS. (a) Every bicycle OR HUMAN TRANSPORTER when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red light visible to the rear for three hundred feet. Effective July first, nineteen hundred seventy-six, at least one of these lights shall be visible for two hundred feet from each side.

(b) No person shall operate a bicycle OR HUMAN TRANSPORTER unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle OR HUMAN TRANSPORTER shall not be equipped with nor shall any person use upon a bicycle OR HUMAN TRANSPORTER any siren or whistle.

(c) Every bicycle OR HUMAN TRANSPORTER shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(d) Every new bicycle OR HUMAN TRANSPORTER shall be equipped with reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel, said tires and reflectors to be of types approved by the commissioner. The reflex reflector mounted on the front wheel shall be colorless or amber, and the reflex reflector mounted on the rear wheel shall be colorless or red.

(e) Every bicycle OR HUMAN TRANSPORTER when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with reflective devices or material meeting the standards established by rules and regulations promulgated by the commissioner; provided, however, that such standards shall not be inconsistent with or otherwise conflict with the requirements of subdivisions (a) and (d) of this section.

S 11. The section heading and the opening paragraph of section 1237 of the vehicle and traffic law, as added by chapter 145 of the laws of 1989, are amended to read as follows:

Method of giving hand and arm signals by bicyclists OR HUMAN TRANSPORTER RIDERS. All signals herein required to be given by bicyclists OR HUMAN TRANSPORTER RIDERS by hand and arm shall be given in the following manner and such signals shall indicate as follows:

S 12. Section 1240 of the vehicle and traffic law, as added by chapter 468 of the laws of 2001, is amended to read as follows:

S 1240. Leaving the scene of an incident involving a wheeled non-motorized means of conveyance OR HUMAN TRANSPORTER without reporting in the second degree. 1. Any person age eighteen years or older operating a wheeled non-motorized means of conveyance, including, but not limited to bicycles, in-line skates, roller skates and skate boards, OR HUMAN TRANSPORTERS, who, knowing or having cause to know, that physical injury, as defined in subdivision nine of section 10.00 of the penal law, has been caused to another person, due to the operation of such non-motorized means of conveyance by such person, shall, before leaving the place where the said physical injury occurred, stop, and provide his name and residence, including street and street number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then

such person shall report said incident as soon as physically able to the nearest police station or judicial officer.

2. Leaving the scene of an incident involving a wheeled non-motorized means of conveyance OR HUMAN TRANSPORTER without reporting in the second degree is a violation.

S 13. Section 1241 of the vehicle and traffic law, as added by chapter 468 of the laws of 2001, is amended to read as follows:

S 1241. Leaving the scene of an incident involving a wheeled non-motorized means of conveyance OR HUMAN TRANSPORTER without reporting in the first degree. 1. Any person age eighteen years or older operating a wheeled non-motorized means of conveyance, including, but not limited to bicycles, in-line skates, roller skates and skate boards, OR HUMAN TRANSPORTERS, who, knowing or having cause to know, that serious physical injury, as defined in subdivision ten of section 10.00 of the penal law, has been caused to another person, due to the operation of such non-motorized means of conveyance by such person, shall, before leaving the place where the said serious physical injury occurred, stop, and provide his name and residence, including street and street number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then such person shall report said incident as soon as physically able to the nearest police station or judicial officer.

2. Leaving the scene of an incident involving a wheeled non-motorized means of conveyance OR HUMAN TRANSPORTER without reporting in the first degree is a class B misdemeanor.

S 14. The opening paragraph and paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 2 of part DD of chapter 56 of the laws of 2008, are amended to read as follows:

Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians, OR HUMAN TRANSPORTER RIDERS or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, there shall be levied a crime victim assistance fee and a mandatory surcharge, in addition to any sentence required or permitted by law, in accordance with the following schedule:

(c) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for an offense under this chapter other than a crime pursuant to section eleven hundred ninety-two of this chapter, or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, or parking or violations by pedestrians, OR HUMAN TRANSPORTER RIDERS or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter or other than an infraction pursuant to article nine of this chapter or other than an adjudication of liability of an owner for a violation of toll collection regulations pursuant to section two thousand nine hundred eighty-five of the public authorities law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred seventy-four of the

laws of nineteen hundred fifty, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

S 15. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by chapter 190 of the laws of 1990, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians, HUMAN TRANSPORTER RIDERS, or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

S 16. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by chapter 16 of the laws of 1983 and chapter 62 of the laws of 1989, is amended to read as follows:

1. Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians [or], bicyclists OR HUMAN TRANSPORTER RIDERS, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

S 17. This act shall take effect immediately, provided that the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section fourteen of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 406 of chapter 166 of the laws of 1991, as amended, when upon such date the provisions of section fifteen of this act shall take effect; provided, further, that the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section fifteen of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 17 of chapter 746 of the laws of 1988, as amended when upon such date the provisions of section sixteen of this act shall take effect.