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I N A S S E M B L Y

January 28, 2010

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

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the use of motorized 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 section 124 to read as follows:

3 S 124. *MOTORIZED SCOOTER.* A TWO OR THREE WHEELED LIMITED USE GASOLINE
4 POWERED, ELECTRIC AND/OR ALL TERRAIN MOTORCYCLE WITH HANDLEBARS AND
5 PROPELLED BY AN ATTACHED MOTOR WITH AN ENGINE CAPACITY OF ONE HUNDRED
6 FIFTY CUBIC CENTIMETERS OR LESS WHOSE MAXIMUM ATTAINABLE SPEED IS FORTY
7 MILES PER HOUR AND WHERE A PERSON OR PERSONS MAY RIDE THE DEVICE. FOR
8 PURPOSES OF THIS SECTION, THE TERM "MOTORIZED SCOOTER" SHALL NOT INCLUDE
9 WHEELCHAIRS OR OTHER MOBILITY AIDS DESIGNED FOR USE BY DISABLED PERSONS,
10 ELECTRIC POWERED DEVICES NOT CAPABLE OF EXCEEDING FIFTEEN MILES PER HOUR
11 OR ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES. FOR PURPOSES OF THIS
12 SECTION THE TERM "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES" SHALL
13 MEAN A SELF-BALANCING, TWO NON-TANDEM WHEELED DEVICE DESIGNED TO TRANS-
14 PORT ONE PERSON BY MEANS OF AN ELECTRIC PROPULSION SYSTEM.

15 S 2. Section 511-c of the vehicle and traffic law is amended by adding
16 a new subdivision 15 to read as follows:

17 15. THE OPERATION OF *MOTORIZED SCOOTERS*, AS DEFINED IN SECTION ONE
18 HUNDRED TWENTY-FOUR OF THIS CHAPTER, SHALL BE PROHIBITED IN THIS STATE.
19 ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE LIABLE
20 FOR A CIVIL PENALTY IN THE AMOUNT OF SIX HUNDRED DOLLARS. AUTHORIZED
21 EMPLOYEES OF A POLICE DEPARTMENT AND, IN A CITY WITH A POPULATION OF ONE
22 MILLION OR MORE, THE DEPARTMENT OF PARKS AND RECREATION, SHALL HAVE THE
23 AUTHORITY TO ENFORCE THE PROVISIONS OF THIS SECTION. SUCH PENALTY SHALL
24 BE RECOVERED IN A CIVIL ACTION OR, IN A CITY WITH A POPULATION OF ONE
25 MILLION OR MORE, IN A PROCEEDING COMMENCED BY THE SERVICE OF A NOTICE OF
26 VIOLATION THAT SHALL BE RETURNABLE BEFORE THE ENVIRONMENTAL CONTROL
27 BOARD. IN ADDITION, SUCH VIOLATION SHALL BE A TRAFFIC INFRACTION AND

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

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1 SHALL BE PUNISHABLE IN ACCORDANCE WITH SECTION EIGHTEEN HUNDRED OF THIS
2 CHAPTER.

3 ANY MOTORIZED SCOOTER THAT HAS BEEN OPERATED OR IS BEING OPERATED IN
4 VIOLATION OF THE PROVISIONS OF THIS SECTION MAY BE IMPOUNDED AND SHALL
5 NOT BE RELEASED UNTIL THE APPLICABLE FINES HAVE BEEN PAID OR A BOND HAS
6 BEEN POSTED IN AN AMOUNT SATISFACTORY TO THE ENFORCING AUTHORITY. UPON
7 CONVICTION OF A SECOND VIOLATION OF THIS SECTION AND WHERE THE MOTORIZED
8 SCOOTER IS IMPOUNDED, ALL OWNERSHIP RIGHTS TO SUCH SCOOTER SHALL BE
9 REVOKED AND SUCH MOTORIZED SCOOTER SHALL BE SOLD AT AUCTION.

10 S 3. This act shall take effect on the ninetieth day after it shall
11 have become a law.