

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

9800--A

I N A S S E M B L Y

January 28, 2010

Introduced by M. of A. MARKEY, BENEDETTO, CASTRO, FIELDS -- Multi-Sponsored by -- M. of A. GOTTFRIED, M. MILLER, MILLMAN -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 A MOTORIZED SCOOTER, AS DEFINED IN SECTION ONE
18 HUNDRED TWENTY-FOUR OF THIS CHAPTER, SHALL BE PROHIBITED IN THIS STATE,
19 PROVIDED, HOWEVER, THAT THE OPERATION OF A MOTORIZED SCOOTER FOR THE
20 PURPOSE OF TRAVELING TO OR FROM THE OPERATOR'S PLACE OF EMPLOYMENT SHALL
21 NOT BE PROHIBITED. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS
22 SECTION SHALL BE LIABLE FOR A CIVIL PENALTY IN THE AMOUNT OF SIX HUNDRED
23 DOLLARS. AUTHORIZED EMPLOYEES OF A POLICE DEPARTMENT AND, IN A CITY
24 WITH A POPULATION OF ONE MILLION OR MORE, THE DEPARTMENT OF PARKS AND
25 RECREATION, SHALL HAVE THE AUTHORITY TO ENFORCE THE PROVISIONS OF THIS

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

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1 SECTION. SUCH PENALTY SHALL BE RECOVERED IN A CIVIL ACTION OR, IN A CITY
2 WITH A POPULATION OF ONE MILLION OR MORE, IN A PROCEEDING COMMENCED BY
3 THE SERVICE OF A NOTICE OF VIOLATION THAT SHALL BE RETURNABLE BEFORE THE
4 ENVIRONMENTAL CONTROL BOARD. IN ADDITION, SUCH VIOLATION SHALL BE A
5 TRAFFIC INFRACTION AND SHALL BE PUNISHABLE IN ACCORDANCE WITH SECTION
6 EIGHTEEN HUNDRED OF THIS CHAPTER.
7 ANY MOTORIZED SCOOTER THAT HAS BEEN OPERATED OR IS BEING OPERATED IN
8 VIOLATION OF THE PROVISIONS OF THIS SECTION MAY BE IMPOUNDED AND SHALL
9 NOT BE RELEASED UNTIL THE APPLICABLE FINES HAVE BEEN PAID OR A BOND HAS
10 BEEN POSTED IN AN AMOUNT SATISFACTORY TO THE ENFORCING AUTHORITY. UPON
11 CONVICTION OF A SECOND VIOLATION OF THIS SECTION AND WHERE THE MOTORIZED
12 SCOOTER IS IMPOUNDED, ALL OWNERSHIP RIGHTS TO SUCH SCOOTER SHALL BE
13 REVOKED AND SUCH MOTORIZED SCOOTER SHALL BE SOLD AT AUCTION.
14 S 3. This act shall take effect on the ninetieth day after it shall
15 have become a law.