

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

6322--A

2009-2010 Regular Sessions

I N S E N A T E

December 1, 2009

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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

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

LBD14926-02-0

1 DOLLARS. AUTHORIZED EMPLOYEES OF A POLICE DEPARTMENT AND, IN A CITY
2 WITH A POPULATION OF ONE MILLION OR MORE, THE DEPARTMENT OF PARKS AND
3 RECREATION, SHALL HAVE THE AUTHORITY TO ENFORCE THE PROVISIONS OF THIS
4 SECTION. SUCH PENALTY SHALL BE RECOVERED IN A CIVIL ACTION OR, IN A CITY
5 WITH A POPULATION OF ONE MILLION OR MORE, IN A PROCEEDING COMMENCED BY
6 THE SERVICE OF A NOTICE OF VIOLATION THAT SHALL BE RETURNABLE BEFORE THE
7 ENVIRONMENTAL CONTROL BOARD. IN ADDITION, SUCH VIOLATION SHALL BE A
8 TRAFFIC INFRACTION AND SHALL BE PUNISHABLE IN ACCORDANCE WITH SECTION
9 EIGHTEEN HUNDRED OF THIS CHAPTER.

10 ANY MOTORIZED SCOOTER THAT HAS BEEN OPERATED OR IS BEING OPERATED IN
11 VIOLATION OF THE PROVISIONS OF THIS SECTION MAY BE IMPOUNDED AND SHALL
12 NOT BE RELEASED UNTIL THE APPLICABLE FINES HAVE BEEN PAID OR A BOND HAS
13 BEEN POSTED IN AN AMOUNT SATISFACTORY TO THE ENFORCING AUTHORITY. UPON
14 CONVICTION OF A SECOND VIOLATION OF THIS SECTION AND WHERE THE MOTORIZED
15 SCOOTER IS IMPOUNDED, ALL OWNERSHIP RIGHTS TO SUCH SCOOTER SHALL BE
16 REVOKED AND SUCH MOTORIZED SCOOTER SHALL BE SOLD AT AUCTION.

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