

4814

2015-2016 Regular Sessions

I N S E N A T E

April 20, 2015

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the operation of motor-driven cycles for commercial purposes on public highways

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. MOTOR-DRIVEN CYCLE. EVERY MOTOR VEHICLE HAVING:
4 (A) A SEAT OR SADDLE FOR THE USE OF THE OPERATOR;
5 (B) TWO OR THREE WHEELS IN CONTACT WITH THE GROUND;
6 (C) AN INTERNAL COMBUSTION ENGINE, OR ELECTRIC, SOLAR OR HYBRID MOTOR
7 WHICH WILL PROPEL THE VEHICLE UNASSISTED AT A MAXIMUM SPEED NO GREATER
8 THAN THIRTY MILES PER HOUR. IF SUCH VEHICLE IS EQUIPPED WITH AN INTERNAL
9 COMBUSTION ENGINE, SUCH ENGINE'S PISTON OR ROTOR DISPLACEMENT SHALL NOT
10 EXCEED FIFTY CUBIC CENTIMETERS. A MOTOR-DRIVEN CYCLE SHALL BE A LIMITED
11 USE MOTORCYCLE OR MOTORCYCLE WHEN OPERATED AT SPEEDS IN EXCESS OF THIRTY
12 MILES PER HOUR AND THE OPERATOR SHALL BE REQUIRED TO HAVE IN HIS OR HER
13 POSSESSION A VALID CLASS D, DJ, M OR MJ LICENSE, AS THE CASE MAY BE; AND
14 (D) A DIRECT OR AUTOMATIC POWER DRIVE SYSTEM WHICH REQUIRES NO CLUTCH
15 OR GEAR SHIFT OPERATION BY THE OPERATOR AFTER THE DRIVE SYSTEM IS
16 ENGAGED WITH THE ENGINE OR MOTOR.
17 S 2. Paragraph (a) of section 125 of the vehicle and traffic law, as
18 amended by chapter 365 of the laws of 2008, is amended to read as
19 follows:
20 (a) electrically-driven mobility assistance devices operated or driven
21 by a person with a disability, UNLESS SUCH MOBILITY DEVICE IS DETERMINED
22 BY THE COMMISSIONER TO BE A MOTOR-DRIVEN CYCLE,
23 S 3. Section 2268 of the vehicle and traffic law, as added by chapter
24 869 of the laws of 1976, is amended to read as follows:

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

LBD10552-01-5

S 2268. Motor-assisted [vehicle] AND MOTOR-DRIVEN VEHICLES. [Notwithstanding any other provision of this chapter, a]

1. A vehicle which is primarily designed to be propelled by human power shall not be entitled to registration as a limited use vehicle because of the addition of a motor. The commissioner shall determine whether any vehicle is primarily designed to be propelled by human power.

2. THE OPERATOR OF A MOTOR-DRIVEN CYCLE FOR COMMERCIAL PURPOSES SHALL BE SUBJECT TO ALL OF THE PROVISIONS RELATING TO THE LEGAL OPERATION OF A LIMITED USE VEHICLE AS PROVIDED IN THIS ARTICLE UNLESS OTHERWISE DETERMINED BY THE COMMISSIONER. THE COMMISSIONER IS AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS FOR THE REGISTRATION, INSURING LIMITED TO MINIMUM LIABILITY, AND LICENSING OF MOTOR-DRIVEN CYCLES FOR COMMERCIAL PURPOSES, WHICH SHALL INCLUDE CRITERIA FOR THE SAFE OPERATION OF MOTOR-DRIVEN CYCLES UPON THE PUBLIC HIGHWAYS AND PROCEDURES FOR IMPOSITION OF PENALTIES.

S 4. The vehicle and traffic law is amended by adding a new article 34-D to read as follows:

ARTICLE 34-D
OPERATION OF MOTOR-DRIVEN CYCLES FOR
COMMERCIAL PURPOSES

SECTION 1280. REGISTRATION REQUIRED.

1281. NOTICE BY DEALERS.

1282. TRAFFIC LAWS.

1283. LICENSED OPERATOR.

1284. HAND AND ARM SIGNALS.

1285. CARRYING ARTICLES.

1286. PROTECTIVE HEAD GEAR.

1287. REFLECTIVE CLOTHING.

1288. RESTRICTIONS.

1289. PENALTIES.

S 1280. REGISTRATION REQUIRED. PURSUANT TO THE PROVISIONS FOR REGISTRATION IN SECTION TWENTY-TWO HUNDRED SIXTY-EIGHT OF THIS CHAPTER, MOTOR-DRIVEN CYCLES USED FOR COMMERCIAL PURPOSES ARE REQUIRED TO BE REGISTERED BY OWNERS BEFORE BEING OPERATED OR DRIVEN UPON A PUBLIC HIGHWAY.

S 1281. NOTICE BY DEALERS. DEALERS SELLING MOTOR-DRIVEN CYCLES SHALL PROVIDE A WRITTEN DISCLOSURE, PURSUANT TO THE COMMISSIONER'S REGULATIONS, TO BE SIGNED BY THE BUYER AT TIME OF PURCHASE. SUCH DISCLOSURE SHALL INCLUDE, BUT NOT BE LIMITED TO, A STATEMENT THAT, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE AND ANY OTHER APPLICABLE LAW, THE OPERATOR OF A MOTOR-DRIVEN CYCLE FOR COMMERCIAL PURPOSES MUST BE A LICENSED DRIVER IN ACCORDANCE WITH PROVISIONS OF THIS ARTICLE; A MOTOR-DRIVEN CYCLE SHALL NOT BE OPERATED FOR COMMERCIAL PURPOSES ON A PUBLIC HIGHWAY WITH A SPEED LIMIT IN EXCESS OF THIRTY-FIVE MILES PER HOUR; OPERATORS MUST WEAR PROTECTIVE HEAD GEAR WHILE OPERATING A MOTOR-DRIVEN CYCLE FOR COMMERCIAL PURPOSES; AND VIOLATION MAY SUBJECT THE OWNER AND/OR OPERATOR TO PENALTIES INCLUDING FINES, THE ASSESSMENT OF POINTS UPON AN OPERATOR'S DRIVING RECORD, AS WELL AS ALL OTHER CIVIL AND CRIMINAL PENALTIES PERTAINING TO THE LICENSED OPERATION OF MOTOR VEHICLES.

S 1282. TRAFFIC LAWS. EVERY PERSON OPERATING A MOTOR-DRIVEN CYCLE FOR COMMERCIAL PURPOSES UPON A PUBLIC HIGHWAY SHALL BE GRANTED ALL OF THE RIGHTS AND SHALL BE SUBJECT TO ALL OF THE DUTIES APPLICABLE TO THE OPERATOR OF A MOTOR VEHICLE BY THIS TITLE, EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE AND EXCEPT AS TO THOSE PROVISIONS OF THIS TITLE WHICH BY THEIR NATURE CAN HAVE NO APPLICATION.

1 S 1283. LICENSED OPERATOR. NO PERSON SHALL OPERATE A MOTOR-DRIVEN
2 CYCLE FOR COMMERCIAL PURPOSES ON A PUBLIC HIGHWAY UNLESS SUCH OPERATOR
3 HOLDS A VALID CLASS D OR DJ DRIVER LICENSE, OR A VALID DRIVER LICENSE
4 FROM ANOTHER STATE OR THE DOMINION OF CANADA.

5 S 1284. HAND AND ARM SIGNALS. ALL DIRECTIONAL SIGNALS REQUIRED TO BE
6 GIVEN BY BICYCLISTS PURSUANT TO SECTION TWELVE HUNDRED THIRTY-SEVEN OF
7 THIS TITLE SHALL BE GIVEN BY OPERATORS OF MOTOR-DRIVEN CYCLES FOR
8 COMMERCIAL PURPOSES.

9 S 1285. CARRYING ARTICLES. NO PERSON OPERATING A MOTOR-DRIVEN CYCLE
10 FOR COMMERCIAL PURPOSES UPON A PUBLIC HIGHWAY SHALL CARRY ANY PACKAGE,
11 BUNDLE OR ARTICLE WHICH PREVENTS THE OPERATOR FROM KEEPING AT LEAST ONE
12 HAND UPON THE HANDLE BARS OF THE MOTOR-DRIVEN CYCLE. NO PERSON OPERAT-
13 ING A MOTOR-DRIVEN CYCLE FOR COMMERCIAL PURPOSES SHALL CARRY ANY PACK-
14 AGE, BUNDLE OR ARTICLE WHICH OBSTRUCTS HIS OR HER VISION IN ANY DIREC-
15 TION.

16 S 1286. PROTECTIVE HEAD GEAR. NO PERSON SHALL OPERATE A MOTORIZED
17 CYCLE FOR COMMERCIAL PURPOSES WITHOUT WEARING PROTECTIVE HEAD GEAR MEET-
18 ING STANDARDS ESTABLISHED BY THE COMMISSIONER. A COURT SHALL WAIVE ANY
19 FINE FOR WHICH A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION
20 WOULD BE LIABLE IF SUCH PERSON SUPPLIES THE COURT WITH PROOF THAT
21 BETWEEN THE DATE OF VIOLATION AND THE APPEARANCE DATE FOR SUCH VIOLATION
22 SUCH PERSON PURCHASED OR RENTED PROTECTIVE HEAD GEAR, WHICH MEETS THE
23 REGULATORY REQUIREMENTS AS DETERMINED BY THE COMMISSIONER. SUCH WAIVER
24 OF FINE SHALL NOT APPLY TO A SECOND OR SUBSEQUENT VIOLATION.

25 S 1287. REFLECTIVE CLOTHING. NO PERSON SHALL OPERATE A MOTORIZED CYCLE
26 FOR COMMERCIAL PURPOSES ON A PUBLIC HIGHWAY DURING THE PERIOD OF TIME
27 BETWEEN ONE-HALF HOUR AFTER SUNSET AND ONE-HALF HOUR BEFORE SUNRISE
28 UNLESS SUCH PERSON IS WEARING READILY VISIBLE REFLECTIVE CLOTHING.

29 S 1288. RESTRICTIONS. 1. NO PERSON SHALL OPERATE A MOTORIZED CYCLE FOR
30 COMMERCIAL PURPOSES ON ANY PUBLIC HIGHWAY:

31 (A) WITH A SPEED LIMIT IN EXCESS OF THIRTY-FIVE MILES PER HOUR,
32 PROVIDED THAT THE PROVISIONS OF THIS PARAGRAPH SHALL NOT PROHIBIT THE
33 CROSSING OF A PUBLIC HIGHWAY WITH A SPEED LIMIT IN EXCESS OF THIRTY-FIVE
34 MILES PER HOUR WHERE SUCH HIGHWAY INTERSECTS WITH A HIGHWAY WITH A SPEED
35 LIMIT OF THIRTY-FIVE MILES PER HOUR OR LESS; OR

36 (B) ON WHICH, IN THE INTEREST OF PUBLIC SAFETY, A LOCAL AUTHORITY OR
37 THE DEPARTMENT OF TRANSPORTATION HAS PROHIBITED THE OPERATION OF MOTOR-
38 DRIVEN CYCLES.

39 2. NO PERSON SHALL OPERATE A MOTOR-DRIVEN CYCLE FOR COMMERCIAL
40 PURPOSES ON OR ACROSS A SIDEWALK, EXCEPT THAT SUCH VEHICLE MAY BE OPER-
41 ATED IN SUCH MANNER AS NOT TO INTERFERE WITH THE SAFETY AND PASSAGE OF
42 PEDESTRIANS WHO SHALL HAVE THE RIGHT OF WAY, AND WHEN TO DO SO IS
43 REASONABLE AND NECESSARY TO GAIN ACCESS TO A PUBLIC HIGHWAY, PRIVATE WAY
44 OR LANDS OR BUILDINGS ADJACENT TO SUCH HIGHWAY OR WAY.

45 S 1289. PENALTIES. 1. VIOLATION OF THE PROVISIONS OF THIS ARTICLE
46 SHALL CONSTITUTE A TRAFFIC INFRACTION PUNISHABLE BY A FINE OF NOT LESS
47 THAN TWENTY-FIVE NOR MORE THAN ONE HUNDRED DOLLARS FOR EACH VIOLATION.

48 2. THE UNLAWFUL OPERATION OF A MOTOR-DRIVEN CYCLE FOR COMMERCIAL
49 PURPOSES THAT VIOLATES THE RULES OF THE ROAD FOR MOTOR VEHICLES UNDER
50 THIS TITLE SHALL RESULT IN THE SAME CIVIL AND CRIMINAL PENALTIES AS THE
51 UNLAWFUL OPERATION OF ALL OTHER MOTOR VEHICLES, INCLUDING BUT NOT LIMIT-
52 ED TO THE ASSESSMENT OF POINTS UPON THE OPERATOR'S DRIVING RECORD.

53 S 5. Nothing in this act shall be deemed to limit the authority of a
54 county, city, town or village from adopting or amending a local law or
55 ordinance which imposes stricter restrictions and conditions on the
56 operation of motor-driven cycles than are provided or authorized by this

1 act, so long as such local law or ordinance is consistent with its
2 authority to protect the order, conduct, health, safety and general
3 welfare of persons or property. Nothing in this act shall be deemed to
4 alter or invalidate any local law or ordinance already in effect as of
5 the effective date of this act.
6 S 6. This act shall take effect on the one hundred twentieth day after
7 it shall have become a law; provided, however, that effective immediate-
8 ly, the amendment, addition or repeal of any rule or regulation neces-
9 sary for the timely implementation of this act on its effective date is
10 hereby authorized and directed to be made on or before such effective
11 date.