

STATE OF NEW YORK

6898--A

2017-2018 Regular Sessions

IN ASSEMBLY

March 24, 2017

Introduced by M. of A. ORTIZ -- 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 electric assisted bicycles

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 102-c to read as follows:

§ 102-c. Electric assisted bicycle. A bicycle with two or three wheels which has a saddle and fully operative pedals for human propulsion and also has an electric motor. The electric assisted bicycle's electric motor shall: have a power output of less than seven hundred fifty watts; have a maximum speed of less than twenty miles per hour on a paved level surface when powered solely by such a motor while ridden by an operator who weighs one hundred seventy pounds; and be incapable of further increasing the speed of the device when human power is used to propel the device at or more than twenty miles per hour.

§ 2. The article heading of article 15 of the vehicle and traffic law is amended to read as follows:

REGISTRATION OF MOTORCYCLES AND ELECTRIC ASSISTED BICYCLES

§ 3. Section 410 of the vehicle and traffic law, as amended by chapter 459 of the laws of 1970, subdivision 3 as amended by chapter 466 of the laws of 2013, subdivision 4 as amended by chapter 137 of the laws of 1989, subdivision 5 as amended by chapter 435 of the laws of 1997, and paragraph a of subdivision 5 as amended by section 4 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

§ 410. Registration of motorcycles and electric assisted bicycles; fees; renewals. 1. Registration by owners. No motorcycles or electric assisted bicycles shall be operated or driven upon the public highways of this state without first being registered in accordance with the

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

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provisions of this article, except as otherwise expressly provided in this chapter.

Every owner of a motorcycle or an electric assisted bicycle which shall be operated or driven upon the public highways of this state shall, except as otherwise expressly provided, cause to be filed, by mail or otherwise, in the office or a branch office of the commissioner, or with an agent of the commissioner, constituted as provided in this chapter, an application for registration, addressed to the commissioner, and on a blank to be prepared under the direction of and furnished by the commissioner for that purpose, containing: (a) A brief description of the motorcycle or electric assisted bicycle to be registered, including the name of the manufacturer and factory number of such vehicle; (b) the name, residence, including county and business address of the owner of such motorcycle or electric assisted bicycle.

2. Registration record. Upon the receipt of a sufficient application for registration, as provided in this article, the commissioner or agent receiving it shall register such motorcycle or electric assisted bicycle, and maintain a record of the registration of such motorcycle or electric assisted bicycle under the distinctive number assigned to such motorcycle or electric assisted bicycle, as provided in this section, and the information in such record may be obtained upon payment of the fees specified in section two hundred two of this chapter.

3. Certificate of registration. a. Upon the filing of such application and the payment of the fee hereinafter provided, the commissioner shall assign to such motorcycle or electric assisted bicycle a distinctive number and, without expense to the applicant, issue and deliver in such manner as the commissioner may select to the owner a certificate of registration, in such form as the commissioner may prescribe, and a number plate at a place within the state of New York named by the applicant in his application. In the event of the loss, mutilation or destruction of any certificate of registration or number plate, the owner of a registered vehicle may file such statement and proof of the facts as the commissioner shall require, with a fee of three dollars, in the office of the commissioner, or, unless and until the commissioner shall otherwise direct, in the office of the agent who issued the certificate or plate and the commissioner or his agent, as the case may be, shall issue a duplicate or substitute. No application for registration shall be accepted unless the applicant is at least sixteen years of age.

b. Upon the issuance of a certificate of registration, the commissioner shall provide the owner of such vehicle with a notice regarding the laws governing unidentifiable motorcycle or electric assisted bicycle parts, in such form and manner as the commissioner may prescribe.

4. Times for registration and reregistration. Registration applied for and certificates issued under any application shall expire on a date determined by the commissioner. Registration shall be renewed periodically in the same manner and upon payment of the same annual fee as provided in this section for registration, to take effect and to expire on dates to be determined by the commissioner. Provided, however, that the commissioner shall have authority to fix the length of time for which any such vehicle which is registered without fee shall be registered. Provided further, however, that renewal of a registration may be used preceding the expiration date of such registration including such expiration date.

5. Registration fees. a. The annual fee for registration or reregistration of a motorcycle or electric assisted bicycle shall be eleven

1 dollars and fifty cents. Beginning April first, nineteen hundred nine-
2 ty-eight the annual fee for registration or reregistration of a motorcy-
3 cle or electric assisted bicycle shall be seventeen dollars and fifty
4 cents, of which two dollars and fifty cents shall be deposited by the
5 comptroller into the special obligation reserve and payment account of
6 the dedicated highway and bridge trust fund established pursuant to
7 section eighty-nine-b of the state finance law for the purposes estab-
8 lished in this section.

9 b. Where a registration is made for a period of more or less than one
10 calendar year, the registration fee shall not be prorated. The
11 provisions hereof with respect to the payment of registration fees shall
12 not apply to motorcycles or electric assisted bicycles owned or
13 controlled by the state, a city, county, village or town or any of the
14 departments thereof, or any school district or county extension service
15 association, but in other respects shall be applicable.

16 6. Fees in lieu of taxes. The registration fees imposed by this arti-
17 cle upon such vehicles shall be in lieu of all taxes, general or local,
18 to which motorcycles or electric assisted bicycles may be subject.

19 7. "Motorcycle" as used in this section shall mean a motorcycle as
20 defined by section one hundred twenty-three of this chapter.

21 8. "Electric assisted bicycle" as used in this section shall mean an
22 electric assisted bicycle as defined by section one hundred two-c of
23 this chapter.

24 § 4. Section 411 of the vehicle and traffic law is amended to read as
25 follows:

26 § 411. Distinctive number; form of number plates. 1. No person shall
27 operate or drive a motorcycle or electric assisted bicycle on the public
28 highways of this state unless such motorcycle or electric assisted bicy-
29 cle shall have a distinctive number assigned to it by the commissioner
30 and a number plate issued by the commissioner with a number correspond-
31 ing to that of the certificate of registration conspicuously displayed
32 on the rear of such motorcycle or electric assisted bicycle, securely
33 fastened so as to prevent the same from swinging.

34 2. Such number plates shall be of such material, form, design and
35 dimensions and contain or set forth such distinguishing number or other
36 identification marks as the commissioner shall prescribe, provided,
37 however, that there shall be at all times a marked contrast between the
38 color of the number plates and that of the numerals or letters thereon,
39 and provided further that no motorcycle or electric assisted bicycles
40 shall display the number plates of more than one state at a time, nor
41 shall any plate be used other than those issued by the commissioner.

42 3. No person shall operate or drive a motorcycle or electric assisted
43 bicycle upon the public highways of this state having displayed thereon
44 a number plate not proper for such motorcycle or electric assisted
45 bicycle under the provisions of this chapter and, upon conviction for
46 this offense, the number plate shall be surrendered to the court for
47 delivery to the commissioner.

48 4. No person shall knowingly authorize or permit a number plate issued
49 for a motorcycle or electric assisted bicycle owned and registered by
50 him to be displayed on any motorcycle or electric assisted bicycle
51 other than a motorcycle or electric assisted bicycle to which such
52 number plate has been assigned by the commissioner, or upon which such
53 number plate may legally be displayed under a temporary certificate of
54 registration issued by a dealer under the provisions of section four
55 hundred twenty of this chapter.

§ 5. Section 411-a of the vehicle and traffic law, as added by chapter 962 of the laws of 1981, subdivision 1 as amended by section 17 of part G of chapter 59 of the laws of 2009, is amended to read as follows:

§ 411-a. Issuance of special number plates. 1. The commissioner may issue special number plates to applicants therefor in the same manner as other number plates are issued pursuant to this article. Such special number plates shall be issued only upon payment of an annual service charge of eighteen dollars and seventy-five cents in addition to the regular fee prescribed by section four hundred ten of this article. Application for special number plates shall be made in accordance with regulations promulgated by the commissioner with respect to issuance of such number plates. Notwithstanding any inconsistent provision of this section, the difference collected between the service charge set forth in this subdivision in effect on and after September first, two thousand nine and the service charge set forth in this subdivision in effect prior to such date shall be deposited to the credit of the dedicated highway and bridge trust fund.

2. For purposes of this section, a special number plate shall be a plate which contains not more than six letters, numerals or any combination thereof and which is reserved by the commissioner for issuance in accordance with the provisions of this section, or a plate reserved for issuance in a series for motorcycles or electric assisted bicycles owned by public officers, physicians, accredited representatives of the press or other groups. In issuing special number plates the commissioner shall give those applicants who held a special number plate at the time of the enactment of this section the right to retain such special number plate upon the payment of the annual service charge of fifteen dollars. Provided, however, that such right of retention shall apply only to the first renewal of the registration of such special number plate following the enactment of this section.

3. This section shall not apply to any plates in a series reserved in the public interest for purposes of facilitating identification of state and municipal motorcycles or electric assisted bicycles and those owned by members of international governmental organizations or any other vehicles which are exempt from the payment of registration fees, nor to plates or series of plates assigned by the commissioner for issuance by county clerks.

4. Nothing contained in this section shall be construed to require the commissioner to issue a special number plate or plates.

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

ARTICLE 34-D

OPERATION OF ELECTRIC ASSISTED BICYCLES

Section 1280. Traffic laws apply to persons operating electric assisted bicycles.

1281. Operating electric assisted bicycles.

1282. Operating electric assisted bicycles on roadways laned for traffic.

1283. Clinging to other vehicles.

1284. Equipment and manufacturing requirements.

1285. Directional signals.

1286. Electric assisted bicycles safety course.

1287. Leaving the scene of an incident involving an electric assisted bicycle without reporting.

1 1288. Insurance.

2 § 1280. Traffic laws apply to persons operating electric assisted
3 bicycles. Every person operating an electric assisted bicycle shall be
4 granted all of the rights and shall be subject to all of the duties
5 applicable to the driver of any other vehicle under this title, except
6 as to special regulations in this article and except as to those
7 provisions of this title which by their nature can have no application.

8 § 1281. Operating electric assisted bicycles. 1. No person less than
9 sixteen years of age shall operate an electric assisted bicycle.

10 2. No person shall operate an electric assisted bicycle unless such
11 person has a valid New York state driver's license or learner's permit
12 pursuant to section five hundred one of this chapter.

13 3. No person shall operate an electric assisted bicycle unless such
14 person is wearing a helmet meeting standards established by the commis-
15 sioner. For the purposes of this subdivision, wearing a helmet means
16 having a helmet of good fit fastened securely on the head of such wearer
17 with the helmet straps securely fastened.

18 4. A person operating an electric assisted bicycle shall ride only
19 upon the permanent and regular seat attached thereto, and such operator
20 shall not carry any other person on an electric assisted bicycle.

21 5. A person shall operate an electric assisted bicycle only while
22 sitting astride the seat, facing forward, with one leg on each side of
23 the electric assisted bicycle.

24 6. No person shall operate an electric assisted bicycle while carrying
25 any package, bundle or other article which prevents him or her from
26 keeping both hands on the handlebars.

27 7. (a) Any person who violates the provisions of subdivision one or
28 two of this section shall pay a civil fine not to exceed fifty dollars.

29 (b) The court shall waive any fine for which a person who violates the
30 provisions of subdivision two of this section would be liable if such
31 person supplies the court with proof that between the date of violation
32 and the appearance date for such violation such person purchased or
33 rented a helmet.

34 (c) The court may waive any fine for which a person who violates the
35 provisions of subdivision two of this section would be liable if the
36 court finds that due to reasons of economic hardship such person was
37 unable to purchase a helmet from the statewide in-line skate and bicycle
38 helmet distribution program or a local distribution program.

39 8. A police officer shall only issue a summons for a violation of
40 subdivision one or two of this section by a person less than sixteen
41 years of age to the parent or guardian of such person if the violation
42 by such person occurs in the presence of such person's parent or guardi-
43 an and where such parent or guardian is eighteen years of age or more.
44 Such summons shall only be issued to such parent or guardian, and shall
45 not be issued to the person less than sixteen years of age.

46 § 1282. Operating electric assisted bicycles on roadways laned for
47 traffic. 1. All electric assisted bicycles are entitled to full use of a
48 lane and no motor vehicle or motorcycle shall be driven in such a manner
49 as to deprive any electric assisted bicycle of the full use of a lane.
50 However, this section shall not be construed to prevent electric
51 assisted bicycles from being operated two abreast in a single lane.

52 2. The operator of an electric assisted bicycle shall not overtake and
53 pass in the same lane occupied by the vehicle being overtaken.

54 3. No person shall operate an electric assisted bicycle between lanes
55 of traffic or between adjacent lines or rows of vehicles.

1 4. No person shall operate an electric assisted bicycle on a bicycle
2 or in-line skate lane or path or near the right hand curb, edge or
3 shoulder of the roadway.

4 5. Electric assisted bicycles shall not be operated more than two
5 abreast in a single lane.

6 § 1283. Clinging to other vehicles. No person operating an electric
7 assisted bicycle shall attach himself or herself or the electric
8 assisted bicycle to any other vehicle or streetcar on a roadway.

9 § 1284. Equipment and manufacturing requirements. 1. An electric
10 assisted bicycle shall meet the equipment and manufacturing requirements
11 for bicycles adopted by the Consumer Product Safety Commission (16
12 C.F.R. 1512.1, et seq.) or the requirements adopted by the National
13 Highway Traffic Safety Administration (49 C.F.R. 561.1, et seq.) in
14 accordance with the National Traffic and Motor Vehicle Safety Act of
15 1966 (15 U.S.C. Sec. 1381, et seq.) for motor driven cycles.

16 2. (a) Every electric assisted bicycle, driven upon the public high-
17 ways of this state shall be provided with one red to amber stop lamp and
18 shall, whenever such electric assisted bicycle is being operated upon
19 the public highways of the state, display one lighted lamp in front and
20 one on the rear; and in all cases the lamps on an electric assisted
21 bicycle shall include a red light visible from the rear. The rays of
22 such rear lamp shall shine upon the number plate carried on the rear of
23 such electric assisted bicycle in such manner as to render the numerals
24 thereon visible for at least fifty feet in the direction from which the
25 electric assisted bicycle is proceeding. The light of the front lamp or
26 lamps shall be visible at least two hundred feet in the direction in
27 which the electric assisted bicycle is proceeding.

28 (b) Driving an electric assisted bicycle without the display of one
29 lighted lamp in front and one on the rear, during a period other than
30 from one-half hour after sunset to one-half hour before sunrise, shall
31 not be deemed to constitute negligence or contributory negligence in any
32 action or proceeding arising out of the operation of such electric
33 assisted bicycle.

34 (c) No head lamp shall be used upon any electric assisted bicycle
35 operated upon the public highways of the state, unless such lamp is
36 approved by the commissioner or is equipped with a lens or other device
37 approved by the commissioner. Every such head lamp, lens or other
38 device shall be applied and adjusted in accordance with the requirements
39 of the certificate approving the use thereof. Every such head lamp shall
40 be firmly and substantially mounted on the electric assisted bicycle in
41 such manner as to allow the lamp to be properly and readily adjusted.
42 Each reflector which is used as a part of such head lamp shall have a
43 polished silver or glass reflecting surface, or a reflecting surface
44 which gives candle power intensity meeting the requirements of rules and
45 regulations established by the commissioner, and shall be substantially
46 free from dents, rust and other imperfections. The operator of every
47 electric assisted bicycle shall permit any policeman, police officer or
48 other person exercising police powers to inspect the equipment of such
49 motorcycle and make such tests as may be necessary to determine whether
50 the provisions of this section are being complied with. The commissioner
51 may make reasonable rules and regulations relative to lights on motorcy-
52 cles and the approval of the same which may be necessary to effectuate
53 the foregoing provisions of this section.

54 (d) Only a white or yellow light shall be displayed upon an electric
55 assisted bicycle so as to be visible from a point directly in front of
56 the vehicle.

1 (e) Every electric assisted bicycle shall have at least one adequate
2 red reflector securely attached to the rear. Such reflector may be a
3 part of the rear lamp. No reflector shall be deemed adequate within the
4 meaning of this subdivision unless it is of a size and type approved by
5 the commissioner, and unless it is so designed, located and maintained
6 as to be visible for at least two hundred feet when opposed by a motor
7 vehicle displaying lawful undimmed headlights at night on an unlighted
8 highway. The provisions of this subdivision with respect to reflectors
9 shall be applicable, both day and night, whenever the motorcycle is on a
10 public highway.

11 3. No person shall operate an electric assisted bicycle unless it is
12 equipped with a suitable and adequate horn or other device for signal-
13 ing, which horn or device shall produce a sound sufficiently loud to
14 serve as a danger warning but shall not be used other than as a reason-
15 able warning nor be unnecessarily loud or harsh.

16 4. Every electric assisted bicycle shall be equipped with adequate
17 brakes in good working order and sufficient to control such electric
18 assisted bicycle at all times when such electric assisted bicycle is in
19 use.

20 5. Electric assisted bicycles shall operate in a manner so that the
21 electric motor is disengaged or ceases to function when the brakes are
22 applied, or operate in a manner such that the motor is engaged through a
23 switch or mechanism that, when released, will cause the electric motor
24 to disengage or cease to function.

25 6. Every electric assisted bicycle shall be equipped with reflective
26 tires or, alternatively, a reflex reflector mounted on the spokes of
27 each wheel, said tires and reflectors to be of types approved by the
28 commissioner. The reflex reflector mounted on the front wheel shall be
29 colorless or amber, and the reflex reflector mounted on the rear wheel
30 shall be colorless or red.

31 7. It shall be unlawful to operate on any public highway in this state
32 any electric assisted bicycle registered in this state, unless such
33 electric assisted bicycle is equipped with a rear view mirror which
34 shall be adjusted so that the operator of such electric assisted bicycle
35 shall have a clear view of the road and condition of traffic behind such
36 electric assisted bicycle.

37 § 1285. Directional signals. It shall be unlawful to operate on any
38 public highway or street in this state any electric assisted bicycle
39 unless such electric assisted bicycle is equipped with directional
40 signals approved by the commissioner.

41 § 1286. Electric assisted bicycles safety course. 1. The commissioner
42 shall establish a curriculum or curricula for a thirty minute electric
43 bicycle safety course to be completed by operators of electric assisted
44 bicycles annually. The commissioner may permit any such safety training
45 course to be given by any private person, club, association or munici-
46 pality which meets standards established by the commissioner. The
47 commissioner may establish a reasonable fee which any such person or
48 entity may charge for such course or courses.

49 2. Upon successful completion of a safety course given in conformity
50 with subdivision one of this section by a person sixteen years of age or
51 over, the person or entity which gave the course shall notify the
52 commissioner of such completion in a manner prescribed by the commis-
53 sioner. The commissioner shall, upon receipt of such information, issue
54 an electric assisted bicycle safety certificate to the person who has
55 successfully completed the course.

1 § 1287. Leaving the scene of an incident involving an electric
2 assisted bicycle without reporting. 1. (a) Any person eighteen years of
3 age or older operating an electric assisted bicycle who, knowing or
4 having cause to know, that physical injury, as defined in subdivision
5 nine of section 10.00 of the penal law, has been caused to another
6 person, due to the operation of such electric assisted bicycle by such
7 person shall, before leaving the place where such physical injury
8 occurred, stop and provide his or her name and residence, including
9 street and street number, to the injured party, if practical, and also
10 to a police officer, or in the event that no police officer is in the
11 vicinity of the place of said injury, then such person shall report said
12 incident as soon as physically able to the nearest police station or
13 judicial officer.

14 (b) A violation of paragraph (a) of this subdivision shall be a
15 violation.

16 2. (a) Any person eighteen years of age or older operating an electric
17 assisted bicycle who, knowing or having cause to know, that serious
18 physical injury, as defined in subdivision ten of section 10.00 of the
19 penal law, has been caused to another person, due to the operation of
20 such electric assisted bicycle by such person shall, before leaving the
21 place where such serious physical injury occurred, stop and provide his
22 or her name and residence, including street and street number, to the
23 injured party, if practical, and also to a police officer, or in the
24 event that no police officer is in the vicinity of the place of said
25 injury, then such person shall report said incident as soon as phys-
26 ically able to the nearest police station or judicial officer.

27 (b) A violation of paragraph (a) of this subdivision shall be a class
28 B misdemeanor.

29 § 1288. Insurance. The provisions of articles six, seven and eight of
30 this chapter shall be applicable to electric assisted bicycles.

31 § 7. Except as otherwise provided in this act, no municipal corpo-
32 ration, as defined in section 2 of the general municipal law, shall,
33 after June 1, 2017, enact any local law, ordinance or code relating to
34 the operation of an electric assisted bicycle unless the terms of such
35 law, ordinance or code are identical to the provisions of this act. The
36 provisions of this act shall invalidate and preempt any such local law,
37 ordinance or code, enacted after June 1, 2017 unless the terms of such
38 law, ordinance or code are identical to the provisions of this act.

39 § 8. The provisions of this act shall preempt any local law, ordi-
40 nance, code, rule or regulation relating to the operation of an electric
41 assisted bicycle, except that nothing in this act shall preclude any
42 state or local agency, which, by permit, license or registration regu-
43 lates the business or professional activities of individuals from impos-
44 ing more stringent restrictions than provided in this act for the use of
45 electric assisted bicycles upon such individuals during the course of
46 engaging in the business or professional activity that is the subject of
47 such agency's permit, license or registration.

48 § 9. This act shall take effect on the one hundred eightieth day after
49 it shall have become a law.