STATE OF NEW YORK

5977--A

2017-2018 Regular Sessions

IN SENATE

May 9, 2017

Introduced by Sen. FUNKE -- read twice and ordered printed, and when printed to be committed 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, the administrative code of the city of New York, the highway law and the general municipal law, in relation to electric 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. Class one electric bicycle. A bicycle equipped with fully operable pedals and an electric motor with an output of less than seven hundred fifty watts (one horsepower) whereby such electric motor engages only when the operator is pedaling and disengages or ceases to function when such bicycle's brakes are applied, the operator stops pedaling, or such bicycle achieves a speed of twenty miles per hour or more.

§ 2. The vehicle and traffic law is amended by adding a new section 102-d to read as follows:

§ 102-d. Class two electric bicycle. A bicycle equipped with fully operable pedals and an electric motor with an output of less than seven hundred fifty watts (one horsepower) whereby such electric motor may be used exclusively to propel such bicycle without the operator pedaling and will disengage or ceases to function when such bicycle achieves a speed of twenty miles per hour or more.

§ 3. The vehicle and traffic law is amended by adding a new section 102-e to read as follows:

§ 102-e. Class three electric bicycle. A bicycle equipped with fully operable pedals and an electric motor with an output of less than seven hundred fifty watts (one horsepower) whereby such electric motor engages only when the operator is pedaling and disengages or ceases to function

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

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when such bicycle's brakes are applied, the operator stops pedaling, or such bicycle achieves a speed of twenty-eight miles per hour or more.

§ 4. Section 121-b of the vehicle and traffic law, as amended by chapter 160 of the laws of 1981, is amended to read as follows:

§ 121-b. Limited use motorcycle. A limited use vehicle having only two or three wheels, with a seat or saddle for the operator, except electric bicycles as defined in sections one hundred two-c, one hundred two-d and one hundred two-e of this article. A limited use motorcycle having a maximum performance speed[~~,~~] of more than thirty miles per hour but not more than forty miles per hour shall be a class A limited use motorcycle. A limited use motorcycle having a maximum performance speed of more than twenty miles per hour but not more than thirty miles per hour, shall be a class B limited use motorcycle. A limited use motorcycle having a maximum performance speed of not more than twenty miles per hour shall be a class C limited use motorcycle.

§ 5. Section 125 of the vehicle and traffic law, as amended by chapter 365 of the laws of 2008, is amended to read as follows:

§ 125. Motor vehicles. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, [~~and~~] (d) all terrain vehicles as defined in article forty-eight-B of this chapter, and (e) electric bicycles as defined in sections one hundred two-c, one hundred two-d and one hundred two-e of this article. For the purposes of title four of this chapter, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five of this chapter the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

§ 6. Section 159 of the vehicle and traffic law is amended to read as follows:

§ 159. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks and electric bicycles as defined in sections one hundred two-c, one hundred two-d and one hundred two-e of this article.

§ 7. Section 1230 of the vehicle and traffic law, subdivision (b) as amended by chapter 694 of the laws of 1995, is amended to read as follows:

§ 1230. Effect of regulations. (a) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(b) These regulations applicable to bicycles, electric bicycles, or to in-line skates shall apply whenever a bicycle or electric bicycle is, or in-line skates are, operated upon any highway, upon private roads open to public motor vehicle traffic and upon any path set aside for the exclusive use of bicycles, electric bicycles, or in-line skates, or [~~both~~] all.

§ 8. Section 1231 of the vehicle and traffic law, as amended by chapter 694 of the laws of 1995, is amended to read as follows:

§ 1231. Traffic laws apply to persons riding bicycles **or electric bicycles** or skating or gliding on in-line skates. Every person riding a bicycle **or electric bicycle** or skating or gliding on in-line skates upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application.

§ 9. Section 1232 of the vehicle and traffic law is amended to read as follows:

§ 1232. Riding on bicycles **and electric bicycles**. (a) A person propelling a bicycle **or electric bicycle** shall not ride other than upon or astride a permanent and regular seat attached thereto, nor shall he ride with his feet removed from the pedals.

(b) No bicycle **or electric bicycle** shall be used to carry more persons at one time than the number for which it is designed and equipped.

§ 10. The vehicle and traffic law is amended by adding a new section 1232-a to read as follows:

§ 1232-a. Additional requirements for riding on electric bicycles. (a) No person shall operate or park an electric bicycle on any public highway or street in this state unless a label is permanently affixed, in a prominent location, on such person's electric bicycle. Such label shall contain the maximum speed, and motor wattage of the electric bicycle, and shall be printed in arial font in at least nine-point type. Any electric bicycle manufactured, distributed or sold in New York state shall have a label that is permanently affixed in a prominent location. Such label shall contain the classification number of such bicycle, the top assisted speed, and motor wattage of the electric bicycle, and shall be printed in arial font in at least nine-point type.

(b) No person shall tamper with or modify an electric bicycle to:

(1) increase the output of such bicycle to seven hundred fifty watts or greater; or

(2) increase the speed beyond the class of such bicycle, as defined in sections one hundred two-c, one hundred two-d and one hundred two-e of this chapter, at the time such bicycle was manufactured and distributed.

(c) No person shall accelerate the speed of a class one or class three electric bicycle motor by means other than pedaling.

(d) Every manufacturer of an electric bicycle shall certify, at a minimum, that it complies with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission (16 C.F.R. 1512.1, et seq.).

§ 11. Subdivision 1 of section 1233 of the vehicle and traffic law, as amended by chapter 703 of the laws of 2004, is amended to read as follows:

1. No person riding upon any bicycle, **electric bicycle,** coaster, in-line skates, roller skates, skate board, sled, or toy vehicle shall attach the same or himself or herself to any vehicle being operated upon a roadway.

§ 12. Section 1234 of the vehicle and traffic law, as amended by chapter 16 of the laws of 1996, is amended to read as follows:

§ 1234. Riding on roadways, shoulders, bicycle**, electric bicycle** or in-line skate lanes and bicycle or in-line skate paths. (a) Upon all roadways, any bicycle**, electric bicycle** or in-line skate shall be driven either on a usable bicycle or in-line skate lane or, if a usable bicycle or in-line skate lane has not been provided, near the right-hand curb or

edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or moving objects, vehicles, bicycles, **electric bicycles,** in-line skates, pedestrians, animals, surface hazards or traffic lanes too narrow for a bicycle**, or electric bicycle** or person on in-line skates and a vehicle to travel safely side-by-side within the lane.

(b) Persons riding bicycles **or electric bicycles** or skating or gliding on in-line skates upon a roadway shall not ride more than two abreast. Persons riding bicycles **or electric bicycles** or skating or gliding on in-line skates upon a shoulder, bicycle or in-line skate lane, or bicycle or in-line skates path, intended for the use of bicycles or in-line skates may ride two or more abreast if sufficient space is available, except that when passing a vehicle, bicycle**, electric bicycle** or person on in-line skates, or pedestrian, standing or proceeding along such shoulder, lane or path, persons riding bicycles **or electric bicycles** or skating or gliding on in-line skates shall ride, skate, or glide single file. Persons riding bicycles **or electric bicycles** or skating or gliding on in-line skates upon a roadway shall ride, skate, or glide single file when being overtaken by a vehicle.

(c) Any person operating a bicycle **or electric bicycle** or skating or gliding on in-line skates who is entering the roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.

§ 13. Section 1235 of the vehicle and traffic law, as amended by chapter 703 of the laws of 2004, is amended to read as follows:

§ 1235. Carrying articles. No person operating a bicycle **or electric bicycle** shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars. No person skating or gliding on in-line skates shall carry any package, bundle, or article which obstructs his or her vision in any direction. No person operating a skate board shall carry any package, bundle, or article which obstructs his or her vision in any direction.

§ 14. Section 1236 of the vehicle and traffic law, subdivision (a) as amended by chapter 16 of the laws of 2009 and subdivisions (d) and (e) as added by chapter 887 of the laws of 1976, is amended to read as follows:

§ 1236. Lamps and other equipment on bicycles **and electric bicycles**. (a) Every bicycle **or electric bicycle** when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red or amber light visible to the rear for three hundred feet. Effective July first, nineteen hundred seventy-six, at least one of these lights shall be visible for two hundred feet from each side.

(b) No person shall operate a bicycle **or electric bicycle** unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle **or electric bicycle** shall not be equipped with nor shall any person use upon a bicycle **or electric bicycle** any siren or whistle.

(c) Every bicycle **or electric bicycle** shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry,

level, clean pavement**, provided, however, such brake of a class one or class three electric bicycle shall also operate in a manner so that the electric motor is disengaged or ceases to function when the brake is applied**.

(d) Every new bicycle **or electric bicycle** shall be equipped with reflective tires or, alternately, a reflex reflector mounted on the spokes of each wheel, said tires and reflectors to be of types approved by the commissioner. The reflex reflector mounted on the front wheel shall be colorless or amber, and the reflex reflector mounted on the rear wheel shall be colorless or red.

(e) Every bicycle **or electric bicycle** when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with reflective devices or material meeting the standards established by rules and regulations promulgated by the commissioner; provided, however, that such standards shall not be inconsistent with or otherwise conflict with the requirements of subdivisions (a) and (d) of this section.

§ 15. Section 1238 of the vehicle and traffic law, as amended by chapter 267 of the laws of 1993, paragraph (a) of subdivision 2 and paragraphs (a) and (b) of subdivision 5 as amended by chapter 457 of the laws of 1999, subdivisions 2-a, 5-a, 9 and 10 and paragraph (c) of subdivision 6 as amended by chapter 703 of the laws of 2004, subdivision 5 as amended by chapter 132 of the laws of 1994, subdivision 5-b as added and paragraph (a)of subdivision 6 as amended by chapter 402 of the laws of 2001 and subdivision 8 as amended by chapter 694 of the laws of 1995, is amended to read as follows:

§ 1238. Passengers on bicycles **or electric bicycles** under one year of age prohibited; passengers and operators under fourteen years of age to wear protective headgear. 1. No person operating a bicycle **or electric bicycle** shall allow a person who is under one year of age to ride as a passenger on a bicycle **or electric bicycle** nor shall such person be carried in a pack fastened to the operator. A first violation of the provisions of this subdivision shall result in no fine. A second violation shall result in a civil fine not to exceed fifty dollars.

2. No person operating a bicycle **or electric bicycle** shall allow a person one or more years of age and less than five years of age to ride as a passenger on a bicycle **or electric bicycle** unless:

(a) such passenger is wearing a helmet meeting standards established by the commissioner. For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps; and

(b) such passenger is placed in a separate seat attached to the bicycle **or electric bicycle** and such seat shall have adequate provision for retaining the passenger in place and for protecting the passenger from the moving parts of the bicycle **or electric bicycle**.

2-a. The commissioner shall promulgate rules and regulations establishing standards for helmets required to be worn while bicycling, in-line skating, or operating a skate board. Such standards, to the extent practicable, shall reflect the standards recommended by the Snell Memorial Foundation, Safety Equipment Institute, or United States Consumer Product Safety Commission.

3. Any person who violates the provisions of subdivision two of this section shall pay a civil fine not to exceed fifty dollars.

4. The court shall waive any fine for which a person who violates the provisions of paragraph (a) of subdivision two of this section would be liable if such person supplies the court with proof that between the

date of violation and the appearance date for such violation such person purchased or rented a helmet, which meets the requirements of paragraph (a) of subdivision two of this section. Further, the court shall waive any fine for which a person who violates the provisions of paragraph (b) of subdivision two of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a seat which meets the requirements of paragraph (b) of subdivision two of this section. The court may waive any fine for which a person who violates the provisions of subdivision two of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or seat. Such waiver of fine shall not apply to a second or subsequent conviction under paragraph (a) or (b) of subdivision two of this section.

5. (a) No person operating a bicycle **or electric bicycle** shall allow a person five or more years of age and less than fourteen years of age to ride as a passenger on a bicycle **or electric bicycle** unless such passenger is wearing a helmet meeting standards established by the commissioner.

(b) No person, one or more years of age and less than fourteen years of age, shall operate a bicycle **or electric bicycle** unless such person is wearing a helmet meeting standards established by the commissioner.

(c) For the purposes of this subdivision wearing a helmet means having a helmet of good fit fastened securely upon the head with the helmet straps.

5-a. No person, one or more years of age and less than fourteen years of age, shall skate or glide on in-line skates or a skate board unless such person is wearing a helmet meeting standards established by the commissioner. For the purposes of this subdivision, wearing a helmet means having a helmet of good fit fastened securely on the head of such wearer with the helmet straps securely fastened.

5-b. No person less than fourteen years of age shall ride upon, propel or otherwise operate a two-wheeled vehicle commonly called a scooter unless such person is wearing a helmet meeting standards established by the commissioner. As used in this subdivision, wearing a helmet means having a properly fitting helmet fixed securely on the head of such wearer with the helmet straps securely fastened.

6. (a) Any person who violates the provisions of subdivision five, five-a or five-b of this section shall pay a civil fine not to exceed fifty dollars.

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

(c) The court may waive any fine for which a person who violates the provisions of subdivision five, five-a, or five-b of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from the statewide in-line skate and bicycle helmet distribution program, as established in section two hundred six of the public health law, or a local distribution program.

7. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for

personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

8. A police officer shall only issue a summons for a violation of subdivision two, five, or five-a of this section by a person less than fourteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than fourteen years of age.

9. Subdivisions five, five-a, five-b, and six of this section shall not be applicable to any county, city, town or village that has enacted a local law or ordinance prior to the effective date of this subdivision that prohibits a person who is one or more years of age and less than fourteen years of age from operating a bicycle**, electric bicycle** or skating or gliding on in-line skates or a skate board without wearing a bicycle helmet meeting the standards of the American National Standards Institute (Ansi Z 90.4 bicycle helmet standards), the Snell Memorial Foundation's Standards for Protective Headgear for use in Bicycling, or the American Society of Testing and Materials (ASTM) bike helmet standards, or that prohibits a person operating a bicycle **or electric bicycle** from allowing a person five or more years of age and less than fourteen years of age to ride as a passenger on a bicycle **or electric bicycle** unless such passenger is wearing a bicycle helmet that meets such standards. The failure of any person to comply with any such local law or ordinance shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action. The legislative body of a county, city, town or village may enact a local law or ordinance that prohibits a person who is fourteen or more years of age from skating or gliding on in-line skates, operating a skate board, or operating or riding as a passenger on a bicycle **or electric bicycle** without wearing a bicycle helmet.

10. No person shall skate or glide on in-line skates or a skate board outside during the period of time between one-half hour after sunset and one-half hour before sunrise unless such person is wearing readily visible reflective clothing or material which is of a light or bright color.

§ 16. The vehicle and traffic law is amended by adding two new sections 1242 and 1243 to read as follows:

§ 1242. Leaving the scene of an incident involving an electric bicycle without reporting in the second degree. 1. Any person age eighteen years or older operating an electric bicycle who, knowing or having cause to know, that physical injury, as defined in subdivision nine of section 10.00 of the penal law, has been caused to another person, due to the operation of such an electric bicycle by such person, shall, before leaving the place where the said physical injury occurred, stop, and provide his name and residence, including street and street number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then such person shall report said incident as soon as physically able to the nearest police station or judicial officer.

2. Leaving the scene of an incident involving an electric bicycle without reporting in the second degree is a violation.

§ 1243. Leaving the scene of an incident involving an electric bicycle without reporting in the first degree. 1. Any person age eighteen years or older operating an electric bicycle who, knowing or having cause to

know, that serious physical injury, as defined in subdivision ten of section 10.00 of the penal law, has been caused to another person, due to the operation of such an electric bicycle by such person, shall, before leaving the place where the said serious physical injury occurred, stop, and provide his name and residence, including street and street number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then such person shall report said incident as soon as physically able to the nearest police station or judicial officer.

2. Leaving the scene of an incident involving an electric bicycle without reporting in the first degree is a class B misdemeanor.

§ 17. Paragraph 1 of subdivision a of section 10-157 of the administrative code of the city of New York, as amended by local law number 56 of the city of New York for the year 2012, is amended to read as follows:

(1) "bicycle" shall have the same meaning as in section 19-176 of this code, and shall also mean any wheeled device propelled exclusively by human power as well as a class one electric bicycle, as defined in section one hundred two-c of the vehicle and traffic law, and any motor-assisted device that is not capable of being registered by the New York state department of motor vehicles;

§ 18. Section 19-176 of the administrative code of the city of New York, as added by local law number 6 of the city of New York for the year 1996 and subdivisions b, c and i as amended, subdivisions d and h as added and subdivisions e, f and g as relettered by local law number 14 of the city of New York for the year 2002, is amended to read as follows:

§ 19-176 Bicycle operation on sidewalks prohibited. a. For purposes of this section:

(1) The term "bicycle" shall mean a two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by a child.

(2) The term "sidewalk" shall mean that portion of the street, whether paved or unpaved, between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians. Where it is not clear which section is intended for the use of pedestrians the sidewalk will be deemed to be that portion of the street between the building line and the curb.

(3) The term "child" shall mean a person less than fourteen years of age.

(4) The term "class one electric bicycle" shall have the same meaning as in section one hundred two-c of the vehicle and traffic law.

b. No person shall ride a bicycle or a class one electric bicycle upon any sidewalk unless permitted by an official sign. A person who violates this subdivision may be issued a notice of violation and shall be liable for a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board.

c. A person who violates subdivision b of this section in a manner that endangers any other person or property shall be guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars or imprisonment for not more than twenty days or both such fine and imprisonment. Such person shall also be liable for a civil penalty of not less than one hundred dollars nor more than three hundred dollars,

except where a hearing officer has determined that where there was physical contact between the rider and another person, an additional civil penalty of not less than one hundred dollars nor more than two hundred dollars may be imposed. Such civil penalties may be recovered in a proceeding before the environmental control board. Enforcement agents shall indicate on the summons or notice of violation issued pursuant to this subdivision whether physical contact was made between the rider and another person. Any person who violates any provision of this subdivision more than once within any six month period shall be subject to the imposition of civil penalties in an amount that is double what would otherwise have been imposed for the commission of a first violation. It shall be an affirmative defense that physical contact between a rider and another person was in no way the fault of the rider.

d. Where a summons or notice of violation is issued for a violation of subdivision c of this section, the bicycle **or a class one electric bicycle** may be seized and impounded.

e. A bicycle **or a class one electric bicycle** impounded pursuant to this section shall be released to the owner or other person lawfully entitled to possession upon payment of the costs of removal and storage as set forth in the rules of the police department and proof of payment of any fine or civil penalty for the violation or, if a proceeding for the violation is pending in a court or before the environmental control board, upon the posting of a bond or other form of security acceptable to the police department in an amount which will assure the payment of such costs and any fine or civil penalty which may be imposed for the violation. If the court or the environmental control board finds in favor of the defendant or respondent, the owner shall be entitled forthwith to possession of the bicycle **or a class one electric bicycle** without charge or to the extent that any amount has been previously paid for release of the bicycle **or a class one electric bicycle**, such amount shall be refunded. The police department shall establish by rule the time within which bicycles **or class one electric bicycles** which are not redeemed may be deemed abandoned and the procedures for disposal.

f. The owner of a bicycle **or a class one electric bicycle** shall be given the opportunity for a post seizure hearing within five business days before the environmental control board regarding the impoundment. The environmental control board shall render a determination within three business days after the conclusion of the hearing. Where the board finds that there was no basis for the impoundment, the owner shall be entitled forthwith to possession of the bicycle **or a class one electric bicycle** without charge or to the extent that any amount has been previously paid for release of the bicycle **or a class one electric bicycle**, such amount shall be refunded.

g. Upon the impoundment of a bicycle **or a class one electric bicycle**, the rider shall be given written notice of the procedure for redemption of the bicycle **or a class one electric bicycle** and the procedure for requesting a post seizure hearing. Where the rider of a bicycle **or a class one electric bicycle** is not the owner thereof notice provided to the rider shall be deemed to be notice to the owner. Where the defendant or respondent is less than eighteen years old such notice shall also be mailed to the parent, guardian or where relevant, employer of the respondent, if the name and address of such person is reasonably ascertainable.

h. In any proceeding under this section it shall be an affirmative defense that the defendant or respondent was less than fourteen years old at the time the violation was committed.

i. The provisions of this section may be enforced by the police department or designated employees of the department, the department of sanitation, the department of parks and recreation.

§ 19. The administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§ 19-176.3 Class two and class three electric bicycles. a. No person shall operate a class two or class three electric bicycle, as defined in sections one hundred two-d and one hundred two-e of the vehicle and traffic law, respectfully, in the city of New York.

b. Any person who violates subdivision a of this section shall be liable for a civil penalty in an amount of up to five hundred dollars. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the vehicle and traffic law.

c. Any class two or class three electric bicycle operated by a person who has been found to have violated the provisions of subdivision a of this section within the preceding twelve months, and that has been used or is being used in violation of the provisions of this section may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such bicycle.

§ 20. Section 316 of the highway law, as amended by chapter 655 of the laws of 1978, is amended to read as follows:

§ 316. Entitled to free use of highways. The authorities having charge or control of any highway, public street, park, parkway, driveway, or place, shall have no power or authority to pass, enforce or maintain any ordinance, rule or regulation by which any person using a bicycle**, electric bicycle, as defined in the vehicle and traffic law,** or tricycle shall be excluded or prohibited from the free use of any highway, public street, avenue, roadway, driveway, parkway, park, or place, at any time when the same is open to the free use of persons having and using other pleasure carriages, except upon such driveway, speedway or road as has been or may be expressly set apart by law for the exclusive use of horses and light carriages. But nothing herein shall prevent the passage, enforcement or maintenance of any regulation, ordinance or rule, regulating the use of bicycles**, electric bicycles** or tricycles in highways, public streets, driveways, parks, parkways, and places, or the regulation of the speed of carriages, vehicles or engines, in public parks and upon parkways and driveways in the city of New York, under the exclusive jurisdiction and control of the department of parks and recreation of said city, nor prevent any such authorities in any other city from regulating the speed of any vehicles herein described in such manner as to limit and determine the proper rate of speed with which such vehicle may be propelled nor in such manner as to require, direct or prohibit the use of bells, lamps and other appurtenances nor to prohibit the use of any vehicle upon that part of the highway, street, park, or parkway, commonly known as the footpath or sidewalk.

§ 21. Section 180 of the general municipal law, as amended by chapter 668 of the laws of 2004, is amended to read as follows:

§ 180. Ordinances to regulate use of bicycles **and electric bicycles**. The governing boards of municipal corporations as defined in section two

of this chapter, may adopt local laws to regulate the use of bicycles **and electric bicycles, as defined in the vehicle and traffic law,** on the public highways, streets, avenues, walks, parks and public places within their limits. Such local laws shall be supplemental and in addition to the provisions of the vehicle and traffic law relating to vehicles and not in conflict therewith. Provided further that such local laws shall not impose any charge, tax or otherwise not provide for the free use of bicycles**, electric bicycles** and tricycles.

§ 22. This act shall take effect one year after it shall have become a law.