STATE OF NEW YORK

9046

IN SENATE

June 14, 2018

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

AN ACT to amend the vehicle and traffic law, the highway law and the general municipal law, in relation to the regulation of electric scooters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as "The Innovative Transportation Act of 2018".

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

§ 102-c. Electric scooter. A two-wheeled device that has handlebars and a floorboard that is designed to be stood upon while riding, is powered by an electric motor with an output of less than seven hundred fifty watts, or one horsepower, and does not exceed fifteen miles per hour.

§ 3. 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 scooters as defined in section one hundred two-c 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

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

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produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

§ 4. 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 scooters as defined in section one hundred two-c of this article**.

§ 5. 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 scooters,** or to in-line skates shall apply whenever a bicycle **or electric scooter** 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 scooters,** or in-line skates, or [~~both~~] **all three**.

§ 6. 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 scooters** or skating or gliding on in-line skates. Every person riding a bicycle **or electric scooter** 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.

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

§ 1232. Riding on bicycles **and electric scooters**. (a) A person propelling a 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 scooter** shall be used to carry more persons at one time than the number for which it is designed and equipped.

§ 8. 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 scooter,** 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.

§ 9. 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 scooter** or in-line skate lanes and bicycle or in-line skate paths. (a) Upon all roadways, any bicycle**, electric scooter** 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 scooters,** in-line skates, pedestrians, animals, surface hazards or traffic lanes too narrow for a bicycle**, or electric scooter** or person on in-line skates and a vehicle to travel safely side-by-side within the lane.

(b) Persons riding bicycles **or electric scooters** or skating or gliding on in-line skates upon a roadway shall not ride more than two abreast. Persons riding bicycles **or electric scooters** 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 scooter** or person on in-line skates, or pedestrian, standing or proceeding along such shoulder, lane or path, persons riding bicycles **or electric scooters** or skating or gliding on in-line skates shall ride, skate, or glide single file. Persons riding bicycles **or electric scooters** 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 scooter** 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.

§ 10. 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 scooter** 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.

§ 11. 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 scooters**. (a) Every bicycle **or electric scooter** 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 scooter** 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 scooter** shall not be equipped with nor shall any person use upon a bicycle **or electric scooter** any siren or whistle.

(c) Every bicycle **or electric scooter** 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 an electric scooter 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 scooter** 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 scooter** 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.

§ 12. The vehicle and traffic law is amended by adding a new section 1242 to read as follows:

§ 1242. Tampering with an electric scooter. 1. No person shall tamper with or modify an electric scooter to:

(a) increase the output of such scooter to seven hundred fifty watts or greater;

(b) engage the electric motor when:

(i) the operator of such scooter has applied the brakes; or

(ii) such scooter has achieved a speed of fifteen miles per hour or greater.

2. A violation of the provisions of subdivision one of this section shall constitute a traffic infraction punishable by a fine of up to one hundred fifty dollars or a sentence of imprisonment for up to fifteen days or both such fine and imprisonment.

§ 13. 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 scooter** 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 scooters** 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.

§ 14. 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 scooters**. 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 scooters** 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 scooters** and tricycles.

§ 15. This act shall take effect immediately.