

STATE OF NEW YORK

7791

2017-2018 Regular Sessions

IN ASSEMBLY

May 15, 2017

Introduced by M. of A. PERRY -- read once and referred to the Committee on Transportation

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 the regulation of electric assisted bicycles

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 102-c to read as follows:

3 § 102-c. Electric assisted bicycle. A bicycle equipped with fully
4 operable pedals and an electric motor with an output of less than seven
5 hundred fifty watts (one horsepower) whereby such electric motor engages
6 only when the operator is pedaling and disengages or ceases to function
7 when such bicycle's brakes are applied, the operator stops pedaling, or
8 such bicycle achieves a speed of twenty miles per hour or more.

9 § 2. Section 121-b of the vehicle and traffic law, as amended by chap-
10 ter 160 of the laws of 1981, is amended to read as follows:

11 § 121-b. Limited use motorcycle. A limited use vehicle having only two
12 or three wheels, with a seat or saddle for the operator, except electric
13 assisted bicycles as defined in section one hundred two-c of this arti-
14 cle. A limited use motorcycle having a maximum performance speed[7] of
15 more than thirty miles per hour but not more than forty miles per hour
16 shall be a class A limited use motorcycle. A limited use motorcycle
17 having a maximum performance speed of more than twenty miles per hour
18 but not more than thirty miles per hour, shall be a class B limited use
19 motorcycle. A limited use motorcycle having a maximum performance speed
20 of not more than twenty miles per hour shall be a class C limited use
21 motorcycle.

22 § 3. Section 125 of the vehicle and traffic law, as amended by chapter
23 365 of the laws of 2008, is amended to read as follows:

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

LBD11510-02-7

§ 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 assisted bicycles 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 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 assisted bicycles 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 assisted bicycles, or to in-line skates shall apply whenever a bicycle or electric assisted 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 assisted bicycles, or in-line skates, or ~~both~~ all.

§ 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 assisted bicycles or skating or gliding on in-line skates. Every person riding a bicycle or electric assisted 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.

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

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

1 § 8. The vehicle and traffic law is amended by adding a new section
2 1232-a to read as follows:

3 § 1232-a. Additional requirements for operating an electric assisted
4 bicycle. (a) No person shall operate or park an electric assisted bicy-
5 cle on any public highway or street in this state unless a label is
6 permanently affixed, in a prominent location, on such person's electric
7 assisted bicycle. Such label shall contain the maximum speed, and motor
8 wattage of the electric assisted bicycle, and shall be printed in arial
9 font in at least nine-point type. On and after January first, two thou-
10 sand eighteen, manufacturers and distributors of electric assisted bicy-
11 cles shall apply a label that is permanently affixed, in a prominent
12 location, to each electric assisted bicycle. The label shall contain the
13 top assisted speed, and motor wattage of electric assisted bicycle, and
14 shall be printed in arial font in at least nine-point type.

15 (b) No person shall knowingly and intentionally render any label,
16 required by subdivision (a) of this section to be affixed to an electric
17 assisted bicycle, permanently illegible.

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

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

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

29 § 10. Section 1234 of the vehicle and traffic law, as amended by chap-
30 ter 16 of the laws of 1996, is amended to read as follows:

31 § 1234. Riding on roadways, shoulders, bicycle, electric assisted
32 bicycle or in-line skate lanes and bicycle or in-line skate paths. (a)
33 Upon all roadways, any bicycle, electric assisted bicycle or in-line
34 skate shall be driven either on a usable bicycle or in-line skate lane
35 or, if a usable bicycle or in-line skate lane has not been provided,
36 near the right-hand curb or edge of the roadway or upon a usable right-
37 hand shoulder in such a manner as to prevent undue interference with the
38 flow of traffic except when preparing for a left turn or when reasonably
39 necessary to avoid conditions that would make it unsafe to continue
40 along near the right-hand curb or edge. Conditions to be taken into
41 consideration include, but are not limited to, fixed or moving objects,
42 vehicles, bicycles, electric assisted bicycles, in-line skates, pedes-
43 trians, animals, surface hazards or traffic lanes too narrow for a bicy-
44 cle, or electric assisted bicycle or person on in-line skates and a
45 vehicle to travel safely side-by-side within the lane.

46 (b) Persons riding bicycles or electric assisted bicycles or skating
47 or gliding on in-line skates upon a roadway shall not ride more than two
48 abreast. Persons riding bicycles or electric assisted bicycles or skat-
49 ing or gliding on in-line skates upon a shoulder, bicycle or in-line
50 skate lane, or bicycle or in-line skates path, intended for the use of
51 bicycles or in-line skates may ride two or more abreast if sufficient
52 space is available, except that when passing a vehicle, bicycle, elec-
53 tric assisted bicycle or person on in-line skates, or pedestrian, stand-
54 ing or proceeding along such shoulder, lane or path, persons riding
55 bicycles or electric assisted bicycles or skating or gliding on in-line
56 skates shall ride, skate, or glide single file. Persons riding bicycles

1 or electric assisted bicycles or skating or gliding on in-line skates
2 upon a roadway shall ride, skate, or glide single file when being over-
3 taken by a vehicle.

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

8 § 11. Section 1235 of the vehicle and traffic law, as amended by chap-
9 ter 703 of the laws of 2004, is amended to read as follows:

10 § 1235. Carrying articles. No person operating a bicycle or electric
11 assisted bicycle shall carry any package, bundle, or article which
12 prevents the driver from keeping at least one hand upon the handle bars.
13 No person skating or gliding on in-line skates shall carry any package,
14 bundle, or article which obstructs his or her vision in any direction.
15 No person operating a skate board shall carry any package, bundle, or
16 article which obstructs his or her vision in any direction.

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

21 § 1236. Lamps and other equipment on bicycles and electric assisted
22 bicycles. (a) Every bicycle or electric assisted bicycle when in use
23 during the period from one-half hour after sunset to one-half hour
24 before sunrise shall be equipped with a lamp on the front which shall
25 emit a white light visible during hours of darkness from a distance of
26 at least five hundred feet to the front and with a red or amber light
27 visible to the rear for three hundred feet. Effective July first, nine-
28 teen hundred seventy-six, at least one of these lights shall be visible
29 for two hundred feet from each side.

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

36 (c) Every bicycle or electric assisted bicycle shall be equipped with
37 a brake which will enable the operator to make the braked wheels skid on
38 dry, level, clean pavement, provided, however, such brake of an electric
39 assisted bicycle shall also operate in a manner so that the electric
40 motor is disengaged or ceases to function when the brake is applied.

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

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

54 § 13. Section 1238 of the vehicle and traffic law, as amended by chap-
55 ter 267 of the laws of 1993, paragraph (a) of subdivision 2 and para-
56 graphs (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 assisted 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 assisted bicycle shall allow a person who is under one year of age to ride as a passenger on a bicycle or electric assisted 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 assisted 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 assisted 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 assisted 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 assisted 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 assisted 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 assisted

1 bicycle unless such passenger is wearing a helmet meeting standards
2 established by the commissioner.

3 (b) No person, one or more years of age and less than fourteen years
4 of age, shall operate a bicycle or electric assisted bicycle unless such
5 person is wearing a helmet meeting standards established by the commis-
6 sioner.

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

10 5-a. No person, one or more years of age and less than fourteen years
11 of age, shall skate or glide on in-line skates or a skate board unless
12 such person is wearing a helmet meeting standards established by the
13 commissioner. For the purposes of this subdivision, wearing a helmet
14 means having a helmet of good fit fastened securely on the head of such
15 wearer with the helmet straps securely fastened.

16 5-b. No person less than fourteen years of age shall ride upon, propel
17 or otherwise operate a two-wheeled vehicle commonly called a scooter
18 unless such person is wearing a helmet meeting standards established by
19 the commissioner. As used in this subdivision, wearing a helmet means
20 having a properly fitting helmet fixed securely on the head of such
21 wearer with the helmet straps securely fastened.

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

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

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

38 7. The failure of any person to comply with the provisions of this
39 section shall not constitute contributory negligence or assumption of
40 risk, and shall not in any way bar, preclude or foreclose an action for
41 personal injury or wrongful death by or on behalf of such person, nor in
42 any way diminish or reduce the damages recoverable in any such action.

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

50 9. Subdivisions five, five-a, five-b, and six of this section shall
51 not be applicable to any county, city, town or village that has enacted
52 a local law or ordinance prior to the effective date of this subdivision
53 that prohibits a person who is one or more years of age and less than
54 fourteen years of age from operating a bicycle, electric assisted bicy-
55 cle or skating or gliding on in-line skates or a skate board without
56 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 assisted 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 assisted 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 assisted 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.

§ 14. Section 1240 of the vehicle and traffic law, as added by chapter 468 of the laws of 2001, is amended to read as follows:

§ 1240. Leaving the scene of an incident involving a [~~wheeled non-motorized means of conveyance~~] bicycle, electric assisted bicycle, in-line skate, roller skate or skate board without reporting in the second degree. 1. Any person age eighteen years or older operating a [~~wheeled non-motorized means of conveyance, including, but not limited to bicycles,~~] bicycle, electric assisted bicycle, in-line [~~skates~~] skate, roller [~~skates and~~] skate or skate [~~boards~~] board, 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 [~~non-motorized means of conveyance~~] bicycle, electric assisted bicycle, in-line skate, roller skate or skate board 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 a [~~wheeled non-motorized means of conveyance~~] bicycle, electric assisted bicycle, in-line skate, roller skate or skate board without reporting in the second degree is a violation.

§ 15. Section 1241 of the vehicle and traffic law, as added by chapter 468 of the laws of 2001, is amended to read as follows:

§ 1241. Leaving the scene of an incident involving a [~~wheeled non-motorized means of conveyance~~] bicycle, electric assisted bicycle, in-line skate, roller skate or skate board without reporting in the first degree. 1. Any person age eighteen years or older operating a [~~wheeled non-motorized means of conveyance, including, but not limited to bicycles,~~] bicycle, electric assisted bicycle, in-line [~~skates~~] skate, roller [~~skates and~~] skate or skate [~~boards~~] board, 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 ~~[non-motorized means of conveyance]~~ bicycle, electric assisted bicycle, in-line skate, roller skate or skate board 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 a ~~[wheeled non-motorized means of conveyance]~~ bicycle, electric assisted bicycle, in-line skate, roller skate or skate board without reporting in the first degree is a class B misdemeanor.

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

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

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

(b) engage the electric motor when:

(i) the operator of such bicycle is not pedaling;

(ii) the operator of such bicycle has applied the brakes; or

(iii) such bicycle has achieved a speed of twenty miles per hour or greater; or

(c) accelerate the speed of the electric assisted bicycle motor by means other than pedaling.

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.

§ 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 an electric assisted 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 road-

1 way and the adjacent property lines, intended for the use of pedestri-
2 ans. Where it is not clear which section is intended for the use of
3 pedestrians the sidewalk will be deemed to be that portion of the street
4 between the building line and the curb.

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

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

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

14 c. A person who violates subdivision b of this section in a manner
15 that endangers any other person or property shall be guilty of a misde-
16 meanor, punishable by a fine of not more than one hundred dollars or
17 imprisonment for not more than twenty days or both such fine and impri-
18 sonment. Such person shall also be liable for a civil penalty of not
19 less than one hundred dollars nor more than three hundred dollars,
20 except where a hearing officer has determined that where there was phys-
21 ical contact between the rider and another person, an additional civil
22 penalty of not less than one hundred dollars nor more than two hundred
23 dollars may be imposed. Such civil penalties may be recovered in a
24 proceeding before the environmental control board. Enforcement agents
25 shall indicate on the summons or notice of violation issued pursuant to
26 this subdivision whether physical contact was made between the rider and
27 another person. Any person who violates any provision of this subdivi-
28 sion more than once within any six month period shall be subject to the
29 imposition of civil penalties in an amount that is double what would
30 otherwise have been imposed for the commission of a first violation. It
31 shall be an affirmative defense that physical contact between a rider
32 and another person was in no way the fault of the rider.

33 d. Where a summons or notice of violation is issued for a violation of
34 subdivision c of this section, the bicycle or electric assisted bicycle
35 may be seized and impounded.

36 e. A bicycle or electric assisted bicycle impounded pursuant to this
37 section shall be released to the owner or other person lawfully entitled
38 to possession upon payment of the costs of removal and storage as set
39 forth in the rules of the police department and proof of payment of any
40 fine or civil penalty for the violation or, if a proceeding for the
41 violation is pending in a court or before the environmental control
42 board, upon the posting of a bond or other form of security acceptable
43 to the police department in an amount which will assure the payment of
44 such costs and any fine or civil penalty which may be imposed for the
45 violation. If the court or the environmental control board finds in
46 favor of the defendant or respondent, the owner shall be entitled forth-
47 with to possession of the bicycle or electric assisted bicycle without
48 charge or to the extent that any amount has been previously paid for
49 release of the bicycle or electric assisted bicycle, such amount shall
50 be refunded. The police department shall establish by rule the time
51 within which bicycles and electric assisted bicycles which are not
52 redeemed may be deemed abandoned and the procedures for disposal.

53 f. The owner of a bicycle or electric assisted bicycle shall be given
54 the opportunity for a post seizure hearing within five business days
55 before the environmental control board regarding the impoundment. The
56 environmental control board shall render a determination within three

1 business days after the conclusion of the hearing. Where the board finds
2 that there was no basis for the impoundment, the owner shall be entitled
3 forthwith to possession of the bicycle or electric assisted bicycle
4 without charge or to the extent that any amount has been previously paid
5 for release of the bicycle or electric assisted bicycle, such amount
6 shall be refunded.

7 g. Upon the impoundment of a bicycle or electric assisted bicycle, the
8 rider shall be given written notice of the procedure for redemption of
9 the bicycle or electric assisted bicycle and the procedure for request-
10 ing a post seizure hearing. Where the rider of a bicycle or electric
11 assisted bicycle is not the owner thereof notice provided to the rider
12 shall be deemed to be notice to the owner. Where the defendant or
13 respondent is less than eighteen years old such notice shall also be
14 mailed to the parent, guardian or where relevant, employer of the
15 respondent, if the name and address of such person is reasonably ascer-
16 tainable.

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

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

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

25 § 316. Entitled to free use of highways. The authorities having charge
26 or control of any highway, public street, park, parkway, driveway, or
27 place, shall have no power or authority to pass, enforce or maintain any
28 ordinance, rule or regulation by which any person using a bicycle, elec-
29 tric assisted bicycle or tricycle shall be excluded or prohibited from
30 the free use of any highway, public street, avenue, roadway, driveway,
31 parkway, park, or place, at any time when the same is open to the free
32 use of persons having and using other pleasure carriages, except upon
33 such driveway, speedway or road as has been or may be expressly set
34 apart by law for the exclusive use of horses and light carriages. But
35 nothing herein shall prevent the passage, enforcement or maintenance of
36 any regulation, ordinance or rule, regulating the use of bicycles, elec-
37 tric assisted bicycles or tricycles in highways, public streets, drive-
38 ways, parks, parkways, and places, or the regulation of the speed of
39 carriages, vehicles or engines, in public parks and upon parkways and
40 driveways in the city of New York, under the exclusive jurisdiction and
41 control of the department of parks and recreation of said city, nor
42 prevent any such authorities in any other city from regulating the speed
43 of any vehicles herein described in such manner as to limit and deter-
44 mine the proper rate of speed with which such vehicle may be propelled
45 nor in such manner as to require, direct or prohibit the use of bells,
46 lamps and other appurtenances nor to prohibit the use of any vehicle
47 upon that part of the highway, street, park, or parkway, commonly known
48 as the footpath or sidewalk.

49 § 20. Section 180 of the general municipal law, as amended by chapter
50 668 of the laws of 2004, is amended to read as follows:

51 § 180. Ordinances to regulate use of bicycles and electric assisted
52 bicycles. The governing boards of municipal corporations as defined in
53 section two of this chapter, may adopt local laws to regulate the use of
54 bicycles and electric assisted bicycles on the public highways, streets,
55 avenues, walks, parks and public places within their limits. Such local
56 laws shall be supplemental and in addition to the provisions of the

1 vehicle and traffic law relating to vehicles and not in conflict there-
2 with. Provided further that such local laws shall not impose any charge,
3 tax or otherwise not provide for the free use of bicycles, electric
4 assisted bicycles and tricycles.
5 § 21. This act shall take effect on the one hundred eightieth day
6 after it shall have become a law.