STATE OF NEW YORK

5286--A

2017-2018 Regular Sessions

IN SENATE

March 20, 2017

Introduced by Sen. HAMILTON -- 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, 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

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

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of this state without first being registered in accordance with the 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 dollars and fifty cents. Beginning April first, nineteen hundred ninety-eight the annual fee for registration or reregistration of a motorcycle **or electric assisted bicycle** shall be seventeen dollars and fifty cents, of which two dollars and fifty cents shall be deposited by the comptroller into the special obligation reserve and payment account of the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law for the purposes established in this section.

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

6. Fees in lieu of taxes. The registration fees imposed by this article upon such vehicles shall be in lieu of all taxes, general or local, to which motorcycles **or electric assisted bicycles** may be subject.

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

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

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

§ 411. Distinctive number; form of number plates. 1. No person shall operate or drive a motorcycle **or electric assisted bicycle** on the public highways of this state unless such motorcycle **or electric assisted bicycle** shall have a distinctive number assigned to it by the commissioner and a number plate issued by the commissioner with a number corresponding to that of the certificate of registration conspicuously displayed on the rear of such motorcycle **or electric assisted bicycle**, securely fastened so as to prevent the same from swinging.

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

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

4. No person shall knowingly authorize or permit a number plate issued for a motorcycle **or electric assisted bicycle** owned and registered by him to be displayed on any motorcycle **or electric assisted bicycle** other than a motorcycle **or electric assisted bicycle** to which such number plate has been assigned by the commissioner, or upon which such number plate may legally be displayed under a temporary certificate of

registration issued by a dealer under the provisions of section four 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.
1288. Insurance.

§ 1280. Traffic laws apply to persons operating electric assisted bicycles. Every person operating an electric assisted bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under 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.

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

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

3. No person shall operate an electric assisted bicycle 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.

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

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

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

7. (a) Any person who violates the provisions of subdivision one or two 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 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.

(c) 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 from the statewide in-line skate and bicycle helmet distribution program or a local distribution program.

8. A police officer shall only issue a summons for a violation of subdivision one or two of this section by a person less than sixteen 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 sixteen years of age.

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

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

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

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

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

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

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

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

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

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

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

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

3. No person shall operate an electric assisted bicycle unless it is equipped with a suitable and adequate horn or other device for signaling, which horn or device shall produce a sound sufficiently loud to serve as a danger warning but shall not be used other than as a reasonable warning nor be unnecessarily loud or harsh.

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

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

6. Every electric assisted bicycle shall be equipped with reflective tires or, alternatively, 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.

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

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

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

2. Upon successful completion of a safety course given in conformity with subdivision one of this section by a person sixteen years of age or over, the person or entity which gave the course shall notify the commissioner of such completion in a manner prescribed by the commissioner. The commissioner shall, upon receipt of such information, issue

an electric assisted bicycle safety certificate to the person who has successfully completed the course.

§ 1287. Leaving the scene of an incident involving an electric assisted bicycle without reporting. 1. (a) Any person eighteen years of age or older operating an electric assisted 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 electric assisted bicycle by such person shall, before leaving the place where such physical injury occurred, stop and provide his or her 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.

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

2. (a) Any person eighteen years of age or older operating an electric assisted 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 electric assisted bicycle by such person shall, before leaving the place where such serious physical injury occurred, stop and provide his or her 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.

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

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

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

§ 8. The provisions of this act shall preempt any local law, ordinance, code, rule or regulation relating to the operation of an electric assisted bicycle, except that nothing in this act shall preclude any state or local agency, which, by permit, license or registration regulates the business or professional activities of individuals from imposing more stringent restrictions than provided in this act for the use of electric assisted bicycles upon such individuals during the course of engaging in the business or professional activity that is the subject of such agency's permit, license or registration.

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