Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed 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:

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 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.

Section 2. 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 assisted bicycles as defined in section one hundred twenty-c 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.

Section 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:

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

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

§ 1232-a. Additional requirements for operating an electric assisted bicycle. (a) No person shall operate or park an electric assisted 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 assisted bicycle. Such label shall contain the maximum speed, and motor wattage of the electric assisted bicycle, and shall be printed in Arial font in at least nine-point type. On and after January first, two thousand eighteen, manufacturers and distributors of electric assisted bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric assisted bicycle. The label shall contain the top assisted speed, and motor wattage of electric assisted bicycle, and shall be printed in Arial font in at least nine-point type.

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

(c) Every manufacturer of an electric assisted 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.).

§ 9. 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 assisted 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.

§ 10. 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 assisted bicycle or in-line skate lanes and bicycle or in-line skate paths. (a) Upon all roadways, any bicycle, electric assisted 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 assisted bicycles, in-line skates, pedestrians, animals, surface hazards or traffic lanes too narrow for a bicycle, or electric assisted 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 assisted bicycles or skating or gliding on in-line skates upon a roadway shall not ride more than two abreast. Persons riding bicycles or electric assisted 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 assisted bicycle or person on in-line skates, or pedestrian, standing or proceeding along such shoulder, lane or path, persons riding bicycles or electric assisted bicycles or skating or gliding on in-line skates shall ride, skate, or glide single file. Persons riding bicycles
or electric assisted bicycles or skating or gliding on in-line skates
upon a roadway shall ride, skate, or glide single file when being over-
taken by a vehicle.
(c) Any person operating a bicycle or electric assisted 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.
§ 11. Section 1235 of the vehicle and traffic law, as amended by chap-
ter 703 of the laws of 2004, is amended to read as follows:
§ 1235. Carrying articles. No person operating a bicycle or electric
assisted 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.
§ 12. 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 assisted
bicycles. (a) Every bicycle or electric assisted 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, nine-
teen 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 assisted 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 assisted bicycle shall not be equipped with nor
shall any person use upon a bicycle or electric assisted bicycle any
siren or whistle.
(c) Every bicycle or electric assisted 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 an electric
assisted 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 assisted 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 assisted 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 stand-
ards established by rules and regulations promulgated by the commissio-
er; provided, however, that such standards shall not be inconsistent
with or otherwise conflict with the requirements of subdivisions (a) and
(d) of this section.
§ 13. Section 1238 of the vehicle and traffic law, as amended by chap-
ter 267 of the laws of 1993, paragraph (a) of subdivision 2 and para-
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 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 bicycle.
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 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 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 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 assisted 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 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 bicycle, electric assisted bicycle, in-line skate, roller skate or skate 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 bicycle, electric assisted bicycle, in-line skate, roller skate or skate 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 resi-
dence, 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 adminis-
trative 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-
way 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 "electric assisted 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 an electric assisted 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 electric assisted bicycle may be seized and impounded.

e. A bicycle or electric assisted 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 electric assisted bicycle without charge or to the extent that any amount has been previously paid for release of the bicycle or electric assisted bicycle, such amount shall be refunded. The police department shall establish by rule the time within which bicycles and electric assisted bicycles which are not redeemed may be deemed abandoned and the procedures for disposal.

f. The owner of a bicycle or electric assisted 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 electric assisted bicycle
without charge or to the extent that any amount has been previously paid
for release of the bicycle or electric assisted bicycle, such amount
shall be refunded.

Upon the impoundment of a bicycle or electric assisted bicycle, the
rider shall be given written notice of the procedure for redemption of
the bicycle or electric assisted bicycle and the procedure for request-
ing a post seizure hearing. Where the rider of a bicycle or electric
assisted 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 ascer-
tainable.

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.

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. 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, elec-
tric assisted bicycle 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, elec-
tric assisted bicycles or tricycles in highways, public streets, drive-
ways, 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 deter-
mine 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.

§ 20. 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 assisted
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 assisted bicycles 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 assisted bicycles** and tricycles.

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