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Cal. No. 1298

2017-2018 Regular Sessions

## IN SENATE

May 10, 2017

- Introduced by Sens. O'MARA, DILAN, MARCHIONE, RANZENHOFER, SEPULVEDA, TEDISCO -- 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 -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading
- AN ACT to amend the vehicle and traffic law, 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:

§ 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.

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:

§ 121-b. Limited use motorcycle. A limited use vehicle having only two or three wheels, with a seat or saddle for the operator<u>, except electric</u> assisted bicycles as defined in section one hundred two-c of this artidectric article. A limited use motorcycle having a maximum performance speed[<sub>7</sub>] 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

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

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1 having a maximum performance speed of more than twenty miles per hour 2 but not more than thirty miles per hour, shall be a class B limited use 3 motorcycle. A limited use motorcycle having a maximum performance speed 4 of not more than twenty miles per hour shall be a class C limited use 5 motorcycle.

6 § 3. Section 125 of the vehicle and traffic law, as amended by chapter 7 365 of the laws of 2008, is amended to read as follows:

8 § 125. Motor vehicles. Every vehicle operated or driven upon a public 9 highway which is propelled by any power other than muscular power, 10 except (a) electrically-driven mobility assistance devices operated or 11 driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one 12 13 million or more, (b) vehicles which run only upon rails or tracks, (c) 14 snowmobiles as defined in article forty-seven of this chapter, [and] (d) 15 all terrain vehicles as defined in article forty-eight-B of this 16 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 17 chapter, the term motor vehicle shall exclude fire and police vehicles 18 19 other than ambulances. For the purposes of titles four and five of this 20 chapter the term motor vehicles shall exclude farm type tractors and all 21 terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-pro-22 pelled machines used exclusively in growing, harvesting or handling farm 23 produce, and self-propelled caterpillar or crawler-type equipment while 24 25 being operated on the contract site.

26 § 4. Section 159 of the vehicle and traffic law is amended to read as 27 follows:

S 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.

33 § 5. Section 1230 of the vehicle and traffic law, subdivision (b) as 34 amended by chapter 694 of the laws of 1995, is amended to read as 35 follows:

36 § 1230. Effect of regulations. (a) The parent of any child and the 37 guardian of any ward shall not authorize or knowingly permit any such 38 child or ward to violate any of the provisions of this article.

(b) These regulations applicable to bicycles, <u>electric assisted bicy-</u>
(cles, or to in-line skates shall apply whenever a bicycle <u>or electric</u>
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, <u>electric assisted</u>
bicycles, or in-line skates, or [both] all.

45 § 6. Section 1231 of the vehicle and traffic law, as amended by chap-46 ter 694 of the laws of 1995, is amended to read as follows:

47 § 1231. Traffic laws apply to persons riding bicycles or electric assisted bicycles or skating or gliding on in-line skates. Every person 48 riding a bicycle or electric assisted bicycle or skating or gliding on 49 50 in-line skates upon a roadway shall be granted all of the rights and 51 shall be subject to all of the duties applicable to the driver of a 52 vehicle by this title, except as to special regulations in this article 53 and except as to those provisions of this title which by their nature 54 can have no application.

55 § 7. Section 1232 of the vehicle and traffic law is amended to read as 56 follows:

1 § 1232. Riding on bicycles and electric assisted bicycles. (a) A 2 person propelling a bicycle or electric assisted bicycle shall not ride other than upon or astride a permanent and regular seat attached there-3 to, nor shall he ride with his feet removed from the pedals. 4 5 (b) No bicycle or electric assisted bicycle shall be used to carry б more persons at one time than the number for which it is designed and 7 equipped. 8 § 8. The vehicle and traffic law is amended by adding a new section 9 1232-a to read as follows: 10 § 1232-a. Additional requirements for operating an electric assisted 11 bicycle. (a) No person shall operate or park an electric assisted bicycle on any public highway or street in this state unless a legible label 12 is permanently affixed by the bicycle or pedal assisted motor manufac-13 14 turer, in a prominent location, on such person's electric assisted bicycle. Such label shall contain the maximum speed, and motor wattage of 15 16 the electric assisted bicycle, and shall be printed in arial font in at 17 least nine-point type. On and after January first, two thousand nineteen, manufacturers and distributors of electric assisted bicycles shall 18 apply a label that is permanently affixed, in a prominent location, to 19 20 each electric assisted bicycle. The label shall contain the top assisted 21 speed, and motor wattage of electric assisted bicycle, and shall be printed in arial font in at least nine-point type. 22 (b) No person shall permit any label required by subdivision (a) of 23 this section to be affixed to an electric assisted bicycle to become 24 25 illegible. 26 (c) No person or entity shall park or otherwise make available any 27 electric assisted bicycle for use or operation by another on any public highway or street in the state unless a legible label is permanently 28 29 affixed in a manner which meets the requirements of paragraph (a) of 30 this section. 31 (d) The court shall waive any fine for which a person who violates the 32 provisions of paragraph (a) of this section is liable if such person 33 supplies the court with (1) proof that between the date of violation and the appearance date for such violation, such label was repaired or 34 35 replaced in a manner which meets the requirements of paragraph (a) of this section; or (2) proof that such electric assisted bicycle had been 36 37 operated in violation of this section within the duration of a short 38 term lease or other agreement. 39 (e) Every manufacturer of an electric assisted bicycle shall certify, 40 at a minimum, that it complies with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product 41 42 safety commission (16 C.F.R. 1512.1, et seq.). 43 § 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 44 45 follows: 46 1. No person riding upon any bicycle, electric assisted bicycle, 47 coaster, in-line skates, roller skates, skate board, sled, or toy vehicle shall attach the same or himself or herself to any vehicle being 48 49 operated upon a roadway. § 10. Section 1234 of the vehicle and traffic law, as amended by chap-50 51 ter 16 of the laws of 1996, is amended to read as follows: 1234. Riding on roadways, shoulders, bicycle, electric assisted 52 S **bicycle** or in-line skate lanes and bicycle or in-line skate paths. (a) 53 54 Upon all roadways, any bicycle, electric assisted bicycle or in-line 55 skate shall be driven either on a usable bicycle or in-line skate lane 56 or, if a usable bicycle or in-line skate lane has not been provided,

1 near the right-hand curb or edge of the roadway or upon a usable right-2 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 3 4 necessary to avoid conditions that would make it unsafe to continue 5 along near the right-hand curb or edge. Conditions to be taken into б consideration include, but are not limited to, fixed or moving objects, 7 vehicles, bicycles, electric assisted bicycles, in-line skates, pedes-8 trians, animals, surface hazards or traffic lanes too narrow for a bicy-9 cle, or electric assisted bicycle or person on in-line skates and a 10 vehicle to travel safely side-by-side within the lane.

11 (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 12 13 abreast. Persons riding bicycles or electric assisted bicycles or skat-14 ing or gliding on in-line skates upon a shoulder, bicycle or in-line 15 skate lane, or bicycle or in-line skates path, intended for the use of 16 bicycles or in-line skates may ride two or more abreast if sufficient 17 space is available, except that when passing a vehicle, bicycle, elec-18 tric assisted bicycle or person on in-line skates, or pedestrian, standing or proceeding along such shoulder, lane or path, persons riding 19 20 bicycles or electric assisted bicycles or skating or gliding on in-line 21 skates shall ride, skate, or glide single file. Persons riding bicycles or electric assisted bicycles or skating or gliding on in-line skates 22 upon a roadway shall ride, skate, or glide single file when being over-23 24 taken by a vehicle.

(c) Any person operating a bicycle <u>or electric assisted bicycle</u> 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.

29 § 11. Section 1235 of the vehicle and traffic law, as amended by chap-30 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.

38 § 12. Section 1236 of the vehicle and traffic law, subdivision (a) as 39 amended by chapter 16 of the laws of 2009 and subdivisions (d) and (e) 40 as added by chapter 887 of the laws of 1976, is amended to read as 41 follows:

42 § 1236. Lamps and other equipment on bicycles and electric assisted 43 bicycles. (a) Every bicycle or electric assisted bicycle when in use during the period from one-half hour after sunset to one-half hour 44 45 before sunrise shall be equipped with a lamp on the front which shall 46 emit a white light visible during hours of darkness from a distance of 47 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-48 49 teen hundred seventy-six, at least one of these lights shall be visible for two hundred feet from each side. 50

51 (b) No person shall operate a bicycle <u>or electric assisted bicycle</u> 52 unless it is equipped with a bell or other device capable of giving a 53 signal audible for a distance of at least one hundred feet, except that 54 a bicycle <u>or electric assisted bicycle</u> shall not be equipped with nor 55 shall any person use upon a bicycle <u>or electric assisted bicycle</u> any 56 siren or whistle.

1 (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 2 3 dry, level, clean pavement, provided, however, such brake of an electric 4 assisted bicycle shall also operate in a manner so that the electric 5 motor is disengaged or ceases to function when the brake is applied. б (d) Every new bicycle or electric assisted bicycle shall be equipped 7 with reflective tires or, alternately, a reflex reflector mounted on the 8 spokes of each wheel, said tires and reflectors to be of types approved 9 by the commissioner. The reflex reflector mounted on the front wheel 10 shall be colorless or amber, and the reflex reflector mounted on the 11 rear wheel shall be colorless or red. (e) Every bicycle or electric assisted bicycle when in use during the 12 13 period from one-half hour after sunset to one-half hour before sunrise 14 shall be equipped with reflective devices or material meeting the stand-15 ards established by rules and regulations promulgated by the commission-16 er; provided, however, that such standards shall not be inconsistent 17 with or otherwise conflict with the requirements of subdivisions (a) and 18 (d) of this section. 19 § 13. Section 1238 of the vehicle and traffic law, as amended by chap-20 ter 267 of the laws of 1993, paragraph (a) of subdivision 2 and para-21 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) 22 of subdivision 6 as amended by chapter 703 of the laws of 2004, subdivision 23 as amended by chapter 132 of the laws of 1994, subdivision 5-b as 24 5 25 added and paragraph (a) of subdivision 6 as amended by chapter 402 of 26 the laws of 2001 and subdivision 8 as amended by chapter 694 of the laws 27 of 1995, is amended to read as follows: 28 § 1238. Passengers on bicycles or electric assisted bicycles under one 29 year of age prohibited; passengers and operators under fourteen years of 30 age to wear protective headgear. 1. No person operating a bicycle or 31 electric assisted bicycle shall allow a person who is under one year of 32 age to ride as a passenger on a bicycle or electric assisted bicycle nor 33 shall such person be carried in a pack fastened to the operator. A first 34 violation of the provisions of this subdivision shall result in no fine. 35 A second violation shall result in a civil fine not to exceed fifty 36 dollars. 37 2. No person operating a bicycle or electric assisted bicycle shall 38 allow a person one or more years of age and less than five years of age 39 to ride as a passenger on a bicycle or electric assisted bicycle unless: (a) such passenger is wearing a helmet meeting standards established 40 41 the commissioner. For the purposes of this subdivision wearing a by 42 helmet means having a helmet of good fit fastened securely upon the head 43 with the helmet straps; and 44 (b) such passenger is placed in a separate seat attached to the bicy-45 cle or electric assisted bicycle and such seat shall have adequate 46 provision for retaining the passenger in place and for protecting the 47 passenger from the moving parts of the bicycle or electric assisted 48 bicycle. 49 2-a. The commissioner shall promulgate rules and regulations establishing standards for helmets required to be worn while bicycling, 50 51 in-line skating, or operating a skate board. Such standards, to the extent practicable, shall reflect the standards recommended by the Snell 52 53 Memorial Foundation, Safety Equipment Institute, or United States 54 Consumer Product Safety Commission. 55 3. Any person who violates the provisions of subdivision two of this 56 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 1 provisions of paragraph (a) of subdivision two of this section would be 2 liable if such person supplies the court with proof that between the 3 4 date of violation and the appearance date for such violation such person 5 purchased or rented a helmet, which meets the requirements of paragraph б (a) of subdivision two of this section. Further, the court shall waive 7 any fine for which a person who violates the provisions of paragraph (b) 8 of subdivision two of this section would be liable if such person 9 supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a 10 seat which meets the requirements of paragraph (b) of subdivision two of 11 this section. The court may waive any fine for which a person who 12 violates the provisions of subdivision two of this section would be 13 liable if the court finds that due to reasons of economic hardship such 14 15 person was unable to purchase a helmet or seat. Such waiver of fine 16 shall not apply to a second or subsequent conviction under paragraph (a) 17 or (b) of subdivision two of this section.

18 5. (a) No person operating a bicycle <u>or electric assisted bicycle</u> 19 shall allow a person five or more years of age and less than fourteen 20 years of age to ride as a passenger on a bicycle <u>or electric assisted</u> 21 <u>bicycle</u> unless such passenger is wearing a helmet meeting standards 22 established by the commissioner.

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

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

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

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

42 6. (a) Any person who violates the provisions of subdivision five, 43 five-a or five-b of this section shall pay a civil fine not to exceed 44 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.

50 (c) The court may waive any fine for which a person who violates the 51 provisions of subdivision five, five-a, or five-b of this section would 52 be liable if the court finds that due to reasons of economic hardship 53 such person was unable to purchase a helmet or due to such economic 54 hardship such person was unable to obtain a helmet from the statewide 55 in-line skate and bicycle helmet distribution program, as established in 1 section two hundred six of the public health law, or a local distrib-2 ution program.

3 7. The failure of any person to comply with the provisions of this 4 section shall not constitute contributory negligence or assumption of 5 risk, and shall not in any way bar, preclude or foreclose an action for 6 personal injury or wrongful death by or on behalf of such person, nor in 7 any way diminish or reduce the damages recoverable in any such action.

8 8. A police officer shall only issue a summons for a violation of 9 subdivision two, five, or five-a of this section by a person less than 10 fourteen years of age to the parent or guardian of such person if the 11 violation by such person occurs in the presence of such person's parent 12 or guardian and where such parent or guardian is eighteen years of age 13 more. Such summons shall only be issued to such parent or guardian, or 14 and shall not be issued to the person less than fourteen years of age.

15 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 16 a local law or ordinance prior to the effective date of this subdivision 17 18 that prohibits a person who is one or more years of age and less than 19 fourteen years of age from operating a bicycle, electric assisted bicy-20 <u>cle</u> or skating or gliding on in-line skates or a skate board without 21 wearing a bicycle helmet meeting the standards of the American National Standards Institute (Ansi Z 90.4 bicycle helmet standards), the Snell 22 Memorial Foundation's Standards for Protective Headgear for use in Bicy-23 cling, or the American Society of Testing and Materials (ASTM) bike 24 25 helmet standards, or that prohibits a person operating a bicycle or 26 electric assisted bicycle from allowing a person five or more years of 27 age and less than fourteen years of age to ride as a passenger on a 28 bicycle or electric assisted bicycle unless such passenger is wearing a 29 bicycle helmet that meets such standards. The failure of any person to 30 comply with any such local law or ordinance shall not constitute contri-31 butory negligence or assumption of risk, and shall not in any way bar, 32 preclude or foreclose an action for personal injury or wrongful death by 33 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 coun-34 35 ty, city, town or village may enact a local law or ordinance that 36 prohibits a person who is fourteen or more years of age from skating or 37 gliding on in-line skates, operating a skate board, or operating or 38 riding as a passenger on a bicycle or electric assisted bicycle without 39 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. 44 § 14. Section 1240 of the vehicle and traffic law, as added by chapter 45 468 of the laws of 2001, is amended to read as follows:

46 § 1240. Leaving the scene of an incident involving a wheeled non-mo-47 torized means of conveyance or an electric assisted bicycle without 48 reporting in the second degree. 1. Any person age eighteen years or older operating a wheeled non-motorized means of conveyance, including, 49 but not limited to bicycles, in-line skates, roller skates and skate 50 51 boards or an electric assisted bicycle as defined in section one hundred 52 two-c of this chapter, who, knowing or having cause to know, that phys-53 injury, as defined in subdivision nine of section 10.00 of the ical 54 penal law, has been caused to another person, due to the operation of 55 such non-motorized means of conveyance, or electric assisted bicycle by 56 such person, shall, before leaving the place where the said physical

injury occurred, stop, and provide his name and residence, including 1 street and street number, to the injured party, if practical, and also 2 to a police officer, or in the event that no police officer is in the 3 vicinity of the place of said injury, then such person shall report said 4 5 incident as soon as physically able to the nearest police station or б judicial officer. 7 2. Leaving the scene of an incident involving a wheeled non-motorized 8 means of conveyance, or an electric assisted bicycle without reporting 9 in the second degree is a violation. 10 § 15. Section 1241 of the vehicle and traffic law, as added by chapter 11 468 of the laws of 2001, is amended to read as follows: § 1241. Leaving the scene of an incident involving a wheeled non-mo-12 13 torized means of conveyance, or an electric assisted bicycle, without 14 reporting in the first degree. 1. Any person age eighteen years or older operating a wheeled non-motorized means of conveyance, including, 15 16 but not limited to bicycles, in-line skates, roller skates and skate boards or an electric assisted bicycle as defined in section one hundred 17 two-c of this chapter, who, knowing or having cause to know, that seri-18 19 ous physical injury, as defined in subdivision ten of section 10.00 of 20 the penal law, has been caused to another person, due to the operation 21 of such non-motorized means of conveyance, or electric assisted bicycle 22 by such person, shall, before leaving the place where the said serious physical injury occurred, stop, and provide his name and residence, 23 including street and street number, to the injured party, if practical, 24 25 and also to a police officer, or in the event that no police officer is 26 in the vicinity of the place of said injury, then such person shall 27 report said incident as soon as physically able to the nearest police station or judicial officer. 28 29 2. Leaving the scene of an incident involving a wheeled non-motorized 30 means of conveyance, or an electric assisted bicycle without reporting 31 in the first degree is a class B misdemeanor. 32 16. The vehicle and traffic law is amended by adding a new section 8 33 1242 to read as follows: 34 <u>§ 1242. Tampering with an electric assisted bicycle. 1.</u> <u>No person</u> 35 shall tamper with or modify an electric assisted bicycle to: 36 (a) increase the output of such bicycle to seven hundred fifty watts 37 or greater; 38 (b) engage the electric motor when: 39 (i) the operator of such bicycle is not pedaling; 40 (ii) the operator of such bicycle has applied the brakes; or 41 (iii) such bicycle has achieved a speed of twenty miles per hour or 42 greater; or 43 (c) accelerate the speed of the electric assisted bicycle motor by 44 means other than pedaling. 45 2. A violation of the provisions of subdivision one of this section 46 shall constitute a traffic infraction punishable by a fine of up to one 47 hundred fifty dollars or a sentence of imprisonment for up to fifteen 48 days or both such fine and imprisonment. § 17. Section 316 of the highway law, as amended by chapter 655 of the 49 laws of 1978, is amended to read as follows: 50 51 § 316. Entitled to free use of highways. The authorities having charge 52 or control of any highway, public street, park, parkway, driveway, or place, shall have no power or authority to pass, enforce or maintain any 53 ordinance, rule or regulation by which any person using a bicycle, elec-54 55 tric assisted bicycle or tricycle shall be excluded or prohibited from 56 the free use of any highway, public street, avenue, roadway, driveway,

1 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 2 such driveway, speedway or road as has been or may be expressly set 3 4 apart by law for the exclusive use of horses and light carriages. But 5 nothing herein shall prevent the passage, enforcement or maintenance of б any regulation, ordinance or rule, regulating the use of bicycles, elec-7 tric assisted bicycles or tricycles in highways, public streets, drive-8 ways, parks, parkways, and places, or the regulation of the speed of 9 carriages, vehicles or engines, in public parks and upon parkways and driveways in the city of New York, under the exclusive jurisdiction and 10 11 control of the department of parks and recreation of said city, nor prevent any such authorities in any other city from regulating the speed 12 13 of any vehicles herein described in such manner as to limit and deter-14 mine the proper rate of speed with which such vehicle may be propelled 15 nor in such manner as to require, direct or prohibit the use of bells, 16 lamps and other appurtenances nor to prohibit the use of any vehicle upon that part of the highway, street, park, or parkway, commonly known 17 18 as the footpath or sidewalk.

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

21 § 180. Ordinances to regulate use of bicycles and electric assisted 22 <u>bicycles</u>. The governing boards of municipal corporations as defined in section two of this chapter, may adopt local laws to regulate the use of 23 24 bicycles and electric assisted bicycles on the public highways, streets, 25 avenues, walks, parks and public places within their limits. Such local 26 laws shall be supplemental and in addition to the provisions of the 27 vehicle and traffic law relating to vehicles and not in conflict therewith. Provided further that such local laws shall not impose any charge, 28 29 tax or otherwise not provide for the free use of bicycles, electric assisted bicycles and tricycles. 30

31 § 19. This act shall take effect on the one hundred eightieth day 32 after it shall have become a law.