STATE OF NEW YORK

7995

2019-2020 Regular Sessions

IN ASSEMBLY

May 30, 2019

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

AN ACT to amend the vehicle and traffic law, in relation to bicycles with electric assist

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

Section 1. Section 102 of the vehicle and traffic law, as amended by chapter 931 of the laws of 1977, is amended to read as follows:

§ 102. Bicycle. Every 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 pre-teenage children. **A bicycle includes a bicycle with electric assist as defined in section one hundred two-c of this article, provided that nothing in this article is intended to affect the ability of a local authority to promulgate rules and regulations governing the operation of bicycles with electric assist.**

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

§ 102-c. Bicycle with electric assist. Every two or three wheeled device upon which a person or persons may ride, propelled by an electric motor system rated at not more than seven hundred fifty watts, equipped with operable pedals, and meeting the requirements of one of the following three classes:

(a) "Class one bicycle with electric assist" shall mean a bicycle with electric assist equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour.

(b) "Class two bicycle with electric assist" shall mean a bicycle with electric assist equipped with a motor that may be used exclusively to

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

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propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour.

(c) "Class three bicycle with electric assist" shall mean a bicycle with electric assist equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour.

Bicycle with electric assist does not include a device specifically designed for use by persons with disabilities. For the purposes of this article, a bicycle with electric assist shall be subject to all the provisions applicable to a bicycle and no other provisions.

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

§ 125. Motor vehicles. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, [~~and~~] (d) all terrain vehicles as defined in article forty-eight-B of this chapter, and (e) bicycles with electric assist 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 bicycles with electric assist as defined in section one hundred two-c of this article.

§ 5. Subparagraph b of paragraph 1 of subdivision (a) of section 1202 of the vehicle and traffic law, as amended by chapter 679 of the laws of 1970, is amended to read as follows:

b. On a sidewalk, except that a bicycle may park on a sidewalk in a manner complying with the Americans with disabilities act, provided that such bicycle does not interfere with the normal and reasonable movement of pedestrian traffic;

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

§ 1242. Special provisions relating to bicycles with electric assist. (a) Any violation under this chapter involving a bicycle with electric assist as defined in section one hundred two-c of this chapter shall not be grounds for impoundment of such bicycle, nor shall any fees, fines or civil penalties be required to release any such bicycle to its owner or the person operating it when seized by a government enforcement entity, except as otherwise provided by state law.

(b) Any fine levied for the use of a bicycle with electric assist under this chapter by a user whose use of such bicycle is in the ordi-

nary course of business shall be levied upon the employer, and not levied upon such user.

(c) The use of a bicycle with electric assist shall comply with any local rules, regulations or ordinances relating to the use of such bicycles established by the relevant county, municipality, town, or village.

§ 7. Section 1225-a of the vehicle and traffic law, as added by chapter 222 of the laws of 1974, is amended to read as follows:

§ 1225-a. Driving on sidewalks. No person shall drive a motor vehicle or bicycle with electric assist on or across a sidewalk, except that a vehicle or bicycle with electric assist may be driven at a reasonable speed, but not more than five miles per hour, on or across a sidewalk in such manner as not to interfere with the safety and passage of pedestrians thereon, who shall have the right of way, when it is reasonable and necessary:

(a) to gain access to a public highway, private way or lands or buildings adjacent to such highway or way;

(b) in the conduct of work upon a highway, or upon a private way or lands or buildings adjacent to such highway or way[~~.~~]; or

(c) to plow snow or perform any other public service, for hire, or otherwise, which could not otherwise be reasonably and properly performed.

§ 8. This act shall take effect immediately.