

# STATE OF NEW YORK

8465

2019-2020 Regular Sessions

## IN ASSEMBLY

July 8, 2019

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

AN ACT to amend the transportation law, in relation to the development of regional safety plans for the use of electric scooters; and to amend the vehicle and traffic law, in relation to adding an electric scooter safety component to the pre-licensing driver's education course and restrictions on the use of electric scooters in certain municipalities

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

Section 1. The transportation law is amended by adding a new section 23 to read as follows:

§ 23. Regional safety plans; electric scooters. 1. The commissioner of transportation, in conjunction with the commissioner of motor vehicles and municipal governments, shall formulate and from time to time revise regional safety plans regarding the use of electric scooters. Such regional safety plans shall include, but are not limited to:

(a) implementation of a curfew on the operation of electric scooters;

(b) allowance of a temporary ban on the operation of electric scooters in certain circumstances including, but not limited to, extreme weather or an event causing significant pedestrian crowding;

(c) establishment of electric scooter free zones for reasons including, but not limited to, pedestrian traffic, unsafe road conditions or other prohibitive conditions;

(d) a requirement that electric scooter providers and municipalities expand electric scooter parking facilities at the cost of such electric scooter providers;

(e) an age requirement for the operation of electric scooters; and

(f) a requirement that an electric scooter operator shall wear protective headgear meeting standards established by the commissioner.

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

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1 2. The commissioner of transportation, in conjunction with the commis-  
2 sioner of motor vehicles, shall submit one year following the effective  
3 date of this section, and annually thereafter, a report on electric  
4 scooter use and safety to the governor, the speaker of the assembly and  
5 the temporary president of the senate. Such report shall include, but is  
6 not limited to:

7 (a) an analysis of accidents involving electric scooters and motor  
8 vehicles, pedestrians and cyclists;

9 (b) an analysis of how able roadways are to accommodate the use of  
10 electric scooters;

11 (c) the number of accidents involving the operation of an electric  
12 scooter that occur and the injuries that have been sustained; and

13 (d) recommendations for the improvement of the regional safety plans  
14 and additional legislative measures that would improve electric scooter  
15 safety.

16 3. For the purposes of this section the following terms shall have the  
17 following meanings:

18 (a) "Electric scooter" shall include every device weighing less than  
19 one hundred pounds that (i) has handlebars and an electric motor, (ii)  
20 is powered by the electric motor and/or human power, and (iii) has a  
21 maximum speed of no more than twenty miles per hour on a paved level  
22 surface when powered solely by the electric motor.

23 (b) "Electric scooter provider" means a person or entity that offers,  
24 makes available, or provides an electric scooter in exchange for finan-  
25 cial compensation or membership via a digital application or other elec-  
26 tronic or digital platform.

27 § 2. Subparagraph (i) of paragraph (a) and paragraphs (b) and (d) of  
28 subdivision 4 of section 502 of the vehicle and traffic law, as amended  
29 by chapter 355 of the laws of 2017, are amended and a new paragraph  
30 (c-4) is added to read as follows:

31 (i) Upon submission of an application for a driver's license, the  
32 applicant shall be required to take and pass a test, or submit evidence  
33 of passage of a test, with respect to the laws relating to traffic, the  
34 laws relating to driving while ability is impaired and while intoxicat-  
35 ed, under the overpowering influence of "Road Rage", "Work Zone Safety"  
36 awareness and "Motorcycle Safety" awareness as defined by the commis-  
37 sioner, the law relating to exercising due care to avoid colliding with  
38 a parked, stopped or standing authorized emergency vehicle or hazard  
39 vehicle pursuant to section eleven hundred forty-four-a of this chapter,  
40 the ability to read and comprehend traffic signs and symbols and such  
41 other matters as the commissioner may prescribe, and to satisfactorily  
42 complete a course prescribed by the commissioner of not less than four  
43 hours and not more than five hours, consisting of classroom driver  
44 training and highway safety instruction or the equivalent thereof. Such  
45 tests shall include one or more questions concerning electric scooter  
46 safety. Such test shall include at least seven written questions  
47 concerning the effects of consumption of alcohol or drugs on the ability  
48 of a person to operate a motor vehicle and the legal and financial  
49 consequences resulting from violations of section eleven hundred nine-  
50 ty-two of this chapter, prohibiting the operation of a motor vehicle  
51 while under the influence of alcohol or drugs. Such test shall include  
52 one or more written questions concerning the devastating effects of  
53 "Road Rage" on the ability of a person to operate a motor vehicle and  
54 the legal and financial consequences resulting from assaulting, threat-  
55 ening or interfering with the lawful conduct of another person legally  
56 using the roadway. Such test shall include one or more questions

1 concerning the potential dangers to persons and equipment resulting from  
2 the unsafe operation of a motor vehicle in a work zone. Such test may  
3 include one or more questions concerning motorcycle safety. Such test  
4 may include one or more questions concerning the law for exercising due  
5 care to avoid colliding with a parked, stopped or standing vehicle  
6 pursuant to section eleven hundred forty-four-a of this chapter. Such  
7 test shall be administered by the commissioner. The commissioner shall  
8 cause the applicant to take a vision test and a test for color blind-  
9 ness. Upon passage of the vision test, the application may be accepted  
10 and the application fee shall be payable.

11 (b) Upon successful completion of the requirements set forth in para-  
12 graph (a) of this subdivision which shall include an alcohol and drug  
13 education component as described in paragraph (c) of this subdivision, a  
14 "Road Rage" awareness component as described in paragraph (c-1) of this  
15 subdivision ~~[and]~~, a "Work Zone Safety" awareness component as described  
16 in paragraph (c-2) of this subdivision, ~~[and]~~ a "Motorcycle Safety"  
17 awareness component as described in paragraph (c-3) of this subdivision  
18 and an "Electric Scooter Safety" awareness component as described in  
19 paragraph (c-4) of this subdivision the commissioner shall cause the  
20 applicant to take a road test in a representative vehicle of a type  
21 prescribed by the commissioner which shall be appropriate to the type of  
22 license for which application is made, except that the commissioner may  
23 waive the road test requirements for certain classes of applicants. The  
24 commissioner shall have the power to establish a program to allow  
25 persons other than employees of the department to conduct road tests in  
26 representative vehicles when such tests are required for applicants to  
27 obtain a class A, B or C license. If she chooses to do so, she shall set  
28 forth her reasons in writing and conduct a public hearing on the matter.  
29 She shall only establish such a program after holding the public hear-  
30 ing.

31 (c-4) "Electric scooter" component. (i) The commissioner shall provide  
32 in the pre-licensing course, set forth in paragraph (b) of this subdivi-  
33 sion, a mandatory component in "electric scooter safety" education as a  
34 prerequisite for obtaining a license to operate a motor vehicle. The  
35 purpose of the component is to educate prospective licensees on the  
36 potential dangers to electric scooter operators created by motor vehi-  
37 cles.

38 (ii) The commissioner shall establish a curriculum for the "Electric  
39 Scooter Safety" awareness component which shall include but not be  
40 limited to: safely passing an electric scooter operator on the road,  
41 special considerations while driving in urban areas, bicycle lanes as  
42 defined in section one hundred two-a of this chapter and other roadway  
43 designs employed in New York state for the safety of electric scooter  
44 operators, how to navigate an intersection with electric scooter opera-  
45 tors, exiting a vehicle without endangering electric scooter operators,  
46 the requirement that drivers exercise due care to avoid collision with  
47 an electric scooter operator on the road pursuant to section eleven  
48 hundred forty-six of this chapter.

49 (iii) In developing such curriculum, the commissioner shall consult  
50 with the commissioner of transportation, the commissioner of transporta-  
51 tion of the city of New York and electric scooter advocates.

52 (d) The commissioner shall make available for distribution upon regis-  
53 tration at each location where the pre-licensing course will be given,  
54 instructional handbooks outlining the content of the entire curriculum  
55 of the pre-licensing course including the information required to be  
56 included in the course pursuant to paragraphs (c), (c-1), (c-2) ~~[and]~~.

1 (c-3) and (c-4) of this subdivision. The commissioner shall also provide  
2 for the additional training of the instructors necessary for the compe-  
3 tent instruction of the alcohol and drug education, "Road Rage" aware-  
4 ness, "Work Zone Safety" awareness ~~[and]~~, "Motorcycle Safety" awareness,  
5 and "Electric Scooter Safety" awareness subject matters of the pre-li-  
6 censing course.

7 § 3. The vehicle and traffic law is amended by adding a new section  
8 1287 to read as follows:

9 § 1287. Restrictions on the operation of electric scooters in certain  
10 municipalities. 1. No person shall operate an electric scooter in a  
11 municipality that has not implemented a regional safety plan pursuant to  
12 section twenty-three of the transportation law.

13 2. Notwithstanding any provision of law to the contrary no person  
14 shall operate an electric scooter in the borough of Manhattan in the  
15 city of New York.

16 § 4. This act shall take effect on the same date and in the same  
17 manner as a chapter of the laws of 2019 amending the vehicle and traffic  
18 law relating to bicycles with electric assist and electric scooters, as  
19 proposed in legislative bills numbers S. 5294 and A. 7431, takes effect.  
20 Effective immediately, the addition, amendment and/or repeal of any rule  
21 or regulation necessary for the implementation of this act on its effec-  
22 tive date are authorized to be made and completed on or before such  
23 effective date.