STATE OF NEW YORK

5294

2019-2020 Regular Sessions

IN SENATE

April 23, 2019

Introduced by Sen. RAMOS -- 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, in relation to bicycles with electric assist and electric scooters

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. The vehicle and traffic law is amended by adding a new section 114-e to read as follows:

§ 114-e. Electric scooter. Every device weighing less than one hundred pounds that (a) has handlebars and an electric motor, (b) is powered by the electric motor and/or human power, and (c) has a maximum speed of no more than twenty miles per hour on a paved level surface when powered solely by the electric motor.

§ 4. 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, (e) bicycles with electric assist as defined in section one hundred two-c of this article, and (f) electric scooters as defined in section one hundred fourteen-e 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.

§ 5. 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, bicycles with electric assist as defined in section one hundred two-c of this article, and electric scooters as defined in section one hundred fourteen-e of this article.

§ 6. 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 or electric scooter may park on a sidewalk in a manner complying with the Americans with disabilities act, provided that such bicycle or electric scooter does not interfere with the normal and reasonable movement of pedestrian traffic;

§ 7. The vehicle and traffic law is amended by adding a new article 34-D to read as follows:

ARTICLE 34-D
OPERATION OF ELECTRIC SCOOTERS

Section 1280. Effect of regulations.
1281. Traffic laws apply to persons operating electric scooters.
1282. Lamps and other equipment.
1283. Operators subject to bicycle requirements for protective headgear.
1284. Leaving the scene of an incident involving an electric scooter without reporting in the second degree.
1285. Leaving the scene of an incident involving an electric scooter without reporting in the first degree.
1286. Local authority regarding shared electric scooters.

§ 1280. 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) Regulations applicable to electric scooters shall apply whenever an electric scooter is 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, in-line skates, electric scooters, or all.

§ 1281. Traffic laws apply to persons operating electric scooters. Every person riding an electric scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the rider of a bicycle, 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.

§ 1282. Lamps and other equipment. (a) Every electric scooter 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 light visible to the rear for three hundred feet.

(b) No person shall operate an electric scooter unless such scooter 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 an electric scooter shall not be equipped with nor shall any person use upon an electric scooter any siren or whistle.

(c) Every electric scooter shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

§ 1283. Operators subject to bicycle requirements for protective headgear. Persons operating electric scooters shall comply with the helmet requirements applicable to operators of bicycles as provided in section twelve hundred thirty-eight of this title.

§ 1284. Leaving the scene of an incident involving an electric scooter without reporting in the second degree. (a) Any person age eighteen years or older operating an electric scooter 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 scooter 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 such incident as soon as physically able to the nearest police station or judicial officer.

(b) Leaving the scene of an incident involving an electric scooter without reporting in the second degree is a violation.

§ 1285. Leaving the scene of an incident involving an electric scooter without reporting in the first degree. (a) Any person age eighteen years or older operating an electric scooter 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 scooter 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) Leaving the scene of an incident involving an electric scooter without reporting in the first degree is a class B misdemeanor.

§ 1286. Local authority regarding shared electric scooters. Nothing in this article shall prohibit a local authority from regulating electric scooters within its jurisdiction.

§ 8. This act shall take effect immediately.