STATE OF NEW YORK

9004

IN SENATE

September 25, 2020

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

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

Section 1. The opening paragraph of section 102-c of the vehicle and traffic law, as added by section 1 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

A bicycle which is no more than [~~thirty-six~~] **fifty-five** inches wide and has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and meeting the requirements of one of the following three classes:

§ 2. Subdivision 2 of section 1243 of the vehicle and traffic law, as added by section 8 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

2. Notwithstanding any other provision of law to the contrary, all trip data, personal information, images, videos, and other recorded images collected by any shared bicycle system or shared bicycle with electric assist system which is authorized to operate within a city, town or village pursuant to this section: (a) shall be for the exclusive use of such shared bicycle or shared bicycle with electric assist system and shall not be sold, distributed, or otherwise made available for any commercial purpose and (b) shall not be disclosed or otherwise made accessible except (i) to the person who is the subject of such data, information or record; or (ii) if necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States constitution, or subpoena for individual data, information or records properly issued pursuant to the criminal procedure law or the civil practice law and rules. Provided, however, that nothing contained in this paragraph shall be deemed to preclude the exchange of such data, information or recorded images solely for the

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

LBD17301-01-0

purpose of administering such authorized shared system **or the exchange of anonymized trip and user demographic data for the purpose of managing the public right of way**. For the purposes of this subdivision, "personal information" shall mean information that identifies an individual, including but not limited to name, address, telephone number, and the type and form of payment including credit card number, debit card number, or other payment method.

§ 3 Paragraph b of subdivision 10 of section 1282 of the vehicle and traffic law, as added by section 10 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

(b) Notwithstanding any other provision of law to the contrary, all trip data, personal information, images, videos, and other recorded images collected by any shared electric scooter system which is authorized to operate within a city, town or village pursuant to this section: (i) shall be for the exclusive use of such shared electric scooter system and shall not be sold, distributed or otherwise made available for any commercial purpose and (ii) shall not be disclosed or otherwise made accessible except: (1) to the person who is the subject of such data, information or record; or (2) if necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States constitution, or subpoena for individual data, information or records properly issued pursuant to the criminal procedure law or the civil practice law and rules. Provided, however, that nothing contained in this paragraph shall be deemed to preclude the exchange of such data, information or recorded images solely for the purpose of administering such authorized shared system **or the exchange of anonymized trip and user demographic data for the purpose of managing the public right of way**.

For the purposes of this subdivision, "personal information" shall mean information that identifies an individual, including but not limited to name, address, telephone number, and the type and form of payment including credit card number, debit card number, or other payment method.

§ 4. This act shall take effect immediately.