STATE OF NEW YORK

5390

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

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

AN ACT to amend the vehicle and traffic law and the insurance law, in relation to the registration and operation of autocycles; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The vehicle and traffic law is amended by adding a new article 48-D to read as follows:

ARTICLE 48-D

REGISTRATION OF AUTOCYCLES

Section 2500. Definitions.
2501. Registration.
2502. Revocation and suspension.
2503. Display of registration number plate or plates.
2504. Equipment, inspection and insurance.
2505. Dealers and manufacturers.
2506. Exemptions.
2507. Rules and regulations.

§ 2500. Definitions. As used in this article: 1. "Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating which does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles.

2. "Dealer" means any person engaged in the business of selling autocycles at wholesale or retail.

§ 2501. Registration. 1. Notwithstanding section four hundred ten-a of this chapter and except as hereinafter provided, no person shall operate any autocycle on a public highway or street within this state unless such autocycle has been registered in accordance with article fifteen of this chapter, the registration for such autocycle is in full force and

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

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effect and the registration number plate or plates are displayed as hereinafter provided.

2. The fees for the registration, renewal, reregistration or amendment or duplicate of a registration of an autocycle shall be the same fees as if such vehicle were registered pursuant to section four hundred ten of this chapter.

3. Every person operating an autocycle registered in accordance with any of the provisions of this article, shall, upon the demand of any magistrate, police officer, peace officer, when acting pursuant to his or her special duties, or motor vehicle hearing officer, produce for inspection the certificate of registration for such autocycle and shall furnish to such person any information necessary for the identification of such autocycle and its owner. The failure to produce the certificate of registration as provided herein shall not be an offense, but shall be presumptive evidence of the operation of an autocycle not registered as required by this article.

4. The registration provisions of this article shall not apply to a non-resident who has registered his or her autocycle in compliance with the registration or licensing laws of the state, province or country of his or her residence, provided that the autocycle is appropriately identified by an identification plate, sticker or other identifying device issued by such state, province or country.

§ 2502. Revocation and suspension. The registration of an autocycle may be revoked or suspended in the same manner and to the same effect as that of a motorcycle registered pursuant to article fifteen of this chapter.

§ 2503. Display of registration number plate or plates. 1. The registration number plate or plates assigned to an autocycle shall be displayed on the autocycle at all times such vehicle is operated on the public highways in such manner as the commissioner may, by regulation, prescribe. One or two registration number plates, as determined by the commissioner, shall be issued by the commissioner for an autocycle. No number other than the registration number plate assigned to an autocycle by the commissioner, or the identification number of the registration issued by another state shall be painted, attached or otherwise displayed on an autocycle when such autocycle is being operated on a public highway. Nothing herein shall prohibit the display of a vehicle identification number plate or number affixed by the manufacturer or his or her agent in accordance with section four hundred fifteen of this chapter.

2. Dealer demonstrator number plates shall conform to the requirements set forth in subdivision one of this section with the exception that such number plates may be temporarily but firmly affixed to the autocycle being demonstrated or tested.

3. The use of dealer demonstrator number plates shall be subject to the provisions of sections four hundred fifteen and four hundred sixteen of this chapter.

4. No dealer shall permit a dealer demonstrator number plate to be used on any autocycle unless such autocycle would qualify for the issuance of such a number plate when registered.

§ 2504. Equipment, inspection and insurance. 1. An autocycle shall be manufactured to comply with federal safety requirements for a motorcycle and, as otherwise provided pursuant to this section, shall be subject to the equipment requirements of this chapter that are applicable to a motorcycle. The equipment and operator of an autocycle shall be subject to the requirements of subdivisions six, seven, nine, nine-a and ten of

section three hundred eighty-one of this chapter; provided however, that the commissioner may, by regulation, provide for different equipment requirements for different types of autocycles. No person shall operate an autocycle on the public highways of this state in violation of the provisions of this section or regulations promulgated by the commissioner thereunder.

2. Autocycles shall be subject to the inspection requirements of article five of this chapter. The commissioner may, by regulation, provide for different inspection procedures for different types of autocycles.

3. The insurance provisions of articles six, seven and eight of this chapter shall be applicable to autocycles.

§ 2505. Dealers and manufacturers. 1. No person shall engage in the business of selling autocycles unless there shall have been issued to the person a dealer registration in accordance with section four hundred fifteen of this chapter. The commissioner may, by regulation, provide for identification of dealers as dealers of autocycles, and the commissioner shall make provisions for the issuance of appropriate dealer demonstrator number plates to such dealers.

2. No dealer shall acquire any autocycles for the purpose of resale for use on the public highways within this state unless such autocycles have a vehicle identification number in a form and manner acceptable to the commissioner permanently affixed to the frame by the manufacturer or authorized agent of the manufacturer.

3. The commissioner may prescribe, by regulation, procedures to be followed by dealers with respect to record keeping and documents required upon the sale of an autocycle, and procedures to be followed by manufacturers with respect to the assignment and affixing of vehicle identification numbers.

§ 2506. Exemptions. 1. Fire and police vehicles are exempt from the provisions of this article, except that the operator of such a vehicle shall be required to be licensed as provided in article nineteen of this chapter.

2. Any autocycle registered pursuant to this article that would be exempt from the payment of registration fees if such vehicle were registered pursuant to title four of this chapter, shall be exempt from the payment of registration fees under this article.

§ 2507. Rules and regulations. The commissioner is hereby empowered to make such rules and regulations as he or she may deem necessary to carry out the provisions of this article.

§ 2. Subparagraphs (iv), (vii) and (viii) of paragraph (a) of subdivision 2 of section 501 of the vehicle and traffic law, subparagraph (iv) as amended by chapter 339 of the laws of 2005 and subparagraphs (vii) and (viii) as added by chapter 173 of the laws of 1990, are amended to read as follows:

(iv) Class D. Such license shall be valid to operate any passenger or limited use automobile, autocycle, or any truck with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, or any such vehicle towing another vehicle with a GVWR of more than ten thousand pounds provided such combination of vehicles has a GCWR of not more than twenty-six thousand pounds, or any personal use vehicle with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, except it shall not be valid to operate a tractor, a motorcycle other than a class B or C limited use motorcycle, a vehicle used to transport passengers for hire or for which a hazardous materials endorsement is required, or a

vehicle defined as a bus in subdivision one of section five hundred nine-a of this title.

(vii) Class M. Such license shall be valid to operate any motorcycle, or any motorcycle, other than a limited use motorcycle, towing a trailer**, or an autocycle**.

(viii) Class MJ. Such license shall be valid to operate any motorcycle or limited use motorcycle**, but not an autocycle,** by a person under eighteen years of age. Such license shall automatically become a class M license when the holder becomes eighteen years of age.

§ 3. Subsection (f) of section 5102 of the insurance law is amended to read as follows:

(f) "Motor vehicle" means a motor vehicle as defined in section three hundred eleven of the vehicle and traffic law and also includes fire and police vehicles. It shall not include any motor vehicle not required to carry financial security pursuant to article six, eight or forty-eight-A of the vehicle and traffic law or a motorcycle, as defined in subsection (m) [~~hereof~~] **of this section or an autocycle, as defined in section twenty-five hundred of the vehicle and traffic law**.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed 5 years after such date.