

STATE OF NEW YORK

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IN ASSEMBLY

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Introduced by M. of A. ROZIC, FAHY, D. ROSENTHAL, WALLACE, McMAHON, DE LA ROSA, BLAKE, RYAN, CRESPO, SIMOTAS, DILAN, VANEL, DenDEKKER, BRAUNSTEIN, PHEFFER AMATO, LUPARDO, SANTABARBARA, HYNDMAN, MOSLEY, McDONALD, JACOBSON, FERNANDEZ, SAYEGH, COLTON, CRUZ, EICHENSTEIN, DeSTEFANO, ORTIZ, WOERNER, REYES, BARRON, LAVINE, HUNTER, BRONSON, MORINELLO, STERN, RAYNOR, BURKE, McDONOUGH, RODRIGUEZ, ROMEO, BUTTENS-CHON, JEAN-PIERRE, PICHARDO, D'URSO, WEPRIN, DICKENS, B. MILLER, JONES, GRIFFIN, STECK, LIFTON, SOLAGES, BUCHWALD, CUSICK, M. L. MILLER, PAULIN -- Multi-Sponsored by -- M. of A. HEVESI, LENTOL -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 102-c to read as follows:

3 § 102-c. Bicycle with electric assist. A bicycle which has an electric
4 motor of less than seven hundred fifty watts, equipped with operable
5 pedals, meeting the equipment and manufacturing requirements for bicy-
6 cles adopted by the Consumer Product Safety Commission under 16 C.F.R.
7 Part 1512.1 et seq. and meeting the requirements of one of the following
8 three classes:

9 (a) "Class one bicycle with electric assist." A bicycle with electric
10 assist having an electric motor that provides assistance only when the
11 person operating such bicycle is pedaling, and that ceases to provide
12 assistance when such bicycle reaches a speed of twenty miles per hour.

13 (b) "Class two bicycle with electric assist." A bicycle with electric
14 assist having an electric motor that may be used exclusively to propel

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

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1 such bicycle, and that is not capable of providing assistance when such
2 bicycle reaches a speed of twenty miles per hour.

3 (c) "Class three bicycle with electric assist." Solely within a city
4 having a population of one million or more, a bicycle with electric
5 assist having an electric motor that may be used exclusively to propel
6 such bicycle, and that is not capable of providing assistance when such
7 bicycle reaches a speed of twenty-five miles per hour.

8 § 2. The vehicle and traffic law is amended by adding a new section
9 114-e to read as follows:

10 § 114-e. Electric scooter. Every device weighing less than one hundred
11 pounds that (a) has handlebars, a floorboard that can be stood upon by
12 the operator, and an electric motor, (b) can be powered by the electric
13 motor and/or human power, and (c) has a maximum speed of no more than
14 twenty miles per hour on a paved level surface when powered solely by
15 the electric motor.

16 § 3. Section 125 of the vehicle and traffic law, as amended by chapter
17 365 of the laws of 2008, is amended to read as follows:

18 § 125. Motor vehicles. Every vehicle operated or driven upon a public
19 highway which is propelled by any power other than muscular power,
20 except (a) electrically-driven mobility assistance devices operated or
21 driven by a person with a disability, (a-1) electric personal assistive
22 mobility devices operated outside a city with a population of one
23 million or more, (b) vehicles which run only upon rails or tracks, (c)
24 snowmobiles as defined in article forty-seven of this chapter, [and] (d)
25 all terrain vehicles as defined in article forty-eight-B of this
26 chapter, (e) bicycles with electric assist as defined in section one
27 hundred two-c of this article, and (f) electric scooters as defined in
28 section one hundred fourteen-e of this article. For the purposes of
29 title four of this chapter, the term motor vehicle shall exclude fire
30 and police vehicles other than ambulances. For the purposes of titles
31 four and five of this chapter the term motor vehicles shall exclude farm
32 type tractors and all terrain type vehicles used exclusively for agri-
33 cultural purposes, or for snow plowing, other than for hire, farm equip-
34 ment, including self-propelled machines used exclusively in growing,
35 harvesting or handling farm produce, and self-propelled caterpillar or
36 crawler-type equipment while being operated on the contract site.

37 § 4. Section 159 of the vehicle and traffic law is amended to read as
38 follows:

39 § 159. Vehicle. Every device in, upon, or by which any person or prop-
40 erty is or may be transported or drawn upon a highway, except devices
41 moved by human power or used exclusively upon stationary rails or
42 tracks, bicycles with electric assist as defined in section one hundred
43 two-c of this article, and electric scooters as defined in section one
44 hundred fourteen-e of this article.

45 § 5. The vehicle and traffic law is amended by adding a new section
46 1242 to read as follows:

47 § 1242. Additional provisions applicable to bicycles with electric
48 assist. 1. In addition to complying with all of the rules, regulations,
49 and provisions applicable to bicycles contained in this article, bicy-
50 cles with electric assist shall operate in a manner so that the electric
51 motor is disengaged or ceases to function when the brakes are applied or
52 the rider stops pedaling, or operate in a manner such that the electric
53 motor is engaged through a switch or mechanism that, when released, will
54 cause the electric motor to disengage or cease to function.

55 2. Notwithstanding the provisions of section twelve hundred thirty-
56 eight of this article, no person less than sixteen years of age shall

1 operate or ride as a passenger upon a bicycle with electric assist, and
2 no person sixteen years of age or older shall allow any person less than
3 sixteen years of age to operate or ride as a passenger upon such bicy-
4 cle. The provisions of subdivision seven of section twelve hundred thir-
5 ty-eight of this article shall be applicable to this subdivision.

6 3. The governing body of any city, town or village may, by local law
7 or ordinance, further regulate the time, place and manner of the opera-
8 tion of bicycles with electric assist, and may limit, prohibit the use
9 thereof in specified areas, or prohibit entirely the use of bicycles
10 with electric assist within such city, town, or village.

11 4. (a) No person shall operate a bicycle with electric assist on any
12 public lands or property, other than a highway exclusive of any greenway
13 running adjacent to or connected with a highway, except that a bicycle
14 with electric assist may be operated on any such lands that have been
15 designated and posted for travel by bicycles with electric assist in
16 accordance with the provisions of paragraph (b) of this subdivision. For
17 the purposes of this subdivision, the term "greenway" shall have the
18 same meaning as such term is defined by subdivision seven of section
19 44-0103 of the environmental conservation law and subdivision one of
20 section 39.03 of the parks, recreation and historic preservation law.

21 (b) A state agency, by regulation or order, and a city, town or
22 village, by local law or ordinance, may designate any appropriate public
23 lands and properties under its jurisdiction, other than highways exclu-
24 sive of any greenway running adjacent to or connected with a highway, as
25 a place open for travel by bicycles with electric assist upon written
26 request for such designation by any person, and may impose restrictions
27 and conditions for the regulation and safe operation of bicycles with
28 electric assist on such public lands or property, such as travel on
29 designated trails and hours of operation.

30 5. (a) No person shall operate a bicycle with electric assist unless
31 such operation is in compliance with the provisions of this chapter, and
32 any regulation or order or local law or ordinance adopted pursuant to
33 subdivisions three and four of this section.

34 (b) No bicycle with electric assist shall be operated on a sidewalk,
35 except as may be authorized by a local law or ordinance adopted by a
36 city, town or village having jurisdiction over such sidewalk including
37 parking on certain sidewalks within such city, town or village in
38 compliance with the federal Americans with Disabilities Act of 1990, as
39 amended (Public Law 101-336).

40 6. The operation of a bicycle with electric assist which meets the
41 requirements of subdivision (c) of section one hundred two-c of this
42 chapter outside of a city having a population of one million or more is
43 prohibited.

44 7. (a) No person, firm, association or corporation engaged in the
45 business of selling or leasing bicycles with electric assist shall sell
46 or lease any bicycle with electric assist on or after June first, two
47 thousand twenty-one unless such bicycle with electric assist has perma-
48 nently affixed thereto, in a prominent location, a manufacturer's label
49 which shall include the following information: the class, maximum
50 motor-assisted speed, and motor wattage of such bicycle with electric
51 assist. Manufacturers and distributors of bicycles with electric assist
52 shall, by April first, two thousand twenty-one, establish a process by
53 which an owner of a bicycle with electric assist may request and obtain
54 a manufacturer's label providing the class, maximum motor-assisted
55 speed, and motor wattage applicable to his or her bicycle with electric

1 assist purchased prior to June first, two thousand twenty-one and
2 installation instructions, from such manufacturers and distributors.

3 (b) No person shall operate a bicycle with electric assist on any
4 public highway or street in this state after June first, two thousand
5 twenty-one unless such bicycle with electric assist has affixed thereto,
6 in a prominent location, a manufacturer's label providing the class,
7 maximum motor-assisted speed, and motor wattage of such bicycle with
8 electric assist. Any person who violates the provisions of this para-
9 graph shall be punished by a civil fine of up to fifty dollars. The
10 court shall waive any fine for which a person who violates the
11 provisions of this paragraph would be liable if such person supplies the
12 court with proof that, between the date on which he or she is charged
13 with having violated this paragraph and the appearance date for such
14 violation, a manufacturer's label was affixed to his or her bicycle with
15 electric assist as required by this paragraph. Provided, however, that
16 such waiver of fine shall not apply to a second or subsequent conviction
17 under this paragraph.

18 8. A police officer shall only issue a summons for a violation of this
19 section by a person less than sixteen years of age to the parent or
20 guardian of such person if the violation by such person occurs in the
21 presence of such person's parent or guardian and where such parent or
22 guardian is eighteen years of age or older. Such summons shall only be
23 issued to such parent or guardian, and shall not be issued to the person
24 less than sixteen years of age.

25 § 6. The vehicle and traffic law is amended by adding a new article
26 34-D to read as follows:

27 ARTICLE 34-D

28 OPERATION OF ELECTRIC SCOOTERS

29 Section 1280. Effect of regulations.

30 1281. Traffic laws apply to persons operating electric scooters;
31 local laws.

32 1282. Operating electric scooters.

33 1283. Clinging to vehicles.

34 1284. Riding on roadways, shoulders, and lanes reserved for
35 non-motorized vehicles and devices.

36 1285. Lamps and other equipment.

37 1286. Leaving the scene of an incident involving an electric
38 scooter without reporting in the second degree.

39 1287. Leaving the scene of an incident involving an electric
40 scooter without reporting in the first degree.

41 § 1280. Effect of regulations. 1. The parent of any child and the
42 guardian of any ward shall not authorize or knowingly permit any such
43 child or ward to violate any of the provisions of this article.

44 2. These regulations applicable to electric scooters shall apply when-
45 ever an electric scooter is operated upon any highway, upon private
46 roads open to public motor vehicle traffic and upon any path set aside
47 for the exclusive use of bicycles, in-line skates, electric scooters, or
48 all.

49 § 1281. Traffic laws apply to persons operating electric scooters;
50 local laws. 1. Every person riding an electric scooter upon a roadway
51 shall be granted all of the rights and shall be subject to all of the
52 duties applicable to the driver of a vehicle and the rider of a bicycle
53 by this title, except as to special regulations in this article and
54 except as to those provisions of this title which by their nature can
55 have no application.

2. The governing body of any city, town or village may, by local law or ordinance, further regulate the time, place and manner of the operation of electric scooters, and may limit, prohibit the use thereof in specified areas, or prohibit entirely the use of electric scooters within such city, town, or village.

3. No person shall operate an electric scooter unless such operation is in compliance with the provisions of this chapter, and any regulation or order or local law or ordinance adopted pursuant to subdivision two of this section or subdivision six of section twelve hundred eighty-two of this article. The provisions of subdivision seven of section twelve hundred thirty-eight of this title shall be applicable to this article.

§ 1282. Operating electric scooters. 1. No electric scooter shall be used to carry more persons at one time than the number for which such device is designed and equipped. No person operating an electric scooter shall carry any person as a passenger in a pack fastened to the operator or fastened to the electric scooter.

2. No person operating an electric scooter shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handle bars or which obstructs his or her vision in any direction.

3. Every person operating an electric scooter shall yield the right of way to pedestrians and motor vehicles.

4. No person less than sixteen years of age shall operate or ride as a passenger upon an electric scooter, and no person sixteen years of age or older shall allow any person less than sixteen years of age to operate or ride as a passenger upon such scooter. A police officer shall only issue a summons for a violation of this subdivision by a person less than sixteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than sixteen years of age.

5. No person shall operate an electric scooter on a sidewalk, except as may be authorized by a local law or ordinance adopted by a city, town or village having jurisdiction over such sidewalk including parking on certain sidewalks within such city, town or village in compliance with the federal Americans with Disabilities Act of 1990, as amended (Public Law 101-336).

6. (a) No person shall operate an electric scooter on any public lands or property, other than a highway exclusive of any greenway running adjacent to or connected with a highway, except that an electric scooter may be operated on any such lands that have been designated and posted for travel by electric scooters in accordance with the provisions of paragraph (b) of this subdivision. For the purposes of this subdivision, the term "greenway" shall have the same meaning as such term is defined by subdivision seven of section 44-0103 of the environmental conservation law and subdivision one of section 39.03 of the parks, recreation and historic preservation law.

(b) A state agency, by regulation or order, and a city, town or village, by local law or ordinance, may designate any appropriate public lands and properties under its jurisdiction, other than highways exclusive of any greenway running adjacent to or connected with a highway, as a place open for travel by electric scooters upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of electric scooters on such

1 public lands or property, such as travel on designated trails and hours
2 of operation.

3 7. (a) No person, firm, association or corporation engaged in the
4 business of selling or leasing electric scooters shall sell or lease any
5 electric scooter on or after June first, two thousand twenty-one unless
6 such electric scooter has in a prominent location, a manufacturer's
7 label which shall include the following information: the maximum motor-
8 assisted speed, and motor wattage of such electric scooter. Manufactur-
9 ers and distributors of electric scooters shall, by April first, two
10 thousand twenty-one, establish a process by which an owner of an elec-
11 tric scooter may request and obtain a manufacturer's label providing the
12 maximum motor-assisted speed, and motor wattage applicable to his or her
13 electric scooter purchased prior to June first, two thousand twenty-one
14 and installation instructions, from such manufacturers and distributors.

15 (b) No person shall operate an electric scooter on any public highway
16 or street in this state after June first, two thousand twenty-one unless
17 such electric scooter has in a prominent location, a manufacturer's
18 label providing the maximum motor-assisted speed, and motor wattage of
19 such electric scooter. Any person who violates the provisions of this
20 paragraph shall be punished by a civil fine of up to fifty dollars. The
21 court shall waive any fine for which a person who violates the
22 provisions of this paragraph would be liable if such person supplies the
23 court with proof that, between the date on which he or she is charged
24 with having violated this paragraph and the appearance date for such
25 violation, a manufacturer's label was affixed to his or her electric
26 scooter as required by this paragraph. Provided, however, that such
27 waiver of fine shall not apply to a second or subsequent conviction
28 under this paragraph.

29 § 1283. Clinging to vehicles. 1. No person operating an electric
30 scooter shall attach such scooter, or himself or herself, to any vehicle
31 being operated upon a roadway.

32 2. No vehicle operator shall knowingly permit any person to attach any
33 electric scooter or himself or herself to such operator's vehicle in
34 violation of subdivision one of this section.

35 § 1284. Riding on roadways, shoulders, and lanes reserved for non-mo-
36 torized vehicles and devices. 1. Upon all roadways, any electric scooter
37 shall be operated either on a usable bicycle or in-line skate lane or,
38 if a usable bicycle or in-line skate lane has not been provided, near
39 the right-hand curb or edge of the roadway or upon a usable right-hand
40 shoulder in such a manner as to prevent undue interference with the flow
41 of traffic except when preparing for a left turn or when reasonably
42 necessary to avoid conditions that would make it unsafe to continue
43 along near the right-hand curb or edge. Conditions to be taken into
44 consideration include, but are not limited to, fixed or moving objects,
45 vehicles, bicycles, in-line skates, pedestrians, animals, surface
46 hazards or traffic lanes too narrow for a person operating an electric
47 scooter and a vehicle to travel safely side-by-side within the lane.

48 2. Persons operating electric scooters upon a roadway shall ride
49 single file. Persons operating electric scooters upon a shoulder, bicy-
50 cle or in-line skate lane, or bicycle or in-line skate path intended for
51 the use of bicycles, in-line skates or electric scooters may ride two or
52 more abreast if sufficient space is available, except that when passing
53 a vehicle, bicycle, electric personal assistive mobility device, person
54 on in-line skates or pedestrian standing or proceeding along such shoul-
55 der, lane or path, persons operating electric scooters shall operate
56 such scooters single file.

3. Any person operating an electric scooter who is entering a roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.

§ 1285. Lamps and other equipment. 1. 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.

2. 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.

3. 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.

§ 1286. Leaving the scene of an incident involving an electric scooter without reporting in the second degree. 1. 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.

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

§ 1287. Leaving the scene of an incident involving an electric scooter without reporting in the first degree. 1. 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.

2. Leaving the scene of an incident involving an electric scooter without reporting in the first degree is a class B misdemeanor.

§ 7. Paragraph 3 of subdivision (a) of section 1642 of the vehicle and traffic law is amended to read as follows:

3. The prohibition or regulation of the use of any highway by particular vehicles or classes or types thereof, bicycles with electric assist, electric scooters, or devices moved by human power.

§ 8. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.