AN ACT to amend the vehicle and traffic law, in relation to bicycles with electric assist and electric scooters; and providing for the repeal of certain provisions upon the 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 section 102-c to read as follows:

§ 102-c. Bicycle with electric assist. A bicycle which 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:

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

(b) "Class two bicycle with electric assist." A bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.

(c) "Class three bicycle with electric assist." Solely within a city having a population of one million or more, a bicycle with electric 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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such bicycle, and that is not capable of providing assistance when such
bicycle reaches a speed of twenty-five miles per hour.

§ 2. 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, a floorboard that can be stood upon by
the operator, and an electric motor, (b) can be 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.

§ 3. 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, (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 operated outside a city
with a population of one million or more. 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, harvest-
ing or handling farm produce, and self-propelled caterpillar or crawl-
er-type equipment while being operated on the contract site.
§ 3-a. Section 125 of the vehicle and traffic law, as amended by
section three of this act, 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, (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 [operated outside a city with a
population of one million or more]. For the purposes of title four of
this chapter, the term motor vehicle shall exclude fire and police vehi-
cles 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, harvest-
ing or handling farm produce, and self-propelled caterpillar or crawl-
er-type equipment while being operated on the contract site.
§ 4. 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 operated outside a city with a population of one million or more.

§ 4-a. Section 159 of the vehicle and traffic law, as amended by section four of this act, 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 operated outside a city with a population of one million or more.

§ 5. The vehicle and traffic law is amended by adding two new sections 1242 and 1243 to read as follows:

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

2. Notwithstanding the provisions of section twelve hundred thirty-eight of this article, no person less than sixteen years of age shall operate or ride as a passenger upon a bicycle with electric assist, 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 bicycle. The provisions of subdivision seven of section twelve hundred thirty-eight of this article shall be applicable to this subdivision.

3. 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 bicycles with electric assist, and may limit, prohibit the use thereof in specified areas, or prohibit entirely the use of bicycles with electric assist within such city, town, or village.

4. (a) No person shall operate a bicycle with electric assist on any public lands or property, other than a highway exclusive of any greenway running adjacent to or connected with a highway, except that a bicycle with electric assist may be operated on any such lands that have been designated and posted for travel by bicycles with electric assist 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 bicycles with electric assist upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of bicycles with
electric assist on such public lands or property, such as travel on
designated trails and hours of operation.
5. (a) No person shall operate a bicycle with electric assist 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
subdivisions three and four of this section.
(b) No bicycle with electric assist shall be operated 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. The operation of a bicycle with electric assist which meets the
requirements of subdivision (c) of section one hundred two-c of this
chapter outside of a city having a population of one million or more is
prohibited.
7. (a) No person, firm, association or corporation engaged in the
business of selling or leasing bicycles with electric assist shall sell
or lease any bicycle with electric assist on or after June first, two
thousand twenty-one unless such bicycle with electric assist has perma-
nently affixed thereto, in a prominent location, a manufacturer's label
which shall include the following information: the class, maximum
motor-assisted speed, and motor wattage of such bicycle with electric
assist. Manufacturers and distributors of bicycles with electric assist
shall, by April first, two thousand twenty-one, establish a process by
which an owner of a bicycle with electric assist may request and obtain
a manufacturer's label providing the class, maximum motor-assisted
speed, and motor wattage applicable to his or her bicycle with electric
assist purchased prior to June first, two thousand twenty-one and
installation instructions, from such manufacturers and distributors.
(b) No person shall operate a bicycle with electric assist on any
public highway or street in this state after June first, two thousand
twenty-one unless such bicycle with electric assist has affixed thereto,
in a prominent location, a manufacturer's label providing the class,
maximum motor-assisted speed, and motor wattage of such bicycle with
electric assist. Any person who violates the provisions of this para-
graph shall be punished by a civil fine of up to fifty dollars. The
court shall waive any fine for which a person who violates the
provisions of this paragraph would be liable if such person supplies the
court with proof that, between the date on which he or she is charged
with having violated this paragraph and the appearance date for such
violation, a manufacturer's label was affixed to his or her bicycle with
electric assist as required by this paragraph. Provided, however, that
such waiver of fine shall not apply to a second or subsequent conviction
under this paragraph.
8. A police officer shall only issue a summons for a violation of this
section 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 older. 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.
§ 1243. Shared bicycle and shared bicycle with electric assist
systems; data protection. 1. The governing body of any city, town or
village may, by local law, ordinance, order, rule or regulation, author-
ize and regulate shared bicycle systems or shared bicycle with electric
assist systems within such city, town or village. No such shared
systems shall operate within a city, town or village except as author-
ized by such local law, ordinance, order, rule or regulation. For the
purposes of this subdivision, the term shared bicycle system or shared
bicycle with electric assist system shall mean a network of self-service
and publicly available bicycles or bicycles with electric assist in
which a bicycle or bicycle with electric assist trip begins and/or ends
on any public highway.

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 individ-
ual data, information or records properly issued pursuant to the crimi-
nal procedure law or the civil practice law and rules. Provided, howev-
er, 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. 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.

§ 6. 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.

1. 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.

2. These regulations applicable to electric scooters shall apply when-
ever 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;
local laws. 1. 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 driver of a vehicle and the rider of a bicycle by this title, 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.

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.

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 exclu-
sive 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 condi-
tions for the regulation and safe operation of electric scooters on such
public lands or property, such as travel on designated trails and hours
of operation.

7. (a) No person, firm, association or corporation engaged in the
business of selling or leasing electric scooters shall sell or lease any
electric scooter on or after June first, two thousand twenty-one unless
such electric scooter has in a prominent location, a manufacturer’s
label which shall include the following information: the maximum motor-
assisted speed, the number of persons for which such electric scooter is
designed and equipped, and motor wattage of such electric scooter.
Manufacturers and distributors of electric scooters shall, by April
first, two thousand twenty-one, establish a process by which an owner of
an electric scooter may request and obtain a manufacturer’s label
providing the maximum motor-assisted speed, the number of persons for
which such electric scooter is designed and equipped, and motor wattage
applicable to his or her electric scooter purchased prior to June first,
two thousand twenty-one and installation instructions, from such
manufacturers and distributors.

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

8. (a) The governing body of any city, town or village may, by local
law, ordinance, order, rule or regulation, authorize and regulate shared
electric scooter systems within such city, town or village. No such
shared systems shall operate within a city, town or village except as
authorized by such local law, ordinance, order, rule or regulation. No
such shared electric scooter system shall operate on public highways in
a county with a population of no less than one million five hundred
eighty-six thousand and no more than one million five hundred eighty-
seven thousand as of the two thousand ten decennial census. For the
purposes of this subdivision, the term shared electric scooter system
shall mean a network of self-service and publicly available electric
scooters, and related infrastructure, in which an electric scooter trip
begins and/or ends on any public highway.

(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 author-
ized 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 individ-
ual data, information or records properly issued pursuant to the crimi-
nal procedure law or the civil practice law and rules. Provided, howev-
er, 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.
§ 1283. Clinging to vehicles. 1. No person operating an electric
scooter shall attach such scooter, or himself or herself, to any vehicle
being operated upon a roadway.
2. No vehicle operator shall knowingly permit any person to attach any
electric scooter or himself or herself to such operator's vehicle in
violation of subdivision one of this section.
§ 1284. Riding on roadways, shoulders, and lanes reserved for non-mo-
torized vehicles and devices. 1. Upon all roadways, any electric scooter
shall be operated either on a usable bicycle or in-line skate lane or,
if a usable bicycle or in-line skate lane has not been provided, near
the right-hand curb or edge of the roadway or upon a usable right-hand
shoulder in such a manner as to prevent undue interference with the flow
of traffic except when preparing for a left turn or when reasonably
necessary to avoid conditions that would make it unsafe to continue
along near the right-hand curb or edge. Conditions to be taken into
consideration include, but are not limited to, fixed or moving objects,
vehicles, bicycles, in-line skates, pedestrians, animals, surface
hazards or traffic lanes too narrow for a person operating an electric
scooter and a vehicle to travel safely side-by-side within the lane.
2. Persons operating electric scooters upon a roadway shall ride
single file. Persons operating electric scooters upon a shoulder, bicy-
cle or in-line skate lane, or bicycle or in-line skate path intended for
the use of bicycles, in-line skates or electric scooters may ride two or
more abreast if sufficient space is available, except that when passing
a vehicle, bicycle, electric personal assistive mobility device, person
on in-line skates or pedestrian standing or proceeding along such shoul-
der, lane or path, persons operating electric scooters shall operate
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 phys-
ically 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 offi-
cer, 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 offi-
cer.

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 partic-
ular vehicles or classes or types thereof, bicycles with electric
assist, or devices moved by human power.

§ 7-a. Paragraph 3 of subdivision (a) of section 1642 of the vehicle
and traffic law, as amended by section seven of this act, is amended to
read as follows:
3. The prohibition or regulation of the use of any highway by partic-
ular vehicles or classes or types thereof, bicycles with electric
assist, electric scooters, or devices moved by human power.

§ 8. The provisions of article 34-D of the vehicle and traffic law as
added by section six of this act shall not apply in a city with a popu-
lation of one million or more.

§ 9. This act shall take effect on the one hundred eightieth day after
it shall have become a law; provided, however, that sections three-a,
four-a and seven-a shall take effect on the two hundred seventieth day
after this act shall have become a law; provided, further that section
eight of this act shall expire and be deemed repealed two hundred seven-
ty days 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.