STATE OF NEW YORK

6556

2019-2020 Regular Sessions

IN SENATE

June 16, 2019

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

AN ACT to amend the transportation law, in relation to the development of regional safety plans for the use of electric scooters; and to amend the vehicle and traffic law, in relation to adding an electric scooter safety component to the pre-licensing driver's education course and restrictions on the use of electric scooters in certain municipalities

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

Section 1. The transportation law is amended by adding a new section 23 to read as follows:

§ 23. Regional safety plans; electric scooters. 1. The commissioner of transportation, in conjunction with the commissioner of motor vehicles and municipal governments, shall formulate and from time to time revise regional safety plans regarding the use of electric scooters. Such regional safety plans shall include, but are not limited to:

(a) implementation of a curfew on the operation of electric scooters;

(b) allowance of a temporary ban on the operation of electric scooters in certain circumstances including, but not limited to, extreme weather or an event causing significant pedestrian crowding;

(c) establishment of electric scooter free zones for reasons including, but not limited to, pedestrian traffic, unsafe road conditions or other prohibitive conditions;

(d) a requirement that electric scooter providers and municipalities expand electric scooter parking facilities at the cost of such electric scooter providers;

(e) an age requirement for the operation of electric scooters; and

(f) a requirement that an electric scooter operator shall wear protective headgear meeting standards established by the commissioner.

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

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2. The commissioner of transportation, in conjunction with the commissioner of motor vehicles, shall submit one year following the effective date of this section, and annually thereafter, a report on electric scooter use and safety to the governor, the speaker of the assembly and the temporary president of the senate. Such report shall include, but is not limited to:

(a) an analysis of accidents involving electric scooters and motor vehicles, pedestrians and cyclists;

(b) an analysis of how able roadways are to accommodate the use of electric scooters;

(c) the number of accidents involving the operation of an electric scooter that occur and the injuries that have been sustained; and

(d) recommendations for the improvement of the regional safety plans and additional legislative measures that would improve electric scooter safety.

3. For the purposes of this section the following terms shall have the following meanings:

(a) "Electric scooter" shall include every device weighing less than one hundred pounds that (i) has handlebars and an electric motor, (ii) is powered by the electric motor and/or human power, and (iii) has a maximum speed of no more than twenty miles per hour on a paved level surface when powered solely by the electric motor.

(b) "Electric scooter provider" means a person or entity that offers, makes available, or provides an electric scooter in exchange for financial compensation or membership via a digital application or other electronic or digital platform.

§ 2. Subparagraph (i) of paragraph (a) and paragraphs (b) and (d) of subdivision 4 of section 502 of the vehicle and traffic law, as amended by chapter 355 of the laws of 2017, are amended and a new paragraph (c-4) is added to read as follows:

(i) Upon submission of an application for a driver's license, the applicant shall be required to take and pass a test, or submit evidence of passage of a test, with respect to the laws relating to traffic, the laws relating to driving while ability is impaired and while intoxicated, under the overpowering influence of "Road Rage", "Work Zone Safety" awareness and "Motorcycle Safety" awareness as defined by the commissioner, the law relating to exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, the ability to read and comprehend traffic signs and symbols and such other matters as the commissioner may prescribe, and to satisfactorily complete a course prescribed by the commissioner of not less than four hours and not more than five hours, consisting of classroom driver training and highway safety instruction or the equivalent thereof. Such tests shall include one or more questions concerning electric scooter safety. Such test shall include at least seven written questions concerning the effects of consumption of alcohol or drugs on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from violations of section eleven hundred ninety-two of this chapter, prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs. Such test shall include one or more written questions concerning the devastating effects of "Road Rage" on the ability of a person to operate a motor vehicle and the legal and financial consequences resulting from assaulting, threatening or interfering with the lawful conduct of another person legally using the roadway. Such test shall include one or more questions

concerning the potential dangers to persons and equipment resulting from the unsafe operation of a motor vehicle in a work zone. Such test may include one or more questions concerning motorcycle safety. Such test may include one or more questions concerning the law for exercising due care to avoid colliding with a parked, stopped or standing vehicle pursuant to section eleven hundred forty-four-a of this chapter. Such test shall be administered by the commissioner. The commissioner shall cause the applicant to take a vision test and a test for color blindness. Upon passage of the vision test, the application may be accepted and the application fee shall be payable.

(b) Upon successful completion of the requirements set forth in paragraph (a) of this subdivision which shall include an alcohol and drug education component as described in paragraph (c) of this subdivision, a "Road Rage" awareness component as described in paragraph (c-1) of this subdivision [~~and~~], a "Work Zone Safety" awareness component as described in paragraph (c-2) of this subdivision, [~~and~~] a "Motorcycle Safety" awareness component as described in paragraph (c-3) of this subdivision **and an "Electric Scooter Safety" awareness component as described in paragraph (c-4) of this subdivision** the commissioner shall cause the applicant to take a road test in a representative vehicle of a type prescribed by the commissioner which shall be appropriate to the type of license for which application is made, except that the commissioner may waive the road test requirements for certain classes of applicants. The commissioner shall have the power to establish a program to allow persons other than employees of the department to conduct road tests in representative vehicles when such tests are required for applicants to obtain a class A, B or C license. If she chooses to do so, she shall set forth her reasons in writing and conduct a public hearing on the matter. She shall only establish such a program after holding the public hearing.

(c-4) "Electric scooter" component. (i) The commissioner shall provide in the pre-licensing course, set forth in paragraph (b) of this subdivision, a mandatory component in "electric scooter safety" education as a prerequisite for obtaining a license to operate a motor vehicle. The purpose of the component is to educate prospective licensees on the potential dangers to electric scooter operators created by motor vehicles.

(ii) The commissioner shall establish a curriculum for the "Electric Scooter Safety" awareness component which shall include but not be limited to: safely passing an electric scooter operator on the road, special considerations while driving in urban areas, bicycle lanes as defined in section one hundred two-a of this chapter and other roadway designs employed in New York state for the safety of electric scooter operators, how to navigate an intersection with electric scooter operators, exiting a vehicle without endangering electric scooter operators, the requirement that drivers exercise due care to avoid collision with an electric scooter operator on the road pursuant to section eleven hundred forty-six of this chapter.

(iii) In developing such curriculum, the commissioner shall consult with the commissioner of transportation, the commissioner of transportation of the city of New York and electric scooter advocates.

(d) The commissioner shall make available for distribution upon registration at each location where the pre-licensing course will be given, instructional handbooks outlining the content of the entire curriculum of the pre-licensing course including the information required to be included in the course pursuant to paragraphs (c), (c-1), (c-2) [~~and~~],

(c-3) **and (c-4)** of this subdivision. The commissioner shall also provide for the additional training of the instructors necessary for the competent instruction of the alcohol and drug education, "Road Rage" awareness, "Work Zone Safety" awareness [~~and~~], "Motorcycle Safety" awareness, **and "Electric Scooter Safety" awareness** subject matters of the pre-licensing course.

§ 3. The vehicle and traffic law is amended by adding a new section 1287 to read as follows:

§ 1287. Restrictions on the operation of electric scooters in certain municipalities. 1. No person shall operate an electric scooter in a municipality that has not implemented a regional safety plan pursuant to section twenty-three of the transportation law.

2. Notwithstanding any provision of law to the contrary no person shall operate an electric scooter in the borough of Manhattan in the city of New York.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2019 amending the vehicle and traffic law relating to bicycles with electric assist and electric scooters, as proposed in legislative bills numbers S. 5294 and A. 7431, takes effect. 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.