

STATE OF NEW YORK

66

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the vehicle and traffic 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:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 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.

13 § 2500. Definitions. As used in this article: 1. "Autocycle" means a
14 three-wheeled motor vehicle that has a steering wheel and seating which
15 does not require the operator to straddle or sit astride and is manufac-
16 tured to comply with federal safety requirements for motorcycles.

17 2. "Dealer" means any person engaged in the business of selling auto-
18 cycles at wholesale or retail.

19 § 2501. Registration. 1. Notwithstanding section four hundred ten-a of
20 this chapter and except as hereinafter provided, no person shall operate
21 any autocycle on a public highway or street within this state unless
22 such autocycle has been registered in accordance with article fifteen of

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

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1 this chapter, the registration for such autocycle is in full force and
2 effect and the registration number plate or plates are displayed as
3 hereinafter provided.

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

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

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

24 § 2502. Revocation and suspension. The registration of an autocycle
25 may be revoked or suspended in the same manner and to the same effect as
26 that of a motorcycle registered pursuant to article fifteen of this
27 chapter.

28 § 2503. Display of registration number plate or plates. 1. The regis-
29 tration number plate or plates assigned to an autocycle shall be
30 displayed on the autocycle at all times such vehicle is operated on the
31 public highways in such manner as the commissioner may, by regulation,
32 prescribe. One or two registration number plates, as determined by the
33 commissioner, shall be issued by the commissioner for an autocycle. No
34 number other than the registration number plate assigned to an autocycle
35 by the commissioner, or the identification number of the registration
36 issued by another state shall be painted, attached or otherwise
37 displayed on an autocycle when such autocycle is being operated on a
38 public highway. Nothing herein shall prohibit the display of a vehicle
39 identification number plate or number affixed by the manufacturer or his
40 or her agent in accordance with section four hundred fifteen of this
41 chapter.

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

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

49 4. No dealer shall permit a dealer demonstrator number plate to be
50 used on any autocycle unless such autocycle would qualify for the iss-
51 uance of such a number plate when registered.

52 § 2504. Equipment, inspection and insurance. 1. An autocycle shall be
53 manufactured to comply with federal safety requirements for a motorcycle
54 and, as otherwise provided pursuant to this section, shall be subject to
55 the equipment requirements of this chapter that are applicable to a
56 motorcycle. The equipment and operator of an autocycle shall be subject

1 to the requirements of subdivisions six, seven, nine, nine-a and ten of
2 section three hundred eighty-one of this chapter; provided however, that
3 the commissioner may, by regulation, provide for different equipment
4 requirements for different types of autocycles. No person shall operate
5 an autocycle on the public highways of this state in violation of the
6 provisions of this section or regulations promulgated by the commission-
7 er thereunder.

8 2. Autocycles shall be subject to the inspection requirements of arti-
9 cle five of this chapter. The commissioner may, by regulation, provide
10 for different inspection procedures for different types of autocycles.

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

13 § 2505. Dealers and manufacturers. 1. No person shall engage in the
14 business of selling autocycles unless there shall have been issued to
15 the person a dealer registration in accordance with section four hundred
16 fifteen of this chapter. The commissioner may, by regulation, provide
17 for identification of dealers as dealers of autocycles, and the commis-
18 sioner shall make provisions for the issuance of appropriate dealer
19 demonstrator number plates to such dealers.

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

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

30 § 2506. Exemptions. 1. Fire and police vehicles are exempt from the
31 provisions of this article, except that the operator of such a vehicle
32 shall be required to be licensed as provided in article nineteen of this
33 chapter.

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

38 § 2507. Rules and regulations. The commissioner is hereby empowered to
39 make such rules and regulations as he or she may deem necessary to carry
40 out the provisions of this article.

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

46 (iv) Class D. Such license shall be valid to operate any passenger or
47 limited use automobile, **autocycle**, or any truck with a GVWR of not more
48 than twenty-six thousand pounds or any such vehicle towing a vehicle
49 with a GVWR of not more than ten thousand pounds, or any such vehicle
50 towing another vehicle with a GVWR of more than ten thousand pounds
51 provided such combination of vehicles has a GCWR of not more than twen-
52 ty-six thousand pounds, or any personal use vehicle with a GVWR of not
53 more than twenty-six thousand pounds or any such vehicle towing a vehi-
54 cle with a GVWR of not more than ten thousand pounds, except it shall
55 not be valid to operate a tractor, a motorcycle other than a class B or
56 C limited use motorcycle, a vehicle used to transport passengers for

1 hire or for which a hazardous materials endorsement is required, or a
2 vehicle defined as a bus in subdivision one of section five hundred
3 nine-a of this title.

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

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

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