

# STATE OF NEW YORK

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6606

2019-2020 Regular Sessions

## IN SENATE

June 18, 2019

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

AN ACT to amend the administrative code of the city of New York, in relation to bicycles with electric assist; 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. Legislative intent. The legislature finds and declares that  
2 traffic congestion in the city of New York ranks second worst among  
3 cities in the United States and third worst among cities in the world,  
4 and results in significant cost to the New York metropolitan area econo-  
5 my and in turn the state's economy at estimates exceeding one hundred  
6 billion dollars over the next five years. Travel speeds in the city of  
7 New York's central business district have dropped more than seventeen  
8 percent in 2016 to an average of 6.8 miles per hour and in Midtown  
9 Manhattan, the most congested area of the city--the area from fifty-  
10 ninth street to thirty-fifth street and from ninth avenue to the east  
11 river--the average vehicular speed is 4.7 miles per hour. Congestion in  
12 these areas is crippling and impacts the everyday lives of residents,  
13 commuters, taxi and for-hire vehicle traffic, bus transit and emergency  
14 services, and is a significant contributor to decreased air quality.  
15 These issues have been recognized by both the Fix NYC Advisory Panel  
16 and the Metropolitan Transportation Sustainability Advisory Workgroup as  
17 significant impediments to everyday New Yorkers. Further, the legisla-  
18 ture finds that one transportation alternative that can alleviate part  
19 of this congestion is the use of transportation alternatives such as  
20 electric assist bicycles for commuting and delivery purposes. The legis-  
21 lature additionally finds that electric assist bicycles provide a viable  
22 transportation option among demographics facing barriers to other modes  
23 of transportation, including lower-income riders, female riders, and  
24 riders of color. The legislature further finds that thousands of food

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

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1 delivery workers in New York City rely on electric assist bicycles to  
2 earn a living wage, and the electric assist bicycles they have relied on  
3 to earn a living have been disparately impacted by the current interpre-  
4 tation of what constitutes a motor vehicle in New York City. Further,  
5 these food delivery workers are routinely fined \$500-\$1,000 for use of  
6 vehicles that are defined as legal bicycles in other states, in addition  
7 to having their vehicles discretionarily confiscated.

8 In order to ensure a safe and efficient public transportation system  
9 within the city of New York and to protect the public welfare of New  
10 York City's residents and delivery workers, ensuring that electric  
11 assist bicycles can operate pending local regulation of the issue is  
12 found to be necessary and to be a matter of substantial state concern.

13 § 2. Section 19-176.2 of the administrative code of the city of New  
14 York is amended by adding a new subdivision e to read as follows:

15 e. Provided further that the term motorized scooter shall not include  
16 any bicycle with electric assist as defined as a bicycle which has an  
17 electric motor of less than seven hundred fifty watts, equipped with  
18 operable pedals, meeting the equipment and manufacturing requirements  
19 for bicycles adopted by the Consumer Product Safety Commission under 16  
20 C.F.R. Part 1512.1 et seq. and that is not capable of providing assist-  
21 ance when such bicycle reaches a speed of twenty-five miles per hour.

22 § 3. This act shall take effect immediately and shall expire and be  
23 deemed repealed on the same date as section 1 of a chapter of the laws  
24 of 2019, amending the vehicle and traffic law relating to bicycles with  
25 electric assist and electric scooters and providing for the repeal of  
26 certain provisions upon the expiration thereof, as proposed in legisla-  
27 tive bills numbers S. 5294-A and A. 7431-B, takes effect.