STATE OF NEW YORK

2444

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. NIOU, KIM -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to bicycles with electric assist

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

Section 1. Section 102 of the vehicle and traffic law, as amended by chapter 931 of the laws of 1977, is amended to read as follows:

§ 102. Bicycle. Every two or three wheeled device upon which a person or persons may ride, propelled by human power through a belt, a chain or gears, with such wheels in a tandem or tricycle, except that it shall not include such a device having solid tires and intended for use only on a sidewalk by pre-teenage children. **A bicycle includes a bicycle with electric assist as defined in section one hundred two-c of this article, provided that nothing in this article is intended to affect the ability of a local authority to promulgate rules and regulations governing the operation of bicycles with electric assist.**

§ 2. 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**, and bicycles with electric assist as defined in section one hundred two-c of this article**.

§ 3. Subparagraph b of paragraph 1 of subdivision (a) of section 1202 of the vehicle and traffic law, as amended by chapter 679 of the laws of 1970, is amended to read as follows:

b. On a sidewalk**, except that a bicycle may park on a sidewalk in a manner complying with the Americans with disabilities act, provided that such bicycle does not interfere with the normal and reasonable movement of pedestrian traffic**;

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

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§ 4. Subparagraph b of paragraph 1 of subdivision (a) of section 1202 of the vehicle and traffic law, as amended by chapter 206 of the laws of 2020, is amended to read as follows:

b. On a sidewalk**, except that a bicycle may park on a sidewalk in a manner complying with the Americans with disabilities act, provided that such bicycle does not interfere with the normal and reasonable movement of pedestrian traffic**;

§ 5. Section 1225-a of the vehicle and traffic law, as added by chapter 222 of the laws of 1974, is amended to read as follows:

§ 1225-a. Driving on sidewalks. No person shall drive a motor vehicle **or bicycle with electric assist** on or across a sidewalk, except that a vehicle **or bicycle with electric assist** may be driven at a reasonable speed, but not more than five miles per hour, on or across a sidewalk in such manner as not to interfere with the safety and passage of pedestrians thereon, who shall have the right of way, when it is reasonable and necessary:

(a) to gain access to a public highway, private way or lands or buildings adjacent to such highway or way;

(b) in the conduct of work upon a highway, or upon a private way or lands or buildings adjacent to such highway or way[~~,~~]**;** or

(c) to plow snow or perform any other public service, for hire, or otherwise, which could not otherwise be reasonably and properly performed.

§ 6. This act shall take effect immediately; provided, however, that section four of this act shall take effect on the same date and in the same manner as chapter 206 of the laws of 2020, takes effect.