

# STATE OF NEW YORK

6748

2021-2022 Regular Sessions

## IN ASSEMBLY

March 29, 2021

Introduced by M. of A. JACKSON -- 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 and motorized scooters

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

1 Section 1. The opening paragraph of section 102-c of the vehicle and  
2 traffic law, as added by section 1 of part XX of chapter 58 of the laws  
3 of 2020, is amended to read as follows:

4 A bicycle which is no more than [~~thirty-six~~] fifty-five inches wide  
5 and has an electric motor of less than seven hundred fifty watts,  
6 equipped with operable pedals, meeting the equipment and manufacturing  
7 requirements for bicycles adopted by the Consumer Product Safety Commis-  
8 sion under 16 C.F.R. Part 1512.1 et seq. and meeting the requirements  
9 of one of the following three classes:

10 § 2. Subdivision 2 of section 1243 of the vehicle and traffic law, as  
11 added by section 8 of part XX of chapter 58 of the laws of 2020, is  
12 amended to read as follows:

13 2. Notwithstanding any other provision of law to the contrary, all  
14 trip data, personal information, images, videos, and other recorded  
15 images collected by any shared bicycle system or shared bicycle with  
16 electric assist system which is authorized to operate within a city,  
17 town or village pursuant to this section: (a) shall be for the exclusive  
18 use of such shared bicycle or shared bicycle with electric assist system  
19 and shall not be sold, distributed, or otherwise made available for any  
20 commercial purpose and (b) shall not be disclosed or otherwise made  
21 accessible except (i) to the person who is the subject of such data,  
22 information or record; or (ii) if necessary to comply with a lawful  
23 court order, judicial warrant signed by a judge appointed pursuant to  
24 article III of the United States constitution, or subpoena for individ-  
25 ual data, information or records properly issued pursuant to the crimi-

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

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1 nal procedure law or the civil practice law and rules. Provided, howev-  
2 er, that nothing contained in this paragraph shall be deemed to preclude  
3 the exchange of such data, information or recorded images solely for the  
4 purpose of administering such authorized shared system or the exchange  
5 of anonymized trip and user demographic data for the purpose of managing  
6 the public right of way. For the purposes of this subdivision, "personal  
7 information" shall mean information that identifies an individual,  
8 including but not limited to name, address, telephone number, and the  
9 type and form of payment including credit card number, debit card  
10 number, or other payment method.

11 § 3 Paragraph b of subdivision 10 of section 1282 of the vehicle and  
12 traffic law, as added by section 10 of part XX of chapter 58 of the laws  
13 of 2020, is amended to read as follows:

14 (b) Notwithstanding any other provision of law to the contrary, all  
15 trip data, personal information, images, videos, and other recorded  
16 images collected by any shared electric scooter system which is author-  
17 ized to operate within a city, town or village pursuant to this section:

18 (i) shall be for the exclusive use of such shared electric scooter  
19 system and shall not be sold, distributed or otherwise made available  
20 for any commercial purpose and (ii) shall not be disclosed or otherwise  
21 made accessible except: (1) to the person who is the subject of such  
22 data, information or record; or (2) if necessary to comply with a lawful  
23 court order, judicial warrant signed by a judge appointed pursuant to  
24 article III of the United States constitution, or subpoena for individ-  
25 ual data, information or records properly issued pursuant to the crimi-  
26 nal procedure law or the civil practice law and rules. Provided, howev-  
27 er, that nothing contained in this paragraph shall be deemed to preclude  
28 the exchange of such data, information or recorded images solely for the  
29 purpose of administering such authorized shared system or the exchange  
30 of anonymized trip and user demographic data for the purpose of managing  
31 the public right of way.

32 For the purposes of this subdivision, "personal information" shall  
33 mean information that identifies an individual, including but not limit-  
34 ed to name, address, telephone number, and the type and form of payment  
35 including credit card number, debit card number, or other payment meth-  
36 od.

37 § 4. This act shall take effect immediately.