

STATE OF NEW YORK

1910--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. ZINERMAN, AUBRY, HYNDMAN, OTIS -- Multi-Sponsored by -- M. of A. LEVENBERG -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring retailers of micromobility devices, bicycles with electric assist and limited use motorcycles powered by lithium-ion batteries, and lithium-ion batteries intended for use in such devices or bicycles to provide customers with an operating manual

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

1 Section 1. The general business law is amended by adding a new section
2 391-cc to read as follows:

3 § 391-cc. Sale of micromobility devices, bicycles with electric assist
4 and limited use motorcycles powered by lithium-ion batteries, and lithi-
5 um-ion batteries intended for use in such devices or bicycles. 1. As
6 used in this section, the following terms shall have the following mean-
7 ings:

8 (a) "lithium-ion battery" means a rechargeable battery with an organic
9 solvent electrolyte and positive and negative electrodes which utilize
10 an intercalation compound in which lithium is stored.

11 (b) "micromobility device" means an electric scooter as defined in
12 section one hundred fourteen-e of the vehicle and traffic law, an elec-
13 tric personal assistive mobility device as defined in section one
14 hundred fourteen-d of the vehicle and traffic law, or other personal
15 mobility device powered by a lithium-ion battery. The term micromobility
16 device shall not include bicycles with electric assist as defined by

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

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1 section one hundred two-c of the vehicle and traffic law, limited use
2 motorcycles as defined in section one hundred twenty-one-b of the vehi-
3 cle and traffic law, wheelchairs, or other electrically driven mobility
4 assistance devices as defined in section one hundred thirty-a of the
5 vehicle and traffic law, or any vehicle that is capable of being regis-
6 tered with the department of motor vehicles.

7 2. No person, firm, partnership, association or corporation shall sell
8 or offer for sale at retail any bicycles with electric assist as defined
9 in section one hundred two-c of the vehicle and traffic law powered by a
10 lithium-ion battery, micromobility devices powered by a lithium-ion
11 battery, limited use motorcycles as defined in section one hundred twen-
12 ty-one-b of the vehicle and traffic law powered by a lithium-ion
13 battery, or lithium-ion batteries intended for use in such bicycles with
14 electric assist, micromobility devices, or limited use motorcycles with-
15 out providing to the purchaser an operating manual for such bicycle with
16 electric assist, micromobility device, or limited use motorcycle, or for
17 such lithium-ion battery intended for use in a bicycle with electric
18 assist, micromobility device, or limited use motorcycle.

19 3. Such operating manual referred to in subdivision two of this
20 section shall be printed in English and the three most common non-Engl-
21 ish languages spoken by limited-English proficient individuals in the
22 state, based on the data in the most recent American Community Survey
23 published by the United States Census Bureau. The manual shall include
24 instructions on how to store and charge the battery, when and where to
25 charge the battery, and what to do if the battery overheats or leaks,
26 there is a strange odor or noise associated with the battery or there is
27 a change in the shape or color of the battery, and a website address
28 where the electronic version of such manual is available in English and
29 the twelve most common non-English languages spoken by limited-English
30 proficient individuals in the state, based on the data in the most
31 recent American Community Survey published by the United States Census
32 Bureau.

33 4. Violation of this section by the retail entity pursuant to subdivi-
34 sions two and three of this section shall be punishable by a fine of not
35 more than two hundred fifty dollars for the first offense and not more
36 than one thousand dollars for each subsequent offense.

37 5. This section shall not annul, alter, affect, or exempt any person,
38 firm, partnership, corporation, or association, subject to the
39 provisions of this section from complying with the laws, ordinances,
40 rules, or regulations of any locality, relating to the affixing, label-
41 ing, or provision of identification, safety, informational, or other
42 materials.

43 § 2. This act shall take effect on the one hundred eightieth day after
44 it shall have become a law. Effective immediately, the addition, amend-
45 ment and/or repeal of any rule or regulation necessary for the implemen-
46 tation of this act on its effective date are authorized to be made and
47 completed on or before such effective date.