STATE OF NEW YORK

3874

2023-2024 Regular Sessions

IN ASSEMBLY

February 8, 2023

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 cargo 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-c of the vehicle and traffic law, as added by section 1 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

§ 102-c. Bicycle with electric assist. A bicycle which is no more than thirty-six inches wide and has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq.**, except that the governing body of any city, town or village may, by local law, ordinance, order, rule, or regulation allow a bicycle with electric assist which is equipped with operable pedals and no more than forty-eight inches wide or has an electric motor of equal to or more than seven hundred fifty watts that is manufactured or modified for the purpose of transporting property in commerce and operated for that purpose and meets the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq.,** and meeting the requirements of one of the following [~~three~~] **four** classes:

(a) "Class one bicycle with electric assist." A bicycle with electric assist having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.

(b) "Class two bicycle with electric assist." A bicycle with electric assist having an electric motor that may be used exclusively to propel

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

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such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.

(c) "Class three bicycle with electric assist." Solely within a city having a population of one million or more, a bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

(d) "Cargo bicycle with electric assist." A bicycle designed to carry and deliver more than ten cubic feet of property, or a bicycle towing a trailer designed to carry property, with electric assist having an electric motor that provides assistance only when the person operating such bicycle is pedaling or that may be used exclusively to propel such bicycle, that is manufactured or modified for the purpose of transporting property in commerce and operated for such purpose. Every person riding a cargo bicycle with electric assist upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle and the rider of a bicycle by this title, except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application.

§ 2. Subdivisions 4 and 9 of section 1242 of the vehicle and traffic law, as added by section 8 of part XX of chapter 58 of the laws of 2020, are amended and a new subdivision 11-a is added to read as follows:

4. (a) No person shall operate a bicycle with electric assist on any public lands or property, other than a highway exclusive of any greenway running adjacent to or connected with a highway, except that a bicycle with electric assist may be operated on any such lands that have been designated and posted for travel by bicycles with electric assist in accordance with the provisions of paragraph (b) of this subdivision. For the purposes of this subdivision, the term "greenway" shall have the same meaning as such term is defined by subdivision seven of section 44-0103 of the environmental conservation law and subdivision one of section 39.03 of the parks, recreation and historic preservation law.

(b) A state agency, by regulation or order, and a city, town or village, by local law or ordinance, may designate any appropriate public lands and properties under its jurisdiction, other than highways exclusive of any greenway running adjacent to or connected with a highway, as a place open for travel by bicycles with electric assist upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of bicycles with electric assist on such public lands or property, such as travel on designated trails and hours of operation.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subdivision, no person shall operate a cargo bicycle with electric assist on any public lands or property, other than a highway exclusive of any greenway or park roadway running adjacent to or connected with a highway.

9. No person shall operate a class one or class two bicycle with electric assist in excess of twenty miles per hour. No person shall operate a class three bicycle with electric assist in excess of twenty-five miles per hour. **No person shall operate a cargo bicycle with electric assist in excess of twelve miles per hour unless otherwise authorized by local law, ordinance, order, rule, or regulation or pursuant to an agreement made on behalf of a city, town, or village.**

11-a. No person shall operate a cargo bicycle with electric assist unless it is accompanied by proof of financial security unless otherwise

authorized by local law, ordinance, order, rule, or regulation or pursuant to an agreement made on behalf of the city, town, or village.

§ 3. This act shall take effect immediately.