

# STATE OF NEW YORK

4938--C

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

Introduced by M. of A. DINOWITZ, RAGA, HEVESI, COLTON, BORES, SIMON, GLICK, SEAWRIGHT, OTIS, FAHY -- 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 -- again reported from said committee with amendments, 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 the manufacture and sale of lithium-ion batteries for use in light electric-powered vehicles or personal electric mobility devices

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 article  
2 28-G to read as follows:

3 ARTICLE 28-G

4 BATTERIES FOR MICROMOBILITY DEVICES, BICYCLES WITH ELECTRIC  
5 ASSIST, AND MOPEDS

6 Section 495. Definitions.

7 495-a. Sale of lithium-ion batteries and second-use lithium-ion  
8 batteries.

9 § 495. Definitions. As used in this article, the following terms shall  
10 have the following meanings:

11 1. "Lithium-ion battery" means a storage battery in which an elec-  
12 trical current is generated by lithium ions embedded in a carbon carbo-  
13 nate mixture or gelled polymer electrolyte.

14 2. "Second-use lithium-ion battery" means a lithium-ion battery that  
15 has been assembled, refurbished, repaired, repurposed or reconditioned  
16 using cells removed from used batteries.

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

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1 3. "Micromobility device" means an electric scooter as defined in  
2 section one hundred fourteen-e of the vehicle and traffic law, an elec-  
3 trical personal assistive mobility device as defined in section one  
4 hundred fourteen-d of the vehicle and traffic law, or other personal  
5 mobility device equipped with a lithium-ion or other storage battery,  
6 including, but not limited to, a skateboard, unicycle, or other similar  
7 wheeled device. The term "micromobility device" shall not include bicy-  
8 cles with electric assist as defined in section one hundred two-c of the  
9 vehicle and traffic law, wheelchairs or other electrically driven mobil-  
10 ity assistance devices as defined in section one hundred thirty-a of the  
11 vehicle and traffic law, or any vehicle that is capable of being regis-  
12 tered with the department of motor vehicles.

13 4. "Moped" means a limited use motorcycle as defined in section one  
14 hundred twenty-one-b of the vehicle and traffic law.

15 5. "Accredited testing laboratory" means a nationally recognized  
16 testing laboratory as recognized by the federal occupational safety and  
17 health administration or an independent laboratory that has been certi-  
18 fied by an accrediting body to ISO 17025 or ISO 17065.

19 § 495-a. Sale of lithium-ion batteries and second-use lithium-ion  
20 batteries. 1. (a) No person, firm, partnership, association, or corpo-  
21 ration shall manufacture, distribute, assemble, recondition, sell or  
22 offer for sale a lithium-ion battery or a second-use lithium-ion battery  
23 intended for use in a bicycle with electric assist as defined in section  
24 one hundred two-c of the vehicle and traffic law or for use in a moped  
25 unless the lithium-ion battery or second-use lithium-ion battery has  
26 been certified by an accredited testing laboratory for compliance with a  
27 battery standard referenced in UL 2849, UL 2271 or EN 15194, or such  
28 other safety standard approved by the department of state pursuant to  
29 regulation. Such certification or the logo, wordmark, or name of such  
30 accredited testing laboratory shall be displayed on packaging or  
31 documentation at the time of sale for the product or directly on the  
32 product itself.

33 (b) No person, firm, partnership, association, or corporation shall  
34 manufacture, distribute, assemble, recondition, sell or offer for sale a  
35 lithium-ion battery or a second-use lithium-ion battery intended for use  
36 in a micromobility device unless the lithium-ion battery or second-use  
37 lithium-ion battery has been certified by an accredited testing labora-  
38 tory for compliance with UL 2271 or UL 2272, or such other safety stand-  
39 ard approved by the department of state pursuant to regulation. Such  
40 certification or the logo, wordmark, or name of such accredited testing  
41 laboratory shall be displayed on packaging or documentation at the time  
42 of sale for the product or directly on the product itself.

43 2. A person who violates subdivision one of this section is liable for  
44 a civil penalty as follows:

45 (a) for the first violation, a civil penalty of not more than five  
46 hundred dollars; and

47 (b) for each subsequent violation issued for the same offense within  
48 two years of the date of a first violation, a civil penalty of not more  
49 than one thousand dollars.

50 3. Each failure to comply with subdivision one of this section with  
51 respect to each separate lithium-ion battery or second-use lithium-ion  
52 battery constitutes a separate violation.

53 4. The district attorney, county attorney, and the corporation counsel  
54 shall have concurrent authority to seek the relief in this section, and  
55 all civil penalties obtained in any such action shall be retained by  
56 such municipality or county.

1 5. The department of state may promulgate rules and regulations that  
2 provide for any additional acceptable safety standard relating to a  
3 lithium-ion battery or second-use lithium-ion battery.

4 6. Nothing contained in this section shall be deemed to authorize the  
5 operation of any bicycle with electric assist, moped, or micromobility  
6 device on public roads, private roads open to public motor vehicle traf-  
7 fic, or any parking lot unless the operation of such bicycle with elec-  
8 tric assist, moped, or micromobility device thereon is authorized pursu-  
9 ant to the provisions of the vehicle and traffic law and such bicycle  
10 with electric assist, moped, or micromobility device is in compliance  
11 with such law.

12 § 2. This act shall take effect on the ninetieth day after it shall  
13 have become a law.