STATE OF NEW YORK

5677

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. TAPIA, ALVAREZ -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law and the executive law, in relation to the sale, lease, rental, and storage of e-bikes and electric mobility devices

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

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

§ 391-cc. Sale, lease, rental, and storage of e-bikes and electric mobility devices. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "E-bike" shall mean a bicycle with electric assist as such term is defined by section one hundred two-c of the vehicle and traffic law.

(b) "Electric mobility device" means an electric scooter, as such term is defined by section one hundred fourteen-e of the vehicle and traffic law, or any other device used for personal mobility that is powered by a lithium-ion or other storage battery. The term "electric mobility device" shall not included e-bikes, wheelchairs, or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the department of motor vehicles.

(c) "Stock keeping unit" means each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety.

(d) "Office" shall mean the office of fire prevention and control established pursuant to article six-C of the executive law.

2. No person shall distribute, sell, lease, rent or offer for sale, lease, or rent, an e-bike unless:

(a) The electrical system for such e-bike has been certified by an accredited testing laboratory for compliance with Underwriters Laborato-

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

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ries standard 2849, or such other safety standard as the office has established by rule and/or regulation; and

(b) The certification or logo, wordmark, or name of such accredited testing laboratory is displayed:

(i) on the packaging or documentation provided at the time of sale, lease, or rental of such e-bike; or

(ii) directly on such e-bike or the battery of such e-bike.

3. No person shall distribute, sell, lease, rent or offer for sale, lease, or rent, an electric mobility device unless:

(a) The electrical system for such electric mobility device has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories standard 2272, or such other safety standard as the office has established by rule and/or regulation; and

(b) The certification or logo, wordmark, or name of such accredited testing laboratory is displayed:

(i) on the packaging or documentation provided at the time of sale, lease, or rental of such electric mobility device; or

(ii) directly on such electric mobility device or the battery of such electric mobility device.

4. No person shall distribute, sell, lease, rent or offer for sale, lease, or rent a storage battery for an e-bike or electric mobility device unless:

(a) Such storage battery has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories standard 2271, or such other safety standard as the office has established by rule and/or regulation; and

(b) The certification or logo, wordmark, or name of such accredited testing laboratory is displayed:

(i) on the packaging or documentation provided at the time of sale of such storage battery; or

(ii) directly on such storage battery.

5. No e-bike, electric mobility device, or storage battery for an e-bike or electric mobility device shall be required to display the certification or the logo, wordmark, or name of an accredited testing laboratory as required by subdivisions two, three or four of this section if such e-bike, electric mobility device, or storage battery:

(a) is being sold or leased second-hand, or is being rented; and

(b) does not include packaging, or does not include printed documentation, at the time of distribution, sale, lease, rent, or offer for sale, lease, or rent, as applicable.

6. (a) A person who violates any provision of this section, or any rule or regulation promulgated thereto, shall be liable for a civil penalty as follows:

(i) For a first violation, a civil penalty of zero dollars; and

(ii) For any subsequent violation issued for the same offense on a different day within two years of a first violation, a civil penalty of not more than one thousand dollars.

(b) Each failure to comply with a provision of this section with respect to any one stock keeping unit shall constitute a separate violation.

§ 2. Section 156 of the executive law is amended by adding a new subdivision 23 to read as follows:

23. Establish any rules and regulations the state fire administrator shall deem necessary to regulate the safe sale, lease, rental, and/or storage of e-bikes and electric mobility devices and the batteries therefor, and to effectuate the provisions of section three hundred

ninety-one-cc of the general business law. For the purposes of this subdivision, the terms "e-bike" and "electric mobility device" shall have the same meaning as defined by section three hundred ninety-one-cc of the general business law.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.