STATE OF NEW YORK

7833

2023-2024 Regular Sessions

IN ASSEMBLY

July 7, 2023

Introduced by M. of A. SIMONE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to registration and commercial operation of electric assist bicycles

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

Section 1. The vehicle and traffic law is amended by adding a new section 1244 to read as follows:

§ 1244. Registration of bicycles with electric assist. 1. Every bicycle with electric assist as defined in section one hundred two-c of this chapter which is used for commercial purposes shall be registered and issued a number plate by the department. No person shall operate a bicycle with electric assist for commercial purposes unless such bicycle with electric assist shall have a distinctive number assigned to it by the commissioner and a number plate issued by the commissioner with a number corresponding to that of the certificate of registration.

2. Such number plates shall be of such material, form, design and dimensions and contain or set forth such distinguishing number or other identification marks as the commissioner shall prescribe, provided, however, that there shall be at all times a marked contrast between the color of the number plates and that of the numerals or letters thereon.

3. Each such number plate shall be conspicuously displayed on the rear of the bicycle, securely fastened so as to prevent the same from swinging.

4. The fee for such number plates shall be determined by the commissioner.

§ 2. Subdivision 5 of section 1242 of the vehicle and traffic law is amended by adding a new paragraph (c) to read as follows:

(c) Where there is a violation of this subdivision by an operator of a bicycle with electric assist who is employed or retained as an independ-

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

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ent contractor to deliver goods in commerce, while in the course of such commercial use, the employer, or owner of the business whose goods are being delivered, or a third-party delivery platform which arranged such delivery, shall be liable for any fine imposed for such violation.

§ 3. Subdivisions a and g of section 10-157 of the administrative code of the city of New York, as amended by local law number 91 of the city of New York for the year 2017, are amended to read as follows:

a. For purposes of this section and section 10-157.1, the following terms have the following meanings:

Bicycle. The term "bicycle" has the same meaning as in section 19-176, and also means any wheeled device propelled exclusively by human power as well as any motor-assisted device [~~that is not capable of being registered by the New York state department of motor vehicles~~].

Bicycle operator. The term "bicycle operator" means a person who delivers packages, parcels, papers, or articles of any type by bicycle on behalf of a business using a bicycle for commercial purposes and who is paid by such business.

Business using a bicycle for commercial purposes. The term "business using a bicycle for commercial purposes" means a person, firm, partnership, joint venture, association, corporation, or other entity that, either on behalf of itself or others, delivers packages, parcels, papers, or articles of any type by bicycle. Nothing contained in this section shall be construed as applying to persons under the age of sixteen who use a bicycle only to deliver daily newspapers or circulars.

g. A business using a bicycle for commercial purposes shall be responsible for the compliance with the provisions of this section [~~of~~] and the provisions of subdivision five of section twelve hundred forty-two of the vehicle and traffic law by its bicycle operators. Violation of any of the provisions of this section by any such business, or of any of the rules or regulations that may be promulgated pursuant hereto, or the provisions of subdivision five of section twelve hundred forty-two of the vehicle and traffic law by its bicycle operators shall be a violation triable by a judge of the criminal court of the city of New York and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars nor more than two hundred fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition, any such business that violates any of the provisions of this section or any of the rules promulgated pursuant hereto, or the provisions of subdivision five of section twelve hundred forty-two of the vehicle and traffic law by its bicycle operators, shall be subject to a civil penalty of one hundred dollars. Any such business that violates a provision of this section or rule promulgated pursuant hereto more than thirty days after such business has already violated the same provision or rule shall be subject to an additional civil penalty of two hundred fifty dollars. Such civil penalties may be in addition to any criminal penalty imposed, and shall be recoverable against such business in an action or proceeding in any court or tribunal of competent jurisdiction or the environmental control board.

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