STATE OF NEW YORK

8291--A

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. EACHUS, GUNTHER, COLTON, JACOBSON, McDONOUGH, GRAY, DeSTEFANO, GONZALEZ-ROJAS, ZINERMAN, GALLAGHER, SAYEGH, CHANG, K. BROWN, SHIMSKY, REYES, SIMONE, TAYLOR, ARDILA, BENEDETTO, EPSTEIN, BEEPHAN, LEMONDES, HYNDMAN, BICHOTTE HERMELYN, LEVENBERG, FAHY, DAVILA, ROZIC, COOK, STECK, WOERNER -- read once and referred to the Committee on Consumer Affairs and Protection -- 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 retail premises of lithium-ion batteries, bicycles with electric assist, micromobility devices, and limited use motorcycles

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. Retail premises of lithium-ion batteries, bicycles with electric assist, micromobility devices, and limited use motorcycles. 1. As used in this section, the following terms shall have the following meanings:

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

(b) "micromobility device" means an electric scooter as defined in section one hundred fourteen-e of the vehicle and traffic law, an electric personal assistive mobility device as defined in section one hundred fourteen-d of the vehicle and traffic law, or other personal mobility device powered by a lithium-ion battery. The term micromobility device shall not include bicycles with electric assist as defined in section one hundred two-c of the vehicle and traffic law, limited use motorcycles as defined in section one hundred twenty-one-b of the vehi-

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

LBD13356-04-4

cle and traffic law, wheelchairs or other electrically driven mobility assistance devices as defined in section one hundred thirty-a of the vehicle and traffic law, or any vehicle that is capable of being registered with the department of motor vehicles.

2. Any individual, firm, partnership, association, or corporation, which operates a premises where bicycles with electric assist as defined in section one hundred two-c of the vehicle and traffic law, micromobility devices, limited use motorcycles as defined in section one hundred twenty-one-b of the vehicle and traffic law, or lithium-ion batteries are sold at retail, repaired, or housed in a storage facility shall maintain on such premises functional fire protection and suppression measures effective against lithium-ion battery and electrical fires, including but not limited to Class B extinguishers, battery cases, and automatic monitoring and detection. In the event of an electrical fire, such fire protection and suppression system shall have the capability of an immediate response to mitigate and contain the fire. Nothing in this section shall be construed to restrict a municipality from enforcing the provisions of this subdivision or further require additional fire protection and suppression measures.

3. Any lithium-ion batteries on the premises shall be required to be stored in battery cases outside of the hours of operation of such retailer and/or while in an unmanned facility during storage.

4. The department of state shall promulgate rules, regulations and standards deemed necessary to implement the provisions of this section on or before its effective date and, in conjunction with appropriate agencies, shall establish standards for the installation, operation and inspection of fire protection systems installed pursuant to the provisions of this section.

5. A knowing violation of this section shall be punishable by a fine not to exceed two hundred fifty dollars.

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