

# STATE OF NEW YORK

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8310

2023-2024 Regular Sessions

## IN ASSEMBLY

November 27, 2023

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

AN ACT to amend the general business law, in relation to the sale of bicycles and scooters with electric assist and/or bicycles and scooters that are electric powered

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 section  
2 391-cc to read as follows:

3 § 391-cc. Sale of bicycles and scooters with electric assist and/or  
4 bicycles and scooters that are electric powered. 1. No manufacturer  
5 shall sell or offer for sale any bicycles with electric assist and/or  
6 are electric powered or lithium-ion electric batteries or any scooters  
7 with electric assist and/or are electric powered or lithium-ion electric  
8 batteries to any firm, corporation, or person without supplying a notice  
9 to be affixed to such bicycle or scooter with electric assist and/or are  
10 electric powered by the retailer or customer. Such notice shall have an  
11 adhesive backing, be made from common materials used to affix other  
12 comparable notices or stickers to vehicles and be printed in English and  
13 the two most common non-English languages spoken in the state, based on  
14 the data in the most recent American Community Survey published by the  
15 United States Census Bureau. In addition to supplying one such notice  
16 with each bicycle or scooter with electric assist and/or are electric  
17 powered, such notices shall also be made available to any purchasing  
18 firm, corporation, or person upon request by the department of transpor-  
19 tation. Such notice shall read:

20 "NOTICE: In New York State, you cannot use this device on sidewalks or  
21 on highways with speed limits over 30 MPH unless there is a sign or  
22 public notice allowing it. Always yield to pedestrians and follow traf-  
23 fic rules. Additional rules may apply depending on the city, town, or  
24 village."

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

LBD13355-02-3

1 2. It shall be unlawful for any firm, corporation, or business entity  
2 regularly engaged in the business of selling bicycles or scooters with  
3 electric assist and/or are electric powered or lithium-ion electric  
4 batteries at retail to sell or offer to sell any such bicycles, scoot-  
5 ers, or batteries without having securely affixed a notice provided by  
6 the department of transportation as denoted in subdivision one of this  
7 section in a manner clearly visible without the aid of magnification or  
8 special devices.

9 3. The department of motor vehicles, in consultation with any and all  
10 appropriate state agencies and governing bodies, shall promulgate any  
11 rules and regulations necessary to implement the provisions of this  
12 section.

13 4. Violation of this section by the retail entity pursuant to subdivi-  
14 sion two of this section shall be punishable by a fine of not more than  
15 two hundred fifty dollars for the first offense and not more than one  
16 thousand dollars for each subsequent offense.

17 5. This section shall not annul, alter, affect, or exempt any person,  
18 firm, partnership, corporation, association, company, or organization  
19 subject to the provisions of this section from complying with the laws,  
20 ordinances, rules, or regulations of any locality, relating to the  
21 affixing, labeling, or provision of identification, safety, informa-  
22 tional, or other materials.

23 § 2. This act shall take effect on the one hundred eightieth day after  
24 it shall have become a law. Effective immediately, the addition, amend-  
25 ment and/or repeal of any rule or regulation necessary for the implemen-  
26 tation of this act on its effective date are authorized to be made and  
27 completed on or before such effective date.