STATE OF NEW YORK

8310--C

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. EACHUS, LEE, L. ROSENTHAL -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the general business law, in relation to the sale of bicycles with electric assist and micromobility 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 of bicycles with electric assist and micromobility devices. 1. As used in this section, "micromobility device" shall mean an electric scooter as defined in section one hundred fourteen-e of the vehicle and traffic law, an electrical personal assistive mobility device as defined in section one hundred fourteen-d of the vehicle and traffic law, or other personal mobility device that has an electric motor. The term micromobility device shall not include bicycles with electric assist as defined by 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 vehicle 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.

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

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2. No person, firm, partnership, association, or corporation shall sell or offer for sale at retail any bicycle with electric assist as defined by section one hundred two-c of the vehicle and traffic law or micromobility device to any person, firm, partnership, association, or corporation, without supplying a notice to be affixed to such bicycle with electric assist or micromobility device by the person, firm, partnership, association, or corporation. Such notice shall have an adhesive backing, be made from common materials used to affix other comparable notices or stickers to vehicles and be printed in English and the two most common non-English languages spoken in the state, based on the data in the most recent American Community Survey published by the United States Census Bureau. Such notice shall read:

"NOTICE: Always yield to pedestrians and follow traffic laws. Riding on the sidewalk may be illegal; consult local laws."

3. The department of state, in consultation with appropriate state agencies, shall promulgate rules and regulations necessary to implement the provisions of this section.

4. Violation of this section by the retail entity pursuant to subdivision two of this section shall be punishable by a fine of not more than two hundred fifty dollars per stocking unit for the first offense and not more than one thousand dollars per stocking unit for each subsequent offense.

5. This section shall not annul, alter, affect, or exempt any person, firm, partnership, corporation, or association, subject to the provisions of this section from complying with the laws, ordinances, rules, or regulations of any locality, relating to the affixing, labeling, or provision of identification, safety, informational, or other materials.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.