STATE OF NEW YORK

8838

IN ASSEMBLY

January 18, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to requiring license plates for certain bicycles with electric assist and electric scooters and requiring a person be eighteen years of age to operate or purchase bicycles with electric assist and electric scooters

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

Section 1. The article heading of article 34 of the vehicle and traffic law, as amended by chapter 694 of the laws of 1995, is amended to read as follows:

REGISTRATION AND OPERATION OF BICYCLES AND PLAY DEVICES

§ 2. The vehicle and traffic law is amended by adding two new sections 1244 and 1245 to read as follows:

§ 1244. Registration of certain bicycles with electric assist. 1. Every bicycle with electric assist which has an electric motor that does not cease to provide assistance when such bicycle or scooter reaches a speed of forty miles per hour shall be registered and issued a license plate by the department. No person shall operate such a bicycle with electric assist on the public highways 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 license 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, and provided further that no such bicycle with electric assist shall display the number plates of more than one state at a time, nor shall any plate be used other than those issued by the commissioner.

3. Each such license plate shall identify whether such bicycle with electric assist is personal or commercial in nature.

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

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4. Each such license plate shall be conspicuously displayed on the rear of the bicycle with electric assist, securely fastened so as to prevent the same from swinging.

5. The fee for such license plates shall be a nominal fee determined by the commissioner.

§ 1245. Sale of bicycles with electric assist. 1. No person shall sell a bicycle with electric assist to a person less than eighteen years of age.

2. No person shall accept as written evidence of age by any such person for the purchase of a bicycle with electric assist any document other than: (a) a valid driver's license or non-driver identification card issued by the commissioner of motor vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada; or (b) a valid passport issued by the United States government or any other country; or (c) an identification card issued by the armed forces of the United States.

3. Upon the sale of a bicycle with electric assist, the seller shall submit to the commissioner, in a form and manner as provided for by regulations promulgated by the commissioner, a copy of the written evidence of age provided by the purchaser.

§ 3. Subdivision 2 of section 1242 of the vehicle and traffic law, as added by section 8 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

2. No person less than [~~sixteen~~] **eighteen** years of age shall operate a bicycle with electric assist. The failure of any person to comply with the provisions of this subdivision shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

§ 4. The article heading of article 34-d of the vehicle and traffic law, as added by section 10 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

REGISTRATION AND OPERATION OF ELECTRIC SCOOTERS

§ 5. The vehicle and traffic law is amended by adding two new sections 1290 and 1291 to read as follows:

§ 1290. Registration of certain electric scooters. 1. Every electric scooter which has an electric motor that does not cease to provide assistance when such bicycle or scooter reaches a speed of forty miles per hour shall be registered and issued a license plate by the department. No person shall operate such an electric scooter on the public highways unless such electric scooter 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 license 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, and provided further that no such electric scooter shall display the number plates of more than one state at a time, nor shall any plate be used other than those issued by the commissioner.

3. Each such license plate shall identify whether such electric scooter is personal or commercial in nature.

4. Each such license plate shall be conspicuously displayed on the rear of the electric scooter, securely fastened so as to prevent the same from swinging.

5. The fee for such license plates shall be a nominal fee determined by the commissioner.

§ 1291. Sale of electric scooters. 1. No person shall sell an electric scooter to a person less than eighteen years of age.

2. No person shall accept as written evidence of age by any such person for the purchase of an electric scooter any document other than: (a) a valid driver's license or non-driver identification card issued by the commissioner of motor vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada; or (b) a valid passport issued by the United States government or any other country; or (c) an identification card issued by the armed forces of the United States.

3. Upon the sale of an electric scooter, the seller shall submit to the commissioner, in a form and manner as provided for by regulations promulgated by the commissioner, a copy of the written evidence of age provided by the purchaser.

§ 6. Subdivision 4 of section 1282 of the vehicle and traffic law, as added by section 10 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

4. No person less than [~~sixteen~~] **eighteen** years of age shall operate or ride as a passenger upon an electric scooter, and no person [~~sixteen~~] **eighteen** years of age or older shall allow any person less than [~~sixteen~~] **eighteen** years of age to operate or ride as a passenger upon such scooter.

§ 7. This act shall take effect on the first of January next succeeding the date on which 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.