

# 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:

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

4 REGISTRATION AND OPERATION OF BICYCLES AND PLAY DEVICES

5 § 2. The vehicle and traffic law is amended by adding two new sections  
6 1244 and 1245 to read as follows:

7 § 1244. Registration of certain bicycles with electric assist. 1.  
8 Every bicycle with electric assist which has an electric motor that does  
9 not cease to provide assistance when such bicycle or scooter reaches a  
10 speed of forty miles per hour shall be registered and issued a license  
11 plate by the department. No person shall operate such a bicycle with  
12 electric assist on the public highways unless such bicycle with electric  
13 assist shall have a distinctive number assigned to it by the commission-  
14 er and a number plate issued by the commissioner with a number corre-  
15 sponding to that of the certificate of registration.

16 2. Such license plates shall be of such material, form, design and  
17 dimensions and contain or set forth such distinguishing number or other  
18 identification marks as the commissioner shall prescribe, provided,  
19 however, that there shall be at all times a marked contrast between the  
20 color of the number plates and that of the numerals or letters thereon,  
21 and provided further that no such bicycle with electric assist shall  
22 display the number plates of more than one state at a time, nor shall  
23 any plate be used other than those issued by the commissioner.

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

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

LBD13112-01-3

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

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

6 § 1245. Sale of bicycles with electric assist. 1. No person shall sell  
7 a bicycle with electric assist to a person less than eighteen years of  
8 age.

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

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

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

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

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

35 REGISTRATION AND OPERATION OF ELECTRIC SCOOTERS

36 § 5. The vehicle and traffic law is amended by adding two new sections  
37 1290 and 1291 to read as follows:

38 § 1290. Registration of certain electric scooters. 1. Every electric  
39 scooter which has an electric motor that does not cease to provide  
40 assistance when such bicycle or scooter reaches a speed of forty miles  
41 per hour shall be registered and issued a license plate by the depart-  
42 ment. No person shall operate such an electric scooter on the public  
43 highways unless such electric scooter shall have a distinctive number  
44 assigned to it by the commissioner and a number plate issued by the  
45 commissioner with a number corresponding to that of the certificate of  
46 registration.

47 2. Such license plates shall be of such material, form, design and  
48 dimensions and contain or set forth such distinguishing number or other  
49 identification marks as the commissioner shall prescribe, provided,  
50 however, that there shall be at all times a marked contrast between the  
51 color of the number plates and that of the numerals or letters thereon,  
52 and provided further that no such electric scooter shall display the  
53 number plates of more than one state at a time, nor shall any plate be  
54 used other than those issued by the commissioner.

55 3. Each such license plate shall identify whether such electric scoot-  
56 er is personal or commercial in nature.

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

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

6 § 1291. Sale of electric scooters. 1. No person shall sell an electric  
7 scooter to a person less than eighteen years of age.

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

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

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

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

29 § 7. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law. Effective immediately,  
31 the addition, amendment and/or repeal of any rule or regulation neces-  
32 sary for the implementation of this act on its effective date are  
33 authorized to be made and completed on or before such effective date.