STATE OF NEW YORK

154--D

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. KRUEGER, CHU, FERNANDEZ, GIANARIS, GONZALEZ, GOUNARDES, HOYLMAN-SIGAL, JACKSON, LIU, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to the manufacture and sale of lithium-ion batteries for use in bicycles with electric assist or 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 article 28-G to read as follows:

ARTICLE 28-G

BATTERIES FOR MICROMOBILITY DEVICES

Section 495. Definitions.

495-a. Sale of lithium-ion batteries and second-use lithium-ion batteries.

§ 495. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Lithium-ion battery" means a storage battery in which an electrical current is generated by lithium ions embedded in a carbon carbonate mixture or gelled polymer electrolyte.

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

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2. "Second-use lithium-ion battery" means a lithium-ion battery that has been assembled, refurbished, repaired, repurposed or reconditioned using cells removed from used batteries.

3. "Micromobility device" means an electric scooter as defined in section one hundred fourteen-e of the vehicle and traffic law or other personal mobility device powered by a lithium-ion or other storage battery. The term "micromobility device" does not include bicycles with electric assist as defined in section one hundred two-c of the vehicle and traffic law, wheelchairs or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the department of motor vehicles.

4. "Accredited testing laboratory" means a nationally recognized testing laboratory as recognized by the federal occupational safety and health administration or an independent laboratory that has been certified by an accrediting body to ISO 17025 or ISO 17065.

§ 495-a. Sale of lithium-ion batteries and second-use lithium-ion batteries. 1. (a) No person shall distribute, assemble, recondition, sell or offer for sale a lithium-ion battery or a second-use lithium-ion battery intended for use in a bicycle with electric assist as defined in section one hundred two-c of the vehicle and traffic law unless the lithium-ion battery or second-use lithium-ion battery has been certified by an accredited testing laboratory for compliance with a battery standard referenced in UL 2849, UL 2271 or EN 15194, or such other safety standard approved by the department of state pursuant to regulation, and labeled accordingly.

(b) No person shall distribute, assemble, recondition, sell or offer for sale a lithium-ion battery or a second-use lithium-ion battery intended for use in a micromobility device unless the lithium-ion battery or second-use lithium-ion battery has been certified by an accredited testing laboratory for compliance with UL 2271 or UL 2272, or such other safety standard approved by the department of state pursuant to regulation, and labeled accordingly.

2. A person who violates subdivision one of this section is liable for a civil penalty as follows:

(a) for the first violation, a civil penalty of two hundred dollars; and

(b) for each subsequent violation issued for the same offense within two years of the date of a first violation, a civil penalty of not more than one thousand dollars.

3. Each failure to comply with subdivision one of this section with respect to each separate lithium-ion battery or second-use lithium-ion battery constitutes a separate violation.

4. The district attorney, county attorney, and the corporation counsel shall have concurrent authority to seek the relief in this section, and all civil penalties obtained in any such action shall be retained by such municipality or county.

5. The department of state may promulgate rules and regulations that provide for any additional acceptable safety standard relating to a lithium-ion battery or second-use lithium-ion battery.

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