

STATE OF NEW YORK

154--E

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 -- 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 light electric-powered vehicles or personal electric mobility devices

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 article
2 28-G to read as follows:

3 ARTICLE 28-G
4 BATTERIES FOR MICROMOBILITY DEVICES, BICYCLES WITH ELECTRIC
5 ASSIST, AND MOPEDS

6 Section 495. Definitions.

7 495-a. Sale of lithium-ion batteries and second-use lithium-ion
8 batteries.

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

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

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1 1. "Lithium-ion battery" means a storage battery in which an elec-
2 trical current is generated by lithium ions embedded in a carbon carbo-
3 nate mixture or gelled polymer electrolyte.

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

7 3. "Micromobility device" means an electric scooter as defined in
8 section one hundred fourteen-e of the vehicle and traffic law, an elec-
9 trical personal assistive mobility device as defined in section one
10 hundred fourteen-d of the vehicle and traffic law, or other personal
11 mobility device equipped with a lithium-ion or other storage battery,
12 including, but not limited to, a skateboard, unicycle, or other similar
13 wheeled device. The term "micromobility device" shall not include bicy-
14 cles with electric assist as defined in section one hundred two-c of the
15 vehicle and traffic law, wheelchairs or other electrically driven mobil-
16 ity assistance devices as defined in section one hundred thirty-a of the
17 vehicle and traffic law, or any vehicle that is capable of being regis-
18 tered with the department of motor vehicles.

19 4. "Moped" means a limited use motorcycle as defined in section one
20 hundred twenty-one-b of the vehicle and traffic law.

21 5. "Accredited testing laboratory" means a nationally recognized
22 testing laboratory as recognized by the federal occupational safety and
23 health administration or an independent laboratory that has been certi-
24 fied by an accrediting body to ISO 17025 or ISO 17065.

25 § 495-a. Sale of lithium-ion batteries and second-use lithium-ion
26 batteries. 1. (a) No person, firm, partnership, association, or corpo-
27 ration shall manufacture, distribute, assemble, recondition, sell or
28 offer for sale a lithium-ion battery or a second-use lithium-ion battery
29 intended for use in a bicycle with electric assist as defined in section
30 one hundred two-c of the vehicle and traffic law or for use in a moped
31 unless the lithium-ion battery or second-use lithium-ion battery has
32 been certified by an accredited testing laboratory for compliance with a
33 battery standard referenced in UL 2849, UL 2271 or EN 15194, or such
34 other safety standard approved by the department of state pursuant to
35 regulation. Such certification or the logo, wordmark, or name of such
36 accredited testing laboratory shall be displayed on packaging or
37 documentation at the time of sale for the product or directly on the
38 product itself.

39 (b) No person, firm, partnership, association, or corporation shall
40 manufacture, distribute, assemble, recondition, sell or offer for sale a
41 lithium-ion battery or a second-use lithium-ion battery intended for use
42 in a micromobility device unless the lithium-ion battery or second-use
43 lithium-ion battery has been certified by an accredited testing labora-
44 tory for compliance with UL 2271 or UL 2272, or such other safety stand-
45 ard approved by the department of state pursuant to regulation. Such
46 certification or the logo, wordmark, or name of such accredited testing
47 laboratory shall be displayed on packaging or documentation at the time
48 of sale for the product or directly on the product itself.

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

51 (a) for the first violation, a civil penalty of not more than five
52 hundred dollars; and

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

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

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

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

11 6. Nothing contained in this section shall be deemed to authorize the
12 operation of any bicycle with electric assist, moped, or micromobility
13 device on public roads, private roads open to public motor vehicle traf-
14 fic, or any parking lot unless the operation of such bicycle with elec-
15 tric assist, moped, or micromobility device thereon is authorized pursu-
16 ant to the provisions of the vehicle and traffic law and such bicycle
17 with electric assist, moped, or micromobility device is in compliance
18 with such law.

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