

STATE OF NEW YORK

7746--A

2023-2024 Regular Sessions

IN SENATE

November 13, 2023

Introduced by Sens. CHU, ADDABBO, GOUNARDES, KRUEGER, RAMOS, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 retail premises of lithium-ion batteries, bicycles with electric assist, micromobility devices, and limited use motorcycles

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 section
2 391-cc to read as follows:

3 § 391-cc. Retail premises of lithium-ion batteries, bicycles with
4 electric assist, micromobility devices, and limited use motorcycles. 1.
5 As used in this section, the following terms shall have the following
6 meanings:

7 (a) "lithium-ion battery" means a rechargeable battery with an organic
8 solvent electrolyte and positive and negative electrodes which utilize
9 an intercalation compound in which lithium is stored.

10 (b) "micromobility device" means an electric scooter as defined in
11 section one hundred fourteen-e of the vehicle and traffic law, an elec-
12 tric personal assistive mobility device as defined in section one
13 hundred fourteen-d of the vehicle and traffic law, or other personal
14 mobility device powered by a lithium-ion battery. The term micromobility
15 device shall not include bicycles with electric assist as defined in
16 section one hundred two-c of the vehicle and traffic law, limited use
17 motorcycles as defined in section one hundred twenty-one-b of the vehi-
18 cle and traffic law, wheelchairs or other electrically driven mobility
19 assistance devices as defined in section one hundred thirty-a of the

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

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1 vehicle and traffic law, or any vehicle that is capable of being regis-
2 tered with the department of motor vehicles.

3 2. Any individual, firm, partnership, association, or corporation,
4 which operates a premises where bicycles with electric assist as defined
5 in section one hundred two-c of the vehicle and traffic law, micromobil-
6 ity devices, limited use motorcycles as defined in section one hundred
7 twenty-one-b of the vehicle and traffic law, or lithium-ion batteries
8 are sold at retail, repaired, or housed in a storage facility shall
9 maintain on such premises functional fire protection and suppression
10 measures effective against lithium-ion battery and electrical fires,
11 including but not limited to Class B extinguishers, battery cases, and
12 automatic monitoring and detection. In the event of an electrical fire,
13 such fire protection and suppression system shall have the capability of
14 an immediate response to mitigate and contain the fire. Nothing in this
15 section shall be construed to restrict a municipality from enforcing the
16 provisions of this subdivision or further require additional fire
17 protection and suppression measures.

18 3. Any lithium-ion batteries on the premises shall be required to be
19 stored in battery cases outside of the hours of operation of such
20 retailer and/or while in an unmanned facility during storage.

21 4. The department of state shall promulgate rules, regulations and
22 standards deemed necessary to implement the provisions of this section
23 on or before its effective date and, in conjunction with appropriate
24 agencies, shall establish standards for the installation, operation and
25 inspection of fire protection systems installed pursuant to the
26 provisions of this section.

27 5. A knowing violation of this section shall be punishable by a fine
28 not to exceed two hundred fifty dollars.

29 § 2. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law.