

STATE OF NEW YORK

7746--B

Cal. No. 1079

2023-2024 Regular Sessions

IN SENATE

November 13, 2023

Introduced by Sens. CHU, ADDABBO, GOUNARDES, KRUEGER, RAMOS, SEPULVEDA, SKOUFIS, WEBB -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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) "battery case" means a metal container or cabinet specifically
8 designed and intended for the safe storage of lithium-ion batteries or
9 flammable materials;

10 (b) "lithium-ion battery" means a rechargeable battery with an organic
11 solvent electrolyte and positive and negative electrodes which utilize
12 an intercalation compound in which lithium is stored; and

13 (c) "micromobility device" means an electric scooter as defined in
14 section one hundred fourteen-e of the vehicle and traffic law, an elec-
15 tric personal assistive mobility device as defined in section one
16 hundred fourteen-d of the vehicle and traffic law, or other personal

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

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1 mobility device powered by a lithium-ion battery. The term micromobility
2 device shall not include bicycles with electric assist as defined in
3 section one hundred two-c of the vehicle and traffic law, limited use
4 motorcycles as defined in section one hundred twenty-one-b of the vehi-
5 cle and traffic law, wheelchairs or other electrically driven mobility
6 assistance devices as defined in section one hundred thirty-a of the
7 vehicle and traffic law, or any vehicle that is capable of being regis-
8 tered with the department of motor vehicles.

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

24 3. Except for lithium-ion batteries that are completely enclosed
25 within the frame of a bicycle with electric assist and are not removable
26 without disassembly or that are in original protective shipping contain-
27 ers that comply with UN3481 or UN3171 and are so marked, any lithium-ion
28 batteries on the premises shall be required to be stored in battery
29 cases outside of the hours of operation of such retailer and/or while in
30 an unmanned facility during storage.

31 4. The department of state shall promulgate rules, regulations and
32 standards deemed necessary to implement the provisions of this section
33 on or before its effective date and, in conjunction with appropriate
34 agencies, shall establish standards for battery cases and the installa-
35 tion, operation and inspection of fire protection systems installed
36 pursuant to the provisions of this section.

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

39 § 2. This act shall take effect one year after it shall have become a
40 law.