

STATE OF NEW YORK

9180

IN SENATE

May 2, 2024

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requiring bicycles with electric assist and electric scooters be inspected and registered with the department of motor vehicles and carry liability insurance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding two new
2 sections 1244 and 1245 to read as follows:

3 § 1244. Registration and inspection of bicycles with electric assist.

4 1. Every bicycle with electric assist as defined in section one hundred
5 two-c of this chapter shall be registered and issued a number plate by
6 the department. No person shall operate a bicycle with electric assist
7 unless such bicycle with electric assist shall have a distinctive number
8 assigned to it by the commissioner and a number plate issued by the
9 commissioner with a number corresponding to that of the certificate of
10 registration.

11 2. Such number plates shall be of such material, form, design and
12 dimensions and contain or set forth such distinguishing number or other
13 identification marks as the commissioner shall prescribe, provided,
14 however, that there shall be at all times a marked contrast between the
15 color of the number plates and that of the numerals or letters thereon.

16 3. Each such number plate shall be conspicuously displayed on the rear
17 of the bicycle, securely fastened so as to prevent the same from swing-
18 ing.

19 4. The fee for such number plates shall be determined by the commis-
20 sioner.

21 5. The commissioner shall require that every bicycle with electric
22 assist registered in this state be inspected annually and shall
23 prescribe the standards and the mechanisms to be inspected; provided
24 that the commissioner shall require that such inspection shall include
25 inspection of the battery. The commissioner shall prescribe rules for
26 the issuance of separate inspection certificates for the bicycle and

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

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1 the battery which shall contain the same serial number but which shall
2 indicate which component the certificate is for.

3 6. Where there is a violation of this section, the fine for such
4 violation shall be determined by the commissioner.

5 § 1245. Liability insurance. 1. A bicycle with electric assist regis-
6 tered under this article shall be covered by a policy of insurance, in
7 such language and form as shall be determined and established by the
8 superintendent of financial services, issued by an insurance carrier
9 authorized to do business in this state. Such policy shall provide for
10 coverage against loss from the liability imposed by law for damages,
11 including damages for care and loss of services, because of bodily inju-
12 ry to or death of any person and injury to or destruction of property
13 arising out of the ownership, maintenance, use, or operation of a bicy-
14 cle with electric assist as defined in section one hundred two-c of this
15 chapter, in such amounts as the superintendent shall prescribe.

16 2. Proof of insurance as required by this section shall be produced
17 and displayed by the owner or operator of such bicycle with electric
18 assist upon the request of any person having authority to enforce the
19 provisions of this chapter. The failure to produce such proof upon the
20 request of any such person shall not be an offense but shall be presump-
21 tive evidence that such bicycle with electric assist is being operated
22 without having such insurance in force and effect.

23 3. Proof of insurance as required by this section shall be produced
24 and displayed by the owner or operator of such bicycle with electric
25 assist to any person who has suffered or claims to have suffered either
26 personal injury or property damage as a result of the operation of such
27 bicycle with electric assist by the owner or operator, if such insurance
28 coverage was required under the circumstances of such operation. It
29 shall be an affirmative defense to any prosecution for a violation of
30 this subdivision that such proof was so produced or displayed within
31 twenty-four hours of receiving notice of such injury or damage, or the
32 claim of such injury or damage.

33 4. No owner of a bicycle with electric assist shall operate or permit
34 the same to be operated anywhere in this state other than on lands of
35 the owner of the bicycle with electric assist without having in full
36 force and effect the liability insurance coverage required by this
37 section, and no person shall operate a bicycle with electric assist
38 anywhere in this state other than on lands of the owner of the bicycle
39 with electric assist with the knowledge that such insurance is not in
40 full force and effect.

41 § 2. The vehicle and traffic law is amended by adding two new sections
42 1290 and 1291 to read as follows:

43 § 1290. Registration and inspection of electric scooters. 1. Every
44 electric scooter, of any class, as defined in section one hundred four-
45 teen-e of this chapter shall be registered and issued a number plate by
46 the department. No person shall operate an electric scooter unless such
47 device shall have a distinctive number assigned to it by the commis-
48 sioner and a number plate issued by the commissioner with a number corre-
49 sponding to that of the certificate of registration.

50 2. Such number plates shall be of such material, form, design and
51 dimensions and contain or set forth such distinguishing number or other
52 identification marks as the commissioner shall prescribe, provided,
53 however, that there shall be at all times a marked contrast between the
54 color of the number plates and that of the numerals or letters thereon.

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

4 4. The fee for such number plates shall be determined by the commis-
5 sioner.

6 5. The commissioner shall require that every electric scooter in this
7 state be inspected annually and shall prescribe the standards and the
8 mechanisms to be inspected; provided that the commissioner shall require
9 that such inspection shall include inspection of the battery. The
10 commissioner shall prescribe rules for the issuance of separate
11 inspection certificates for the scooter and the battery which shall
12 contain the same serial number but which shall indicate which component
13 the certificate is for.

14 6. Where there is a violation of this section, the fine for such
15 violation shall be determined by the commissioner.

16 § 1291. Liability insurance. 1. An electric scooter which is operated
17 anywhere other than on lands of the owner of such electric scooter shall
18 be covered by a policy of insurance, in such language and form as shall
19 be determined and established by the superintendent of financial
20 services, issued by an insurance carrier authorized to do business in
21 this state. Such policy shall provide for coverage against loss from the
22 liability imposed by law for damages, including damages for care and
23 loss of services, because of bodily injury to or death of any person and
24 injury to or destruction of property arising out of the ownership, main-
25 tenance, use, or operation of an electric scooter as defined in section
26 one hundred fourteen-e of this chapter, in such amounts as the super-
27 intendent shall prescribe.

28 2. Proof of insurance as required by this section shall be produced
29 and displayed by the owner or operator of such electric scooter upon the
30 request of any person having authority to enforce the provisions of this
31 chapter. The failure to produce such proof upon the request of any such
32 person shall not be an offense but shall be presumptive evidence that
33 such electric scooter is being operated without having such insurance in
34 force and effect.

35 3. Proof of insurance as required by this section shall be produced
36 and displayed by the owner or operator of such electric scooter to any
37 person who has suffered or claims to have suffered either personal inju-
38 ry or property damage as a result of the operation of such electric
39 scooter by the owner or operator, if such insurance coverage was
40 required under the circumstances of such operation. It shall be an
41 affirmative defense to any prosecution for a violation of this subdivi-
42 sion that such proof was so produced or displayed within twenty-four
43 hours of receiving notice of such injury or damage, or the claim of such
44 injury or damage.

45 4. No owner of an electric scooter shall operate or permit the same to
46 be operated anywhere in this state other than on lands of the owner of
47 the electric scooter without having in full force and effect the liabil-
48 ity insurance coverage required by this section, and no person shall
49 operate an electric scooter anywhere in this state other than on lands
50 of the owner of the electric scooter with the knowledge that such insur-
51 ance is not in full force and effect.

52 § 3. This act shall take effect immediately.