STATE OF NEW YORK

9209

IN SENATE

May 6, 2024

Introduced by Sen. ADDABBO -- 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 the regulation of the operation of motorized scooters

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

Section 1. The vehicle and traffic law is amended by adding a new section 123-a to read as follows:

§ 123-a. Motorized scooter. Any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power, and is not a bicycle with electric assist, electric scooter, motorcycle, wheelchair, or electrically driven mobility assistance device.

§ 2. Section 125 of the vehicle and traffic law, as amended by section 3 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

§ 125. Motor vehicles. Every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except (a) electrically-driven mobility assistance devices operated or driven by a person with a disability, (a-1) electric personal assistive mobility devices operated outside a city with a population of one million or more, (b) vehicles which run only upon rails or tracks, (c) snowmobiles as defined in article forty-seven of this chapter, (d) all terrain vehicles as defined in article forty-eight-B of this chapter, (e) bicycles with electric assist as defined in section one hundred two-c of this article, [~~and~~] (f) electric scooters as defined in section one hundred fourteen-e of this article**, and (g) motorized scooters as defined in section one hundred twenty-three-a of this article**. For the purposes of title four of this chapter, the term motor vehicle shall exclude fire and police vehicles other than ambulances. For the purposes of titles four and five of this chapter the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire,

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

LBD14890-02-4

farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

§ 3. The vehicle and traffic law is amended by adding a new article 34-E to read as follows:

ARTICLE 34-E

OPERATION OF MOTORIZED SCOOTERS

Section 1290. Effect of regulations.
1291. Traffic laws apply to persons operating motorized scooters; local laws.
1292. Operating motorized scooters.
1293. Clinging to vehicles.
1294. Riding on roadways, shoulders, and lanes reserved for non-motorized vehicles and devices.
1295. Lamps and other equipment.
1296. Operators to wear protective headgear.
1297. Leaving the scene of an incident involving a motorized scooter without reporting in the second degree.
1298. Leaving the scene of an incident involving a motorized scooter without reporting in the first degree.
1299. Operation of a motorized scooter while under the influence of alcohol or drugs.
1300. Registration and inspection of motorized scooters.
1301. Liability insurance.

§ 1290. Effect of regulations. 1. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

2. These regulations applicable to motorized scooters shall apply whenever a motorized scooter is operated upon any highway, upon private roads open to public motor vehicle traffic and upon any path set aside for the exclusive use of bicycles, in-line skates, electric scooters, motorized scooters or all.

§ 1291. Traffic laws apply to persons operating motorized scooters; local laws. 1. Every person riding a motorized scooter upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle and the rider of a bicycle by this title, except as to special regulations in this article and except as to those provisions of this title which by their nature can have no application.

2. (a) Except as provided in paragraphs (b) and (c) of this subdivision, the governing body of any city, town or village may, by local law or ordinance, further regulate the time, place and manner of the operation of motorized scooters, including, but not limited to, maximum speed, requiring the use of protective headgear, and the wearing of readily visible reflective clothing or material by operators of motorized scooters, and may limit, prohibit the use thereof in specified areas, or prohibit entirely the use of motorized scooters within such city, town, or village, provided that adequate signage is visibly posted outside the boundaries of such prohibited areas.

(b) The governing body of any city, town or village in the counties of Nassau or Suffolk may, by local law or ordinance, further regulate the time, place and manner of the operation of motorized scooters, including, but not limited to, maximum speed, requiring the use of protective headgear, and the wearing of readily visible reflective clothing or material by operators of motorized scooters only after adoption of a

local law or ordinance by the governing body of the county in which the city, town or village is located. Provided, however, that the provisions of this paragraph shall not apply to the adoption of a local law or ordinance by a city, town or village in the counties of Nassau or Suffolk pursuant to the provisions of paragraph (a) of this subdivision to prohibit the use of motorized scooters in specified areas, or prohibit entirely the use of motorized scooters within such city, town or village, provided that adequate signage is visibly posted outside the boundaries of such prohibited areas.

(c) The governing body of any town or village in the county of Westchester may, by local law or ordinance, further regulate the time, place and manner of the operation of motorized scooters, including, but not limited to, maximum speed, requiring the use of protective headgear, and the wearing of readily visible reflective clothing or material by operators of motorized scooters only after adoption of a local law or ordinance by the governing body of Westchester county. Provided, however, that the provisions of this paragraph shall not apply to the adoption of a local law or ordinance by a town or village in the county of Westchester pursuant to the provisions of paragraph (a) of this subdivision to prohibit the use of motorized scooters in specified areas, or prohibit entirely the use of motorized scooters within such town or village, provided that adequate signage is visibly posted outside the boundaries of such prohibited areas.

3. No person shall operate a motorized scooter unless such operation is in compliance with the provisions of this chapter, and any regulation or order or local law or ordinance adopted pursuant to this article.

§ 1292. Operating motorized scooters. 1. No motorized scooter shall be used to carry more than one person at one time. No person operating an motorized scooter shall carry any person as a passenger in a pack fastened to the operator or fastened to the motorized scooter. The failure of any person to comply with the provisions of this subdivision shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

2. No person operating a motorized scooter shall carry any package, bundle or article which prevents the operator from keeping at least one hand upon the handlebars or which obstructs such operator's vision in any direction.

3. Every person operating a motorized scooter shall yield the right of way to pedestrians.

4. No person less than sixteen years of age shall operate or ride as a passenger upon a motorized scooter, and no person sixteen years of age or older shall allow any person less than sixteen years of age to operate or ride as a passenger upon such scooter.

5. Except as may be otherwise provided by local law, ordinance, order, rule or regulation enacted or promulgated pursuant to this article, a motorized scooter may only be operated on highways with a posted speed limit of thirty miles per hour or less, including non-interstate public highways, private roads open to motor vehicle traffic, and designated bicycle or in-line skate lanes.

6. No person shall operate a motorized scooter in excess of fifteen miles per hour.

7. (a) No person shall operate a motorized scooter on a sidewalk, except as may be authorized by a local law or ordinance adopted by a city, town or village having jurisdiction over such sidewalk including

parking on certain sidewalks within such city, town or village in compliance with the federal Americans with Disabilities Act of 1990, as amended (Public Law 101-336).

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, a motorized scooter owned by a natural person where the owner is engaged in personal use may park on a sidewalk whether attended or unattended, provided however that no person shall park a motorized scooter pursuant to this paragraph in a manner that interferes with the free passage of pedestrians on a sidewalk. A city, town or village having jurisdiction over such sidewalk shall provide a method by which a motorized scooter owned by a natural person may be identified as such.

8. (a) No person shall operate a motorized scooter on any public lands or property, other than a highway exclusive of any greenway running adjacent to or connected with a highway, except that a motorized scooter may be operated on any such lands that have been designated and posted for travel by motorized scooters in accordance with the provisions of paragraph (b) of this subdivision. For the purposes of this subdivision, the term "greenway" shall have the same meaning as such term is defined by subdivision seven of section 44-0103 of the environmental conservation law and subdivision one of section 39.03 of the parks, recreation and historic preservation law.

(b) A state agency, by regulation or order, and a city, town or village, by local law or ordinance, may designate any appropriate public lands and properties under its jurisdiction, other than highways exclusive of any greenway running adjacent to or connected with a highway, as a place open for travel by motorized scooters upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of motorized scooters on such public lands or property, such as travel on designated trails and hours of operation.

9. (a) No person, firm, association or corporation engaged in the business of selling or leasing motorized scooters shall sell or lease any motorized scooter on or after June first, two thousand twenty-five unless such motorized scooter has permanently affixed thereto, in a prominent location, a manufacturer's label which shall include the following information: the maximum motor-assisted speed, the number of persons for which such motorized scooter is designed and equipped, and motor wattage of such motorized scooter, if applicable. Manufacturers and distributors of motorized scooters shall, by April first, two thousand twenty-five, establish a process by which an owner of a motorized scooter may request and obtain a manufacturer's label providing the maximum motor-assisted speed, the number of persons for which such motorized scooter is designed and equipped, and motor wattage applicable to the motorized scooter, if applicable, purchased prior to June first, two thousand twenty-five and installation instructions from such manufacturers and distributors.

(b) No person shall operate a motorized scooter on any public highway or street in this state after June first, two thousand twenty-five unless such motorized scooter has permanently affixed thereto, in a prominent location, a manufacturer's label providing the maximum motor-assisted speed, the number of persons for which such motorized scooter is designed and equipped, and motor wattage of such motorized scooter. Any person who violates the provisions of this paragraph shall be punished by a civil fine of up to fifty dollars. The court shall waive any fine for which a person who violates the provisions of this paragraph would be liable if such person supplies the court with proof that,

between the date on which such person is charged with having violated this paragraph and the appearance date for such violation, a manufacturer's label was affixed to the motorized scooter as required by this paragraph. Provided, however, that such waiver of fine shall not apply to a second or subsequent conviction under this paragraph.

10. (a) The governing body of any city, town or village may, by local law, ordinance, order, rule or regulation, authorize and regulate shared motorized scooter systems within such city, town or village. No such shared systems shall operate within a city, town or village except as authorized by such local law, ordinance, order, rule or regulation. No such shared motorized scooter system shall operate on public highways in a county with a population of no less than one million five hundred eighty-five thousand and no more than one million five hundred eighty-seven thousand as of the two thousand ten decennial census. For the purposes of this subdivision, the term shared motorized scooter system shall mean a network of self-service and publicly available motorized scooters, and related infrastructure, in which a motorized scooter trip begins and/or ends on any public highway.

(b) Notwithstanding any other provision of law to the contrary, all trip data, personal information, images, videos, and other recorded images collected by any shared motorized scooter system which is authorized to operate within a city, town or village pursuant to this section: (i) shall be for the exclusive use of such shared motorized scooter system and shall not be sold, distributed or otherwise made available for any commercial purpose and (ii) shall not be disclosed or otherwise made accessible except: (1) to the person who is the subject of such data, information or record; or (2) if necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States constitution, or subpoena for individual data, information or records properly issued pursuant to the criminal procedure law or the civil practice law and rules. Provided, however, that nothing contained in this paragraph shall be deemed to preclude the exchange of such data, information or recorded images solely for the purpose of administering such authorized shared system.

For the purposes of this subdivision, "personal information" shall mean information that identifies an individual, including but not limited to name, address, telephone number, and the type and form of payment including credit card number, debit card number, or other payment method.

11. A violation of the provisions of subdivision one, two, three, four, six, or seven of this section shall result in a civil fine not to exceed fifty dollars.

12. A police officer shall only issue a summons for a violation of this section by a person less than sixteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than sixteen years of age.

§ 1293. Clinging to vehicles. 1. No person operating a motorized scooter shall attach such scooter, or themself, to any vehicle being operated upon a roadway.

2. No vehicle operator shall knowingly permit any person to attach any motorized scooter, or themself, to such operator's vehicle in violation of subdivision one of this section.

§ 1294. Riding on roadways, shoulders, and lanes reserved for non-motorized vehicles and devices. 1. Upon all roadways, any motorized scooter shall be operated either on a usable bicycle or in-line skate lane or, if a usable bicycle or in-line skate lane has not been provided, near the right-hand curb or edge of the roadway or upon a usable right-hand shoulder in such a manner as to prevent undue interference with the flow of traffic except when preparing for a left turn or when reasonably necessary to avoid conditions that would make it unsafe to continue along near the right-hand curb or edge. Conditions to be taken into consideration include, but are not limited to, fixed or moving objects, vehicles, bicycles, in-line skates, pedestrians, animals, surface hazards or traffic lanes too narrow for a person operating a motorized scooter and a vehicle to travel safely side-by-side within the lane.

2. Persons operating motorized scooters upon a roadway shall ride single file. Persons operating motorized scooters upon a shoulder, bicycle or in-line skate lane, or bicycle or in-line skate path intended for the use of bicycles, in-line skates or motorized scooters may ride two or more abreast if sufficient space is available, except that when passing a vehicle, bicycle, motorized personal assistive mobility device, person on in-line skates or pedestrian standing or proceeding along such shoulder, lane or path, persons operating motorized scooters shall operate such scooters single file.

3. Any person operating a motorized scooter who is entering a roadway from a private road, driveway, alley or over a curb shall come to a full stop before entering the roadway.

§ 1295. Lamps and other equipment. 1. Every motorized scooter when in use during the period from one-half hour after sunset to one-half hour before sunrise shall be equipped with a lamp on the front which shall emit a white light visible during hours of darkness from a distance of at least five hundred feet to the front and with a red light visible to the rear for three hundred feet. At least one such light shall be visible for two hundred feet from each side.

2. No person shall operate a motorized scooter unless such scooter is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a motorized scooter shall not be equipped with nor shall any person use upon a motorized scooter any siren or whistle.

3. Every motorized scooter shall be equipped with a brake that enables the operator to bring the motorized scooter to a controlled stop.

§ 1296. Operators to wear protective headgear. 1. No person sixteen or seventeen years of age shall ride upon, propel or otherwise operate a motorized scooter unless such person is wearing a helmet meeting standards established by the commissioner pursuant to the provisions of subdivision two-a of section twelve hundred thirty-eight of this title. As used in this subdivision, wearing a helmet means having a properly fitting helmet fixed securely on the head of such wearer with the helmet straps securely fastened.

2. Any person who violates the provisions of subdivision one of this section shall pay a civil fine not to exceed fifty dollars.

3. The court shall waive any fine for which a person who violates the provisions of subdivision one of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet, which meets the requirements of subdivision one of this section, or if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic

hardship such person was unable to obtain a helmet from the statewide in-line skate and bicycle helmet distribution program, as established in section two hundred six of the public health law or a local distribution program. Such waiver of fine shall not apply to a second or subsequent violation of subdivision one of this section.

4. The failure of any person to comply with the provisions of this section shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

§ 1297. Leaving the scene of an incident involving a motorized scooter without reporting in the second degree. 1. Any person age eighteen years or older operating a motorized scooter who, knowing or having cause to know, that physical injury, as defined in subdivision nine of section 10.00 of the penal law, has been caused to another person, due to the operation of such motorized scooter by such person, shall, before leaving the place where such physical injury occurred, stop, and provide their name and residence, including street and street number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then such person shall report such incident as soon as physically able to the nearest police station or judicial officer.

2. Leaving the scene of an incident involving a motorized scooter without reporting in the second degree is a violation.

§ 1298. Leaving the scene of an incident involving a motorized scooter without reporting in the first degree. 1. Any person age eighteen years or older operating an motorized scooter who, knowing or having cause to know, that serious physical injury, as defined in subdivision ten of section 10.00 of the penal law, has been caused to another person, due to the operation of such motorized scooter by such person, shall, before leaving the place where such serious physical injury occurred, stop, and provide their name and residence, including street and street number, to the injured party, if practical, and also to a police officer, or in the event that no police officer is in the vicinity of the place of said injury, then such person shall report said incident as soon as physically able to the nearest police station or judicial officer.

2. Leaving the scene of an incident involving a motorized scooter without reporting in the first degree is a class B misdemeanor.

§ 1299. Operation of a motorized scooter while under the influence of alcohol or drugs. 1. Offenses; criminal penalties. (a) Operating a motorized scooter while ability impaired. No person shall operate a motorized scooter while the person's ability to operate such motorized scooter is impaired by the consumption of alcohol.

(i) A violation of this paragraph shall be a traffic infraction and shall be punishable by a fine of not more than three hundred dollars, or by imprisonment in a penitentiary or county jail for not more than fifteen days, or by both such fine and imprisonment.

(ii) A person who operates a motorized scooter in violation of this paragraph after having been convicted of a violation of any paragraph of this subdivision within the preceding five years shall be punished by a fine of not more than seven hundred fifty dollars, or by imprisonment of not more than thirty days in a penitentiary or county jail or by both such fine and imprisonment.

(iii) A person who operates a motorized scooter in violation of this paragraph after being convicted two or more times of a violation of any paragraph of this subdivision within the preceding ten years shall be

guilty of a misdemeanor, and shall be punished by a fine of not more than one thousand dollars, or by imprisonment of not more than one hundred eighty days in a penitentiary or county jail or by both such fine and imprisonment.

(b) Operating a motorized scooter while intoxicated; per se. No person shall operate an motorized scooter while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of subdivision five of this section.

(c) Operating a motorized scooter while intoxicated. No person shall operate a motorized scooter while in an intoxicated condition.

(d) Operating a motorized scooter while ability impaired by drugs. No person shall operate a motorized scooter while the person's ability to operate such motorized scooter is impaired by the use of a drug as defined in this chapter.

(e) Operating a motorized scooter while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs. No person shall operate a motorized scooter while the person's ability to operate such motorized scooter is impaired by the combined influence of drugs or of alcohol and any drug or drugs.

(f) Penalty. (i) A violation of paragraph (b), (c), (d) or (e) of this subdivision shall be a misdemeanor and shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in a penitentiary or county jail for not more than one year, or by both such fine and imprisonment.

(ii) A person who operates a motorized scooter in violation of paragraph (b), (c), (d) or (e) of this subdivision after having been convicted of a violation of paragraph (b), (c), (d) or (e) of this subdivision within the preceding ten years shall be guilty of a class E felony, and shall be punished by a fine of not more than one thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.

(iii) A person who operates a motorized scooter in violation of paragraph (b), (c), (d) or (e) of this subdivision after having been convicted of a violation of paragraph (b), (c), (d) or (e) of this subdivision two or more times within the preceding ten years shall be guilty of a class E felony, and shall be punished by a fine of not more than four thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.

2. Certain sentences prohibited. Notwithstanding any provisions of the penal law, no judge or magistrate shall impose a sentence of unconditional discharge for a violation of paragraph (b), (c), (d) or (e) of subdivision one of this section.

3. Sentencing: previous convictions. When sentencing a person for a violation of paragraph (b), (c), (d) or (e) of subdivision one of this section pursuant to subparagraph (ii) of paragraph (f) of subdivision one of this section, the court shall consider any prior convictions the person may have for a violation of subdivision two, two-a, three, four, or four-a of section eleven hundred ninety-two of this title within the preceding ten years. When sentencing a person for a violation of paragraph (b), (c), (d) or (e) of subdivision one of this section pursuant to subparagraph (iii) of paragraph (f) of subdivision one of this section, the court shall consider any prior convictions the person may have for a violation of subdivision two, two-a, three, four, or four-a of section eleven hundred ninety-two of this title within the preceding

ten years. When sentencing a person for a violation of subparagraph (ii) of paragraph (a) of subdivision one of this section, the court shall consider any prior convictions the person may have for a violation of any subdivision of section eleven hundred ninety-two of this title within the preceding five years. When sentencing a person for a violation of subparagraph (iii) of paragraph (a) of subdivision one of this section, the court shall consider any prior convictions the person may have for a violation of any subdivision of section eleven hundred ninety-two of this title within the preceding ten years.

4. Arrest and field testing. (a) Arrest. Notwithstanding the provisions of section 140.10 of the criminal procedure law, a police officer may, without a warrant, arrest a person, in case of a violation of any paragraph of subdivision one of this section, if such violation is coupled with an accident or collision in which such person is involved, which in fact had been committed, though not in the police officer's presence, when the officer has reasonable cause to believe that the violation was committed by such person. For the purposes of this subdivision, police officer shall also include a peace officer authorized to enforce this chapter when the alleged violation constitutes a crime.

(b) Field testing. Every person operating a motorized scooter which has been involved in an accident shall, at the request of a police officer, submit to a breath test to be administered by the police officer. If such test indicates that such operator has consumed alcohol, the police officer may request such operator to submit to a chemical test in the manner set forth in subdivision five of this section.

5. Chemical tests; when authorized. A police officer may request any person who operates a motorized scooter in this state to consent to a chemical test of one or more of the following: breath, blood, urine, or saliva, for the purpose of determining the alcoholic and/or drug content of such person's blood, provided that such test is administered at the direction of a police officer with respect to a chemical test of breath, urine or saliva or, with respect to a chemical test of blood, at the direction of a police officer: (a) having reasonable grounds to believe such person to have been operating in violation of paragraph (a), (b), (c), (d) or (e) of subdivision one of this section and within two hours after such person has been placed under arrest for any such violation; or (b) within two hours after a breath test, as provided in paragraph (b) of subdivision four of this section, indicates that alcohol has been consumed by such person and in accordance with the rules and regulations established by the police force of which the officer is a member.

6. Testing procedures. (a) Persons authorized to withdraw blood; immunity; testimony. (i) At the request of a police officer, the following persons may withdraw blood for the purpose of determining the alcoholic or drug content therein: (A) a physician, a registered professional nurse, a registered physician assistant, a certified nurse practitioner, or an advanced emergency medical technician as certified by the department of health; or (B) under the supervision and at the direction of a physician, registered physician assistant or certified nurse practitioner acting within their lawful scope of practice, or upon the express consent of the person eighteen years of age or older from whom such blood is to be withdrawn: a clinical laboratory technician or clinical laboratory technologist licensed pursuant to article one hundred sixty-five of the education law; a phlebotomist; or a medical laboratory technician or medical technologist employed by a clinical laboratory approved under title five of article five of the public health law. This

limitation shall not apply to the taking of a urine, saliva or breath specimen.

(ii) No person entitled to withdraw blood pursuant to subparagraph one of this paragraph or hospital employing such person, and no other employer of such person shall be sued or held liable for any act done or omitted in the course of withdrawing blood at the request of a police officer pursuant to this section.

(iii) Any person who may have a cause of action arising from the withdrawal of blood as aforesaid, for which no personal liability exists under subparagraph (ii) of this paragraph, may maintain such action against the state if any person entitled to withdraw blood pursuant to this paragraph acted at the request of a police officer employed by the state, or against the appropriate political subdivision of the state if such person acted at the request of a police officer employed by a political subdivision of the state. No action shall be maintained pursuant to this subparagraph unless notice of claim is duly filed or served in compliance with law.

(iv) Notwithstanding subparagraphs (i), (ii) and (iii) of this paragraph an action may be maintained by the state or a political subdivision thereof against a person entitled to withdraw blood pursuant to subparagraph (i) of this paragraph or hospital employing such person for whose act or omission the state or the political subdivision has been held liable under this paragraph to recover damages, not exceeding the amount awarded to the claimant, that may have been sustained by the state or the political subdivision by reason of gross negligence or bad faith on the part of such person.

(v) The testimony of any person other than a physician, entitled to withdraw blood pursuant to subparagraph (i) of this paragraph, in respect to any such withdrawal of blood made by such person may be received in evidence with the same weight, force and effect as if such withdrawal of blood were made by a physician.

(vi) The provisions of subparagraphs (ii), (iii) and (iv) of this paragraph shall also apply with regard to any person employed by a hospital as security personnel for any act done or omitted in the course of withdrawing blood at the request of a police officer pursuant to this section.

(b) Right to additional test. The person tested shall be permitted to choose a physician to administer a chemical test in addition to the one administered at the direction of the police officer.

(c) Rules and regulations. The department of health shall issue and file rules and regulations approving satisfactory techniques or methods of conducting chemical analyses of a person's blood, urine, breath or saliva and to ascertain the qualifications and competence of individuals to conduct and supervise chemical analyses of a person's blood, urine, breath or saliva. If the analyses were made by an individual possessing a permit issued by the department of health, this shall be presumptive evidence that the examination was properly given. The provisions of this paragraph do not prohibit the introduction as evidence of an analysis made by an individual other than a person possessing a permit issued by the department of health.

7. Chemical test evidence. (a) Admissibility. Upon the trial of any such action or proceeding arising out of actions alleged to have been committed by any person arrested for a violation of any paragraph of subdivision one of this section, the court shall admit evidence of the amount of alcohol or drugs in the defendant's blood as shown by a test

administered pursuant to the provisions of subdivision five of this section.

(b) Probative value. The following effect shall be given to evidence of blood-alcohol content, as determined by such tests, of a person arrested for a violation of subdivision one of this section:

(i) evidence that there was .05 of one per centum or less by weight of alcohol in such person's blood shall be prima facie evidence that the ability of such person to operate a motorized scooter was not impaired by the consumption of alcohol, and that such person was not in an intoxicated condition;

(ii) evidence that there was more than .05 of one per centum but less than .07 of one per centum by weight of alcohol in such person's blood shall be prima facie evidence that such person was not in an intoxicated condition, but such evidence shall be relevant evidence, but shall not be given prima facie effect, in determining whether the ability of such person to operate a motorized scooter was impaired by the consumption of alcohol; and

(iii) evidence that there was .07 of one per centum or more but less than .08 of one per centum by weight of alcohol in such person's blood shall be prima facie evidence that such person was not in an intoxicated condition, but such evidence shall be given prima facie effect in determining whether the ability of such person to operate a motorized scooter was impaired by the consumption of alcohol.

8. Where applicable. The provisions of this section shall apply upon public highways, private roads open to motor vehicle traffic, any other parking lot, and sidewalks. For the purposes of this section "parking lot" shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more motor vehicles. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one or two family residence.

9. Enforcement upon crash. Notwithstanding any provision of this section, no part of this section may be enforced unless in conjunction with a crash involving an operator of a motorized scooter. For the purposes of this subdivision, "crash" shall mean colliding with a vehicle, person, building or other object.

§ 1300. Registration and inspection of motorized scooters. 1. Every motorized scooter, of any class, as defined in section one hundred twenty-three-a of this chapter shall be registered and issued a number plate by the department. No person shall operate a motorized scooter unless such device shall have a distinctive number assigned to it by the commissioner and a number plate issued by the commissioner with a number corresponding to that of the certificate of registration.

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

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

4. The fee for such number plates shall be determined by the commissioner.

5. The commissioner shall require that every motorized scooter in this state be inspected annually and shall prescribe the standards and the mechanisms to be inspected; provided that the commissioner shall require that such inspection shall include inspection of any battery. The commissioner shall prescribe rules for the issuance of separate inspection certificates for the scooter and such battery which shall contain the same serial number but which shall indicate which component the certificate is for.

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

§ 1301. Liability insurance. 1. A motorized scooter which is operated anywhere other than on lands of the owner of such motorized scooter shall be covered by a policy of insurance, in such language and form as shall be determined and established by the superintendent of financial services, issued by an insurance carrier authorized to do business in this state. Such policy shall provide for coverage against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a motorized scooter as defined in section one hundred twenty-three-a of this chapter, in such amounts as the superintendent shall prescribe.

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

3. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such motorized scooter to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such motorized scooter by the owner or operator, if such insurance coverage was required under the circumstances of such operation. It shall be an affirmative defense to any prosecution for a violation of this subdivision that such proof was so produced or displayed within twenty-four hours of receiving notice of such injury or damage, or the claim of such injury or damage.

4. No owner of a motorized scooter shall operate or permit the same to be operated anywhere in this state other than on lands of the owner of the motorized scooter without having in full force and effect the liability insurance coverage required by this section, and no person shall operate a motorized scooter anywhere in this state other than on lands of the owner of the motorized scooter with the knowledge that such insurance is not in full force and effect.

§ 4. This act shall take effect immediately; provided, however, that section three of this act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.