STATE OF NEW YORK

1910--B

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. ZINERMAN, AUBRY, HYNDMAN, OTIS -- Multi-Sponsored by -- M. of A. LEVENBERG -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requiring retailers of micromobility devices, bicycles with electric assist and limited use motorcycles powered by lithium-ion batteries, and lithium-ion batteries intended for use in such devices or bicycles to provide customers with an operating manual

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

Section 1. The general business law is amended by adding a new section 391-cc to read as follows:

§ 391-cc. Sale of micromobility devices, bicycles with electric assist and limited use motorcycles powered by lithium-ion batteries, and lithium-ion batteries intended for use in such devices or bicycles. 1. As used in this section, the following terms shall have the following meanings:

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

(b) "micromobility device" means an electric scooter as defined in section one hundred fourteen-e of the vehicle and traffic law, an electric personal assistive mobility device as defined in section one hundred fourteen-d of the vehicle and traffic law, or other personal mobility device powered by a lithium-ion battery. The term micromobility device shall not include bicycles with electric assist as defined by

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

LBD01426-04-4

section one hundred two-c of the vehicle and traffic law, limited use motorcycles as defined in section one hundred twenty-one-b of the vehicle and traffic law, wheelchairs, or other electrically driven mobility assistance devices as defined in section one hundred thirty-a of the vehicle and traffic law, or any vehicle that is capable of being registered with the department of motor vehicles.

2. No person, firm, partnership, association or corporation shall sell or offer for sale at retail any bicycles with electric assist as defined in section one hundred two-c of the vehicle and traffic law powered by a lithium-ion battery, micromobility devices powered by a lithium-ion battery, limited use motorcycles as defined in section one hundred twenty-one-b of the vehicle and traffic law powered by a lithium-ion battery, or lithium-ion batteries intended for use in such bicycles with electric assist, micromobility devices, or limited use motorcycles without providing to the purchaser an operating manual for such bicycle with electric assist, micromobility device, or limited use motorcycle, or for such lithium-ion battery intended for use in a bicycle with electric assist, micromobility device, or limited use motorcycle.

3. Such operating manual referred to in subdivision two of this section shall be printed in English and the three most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by the United States Census Bureau. The manual shall include instructions on how to store and charge the battery, when and where to charge the battery, and what to do if the battery overheats or leaks, there is a strange odor or noise associated with the battery or there is a change in the shape or color of the battery, and a website address where the electronic version of such manual is available in English and the twelve most common non-English languages spoken by limited-English proficient individuals in the state, based on the data in the most recent American Community Survey published by the United States Census Bureau.

4. Violation of this section by the retail entity pursuant to subdivisions two and three of this section shall be punishable by a fine of not more than two hundred fifty dollars for the first offense and not more than one thousand dollars for each subsequent offense.

5. This section shall not annul, alter, affect, or exempt any person, firm, partnership, corporation, or association, subject to the provisions of this section from complying with the laws, ordinances, rules, or regulations of any locality, relating to the affixing, labeling, or provision of identification, safety, informational, or other materials.

§ 2. This act shall take effect on the one hundred eightieth 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.