

# STATE OF NEW YORK

4938--D

R. R. 18

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

Introduced by M. of A. DINOWITZ, RAGA, HEVESI, COLTON, BORES, SIMON, GLICK, SEAWRIGHT, OTIS, FAHY, LEE, WEPRIN, PRETLOW, FALL, L. ROSENTHAL, LUPARDO, PHEFFER AMATO, ARDILA -- 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 -- again reported from said committee with amendments, 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 -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Rules -- ordered to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the special order of third reading

AN ACT to amend the general business law, in relation to the manufacture and sale of lithium-ion batteries for use in light electric-powered vehicles, personal electric mobility 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 article  
2 28-G to read as follows:

3 ARTICLE 28-G  
4 BATTERIES FOR MICROMOBILITY DEVICES, BICYCLES WITH ELECTRIC  
5 ASSIST, AND LIMITED USE MOTORCYCLES

6 Section 495. Definitions.

7 495-a. Sale of lithium-ion batteries and second-use lithium-ion  
8 batteries.

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

LBD08938-09-4

1 § 495. Definitions. As used in this article, the following terms shall  
2 have the following meanings:

3 1. "Lithium-ion battery" means a rechargeable battery with an organic  
4 solvent electrolyte and positive and negative electrodes which utilize  
5 an intercalation compound in which lithium is stored.

6 2. "Second-use lithium-ion battery" means a lithium-ion battery that  
7 has been assembled, refurbished, repaired, repurposed or reconditioned  
8 using cells removed from used batteries.

9 3. "Micromobility device" means an electric scooter as defined in  
10 section one hundred fourteen-e of the vehicle and traffic law, an elec-  
11 trical personal assistive mobility device as defined in section one  
12 hundred fourteen-d of the vehicle and traffic law, or other personal  
13 mobility device powered by a lithium-ion battery, including but not  
14 limited to a skateboard or unicycle. The term "micromobility device"  
15 shall not include bicycles with electric assist as defined in section  
16 one hundred two-c of the vehicle and traffic law, limited use motorcy-  
17 cles as defined in section one hundred twenty-one-b of the vehicle and  
18 traffic law, wheelchairs or other electrically driven mobility assist-  
19 ance devices as defined in section one hundred thirty-a of the vehicle  
20 and traffic law, or any vehicle that is capable of being registered with  
21 the department of motor vehicles.

22 4. "Accredited testing laboratory" means a nationally recognized  
23 testing laboratory as recognized by the federal occupational safety and  
24 health administration or an independent laboratory that has been certi-  
25 fied by an accrediting body to ISO 17025 or ISO 17065.

26 § 495-a. Sale of lithium-ion batteries and second-use lithium-ion  
27 batteries. 1. (a) No person, firm, partnership, association, or corpo-  
28 ration shall manufacture, distribute, assemble, recondition, sell or  
29 offer for sale, lease, or rent a lithium-ion battery or a second-use  
30 lithium-ion battery either as part of or intended for use in a bicycle  
31 with electric assist as defined in section one hundred two-c of the  
32 vehicle and traffic law or for use in a limited use motorcycle as  
33 defined in section one hundred twenty-one-b of the vehicle and traffic  
34 law unless the lithium-ion battery or second-use lithium-ion battery has  
35 been certified by an accredited testing laboratory for compliance with a  
36 battery standard referenced in UL 2849, UL 2271 or EN 15194, or such  
37 other safety standard approved by the department of state pursuant to  
38 regulation. Such certification or the logo, wordmark, or name of such  
39 accredited testing laboratory shall be displayed on packaging or  
40 documentation at the time of sale for the product and directly on the  
41 product itself.

42 (b) No person, firm, partnership, association, or corporation shall  
43 manufacture, distribute, assemble, recondition, sell or offer for sale,  
44 lease, or rent a lithium-ion battery or a second-use lithium-ion battery  
45 either as part of or intended for use in a micromobility device unless  
46 the lithium-ion battery or second-use lithium-ion battery has been  
47 certified by an accredited testing laboratory for compliance with UL  
48 2271 or UL 2272, or such other safety standard approved by the depart-  
49 ment of state pursuant to regulation. Such certification or the logo,  
50 wordmark, or name of such accredited testing laboratory shall be  
51 displayed on packaging or documentation at the time of sale for the  
52 product and directly on the product itself.

53 2. A person who violates subdivision one of this section is liable for  
54 a civil penalty as follows:

55 (a) for the first violation, a civil penalty of not more than five  
56 hundred dollars; and

1 (b) for each subsequent violation issued for the same offense within  
2 two years of the date of a first violation, a civil penalty of not more  
3 than one thousand dollars.

4 3. Each failure to comply with subdivision one of this section with  
5 respect to each separate lithium-ion battery or second-use lithium-ion  
6 battery constitutes a separate violation.

7 4. The district attorney, county attorney, and the corporation counsel  
8 shall have concurrent authority to seek the relief in this section, and  
9 all civil penalties obtained in any such action shall be retained by  
10 such municipality or county.

11 5. The department of state may promulgate rules and regulations that  
12 provide for any additional acceptable safety standard relating to a  
13 lithium-ion battery or second-use lithium-ion battery.

14 6. Nothing contained in this section shall be deemed to authorize the  
15 operation of any bicycle with electric assist, limited use motorcycle,  
16 or micromobility device on public roads, private roads open to public  
17 motor vehicle traffic, or any parking lot unless the operation of such  
18 bicycle with electric assist, limited use motorcycles, or micromobility  
19 device thereon is authorized pursuant to the provisions of the vehicle  
20 and traffic law and such bicycle with electric assist, limited use  
21 motorcycle, or micromobility device is in compliance with such law.

22 § 2. This act shall take effect on the ninetieth day after it shall  
23 have become a law.