

# STATE OF NEW YORK

7833

2023-2024 Regular Sessions

## IN ASSEMBLY

July 7, 2023

Introduced by M. of A. SIMONE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to registration and commercial operation of electric assist bicycles

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 a new  
2 section 1244 to read as follows:

3 § 1244. Registration of bicycles with electric assist. 1. Every bicy-  
4 cle with electric assist as defined in section one hundred two-c of this  
5 chapter which is used for commercial purposes shall be registered and  
6 issued a number plate by the department. No person shall operate a bicy-  
7 cle with electric assist for commercial purposes unless such bicycle  
8 with electric assist shall have a distinctive number assigned to it by  
9 the commissioner and a number plate issued by the commissioner with a  
10 number corresponding to that of the certificate of 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 § 2. Subdivision 5 of section 1242 of the vehicle and traffic law is  
22 amended by adding a new paragraph (c) to read as follows:

23 (c) Where there is a violation of this subdivision by an operator of a  
24 bicycle with electric assist who is employed or retained as an independ-

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

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1 ent contractor to deliver goods in commerce, while in the course of such  
2 commercial use, the employer, or owner of the business whose goods are  
3 being delivered, or a third-party delivery platform which arranged such  
4 delivery, shall be liable for any fine imposed for such violation.

5 § 3. Subdivisions a and g of section 10-157 of the administrative  
6 code of the city of New York, as amended by local law number 91 of the  
7 city of New York for the year 2017, are amended to read as follows:

8 a. For purposes of this section and section 10-157.1, the following  
9 terms have the following meanings:

10 Bicycle. The term "bicycle" has the same meaning as in section 19-176,  
11 and also means any wheeled device propelled exclusively by human power  
12 as well as any motor-assisted device [~~that is not capable of being~~  
13 ~~registered by the New York state department of motor vehicles~~].

14 Bicycle operator. The term "bicycle operator" means a person who  
15 delivers packages, parcels, papers, or articles of any type by bicycle  
16 on behalf of a business using a bicycle for commercial purposes and who  
17 is paid by such business.

18 Business using a bicycle for commercial purposes. The term "business  
19 using a bicycle for commercial purposes" means a person, firm, partner-  
20 ship, joint venture, association, corporation, or other entity that,  
21 either on behalf of itself or others, delivers packages, parcels,  
22 papers, or articles of any type by bicycle. Nothing contained in this  
23 section shall be construed as applying to persons under the age of  
24 sixteen who use a bicycle only to deliver daily newspapers or circulars.

25 g. A business using a bicycle for commercial purposes shall be respon-  
26 sible for the compliance with the provisions of this section [~~of~~] and  
27 the provisions of subdivision five of section twelve hundred forty-two  
28 of the vehicle and traffic law by its bicycle operators. Violation of  
29 any of the provisions of this section by any such business, or of any of  
30 the rules or regulations that may be promulgated pursuant hereto, or the  
31 provisions of subdivision five of section twelve hundred forty-two of  
32 the vehicle and traffic law by its bicycle operators shall be a  
33 violation triable by a judge of the criminal court of the city of New  
34 York and upon conviction thereof shall be punishable by a fine of not  
35 less than one hundred dollars nor more than two hundred fifty dollars or  
36 imprisonment for not more than fifteen days or both such fine and impri-  
37 sonment. In addition, any such business that violates any of the  
38 provisions of this section or any of the rules promulgated pursuant  
39 hereto, or the provisions of subdivision five of section twelve hundred  
40 forty-two of the vehicle and traffic law by its bicycle operators, shall  
41 be subject to a civil penalty of one hundred dollars. Any such business  
42 that violates a provision of this section or rule promulgated pursuant  
43 hereto more than thirty days after such business has already violated  
44 the same provision or rule shall be subject to an additional civil  
45 penalty of two hundred fifty dollars. Such civil penalties may be in  
46 addition to any criminal penalty imposed, and shall be recoverable  
47 against such business in an action or proceeding in any court or tribu-  
48 nal of competent jurisdiction or the environmental control board.

49 § 4. This act shall take effect on the ninetieth day after it shall  
50 have become a law.