STATE OF NEW YORK

7982--A

2023-2024 Regular Sessions

IN ASSEMBLY

August 18, 2023

Introduced by M. of A. DE LOS SANTOS, SEAWRIGHT -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to requiring license plates and liability insurance for electric scooters and limited use motorcycles in cities having a population of one million or more; and to amend the insurance law, in relation to requiring liability insurance for electric scooters and limited use motorcycles in cities having a population of one million or more

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

Section 1. This act shall be known and may be cited as the "scooter and moped authorization and responsible transportation (SMART) on the streets act".

§ 2. The article heading of article 34-D of the vehicle and traffic law, as added by section 10 of part XX of chapter 58 of the laws of 2020, is amended to read as follows:

REGISTRATION AND OPERATION OF ELECTRIC SCOOTERS **AND LIMITED USE MOTORCYCLES**

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

§ 1290. Registration of electric scooters and limited use motorcycles. 1. In a city having a population of one million or more, every electric scooter as defined in section one hundred fourteen-e of this chapter and every limited use motorcycle as defined in section one hundred twenty-one-b of this chapter shall be registered and issued a license plate by the department. In a city having a population of one million or more, no person shall operate an electric scooter or limited use motorcycle on the public highways unless such electric scooter or limited use motorcycle shall have a distinctive number assigned to it by the commissioner

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

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and a number plate issued by the commissioner with a number corresponding to that of the certificate of registration.

2. Such license 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, and provided further that no electric scooter or limited use motorcycle shall display the number plates of more than one state at a time, nor shall any plate be used other than those issued by the commissioner.

3. Each such license plate shall be conspicuously displayed on the rear of the electric scooter or limited use motorcycle, securely fastened so as to prevent the same from swinging.

4. The fee for such license plates shall be a nominal fee determined by the commissioner.

§ 1291. Liability insurance. 1. In a city having a population of one million or more, every electric scooter as defined in section one hundred fourteen-e of this chapter and every limited use motorcycle as defined in section one hundred twenty-one-b of this chapter that is operated on public roads or on property other than on lands of the owner of the scooter or limited use motorcycle 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 coverages required of an "owner's policy of liability insurance" as set forth in paragraph (a) of subdivision four of section three hundred eleven of this chapter. In lieu of such insurance coverage as hereinabove provided, the commissioner, in his or her discretion and upon application of a governmental agency having registered in its name one or more electric scooters or limited use motorcycles, may waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance, when he or she is satisfied that such governmental agency is possessed of financial ability to respond to judgments obtained against it, arising out of the ownership, use or operation of such electric scooters or limited use motorcycles. The commissioner may also waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance upon application of any person or any other corporation, having registered in its name, one or more electric scooters or limited use motorcycles and furnishing of proof that a certificate of self-insurance has been issued and is in effect pursuant to the provisions of section three hundred sixteen of this chapter.

2. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of such electric scooter or limited use motorcycle upon the request of any magistrate or 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 electric scooter or limited use motorcycle 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 electric scooter or limited use motorcycle 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 electric scooter or limited use motorcycle 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 an electric scooter or limited use motorcycle shall operate or permit the same to be operated anywhere in this state other than on lands of the owner of the electric scooter or limited use motorcycle without having in full force and effect the liability insurance coverage required by this section, and no person shall operate an electric scooter or limited use motorcycle anywhere in this state other than on lands of the owner of the electric scooter or limited use motorcycle with the knowledge that such insurance is not in full force and effect.

§ 4. Subsection (f) of section 5103 of the insurance law, as amended by chapter 402 of the laws of 1986, is amended to read as follows:

(f) Every owner's policy of liability insurance issued on a motorcycle, electric scooter or limited use motorcycle or an all terrain vehicle in satisfaction of the requirements of article six or eight of the vehicle and traffic law, section twelve hundred ninety-one of such law, or section twenty-four hundred seven of such law shall also provide for; every owner who maintains another form of financial security on a motorcycle, electric scooter or limited use motorcycle or an all terrain vehicle in satisfaction of the requirements of such articles or [~~section~~] sections shall be liable for; and every owner of a motorcycle, electric scooter or limited use motorcycle or an all terrain vehicle required to be subject to the provisions of this article by subdivision two of section three hundred twenty-one of such law shall be liable for; the payment of first party benefits to persons, other than the occupants of such motorcycle, electric scooter or limited use motorcycle or all terrain vehicle, another motorcycle, electric scooter or limited use motorcycle or all terrain vehicle, or any motor vehicle, for loss arising out of the use or operation of the motorcycle, electric scooter or limited use motorcycle or all terrain vehicle within this state. Every insurer and self-insurer may exclude from the coverage required by this subsection a person who intentionally causes his own injury or is injured while committing an act which would constitute a felony or while seeking to avoid lawful apprehension or arrest by a law enforcement officer.

§ 5. 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.