

# STATE OF NEW YORK

8291--B

2023-2024 Regular Sessions

## IN ASSEMBLY

November 27, 2023

Introduced by M. of A. EACHUS, GUNTHER, COLTON, JACOBSON, McDONOUGH, GRAY, DeSTEFANO, GONZALEZ-ROJAS, ZINERMAN, GALLAGHER, SAYEGH, CHANG, K. BROWN, SHIMSKY, REYES, SIMONE, TAYLOR, ARDILA, BENEDETTO, EPSTEIN, BEEPHAN, LEMONDES, HYNDMAN, BICHOTTE HERMELYN, LEVENBERG, FAHY, DAVILA, ROZIC, COOK, STECK, WOERNER, LEE, RAGA, L. ROSENTHAL, SIMON -- read once and referred to the Committee on Consumer Affairs and Protection -- 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 -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the general business law, in relation to retail premises of lithium-ion batteries, bicycles with electric assist, micromobility 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 section  
2 391-cc to read as follows:  
3 § 391-cc. Retail premises of lithium-ion batteries, bicycles with  
4 electric assist, micromobility devices, and limited use motorcycles. 1.  
5 As used in this section, the following terms shall have the following  
6 meanings:  
7 (a) "battery case" means a metal container or cabinet specifically  
8 designed and intended for the safe storage of lithium-ion batteries or  
9 flammable materials;  
10 (b) "lithium-ion battery" means a rechargeable battery with an organic  
11 solvent electrolyte and positive and negative electrodes which utilize  
12 an intercalation compound in which lithium is stored; and

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

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1 (c) "micromobility device" means an electric scooter as defined in  
2 section one hundred fourteen-e of the vehicle and traffic law, an elec-  
3 tric personal assistive mobility device as defined in section one  
4 hundred fourteen-d of the vehicle and traffic law, or other personal  
5 mobility device powered by a lithium-ion battery. The term micromobility  
6 device shall not include bicycles with electric assist as defined in  
7 section one hundred two-c of the vehicle and traffic law, limited use  
8 motorcycles as defined in section one hundred twenty-one-b of the vehi-  
9 cle and traffic law, wheelchairs or other electrically driven mobility  
10 assistance devices as defined in section one hundred thirty-a of the  
11 vehicle and traffic law, or any vehicle that is capable of being regis-  
12 tered with the department of motor vehicles.

13 2. Any individual, firm, partnership, association, or corporation,  
14 which operates a premises where bicycles with electric assist as defined  
15 in section one hundred two-c of the vehicle and traffic law, micromobil-  
16 ity devices, limited use motorcycles as defined in section one hundred  
17 twenty-one-b of the vehicle and traffic law, or lithium-ion batteries  
18 are sold at retail, repaired, or housed in a storage facility shall  
19 maintain on such premises functional fire protection and suppression  
20 measures effective against lithium-ion battery and electrical fires,  
21 including but not limited to Class B extinguishers, battery cases, and  
22 automatic monitoring and detection. In the event of an electrical fire,  
23 such fire protection and suppression system shall have the capability of  
24 an immediate response to mitigate and contain the fire. Nothing in this  
25 section shall be construed to restrict a municipality from enforcing the  
26 provisions of this subdivision or further require additional fire  
27 protection and suppression measures.

28 3. Except for lithium-ion batteries that are completely enclosed  
29 within the frame of a bicycle with electric assist and are not removable  
30 without disassembly or that are in original protective shipping contain-  
31 ers that comply with UN3481 or UN3171 and are so marked, any lithium-ion  
32 batteries on the premises shall be required to be stored in battery  
33 cases outside of the hours of operation of such retailer and/or while in  
34 an unmanned facility during storage.

35 4. The department of state shall promulgate rules, regulations and  
36 standards deemed necessary to implement the provisions of this section  
37 on or before its effective date and, in conjunction with appropriate  
38 agencies, shall establish standards for battery cases and the installa-  
39 tion, operation and inspection of fire protection systems installed  
40 pursuant to the provisions of this section.

41 5. A knowing violation of this section shall be punishable by a fine  
42 not to exceed two hundred fifty dollars.

43 § 2. This act shall take effect one year after it shall have become a  
44 law.