STATE OF NEW YORK

8310

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. EACHUS -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the sale of bicycles and scooters with electric assist and/or bicycles and scooters that are electric powered

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 bicycles and scooters with electric assist and/or bicycles and scooters that are electric powered. 1. No manufacturer shall sell or offer for sale any bicycles with electric assist and/or are electric powered or lithium-ion electric batteries or any scooters with electric assist and/or are electric powered or lithium-ion electric batteries to any firm, corporation, or person without supplying a notice to be affixed to such bicycle or scooter with electric assist and/or are electric powered by the retailer or customer. Such notice shall have an adhesive backing, be made from common materials used to affix other comparable notices or stickers to vehicles and be printed in English and the two most common non-English languages spoken in the state, based on the data in the most recent American Community Survey published by the United States Census Bureau. In addition to supplying one such notice with each bicycle or scooter with electric assist and/or are electric powered, such notices shall also be made available to any purchasing firm, corporation, or person upon request by the department of transportation. Such notice shall read:

"NOTICE: In New York State, you cannot use this device on sidewalks or on highways with speed limits over 30 MPH unless there is a sign or public notice allowing it. Always yield to pedestrians and follow traffic rules. Additional rules may apply depending on the city, town, or village."

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

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2. It shall be unlawful for any firm, corporation, or business entity regularly engaged in the business of selling bicycles or scooters with electric assist and/or are electric powered or lithium-ion electric batteries at retail to sell or offer to sell any such bicycles, scooters, or batteries without having securely affixed a notice provided by the department of transportation as denoted in subdivision one of this section in a manner clearly visible without the aid of magnification or special devices.

3. The department of motor vehicles, in consultation with any and all appropriate state agencies and governing bodies, shall promulgate any rules and regulations necessary to implement the provisions of this section.

4. Violation of this section by the retail entity pursuant to subdivision two 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, association, company, or organization 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.