STATE OF NEW YORK

9114

IN ASSEMBLY

February 7, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to requiring bicycles with electric assist and electric scooters be inspected and registered with the department of motor vehicles and carry liability insurance

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

Section 1. The vehicle and traffic law is amended by adding two new sections 1244 and 1245 to read as follows:

§ 1244. Registration and inspection of bicycles with electric assist. 1. Every bicycle with electric assist as defined in section one hundred two-c of this chapter shall be registered and issued a number plate by the department. No person shall operate a bicycle with electric assist unless such bicycle with electric assist shall have a distinctive number assigned to it by the commissioner and a number plate issued by the commissioner with a number corresponding to that of the certificate of registration.

2. Such number 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.

3. Each such number plate shall be conspicuously displayed on the rear of the bicycle, securely fastened so as to prevent the same from swinging.

4. The fee for such number plates shall be determined by the commissioner.

5. The commissioner shall require that every bicycle with electric assist registered in this state be inspected annually and shall prescribe the standards and the mechanisms to be inspected; provided that the commissioner shall require that such inspection shall include inspection of the battery. The commissioner shall prescribe rules for the issuance of separate inspection certificates for the bicycle and

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

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the battery which shall contain the same serial number but which shall indicate which component the certificate is for.

6. Where there is a violation of this section, the fine for such violation shall be determined by the commissioner.

§ 1245. Liability insurance. 1. A bicycle with electric assist registered under this article 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 coverage against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of a bicycle with electric assist as defined in section one hundred two-c of this chapter, in such amounts as the superintendent shall prescribe.

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

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

§ 1290. Registration and inspection of electric scooters. 1. Every electric scooter, of any class, as defined in section one hundred fourteen-e of this chapter shall be registered and issued a number plate by the department. No person shall operate an electric scooter unless such device shall have a distinctive number assigned to it by the commissioner and a number plate issued by the commissioner with a number corresponding to that of the certificate of registration.

2. Such number 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.

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

4. The fee for such number plates shall be determined by the commissioner.

5. The commissioner shall require that every electric scooter in this state be inspected annually and shall prescribe the standards and the mechanisms to be inspected; provided that the commissioner shall require that such inspection shall include inspection of the battery. The commissioner shall prescribe rules for the issuance of separate inspection certificates for the scooter and the battery which shall contain the same serial number but which shall indicate which component the certificate is for.

6. Where there is a violation of this section, the fine for such violation shall be determined by the commissioner.

§ 1291. Liability insurance. 1. An electric scooter which is operated anywhere other than on lands of the owner of such electric scooter 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 coverage against loss from the liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person and injury to or destruction of property arising out of the ownership, maintenance, use, or operation of an electric scooter as defined in section one hundred fourteen-e of this chapter, in such amounts as the superintendent shall prescribe.

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

§ 3. This act shall take effect immediately.