

STATE OF NEW YORK

9664

IN ASSEMBLY

March 27, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to electric scooters and bicycles with electric assist; and to amend the executive law, in relation to establishing the safe streets bureau

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "take back our streets act".

3 § 2. Section 410 of the vehicle and traffic law, as amended by chapter
4 459 of the laws of 1970, subdivision 3 as amended by chapter 466 of the
5 laws of 2013, subdivision 4 as amended by chapter 137 of the laws of
6 1989, subdivision 5 as amended by chapter 435 of the laws of 1997 and
7 paragraph a of subdivision 5 as amended by section 2 of part UU of chap-
8 ter 59 of the laws of 2018, is amended to read as follows:

9 § 410. Registration of motorcycles, moped, electric scooters and bicy-
10 cles with electric assist; fees; renewals. 1. Registration by owners. No
11 motorcycles, mopeds, electric scooters or bicycles with electric assist
12 shall be operated or driven upon the public highways of this state with-
13 out first being registered in accordance with the provisions of this
14 article, except as otherwise expressly provided in this chapter.

15 Every owner of a motorcycle, moped, electric scooter or bicycle with
16 electric assist which shall be operated or driven upon the public high-
17 ways of this state shall, except as otherwise expressly provided, cause
18 to be filed, by mail or otherwise, in the office or a branch office of
19 the commissioner, or with an agent of the commissioner, constituted as
20 provided in this chapter, an application for registration, addressed to
21 the commissioner, and on a blank to be prepared under the direction of
22 and furnished by the commissioner for that purpose, containing:

23 (a) A brief description of the motorcycle, moped, electric scooter or
24 bicycle with electric assist to be registered, including the name of the
25 manufacturer and factory number of such vehicle; (b) the name, resi-
26 dence, including county and business address of the owner of such motor-
27 cycle, moped, electric scooter or bicycle with electric assist.

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

LBD14152-01-4

1 2. Registration record. Upon the receipt of a sufficient application
2 for registration, as provided in this article, the commissioner or agent
3 receiving it shall register such motorcycle, moped, electric scooter or
4 bicycle with electric assist, and maintain a record of the registration
5 of such motorcycle, moped, electric scooter or bicycle with electric
6 assist under the distinctive number assigned to such motorcycle, moped,
7 electric scooter or bicycle with electric assist, as provided in this
8 section, and the information in such record may be obtained upon payment
9 of the fees specified in section two hundred two of this chapter.

10 3. Certificate of registration. a. Upon the filing of such application
11 and the payment of the fee hereinafter provided, the commissioner shall
12 assign to such motorcycle, moped, electric scooter or bicycle with elec-
13 tric assist a distinctive number and, without expense to the applicant,
14 issue and deliver in such manner as the commissioner may select to the
15 owner a certificate of registration, in such form as the commissioner
16 may prescribe, and a number plate at a place within the state of New
17 York named by the applicant in his or her application. In the event of
18 the loss, mutilation or destruction of any certificate of registration
19 or number plate, the owner of a registered vehicle may file such state-
20 ment and proof of the facts as the commissioner shall require, with a
21 fee of three dollars, in the office of the commissioner, or, unless and
22 until the commissioner shall otherwise direct, in the office of the
23 agent who issued the certificate or plate and the commissioner or his or
24 her agent, as the case may be, shall issue a duplicate or substitute. No
25 application for registration shall be accepted unless the applicant is
26 at least sixteen years of age.

27 b. Upon the issuance of a certificate of registration, the commission-
28 er shall provide the owner of such vehicle with a notice regarding the
29 laws governing unidentifiable motorcycle parts, in such form and manner
30 as the commissioner may prescribe.

31 c. Upon the issuance of a certificate of registration, the commission-
32 er shall provide the owner of such vehicle with a notice regarding the
33 laws governing motorcycles, mopeds, electric scooters and bicycles with
34 electric assist, in such form and manner as the commissioner may
35 prescribe.

36 4. Times for registration and reregistration. Registration applied for
37 and certificates issued under any application shall expire on a date
38 determined by the commissioner. Registration shall be renewed period-
39 ically in the same manner and upon payment of the same annual fee as
40 provided in this section for registration, to take effect and to expire
41 on dates to be determined by the commissioner. Provided, however, that
42 the commissioner shall have authority to fix the length of time for
43 which any such vehicle which is registered without fee shall be regis-
44 tered. Provided further, however, that renewal of a registration may be
45 used preceding the expiration date of such registration including such
46 expiration date.

47 5. Registration fees. a. The annual fee for registration or reregis-
48 tration of a motorcycle shall be eleven dollars and fifty cents. Begin-
49 ning April first, nineteen hundred ninety-eight the annual fee for
50 registration or reregistration of a motorcycle shall be seventeen
51 dollars and fifty cents.

52 b. The annual fee for registration or reregistration of a moped, an
53 electric scooter or bicycle with electric assist shall be twenty-five
54 dollars.

55 c. Where a registration is made for a period of more or less than one
56 calendar year, the registration fee shall not be prorated. The

1 provisions hereof with respect to the payment of registration fees shall
2 not apply to motorcycles owned or controlled by the state, a city, coun-
3 ty, village or town or any of the departments thereof, or any school
4 district or county extension service association, but in other respects
5 shall be applicable.

6 6. Fees in lieu of taxes. The registration fees imposed by this arti-
7 cle upon such vehicles shall be in lieu of all taxes, general or local,
8 to which motorcycles, mopeds, electric scooters or bicycles with elec-
9 tric assist may be subject.

10 6-a. The commissioner, in consultation with the commissioner of trans-
11 portation, shall be responsible for creating a public outreach and
12 education campaign informing the public concerning the statutory regis-
13 tration requirements for motorcycles, mopeds, electric scooters or bicy-
14 cles with electric assist.

15 7. "Motorcycle" as used in this section shall mean a motorcycle as
16 defined by section one hundred twenty-three of this chapter.

17 8. "Electric scooter" as used in this section shall mean a motorcycle
18 as defined by section one hundred fourteen-e of this chapter.

19 9. "Bicycle with electric assist" as used in this section shall mean a
20 motorcycle as defined by section one hundred two-c of this chapter.

21 10. "Moped" as used in this section shall mean a limited use motorcy-
22 cle as defined in section one hundred twenty-one-b of this chapter.

23 § 3. Section 410-a of the vehicle and traffic law, as added by chapter
24 435 of the laws of 1997 and subdivision 2 as amended by chapter 253 of
25 the laws of 2008, is amended to read as follows:

26 § 410-a. Motorcycle, moped, electric scooter and bicycle with elec-
27 tric assist safety program. 1. The commissioner shall establish and
28 administer a motorcycle, moped, electric scooter and bicycle with elec-
29 tric assist safety program which shall consist of approved motorcycle
30 rider training courses, motorcycle course instructor training, program
31 promotion, and public awareness. Approved rider training courses shall
32 meet nationally recognized standards for motorcycle, moped, electric
33 scooter and bicycle with electric assist rider training courses, or
34 standards for motorcycle, moped, electric scooter and bicycle with
35 electric assist rider safety programs which are approved by the depart-
36 ment and are comparable to the standards of the motorcycle safety foun-
37 dation's motorcycle rider safety program. Approved courses shall include
38 at least eight hours of instruction in the actual operation of a motor-
39 cycle, moped, electric scooter and bicycle with electric assist. Monies
40 from the motorcycle safety fund established pursuant to section ninety-
41 two-g of the state finance law shall be used for the establishment and
42 implementation of this program.

43 2. The commissioner shall issue a request for proposals for the coor-
44 dination of a motorcycle, moped, electric scooter and bicycle with
45 electric assist safety program which shall set requirements for the
46 preparation of bids. The commissioner shall enter into a contract, for a
47 period of five years, with a motorcycle, moped, electric scooter and
48 bicycle with electric assist rider training coordinating organization
49 selected pursuant to such process. The contract shall be awarded follow-
50 ing the consideration of factors which shall include, but not be limited
51 to, the most favorable financial advantage for the state, the greatest
52 utility to the motorcyclist, the comprehensiveness and effectiveness of
53 such organization and its compatibility with the existing rider educa-
54 tion programs. The motorcycle, moped, electric scooter and bicycle
55 with electric assist rider training coordination organization shall be
56 subject to periodic reporting requirements established by the department

1 outlining the administration and effectiveness of its program and an
2 itemization of all motorcycle safety fund allocations. Such motorcycle,
3 moped, electric scooter and bicycle with electric assist rider training
4 coordinating organization shall have at least three years experience in
5 the administration of a statewide motorcycle, moped, electric scooter
6 and bicycle with electric assist rider education program, and have as
7 its administrator an individual who has no financial or proprietary
8 interest in a motorcycle, moped, electric scooter and bicycle with
9 electric assist training school or facility.

10 3. The motorcycle, moped, electric scooter and bicycle with electric
11 assist rider training coordinating organization shall submit to the
12 commissioner for approval requests for advances pursuant to a contract
13 and reimbursements from the motorcycle safety fund for equipment, oper-
14 ating and administrative costs and other expenses necessary to carry out
15 the provisions of this section. The commissioner shall approve all such
16 requests for expenditures that are in accordance with the provisions of
17 this section.

18 4. The commissioner shall annually file a report on expenditures from
19 the motorcycle safety fund, established pursuant to section ninety-two-g
20 of the state finance law, with the legislature. Such report shall
21 include the name of the funded motorcycle, moped, electric scooter and
22 bicycle with electric assist rider training coordinating organization
23 and the amount of funds distributed to it and shall provide an evalu-
24 ation of the overall effectiveness of the funded programs and any recom-
25 mendations for programmatic changes.

26 § 4. Section 411 of the vehicle and traffic law is amended to read as
27 follows:

28 § 411. Distinctive number; form of number plates. 1. No person shall
29 operate or drive a motorcycle, moped or electric scooter on the public
30 highways of this state unless such motorcycle, moped or electric scooter
31 shall have a distinctive number assigned to it by the commissioner and a
32 number plate issued by the commissioner with a number corresponding to
33 that of the certificate of registration conspicuously displayed on the
34 rear of such motorcycle moped or electric scooter, securely fastened so
35 as to prevent the same from swinging.

36 2. Such number plates shall be of such material, form, design and
37 dimensions and contain or set forth such distinguishing number or other
38 identification marks as the commissioner shall prescribe, provided,
39 however, that there shall be at all times a marked contrast between the
40 color of the number plates and that of the numerals or letters thereon,
41 and provided further that no motorcycle, moped or electric scooter shall
42 display the number plates of more than one state at a time, nor shall
43 any plate be used other than those issued by the commissioner.

44 3. No person shall operate or drive a motorcycle, moped or electric
45 scooter upon the public highways of this state having displayed thereon
46 a number plate not proper for such motorcycle, moped or electric scooter
47 under the provisions of this chapter and, upon conviction for this
48 offense, the number plate shall be surrendered to the court for delivery
49 to the commissioner.

50 4. No person shall knowingly authorize or permit a number plate issued
51 for a motorcycle, moped or electric scooter owned and registered by him
52 or her to be displayed on any motorcycle other than a motorcycle, moped
53 or electric scooter to which such number plate has been assigned by the
54 commissioner, or upon which such number plate may legally be displayed
55 under a temporary certificate of registration issued by a dealer under
56 the provisions of section four hundred twenty of this [~~chapter~~] title.

1 § 5. Section 412 of the vehicle and traffic law, as amended by chapter
2 61 of the laws of 1989, is amended to read as follows:

3 § 412. Punishment for violation. 1. The violation of any of the
4 provisions of section four hundred ten of this [~~chapter~~] article
5 pertaining to motorcycles shall be punishable by a fine of not less than
6 fifty nor more than two hundred dollars, or by imprisonment for not more
7 than fifteen days, or by both such fine and imprisonment except, if the
8 violation consists of failure to renew a registration which was valid
9 within sixty days, the fine shall be not less than twenty-five dollars.
10 A violation of any of the provisions of section four hundred eleven of
11 this [~~chapter~~] article pertaining to motorcycles shall be punishable by
12 a fine of not less than twenty-five nor more than two hundred dollars or
13 by imprisonment for not more than fifteen days, or by both such fine and
14 imprisonment.

15 2. The violation of any of the provisions of section four hundred ten
16 of this article pertaining to mopeds, electric scooters, or bicycles
17 with electric assist shall be punishable by a fine of not less than two
18 hundred nor more than five hundred dollars, or by imprisonment for not
19 more than thirty days, or by both such fine and imprisonment except, if
20 the violation consists of failure to renew a registration which was
21 valid within sixty days, the fine shall be not less than fifty dollars.
22 A violation of any of the provisions of section four hundred eleven of
23 this article pertaining to mopeds or electric scooters shall be punisha-
24 ble by a fine of not less than two hundred nor more than five hundred
25 dollars or by imprisonment for not more than thirty days, or by both
26 such fine and imprisonment.

27 § 6. The vehicle and traffic law is amended by adding a new section
28 2267-A to read as follows:

29 § 2267-A. Punishment for violation. The violation of any of the
30 provisions of section twenty-two hundred sixty-seven of this article
31 shall be punishable by a fine of not less than five thousand dollars, or
32 by imprisonment for not more than fifteen days, or by both such fine and
33 imprisonment.

34 § 7. The vehicle and traffic law is amended by adding a new section
35 1225-aa to read as follows:

36 § 1225-aa. Operation of mopeds, electric scooters, or bicycles with
37 electric assist on sidewalks. 1. No person shall drive mopeds, electric
38 scooters, or bicycles with electric assist on or across a sidewalk,
39 except that a moped, electric scooter, or bicycle with electric assist
40 may be driven at a reasonable speed, but not more than five miles per
41 hour, on or across a sidewalk in such manner as not to interfere with
42 the safety and passage of pedestrians thereon, who shall have the right
43 of way, when it is reasonable and necessary:

44 (a) to gain access to a public highway, private way or lands or build-
45 ings adjacent to such highway or way;

46 (b) in the conduct of work upon a highway, or upon a private way or
47 lands or buildings adjacent to such highway or way; or

48 (c) to plow snow or perform any other public service, for hire, or
49 otherwise, which could not otherwise be reasonably and properly
50 performed.

51 2. A violation of this section shall constitute a class A misdemeanor.

52 § 8. The executive law is amended by adding a new section 236 to read
53 as follows:

54 § 236. Safe streets bureau. 1. The superintendent shall, within the
55 New York state police, create a patrol and enforcement bureau for
56 mopeds, electric scooters and bicycles with electric assist, and assign

1 to it members of the New York state police in such numbers and appoint
2 to it such investigative specialists in such numbers as may be required
3 for the purpose of preventing, investigating and detecting violations of
4 the criminal laws and vehicle and traffic laws of the state, and
5 conducting such other investigations as may be provided for by law.
6 Members of the state police assigned or appointed to the safe streets
7 bureau are empowered to cooperate with municipal police departments in
8 the investigation of violations of laws within this state. The super-
9 intendent may, from time to time, establish headquarters or stations in
10 the city of New York as they shall deem most suitable for the efficient
11 operation of the safe streets bureau.

12 § 9. This act shall take effect on the ninetieth day after it shall
13 have become a law.