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:

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

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

§ 410. Registration of motorcycles**, moped, electric scooters and bicycles with electric assist**; fees; renewals. 1. Registration by owners. No motorcycles**, mopeds, electric scooters or bicycles with electric assist** shall be operated or driven upon the public highways of this state without first being registered in accordance with the provisions of this article, except as otherwise expressly provided in this chapter.

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

(a) A brief description of the motorcycle**, moped, electric scooter or bicycle with electric assist** to be registered, including the name of the manufacturer and factory number of such vehicle; (b) the name, residence, including county and business address of the owner of such motorcycle**, moped, electric scooter or bicycle with electric assist**.

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

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

3. Certificate of registration. a. Upon the filing of such application and the payment of the fee hereinafter provided, the commissioner shall assign to such motorcycle**, moped, electric scooter or bicycle with electric assist** a distinctive number and, without expense to the applicant, issue and deliver in such manner as the commissioner may select to the owner a certificate of registration, in such form as the commissioner may prescribe, and a number plate at a place within the state of New York named by the applicant in his **or her** application. In the event of the loss, mutilation or destruction of any certificate of registration or number plate, the owner of a registered vehicle may file such statement and proof of the facts as the commissioner shall require, with a fee of three dollars, in the office of the commissioner, or, unless and until the commissioner shall otherwise direct, in the office of the agent who issued the certificate or plate and the commissioner or his **or her** agent, as the case may be, shall issue a duplicate or substitute. No application for registration shall be accepted unless the applicant is at least sixteen years of age.

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

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

4. Times for registration and reregistration. Registration applied for and certificates issued under any application shall expire on a date determined by the commissioner. Registration shall be renewed periodically in the same manner and upon payment of the same annual fee as provided in this section for registration, to take effect and to expire on dates to be determined by the commissioner. Provided, however, that the commissioner shall have authority to fix the length of time for which any such vehicle which is registered without fee shall be registered. Provided further, however, that renewal of a registration may be used preceding the expiration date of such registration including such expiration date.

5. Registration fees. a. The annual fee for registration or reregistration of a motorcycle shall be eleven dollars and fifty cents. Beginning April first, nineteen hundred ninety-eight the annual fee for registration or reregistration of a motorcycle shall be seventeen dollars and fifty cents.

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

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

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

6. Fees in lieu of taxes. The registration fees imposed by this article upon such vehicles shall be in lieu of all taxes, general or local, to which motorcycles**, mopeds, electric scooters or bicycles with electric assist** may be subject.

6-a. The commissioner, in consultation with the commissioner of transportation, shall be responsible for creating a public outreach and education campaign informing the public concerning the statutory registration requirements for motorcycles, mopeds, electric scooters or bicycles with electric assist.

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

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

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

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

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

§ 410-a. Motorcycle**, moped, electric scooter and bicycle with electric assist** safety program. 1. The commissioner shall establish and administer a motorcycle**, moped, electric scooter and bicycle with electric assist** safety program which shall consist of approved motorcycle rider training courses, motorcycle course instructor training, program promotion, and public awareness. Approved rider training courses shall meet nationally recognized standards for motorcycle**, moped, electric scooter and bicycle with electric assist** rider training courses, or standards for motorcycle**, moped, electric scooter and bicycle with electric assist** rider safety programs which are approved by the department and are comparable to the standards of the motorcycle safety foundation's motorcycle rider safety program. Approved courses shall include at least eight hours of instruction in the actual operation of a motorcycle**, moped, electric scooter and bicycle with electric assist**. Monies from the motorcycle safety fund established pursuant to section ninety-two-g of the state finance law shall be used for the establishment and implementation of this program.

2. The commissioner shall issue a request for proposals for the coordination of a motorcycle**, moped, electric scooter and bicycle with electric assist** safety program which shall set requirements for the preparation of bids. The commissioner shall enter into a contract, for a period of five years, with a motorcycle**, moped, electric scooter and bicycle with electric assist** rider training coordinating organization selected pursuant to such process. The contract shall be awarded following the consideration of factors which shall include, but not be limited to, the most favorable financial advantage for the state, the greatest utility to the motorcyclist, the comprehensiveness and effectiveness of such organization and its compatibility with the existing rider education programs. The motorcycle**, moped, electric scooter and bicycle with electric assist** rider training coordination organization shall be subject to periodic reporting requirements established by the department

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

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

4. The commissioner shall annually file a report on expenditures from the motorcycle safety fund, established pursuant to section ninety-two-g of the state finance law, with the legislature. Such report shall include the name of the funded motorcycle**, moped, electric scooter and bicycle with electric assist** rider training coordinating organization and the amount of funds distributed to it and shall provide an evaluation of the overall effectiveness of the funded programs and any recommendations for programmatic changes.

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

§ 411. Distinctive number; form of number plates. 1. No person shall operate or drive a motorcycle**, moped or electric scooter** on the public highways of this state unless such motorcycle**, moped or electric scooter** 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 conspicuously displayed on the rear of such motorcycle **moped or electric scooter**, securely fastened so as to prevent the same from swinging.

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, and provided further that no motorcycle**, moped or electric scooter** 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. No person shall operate or drive a motorcycle**, moped or electric scooter** upon the public highways of this state having displayed thereon a number plate not proper for such motorcycle**, moped or electric scooter** under the provisions of this chapter and, upon conviction for this offense, the number plate shall be surrendered to the court for delivery to the commissioner.

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

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

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

2. The violation of any of the provisions of section four hundred ten of this article pertaining to mopeds, electric scooters, or bicycles with electric assist shall be punishable by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment except, if the violation consists of failure to renew a registration which was valid within sixty days, the fine shall be not less than fifty dollars. A violation of any of the provisions of section four hundred eleven of this article pertaining to mopeds or electric scooters shall be punishable by a fine of not less than two hundred nor more than five hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

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

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

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

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

(a) to gain access to a public highway, private way or lands or buildings adjacent to such highway or way;

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

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

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

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

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

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

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