STATE OF NEW YORK

9805

IN ASSEMBLY

April 9, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to establishing safety requirements for commercial bicycle operators and businesses

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 a new section 1244 to read as follows:

§ 1244. Bicycles with electric assist used for commercial purposes. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "commercial bicycle operator" shall mean an individual who is paid to operate a bicycle with electric assist on behalf a business; and

(b) "business" shall mean a person, firm, partnership, joint venture, association, corporation, or other entity that employs a commercial bicycle operator.

2. A commercial bicycle operator shall:

(a) comply with all provisions of law pursuant to this article pertaining to the operation of a bicycle including a bicycle with electric assist;

(b) use a white headlight and red taillight at night;

(c) wear retroreflective upper body apparel with the business's name and such commercial bicycle operator's three-digit identification number on the back in lettering at least one inch high;

(d) wear suitable headgear; and

(e) carry a business identification card at all times when riding on behalf of the business, which includes the following information:

(i) the business's name, address and phone number; and

(ii) the commercial bicycle operator's name, photo and three-digit identification number.

3. Any business that employs a commercial bicycle operator shall:

(a) assign to each of its commercial bicycle operators a three-digit identification number and issue to each of its commercial bicycle operators an identification card that contains the name, identification

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

LBD15070-03-4

number and photo of the commercial bicycle operator and the name, address and telephone number of such business;

(b) provide each commercial bicycle operator with suitable headgear. Such headgear must meet the standards set forth by the consumer product safety commission in part one thousand two hundred three of title sixteen of the code of federal regulations and must be replaced at the expense of the business if such headgear is missing any of its component parts or is otherwise damaged so as to impair its functionality;

(c) maintain a roster of commercial bicycle operators that are employed by such business which includes the following information:

(i) the name, residence address, date of employment and, where applicable, the date of discharge from employment of each commercial bicycle operator;

(ii) each commercial bicycle operator's unique three-digit identification number;

(d) equip each commercial bicycle with electric assist with:

(i) a bell or other audible device;

(ii) a white headlight and a red taillight;

(iii) reflex reflectors;

(iv) brakes; and

(v) a metal or plastic sign in good condition at least three inches by five inches with the business's name and a unique bicycle identification number for each bicycle in lettering at least one inch high. The sign must be affixed to the rear or both sides of the bicycle; and

(e) provide safety training. Such business shall provide a commercial bicycle operator with a certificate of completion upon the completion of such training. The curriculum of such training shall include, but not be limited to:

(i) the laws governing the operation of bicycles;

(ii) appropriate traffic behavior and the laws governing such traffic behavior;

(iii) identification and avoidance of hazards;

(iv) pedestrian and motor vehicle safety;

(v) bicycle safety inspection and maintenance; and

(vi) injury prevention.

4. A commercial bicycle operator who violates any provision of this section shall be issued a notice of violation. The business that employs such operator shall receive a fine of two hundred fifty dollars for the first offense. For each subsequent offense such fine shall be increased by fifty dollars. After the third offense, such fine shall be five hundred dollars for each subsequent offense.

§ 2. This act shall take effect on the ninetieth 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.