STATE OF NEW YORK

7732

2023-2024 Regular Sessions

IN SENATE

November 1, 2023

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to requiring license plates for bicycles with electric assist and electric scooters (Part A); to amend the vehicle and traffic law and the insurance law, in relation to requiring liability insurance for bicycles with electric assist and electric scooters in cities having a population of one million or more (Part B); and to amend the vehicle and traffic law, in relation to establishing a bicycle with electric assist and electric scooter operator's safety manual and licensing requirement (Part C);

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

Section 1. This act enacts into law components of legislation relating to regulating bicycles with electric assist and electric scooters. Each component is wholly contained within a Part identified as Parts A through C. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. The article heading of article 34 of the vehicle and traffic law, as amended by chapter 694 of the laws of 1995, is amended to read as follows:

REGISTRATION AND OPERATION OF BICYCLES AND PLAY DEVICES

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

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§ 2. The vehicle and traffic law is amended by adding a new section 1244 to read as follows:

§ 1244. Registration of bicycles with electric assist, and electric scooters. a. In a city having a population of one million or more, every bicycle with electric assist as defined in section one hundred two-c of this chapter and electric scooter as defined in section one hundred fourteen-e of this chapter shall be registered and issued a license plate by the department. In a city having a population of one million or more, no person shall operate a bicycle with electric assist or electric scooter on the public highways unless such bicycle with electric assist 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.

b. Such license 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 bicycle with electric assist 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.

c. Each such license plate shall identify whether the bicycle with electric assist or electric scooter is personal or commercial in nature.

d. Each such license plate shall be conspicuously displayed on the rear of the bicycle with electric assist or electric scooter, securely fastened so as to prevent the same from swinging.

e. The fee for such license plates shall be a nominal fee determined by the commissioner.

§ 3. This act shall take effect immediately.

PART B

Section 1. The vehicle and traffic law is amended by adding a new section 1245 to read as follows:

§ 1245. Liability insurance. 1. A bicycle with electric assist which is operated anywhere in a city having a population of one million or more other than on lands of the owner of such bicycle with electric assist 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 coverages required of an "owner's policy of liability insurance" as set forth in paragraph (a) of subdivision four of section three hundred eleven of this chapter. In lieu of such insurance coverage as hereinabove provided, the commissioner, in his or her discretion and upon application of a governmental agency having registered in its name one or more bicycles with electric assist, may waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance, when he or she is satisfied that such governmental agency is possessed of financial ability to respond to judgments obtained against it, arising out of the ownership, use or operation of such bicycles with electric assist. The commissioner may also waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance upon application of any person or any other corporation, having registered in its

name, one or more bicycles with electric assist and furnishing of proof that a certificate of self-insurance has been issued and is in effect pursuant to the provisions of section three hundred sixteen of this chapter.

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 magistrate or 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 a new section 1290 to read as follows:

§ 1290. Liability insurance. 1. An electric scooter which is operated anywhere in a city having a population of one million or more 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 coverages required of an "owner's policy of liability insurance" as set forth in paragraph (a) of subdivision four of section three hundred eleven of this chapter. In lieu of such insurance coverage as hereinabove provided, the commissioner, in his or her discretion and upon application of a governmental agency having registered in its name one or more electric scooters, may waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance, when he or she is satisfied that such governmental agency is possessed of financial ability to respond to judgments obtained against it, arising out of the ownership, use or operation of such electric scooters. The commissioner may also waive the requirement of insurance by a private insurance carrier and issue a certificate of self-insurance upon application of any person or any other corporation, having registered in its name, one or more electric scooters and furnishing of proof that a certificate of self-insurance has been issued and is in effect pursuant to the provisions of section three hundred sixteen of this chapter.

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 magistrate or 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. Subsection (f) of section 5103 of the insurance law, as amended by chapter 402 of the laws of 1986, is amended to read as follows:

(f) Every owner's policy of liability insurance issued on a motorcycle, bicycle with electric assist, electric scooter or an all terrain vehicle in satisfaction of the requirements of article six or eight of the vehicle and traffic law, section twelve hundred forty-five of such law, section twelve hundred ninety of such law, or section twenty-four hundred seven of such law shall also provide for; every owner who maintains another form of financial security on a motorcycle, bicycle with electric assist, electric scooter or an all terrain vehicle in satisfaction of the requirements of such articles or [~~section~~] sections shall be liable for; and every owner of a motorcycle, bicycle with electric assist, electric scooter or an all terrain vehicle required to be subject to the provisions of this article by subdivision two of section three hundred twenty-one of such law shall be liable for; the payment of first party benefits to persons, other than the occupants of such motorcycle, bicycle with electric assist, electric scooter or all terrain vehicle, another motorcycle, bicycle with electric assist, electric scooter or all terrain vehicle, or any motor vehicle, for loss arising out of the use or operation of the motorcycle, bicycle with electric assist, electric scooter or all terrain vehicle within this state. Every insurer and self-insurer may exclude from the coverage required by this subsection a person who intentionally causes his own injury or is injured while committing an act which would constitute a felony or while seeking to avoid lawful apprehension or arrest by a law enforcement officer.

§ 4. This act shall take effect on the one hundred twentieth 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.

PART C

Section 1. The vehicle and traffic law is amended by adding a new article 12-E to read as follows:

ARTICLE 12-E

BICYCLE WITH ELECTRIC ASSIST

AND ELECTRIC SCOOTER SAFETY EDUCATION COURSE AND LICENSE

Section 399-u. Bicycle with electric assist and electric scooter operator's safety manual.

399-v. License for the operation of a bicycle with electric assist and electric scooter.

399-w. Rules and regulations.

§ 399-u. Bicycle with electric assist and electric scooter operator's safety manual. The commissioner shall develop and publish a bicycle with electric assist and electric scooter operator's safety manual that shall be available for distribution and accessible on the department's website. The manual shall include but not be limited to the following:

(a) an overview of traffic laws governing bicycles with electric assist and electric scooters;

(b) the safe operation of bicycles with electric assist and electric scooters;

(c) bicycle lanes as defined in section one hundred two-a of this chapter; and

(d) obligations to comply with traffic control devices and markings related to bicyclists, electric scooter operators and pedestrians.

§ 399-v. License for the operation of a bicycle with electric assist and electric scooter. 1. Upon successful comprehension of the bicycle with electric assist and electric scooter operator's safety manual, a resident may then make an application to receive a license for the operation of a bicycle with electric assist and electric scooter.

2. (a) An application for such license shall be made to the commissioner and shall require an applicant to furnish proof of identity, age, fitness and any other information required by the commissioner. Such application may also require a photographic image of the applicant.

(b) A nominal fee may be prescribed by the commissioner for the issuance, renewal and amendment of a license.

(c) A license shall be valid from the date of issuance until a date of expiration as determined by the commissioner.

§ 399-w. Rules and regulations. The commissioner shall promulgate such rules and regulations as are necessary to effectuate the provisions of this article. In addition to any requirements expressly authorized by this article, such regulations may include but not be limited to validating that a person has read and comprehends the department's bicycle with electric assist and electric scooter operator's safety manual.

§ 2. Subdivision 1 of section 504 of the vehicle and traffic law is amended by adding a new paragraph (a-2) to read as follows:

(a-2) Every license or renewal thereof issued to an applicant who has a license for the operation of a bicycle with electric assist and electric scooter and after submission of proof as set forth in this paragraph shall contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she has read and comprehends the bicycle with electric assist and electric scooter operator's safety manual. Such proof shall consist of a license for the operation of a bicycle with electric assist and electric scooter that is provided pursuant to section three hundred ninety-nine-v of this chapter. The commissioner shall not require fees for the issuance of such licenses or renewals thereof containing a bicycle with electric assist and electric scooter operator's safety manual comprehension distinguish-

ing mark which are different from fees otherwise required; provided, however, that notwithstanding the provisions of this section, the commissioner shall not require fees for a duplication or amendment of a license prior to its renewal if such duplication or amendment was solely for the purpose of adding a bicycle with electric assist and electric scooter operator's safety manual comprehension distinguishing mark to such license.

§ 3. The vehicle and traffic law is amended by adding a new section 1246 to read as follows:

§ 1246. Operation of a bicycle with electric assist is prohibited without a license. No person shall operate a bicycle with electric assist on a public roadway in a city with a population of one million or more unless the operator is a holder of a license for the operation of a bicycle with electric assist and electric scooter issued to him or her pursuant to article twelve-E of this chapter.

§ 4. The vehicle and traffic law is amended by adding a new section 1291 to read as follows:

§ 1291. Operation of an electric scooter is prohibited without a license. No person shall operate an electric scooter on a public roadway in a city with a population of one million or more unless the operator is a holder of a license for the operation of a bicycle with electric assist and electric scooter issued to him or her pursuant to article twelve-E of this chapter.

§ 5. This act shall take effect on the one hundred twentieth 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 date.

§ 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A through C of this act shall be as specifically set forth in the last section of such Parts.