

STATE OF NEW YORK

7744--D

Cal. No. 1078

2023-2024 Regular Sessions

IN SENATE

November 13, 2023

Introduced by Sens. CHU, ADDABBO, COMRIE, GOUNARDES, KRUEGER, RAMOS, SEPULVEDA, SKOUFIS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the general business law, in relation to the sale of bicycles with electric assist and micromobility devices

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

1 Section 1. The general business law is amended by adding a new section
2 391-cc to read as follows:

3 § 391-cc. Sale of bicycles with electric assist and micromobility
4 devices. 1. As used in this section, "micromobility device" shall mean
5 an electric scooter as defined in section one hundred fourteen-e of the
6 vehicle and traffic law, an electrical personal assistive mobility
7 device as defined in section one hundred fourteen-d of the vehicle and
8 traffic law, or other personal mobility device that has an electric
9 motor. The term micromobility device shall not include bicycles with
10 electric assist as defined by section one hundred two-c of the vehicle
11 and traffic law, limited use motorcycles as defined in section one
12 hundred twenty-one-b of the vehicle and traffic law, wheelchairs or
13 other electrically driven mobility assistance devices as defined in
14 section one hundred thirty-a of the vehicle and traffic law, or any

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

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1 vehicle that is capable of being registered with the department of motor
2 vehicles.

3 2. No person, firm, partnership, association, or corporation shall
4 sell or offer for sale at retail any bicycle with electric assist as
5 defined by section one hundred two-c of the vehicle and traffic law or
6 micromobility device to any person, firm, partnership, association, or
7 corporation, without supplying a notice to be affixed to such bicycle
8 with electric assist or micromobility device by the person, firm, part-
9 nership, association, or corporation. Such notice shall have an adhe-
10 sive backing, be made from common materials used to affix other compara-
11 ble notices or stickers to vehicles and be printed in English and the
12 two most common non-English languages spoken in the state, based on the
13 data in the most recent American Community Survey published by the
14 United States Census Bureau. Such notice shall read:

15 "NOTICE: Always yield to pedestrians and follow traffic laws. Riding
16 on the sidewalk may be illegal; consult local laws."

17 3. The department of state, in consultation with appropriate state
18 agencies, shall promulgate rules and regulations necessary to implement
19 the provisions of this section.

20 4. Violation of this section by the retail entity pursuant to subdivi-
21 sion two of this section shall be punishable by a fine of not more than
22 two hundred fifty dollars per stocking unit for the first offense and
23 not more than one thousand dollars per stocking unit for each subsequent
24 offense.

25 5. This section shall not annul, alter, affect, or exempt any person,
26 firm, partnership, corporation, or association, subject to the
27 provisions of this section from complying with the laws, ordinances,
28 rules, or regulations of any locality, relating to the affixing, label-
29 ing, or provision of identification, safety, informational, or other
30 materials.

31 § 2. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law. Effective immediately, the addition, amend-
33 ment and/or repeal of any rule or regulation necessary for the implemen-
34 tation of this act on its effective date are authorized to be made and
35 completed on or before such effective date.