STATE OF NEW YORK

1185--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. TAPIA, DAVILA, DINOWITZ, SEAWRIGHT, HYNDMAN -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to establishing a lithium-ion battery safety program

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

Section 1. Section 1854 of the public authorities law is amended by adding a new subdivision 27 to read as follows:

27. Lithium-ion battery safety program. (a) For purposes of this subdivision, the following terms shall have the following meanings:

(i) "Lithium-ion battery" means a storage battery in which an electrical current is generated by lithium ions embedded in a carbon graphite or nickel metal-oxide substrate placed in a high-viscosity carbonate mixture or gelled polymer electrolyte.

(ii) "Delivery service worker" means an individual who performs pick-up, transportation, and delivery of food, goods, or packages for compensation, whether through an app-based platform, a third-party network, or direct employment by a business offering delivery services.

(iii) "Powered mobility device" means a bicycle with electric assist as defined by section one hundred two-c of the vehicle and traffic law, an electric scooter as defined by section one hundred fourteen-e of the vehicle and traffic law, a limited use motorcycle as defined by section one hundred twenty-one-b of the vehicle and traffic law, which is powered wholly or partially by an electric motor, an electric personal assistive mobility device as defined in section one hundred fourteen-d of the vehicle and traffic law or other personal mobility device equipped with a lithium-ion or other storage battery, including but not limited to, a skateboard, unicycle, or other similar wheeled device.

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

LBD02631-04-5

(iv) "Accredited testing laboratory" means a nationally recognized testing laboratory as recognized by the federal occupational safety and health administration or an independent laboratory that has been certified by an accrediting body to ISO 17025 or ISO 17065.

(v) "Program" means the program developed pursuant to paragraph (b) of this subdivision.

(b) No later than one year after the effective date of this subdivision, the authority, in collaboration with the department of environmental conservation and any other appropriate agency, shall develop and administer a program to provide rebates for new lithium-ion batteries, and to provide new lithium-ion batteries at a reduced cost in exchange for used lithium-ion batteries, to delivery service workers for powered mobility devices at reduced cost or no cost to eligible individuals; provided, however, that such rebates or cost reductions shall cover no more than fifty-five percent of the cost of such lithium-ion batteries.

(c) Individuals utilizing power mobility devices solely for recreational purposes shall not be eligible for the program.

(d) Delivery service workers earning above three hundred percent of the federal poverty level shall not be eligible for the program.

(e) The program shall include either rebates or the exchange of new lithium-ion batteries at a reduced cost for used lithium-ion batteries, pursuant to paragraph (b) of this subdivision.

(f) To be eligible for a rebate or reduced cost lithium-ion battery under the program, a delivery service worker applying to such program shall:

(i) have earned at least one thousand five hundred dollars over the twelve months preceding the application submission period as a delivery service worker;

(ii) own an eligible powered mobility device that is in operable condition;

(iii) be at least eighteen years of age; and

(iv) reside in New York state.

(g) Within one year of the effective date of this subdivision, the authority shall implement and administer this subdivision including promulgating rules relating to the forms required to claim a rebate or exchange a used lithium-ion battery for a reduced cost lithium-ion battery, the required documentation for establishing eligibility, procedures and guidelines for claiming a rebate or exchanging a lithium-ion battery for a reduced cost lithium-ion battery, and the collection of economic impact data from applicants and any other requirements the authority deems necessary.

(h) All new batteries provided at a reduced cost pursuant to the program shall be certified by an accredited testing laboratory for compliance with a battery standard referenced in UL 2849, UL 2271, UL 2272 or EN 15194, or such other safety standard approved by the department of state pursuant to regulation. Such certification or the logo, wordmark, or name of such accredited testing laboratory shall be displayed on packaging or documentation at the time of sale for a product or directly on such product itself.

(i) The authority shall collaborate with relevant agencies to develop and distribute educational materials and conduct outreach efforts to inform eligible individuals about the program and the application process for its services.

(j) No later than April first, two thousand twenty-six, and annually thereafter, the authority shall issue a report to the governor, the temporary president of the senate, and the speaker of the assembly

detailing the status of the program. Such report shall at a minimum include:

(i) the amount of funding dedicated by the authority for the program in the preceding year;

(ii) the number of rebates awarded;

(iii) the number of exchanges provided;

(iv) the amount and geographic distribution of rebates; and

(v) any other information the authority deems necessary.

§ 2. This act shall take effect immediately.