

STATE OF NEW YORK

5482

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to the use of bicycles for commercial purposes

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

1 Section 1. This act shall be known and may be cited as the "Commercial
2 Bicycle Safety Act".

3 § 2. Section 10-157 of the administrative code of the city of New
4 York, as amended by local law number 91 of the city of New York for the
5 year 2017, subdivisions g and h as amended by local law number 151 of
6 the city of New York for the year 2023, and subdivision l as added by
7 local law number 41 of the city of New York for the year 2023, is
8 amended to read as follows:

9 § 10-157 Bicycles used for commercial purposes. a. For purposes of
10 this section and section 10-157.1 of this chapter, the following terms
11 have the following meanings:

12 (1) Bicycle. The term "bicycle" has the same meaning as in section
13 19-176 of this code, and also means any wheeled device propelled exclu-
14 sively by human power as well as any motor-assisted device that is not
15 capable of being registered by the New York state department of motor
16 vehicles.

17 (2) Bicycle operator. The term "bicycle operator" means a person who
18 delivers packages, parcels, papers, food or groceries, or articles of
19 any type by bicycle on behalf of a business using a bicycle for commer-
20 cial purposes and who is paid by such business.

21 (3) Business using a bicycle for commercial purposes. The term "busi-
22 ness using a bicycle for commercial purposes" means a person, firm,
23 partnership, joint venture, association, corporation, or other entity
24 that, either on behalf of itself or others, delivers packages, parcels,
25 papers, food or groceries, or articles of any type by bicycle. Nothing

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

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1 contained in this section shall be construed as applying to persons
2 under the age of sixteen who use a bicycle only to deliver daily newspa-
3 pers or circulars.

4 b. A business using a bicycle for commercial purposes that does not
5 have a site within the city that is open and available to the public
6 must provide to the department of transportation, upon a form prescribed
7 by the department, the following information:

8 (1) the name under which such business is authorized to do business in
9 the state, pursuant to the business corporation law,

10 (2) the registered agent upon whom process against such business may
11 be served and the address of such agent, or, if the business has desig-
12 nated the secretary of state as its agent for receiving such process,
13 the post office address to which the secretary of state may mail a copy
14 of such process, and

15 (3) any other information requested by the department.

16 c. A business using a bicycle for commercial purposes must assign to
17 each of its bicycle operators a three digit identification number,
18 except that the department of transportation may promulgate a rule to
19 require an identification number with four or more digits. Such business
20 must issue to each of its bicycle operators an identification card that
21 contains the name, identification number and photo of the bicycle opera-
22 tor and the name, address and telephone number of such business. A bicy-
23 cle operator shall carry such identification card while making deliv-
24 eries or otherwise operating a bicycle on behalf of any such business. A
25 bicycle operator shall be required to produce such identification card
26 upon the demand of an authorized employee of the police department or
27 department of transportation or any other person authorized by law.

28 d. A business using a bicycle for commercial purposes shall maintain a
29 roster of its bicycle operators. Such roster shall include for each such
30 bicycle operator: name; home address; start date; discharge date, if
31 applicable; identification number; and date of completion of the bicycle
32 safety course required by paragraph [~~3~~] three of subdivision e of this
33 section. Such roster shall be made available for inspection upon
34 request of an authorized employee of the police department or department
35 of transportation or any other person authorized by law.

36 e. (1) A business using a bicycle for commercial purposes shall
37 provide at its own expense or ensure the availability of protective
38 headgear suitable for each of its bicycle operators. Such business may
39 not require any of its bicycle operators to provide such headgear at
40 such operator's expense. Such headgear shall:

41 (i) meet the standards set forth by the consumer product safety
42 commission in title 16, part 1203 of the code of federal regulations;
43 and

44 (ii) be replaced if such headgear is no longer in good condition.
45 Headgear is no longer in good condition if it is missing any of its
46 component parts or is otherwise damaged so as to impair its functionali-
47 ty.

48 (2) Each bicycle operator shall wear protective headgear that meets
49 the requirements of paragraph [~~1~~] one of this subdivision while making
50 deliveries or otherwise operating a bicycle on behalf of a business
51 using a bicycle for commercial purposes. The term "wear protective head-
52 gear" means having the headgear fastened securely upon the head with the
53 headgear straps.

54 (3) Each bicycle operator shall complete a bicycle safety course prior
55 to making deliveries or otherwise operating a bicycle on behalf of a
56 business using a bicycle for commercial purposes. For purposes of this

1 section, "bicycle safety course" shall mean information provided by the
2 department of transportation regarding safe bicycling and adherence to
3 traffic and commercial bicycle laws.

4 (4) The commissioner of transportation shall post on the department of
5 transportation's website the content of the bicycle safety course
6 required by this section.

7 f. A business using a bicycle for commercial purposes, notwithstanding
8 that a bicycle may be provided by any of its bicycle operators, shall
9 provide at its own expense or ensure that each bicycle is equipped with:
10 a lamp; a bell or other device capable of giving an audible signal from
11 a distance of at least one hundred feet, provided however that a siren
12 or whistle shall not be used; brakes; reflective tires or, alternately,
13 a reflex reflector mounted on the spokes of each wheel; as well as other
14 devices or material in accordance with section ~~[1236]~~ twelve hundred
15 thirty-six of the vehicle and traffic law. Such business may not require
16 any of its bicycle operators to provide such equipment at such opera-
17 tor's expense.

18 g. A business using a bicycle for commercial purposes shall be respon-
19 sible for the compliance with the provisions of this section, section
20 19-176 of this code, and sections eleven hundred eleven, eleven hundred
21 twenty-seven, twelve hundred thirty-six, twelve hundred forty, and
22 twelve hundred forty-one of the vehicle and traffic law of its bicycle
23 operators.

24 (1) Violation of any of the provisions of this section by any such
25 business, or of any of the rules or regulations that may be promulgated
26 pursuant hereto, shall be a violation triable by a judge of the criminal
27 court of the city of New York and upon conviction thereof shall be
28 punishable by a fine of not less than \$100 nor more than \$250 [~~or impri-~~
29 ~~sonment for not more than 15 days or both such fine and imprisonment~~].

30 (2) Any such business that violates any of the provisions of this
31 section or any of the rules promulgated pursuant hereto, except subdivi-
32 sion d of this section and any of the rules promulgated pursuant to such
33 subdivision, shall be subject to a civil penalty of \$100. Any such busi-
34 ness that violates a provision of this section or rule promulgated
35 pursuant hereto more than 30 days and not more than two years after such
36 business has already violated the same provision or rule shall be
37 subject to an additional civil penalty of \$250. Any such business that
38 violates subdivision d of this section or any of the rules promulgated
39 pursuant hereto shall be subject to a civil penalty of \$100, except that
40 with respect to first time violations of such subdivision, the commis-
41 sioner of transportation shall notify such business of such violation
42 and request that action be taken to correct such violation in such a
43 manner within 30 days and shall afford such business an opportunity to
44 contest the commissioner's finding in a manner set forth in the rules of
45 the department of transportation. Civil penalties issued pursuant to
46 this paragraph may be in addition to any criminal penalty imposed, and
47 shall be recoverable against such business in an action or proceeding in
48 any court or tribunal of competent jurisdiction or the environmental
49 control board.

50 (3) It shall be an affirmative defense to a violation of this section
51 by a person, firm, partnership, joint venture, association, corporation,
52 or other entity as to any provision applicable to a business using a
53 bicycle for commercial purposes, that such person or entity did not
54 employ or provide direct compensation to a bicycle operator, but rather
55 contracted with a business other than such bicycle operator to provide
56 delivery services.

1 h. Any bicycle operator who makes deliveries or otherwise operates a
2 bicycle on behalf of a business using a bicycle for commercial purposes
3 without carrying the identification card required by subdivision c of
4 this section, or who fails to produce such identification card upon
5 demand pursuant to such subdivision, or who fails to wear protective
6 headgear required by subdivision e of this section or the retro-reflec-
7 tive apparel required by subdivision i of this section, shall be guilty
8 of a traffic infraction and upon conviction thereof shall be liable for
9 a fine of not less than \$25 nor more than \$50. It shall be an affirma-
10 tive defense to such traffic infraction that such business did not
11 provide the protective headgear, the identification card or the retro-
12 reflective apparel required by subdivisions c, e or i of this section.
13 Such traffic infraction may be adjudicated by an administrative tribunal
14 authorized under article 2-A of the vehicle and traffic law.

15 i. A business using a bicycle for commercial purposes shall provide
16 for and require each of its bicycle operators to wear, and each such
17 bicycle operator shall wear, a retro-reflective jacket, vest, or other
18 wearing apparel on the upper part of such operator's body as the outer-
19 most garment while making deliveries or otherwise operating a bicycle on
20 behalf of such business, the back of which shall indicate such busi-
21 ness's name and such bicycle operator's individual identification number
22 as assigned pursuant to subdivision c of this section in lettering and
23 numerals not less than one inch in height so as to be plainly readable
24 at a distance of not less than ten feet.

25 j. The provisions of this section shall be enforceable by an author-
26 ized employee of the police department or department of transportation
27 or any other person authorized by law.

28 k. A business using a bicycle for commercial purposes shall not
29 possess any motorized scooter and shall not permit any person to operate
30 a motorized scooter on behalf of such business. A business using a bicy-
31 cle for commercial purposes shall be liable for any violation of subdi-
32 vision b of section 19-176.2[~~(b)~~] of this code committed by any person
33 operating a motorized scooter on behalf of such business. For purposes
34 of this section, "motorized scooter" shall be as defined in section
35 19-176.2 of this code.

36 l. A business using a bicycle for commercial purposes shall provide to
37 its bicycle operators the materials identified by the department of
38 consumer and worker protection pursuant to subdivision a of section
39 20-1525. Unless such business has already provided such materials pursu-
40 ant to subdivision b of section 20-1525, such business shall provide
41 such materials to its bicycle operators no later than sixty days after
42 such department publishes such materials pursuant to subdivision a of
43 section 20-1525. Such materials shall be provided in English, the desig-
44 nated citywide languages as defined in section 23-1101, and any addi-
45 tional languages in which such materials have been published by the
46 department of consumer and worker protection.

47 § 3. Paragraph 1 of subdivision a of section 19-176 of the administra-
48 tive code of the city of New York, as added by local law number 6 of the
49 city of New York for the year 1996, is amended to read as follows:

50 (1) The term "bicycle" shall mean a two or three wheeled device upon
51 which a person or persons may ride, propelled by human power through a
52 belt, a chain or gears, with such wheels in a tandem or tricycle, and
53 shall also mean any wheeled motor-assisted device which a person or
54 persons may ride that is not capable of being registered by the New York
55 state department of motor vehicles, except that it shall not include

1 such a device having solid tires and intended for use only on a sidewalk
2 by a child.
3 § 4. This act shall take effect on the one hundred fiftieth day after
4 it shall have become a law.