STATE OF NEW YORK

10700

IN SENATE

September 14, 2026

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

AN ACT to amend the general business law and the vehicle traffic law, in relation to regulating the sale and marketing of E-motos and electric off-highway motorcycles

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

Section 1. The general business law is amended by adding three new sections 391-ccc, 391-cccc and 391-ccccc to read as follows:

§ 391-ccc. Sale of E-motos and electric off-highway motorcycles. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "E-moto" shall mean any device that is equipped with a motor capable of propelling the device in excess of twenty miles per hour. "E-moto" shall not include devices expressly excluded from the definition of motor vehicle under section one hundred twenty-five of the vehicle and traffic law or devices that are eligible for registration under the vehicle and traffic law.

(b) "Electric off-highway motorcycle" shall mean an off-highway motorcycle as defined by section one hundred twenty-five-a of the vehicle and traffic law that is propelled by an electric motor and eligible for registration under the vehicle and traffic law, whether or not such device is equipped with pedals.

2. No person, firm, partnership, association, business, or corporation operating as an online retailer or as a physical retail location in this state, shall sell, offer for sale at retail, or resell any E-motos in this state.

3. No person, firm, partnership, association, business, or corporation operating as an online retailer shall sell, offer for sale at retail, or resell any electric off-highway motorcycle. An electric off-highway motorcycle may only be advertised, offered for sale or sold by an all-terrain vehicle dealer physically located in this state and registered with the department of motor vehicles. All electric off-highway motor-

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

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cycles sold in this state must be registered with the department of motor vehicles by the dealer prior to delivery to the purchaser.

4. (a) Where a violation of this section is alleged to have occurred, the attorney general may apply in the name of the people of the state of New York to a court of competent jurisdiction, on notice of five days, for an order enjoining or restraining commission or continuance of the alleged unlawful acts and, where appropriate, order restitution to aggrieved parties. In any such proceeding, the court shall impose a civil penalty in an amount not to exceed one thousand dollars per violation, provided that the court may relieve the defendant of such penalty upon a showing that (i) no prior proceeding pursuant to this section has been brought against the defendant or the defendant's officers, owners, employees, or agents, and (ii) the defendant has taken reasonable and effective measures to prevent such violations in the future.

(b) In addition to the right of action granted to the attorney general pursuant to this subdivision, the provisions of this section may be enforced by the director of a municipal consumer affairs office, or by the town attorney, city corporation counsel or other lawful designee of a municipality or local government, and all monies collected thereby shall be retained by such municipality or local government.

(c) Each item manufactured, imported, sold or offered for sale in violation of this section shall constitute a violation. Each day a violation of this section is continued shall constitute a separate violation.

§ 391-cccc. Sale of E-motos and electric off-highway motorcycles; required warnings. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "E-moto" shall have the same meaning as defined in section three hundred ninety-one-ccc of this article.

(b) "Electric off-highway motorcycle" shall have the same meaning as defined in section three hundred ninety-one-ccc of this article.

2. Every person, seller, business, corporation, or online retailer shall conspicuously post the following notice if a device meets the definition of E-moto or electric off-highway motorcycle, and where such devices are sold, displayed or delivered to the purchaser, including but not limited to, at the point of sale for a business or online retailer, in bold print in the same size font as the purchase price and shall be displayed before an individual attempts to purchase such device:

"WARNING: IT IS NOT LEGAL TO RIDE THIS DEVICE ON ANY PUBLIC HIGHWAY OR STREET UNDER NEW YORK STATE LAW. IT IS NOT LEGAL TO SELL THIS DEVICE TO A PURCHASER IN NEW YORK STATE. VIOLATIONS OF THE LAW MAY RESULT IN A CIVIL PENALTY."

3. Failure to comply with any provision of this section shall be a violation and subject to a civil penalty of not more than two hundred fifty dollars for the first offense and not more than one thousand dollars for each subsequent offense.

§ 391-ccccc. Deceptive marketing of E-motos and electric off-highway motorcycles. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Electric scooter" shall have the same meaning as defined in section one hundred fourteen-e of the vehicle and traffic law.

(b) "E-bike" means a bicycle with electric assist as defined in section one hundred two-c of the vehicle and traffic law.

(c) "Off-highway motorcycle" shall have the same meaning as defined in section one hundred twenty-five-a of the vehicle and traffic law.

(d) "E-moto" shall have the same meaning as defined in section three hundred ninety-one-ccc of this article.

(e) "Electric off-highway motorcycle" shall have the same meaning as defined in section three hundred ninety-one-ccc of this article.

2. It shall be unlawful for any person, firm or corporation to directly or indirectly represent in any manner, whether by written solicitation or posted via electric means, a false, deceptive or misleading statement in regard to marketing devices such as E-motos, electric scooters, bicycles with electric assist, or electric off-highway motorcycles. It shall be unlawful and deceptive marketing to represent or market any E-moto or electric off-highway motorcycle as an electric scooter, E-bike, or off-highway motorcycle unless such device meets the applicable definition of such a device as set forth in subdivision one of this section.

3. Wherever a violation of this section is alleged to have occurred, the attorney general may apply in the name of the people of the state of New York to a court of competent jurisdiction, and on notice of not less than five days, for an order enjoining or restraining commission or continuance of the alleged unlawful acts. In any such proceeding, the court shall impose a civil penalty not to exceed five hundred dollars for each violation, or up to one thousand dollars for each violation if the court finds that the defendant knowingly violated this section. Each item manufactured, imported, sold or offered for sale in violation of this section shall constitute a violation. Each day a violation of this section is continued shall constitute a separate violation.

§ 2. Subdivision 2 of section 511-c of the vehicle and traffic law, as added by chapter 607 of the laws of 1993, is amended to read as follows:

2. Any motor vehicle which has been or is being used in violation of paragraph (a) of subdivision three of section five hundred eleven of this article, or sold or offered for sale in violation of section three hundred ninety-one-ccc of the general business law, may be seized by any peace officer, acting pursuant to [~~his or her~~] their special duties, or police officer, and forfeited as hereinafter provided in this section.

§ 3. This act shall take effect immediately.