



## Legislation Text

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Int. No. 21-A

By Council Members Brewer, Rivera, Stevens, Gennaro, Hudson, Louis, Schulman, Won and Farías

A Local Law to amend the administrative code of the city of New York, in relation to increasing the penalties for illegal powered mobility device sales, leases, or rentals, requiring that online sales of such devices include certification of accredited testing, imposing record keeping requirements on any person who distributes, sells, leases, rents, or offers to sell, lease or rent, any such devices, and, providing that the fire department have concurrent enforcement authority for violations of this section

Be it enacted by the Council as follows:

Section 1. Chapter 3 of the New York city fire code, set forth in chapter 2 of title 29 of the administrative code of the city of New York, is amended to add a new provision, FC 309.4, to read as follows:

309.4 Enforcement of certification requirements. The department is hereby authorized to enforce the provisions of section 20-610 of the administrative code, which, in part, prohibits the distribution, sale, lease, or rental of powered bicycles and powered mobility devices, as defined in that section, unless the storage batteries and electrical systems of such devices have been certified by an accredited testing laboratory, as defined in the rules of the Department of Consumer and Worker Protection.

§ 2. Section 20-610 of the administrative code of the city of New York, as added by local law number 39 of 2023, is amended to read as follows:

§ 20-610 Sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices.

a. No person shall distribute, sell, lease, rent or offer for sale, lease or rental a powered bicycle unless:

1. The electrical system for such bicycle has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2849, or such other safety standard as the

department has established by rule in consultation with the fire department; and

2. Such certification or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such powered bicycle; or (ii) directly on such powered bicycle or the battery of such bicycle.

b. No person shall distribute, sell, lease, rent, or offer for sale, lease, or rental, a powered mobility device unless:

1. The electrical system for such powered mobility device has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2272, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such powered mobility device; or (ii) directly on such powered mobility device or the battery of such device.

c. No person shall distribute, sell, lease, rent or offer for sale, lease or rental a storage battery for a powered bicycle or powered mobility device unless:

1. Such storage battery has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2271, or such other safety standard as the department has established by rule in consultation with the fire department; and

2. Such certification, or the logo, wordmark, or name of such accredited testing laboratory is displayed: (i) on packaging or documentation provided at the time of sale for such storage battery; or (ii) directly on such storage battery.

d. No powered bicycle or powered mobility device, or storage battery for a powered bicycle or powered mobility device, shall be required to display the certification or the logo, wordmark, or name of an accredited testing laboratory as required by subdivision a, b, or c of this section if such powered bicycle, powered mobility device, or storage battery: (i) is being sold or leased second-hand, or is being rented; and (ii)

does not include packaging, or does not include printed documentation, at the time of distribution, sale, lease, rental or offer for sale, lease or rental, as applicable.

e. No person shall distribute, sell, lease, rent or offer for sale, lease or rental a powered bicycle, powered mobility device, or storage battery for a powered bicycle or powered mobility device online unless the certification, or the logo, wordmark, or name of such accredited testing laboratory is displayed on the online product listing page.

f. A person who violates [subdivision a, b, or c of] this section, or any rule promulgated thereunder, is liable for a civil penalty as follows:

1. For the first violation, a civil penalty of zero dollars; and

2. For each subsequent violation [issued for the same offense] of subdivision a, b or c of this section issued on a different day within two years of the date of a first violation, a civil penalty of not more than [one] two thousand dollars[.]; and

3. For each subsequent violation of subdivision e or h of this section issued on a different day within two years of the date of a first violation, a civil penalty of not more than five hundred dollars.

[f.] g. Each failure to comply with [subdivision a, b, or c of] this section with respect to any one stock keeping unit constitutes a separate violation.

h. Records. Any person who distributes, sells, leases, rents, or offers to sell, lease or rent a powered bicycle, powered mobility device, or storage battery for a powered bicycle or powered mobility device shall maintain proof of certification that each such bicycle, device, or battery complies with under this section. All records required by this subdivision or by the commissioner by rule shall be maintained for three years and shall be made available to the department or the fire department electronically upon request, consistent with applicable law and in accordance with rules promulgated hereunder and with appropriate notice.

i. The commissioner, or the fire commissioner, after providing notice and an opportunity to be heard, shall be authorized to order the sealing of any premises where any person has been found:

1. to have violated this section on at least three occasions within a three-year period; or

2. to have violated any rule promulgated pursuant to this section, on at least three occasions within a three-year period.

j. Any authorized officer or employee of the department, or of the fire department, shall have the power to enforce this section or any rule promulgated pursuant to this section.

§ 3. Prior to the effective date of this local law, the department of consumer and worker protection, in coordination with the fire department, shall make efforts to identify all powered bicycle and powered mobility device businesses currently operating and notify such businesses of requirements as established by this local law.

§ 4. This local law takes effect 180 days after becoming law, except that the fire commissioner and the commissioner of consumer and worker protection may take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law, prior to the effective date of this local law.

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