



Legislation Text

File #: Int 1134-2023, **Version:** *

Int. No. 1134

By Council Members Yeger and Velázquez

A Local Law to amend the administrative code of the city of New York and the New York city fire code, in relation to penalties for the possession, sale, lease, or rental of unsafe powered bicycles, powered mobility devices, and storage batteries and the assembly or sale of second-use lithium-ion batteries

Be it enacted by the Council as follows:

Section 1. Section 20-610 of the administrative code of the city of New York, as added by local law number 39 for the year 2023, is amended to read as follows:

§ 20-610 [Sale] Possession, sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices. a. No person shall possess, 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 possess, 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 possess, 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. A person who [violates] possesses a powered bicycle, powered mobility device, or storage batteries for such device in violation of subdivision a, b, or c of this section, or any rule promulgated thereunder, [is liable for a civil penalty as follows] shall:

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

2. For each subsequent violation issued for the same offense on a different day within [two] 2 years of the date of a first violation, be liable for a civil penalty of not more than [one thousand dollars] \$1,000.

f. A person who distributes, sells, leases, rents, or offers for sale, lease, or rent a powered bicycle, powered mobility device, or storage batteries for such device in violation of subdivision a, b, or c of this section, or any rule promulgated thereunder, shall:

1. Be liable for a civil penalty of not more than \$1,000 for each violation issued for the same offense on a different day within 2 years; and

2. Be guilty of a misdemeanor punishable by imprisonment for not more than 1 year.

[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.

§ 2. Section FC 109 of the New York city fire code is amended by adding a new section 109.2.5 to read as follows:

109.2.5 Penalties for violations related to second-use batteries. Any person who violates FC 309.3.5 shall be liable for a civil penalty of not more than \$1,000 for each violation issued for the same offense on a different day within 2 years. Such person shall also be guilty of a misdemeanor punishable by imprisonment for not more than 1 year.

§ 3. This local law takes effect immediately.

EH
LS #13822
7/3/23