



Legislation Details (With Text)

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**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the operation of certain electric bicycles

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**Indexes:** Agency Rule-making Required

**Attachments:** 1. Summary of Int. No. 1264, 2. Int. No. 1264, 3. November 28, 2018 - Stated Meeting Agenda with Links to Files, 4. Committee Report 1/23/19, 5. Hearing Testimony 1/23/19, 6. Hearing Transcript 1/23/19

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Int. No. 1264

By Council Members Espinal, Cabrera, Rodriguez, Salamanca, Chin, Rivera, Levine, Cumbo, Cornegy, Reynoso, Menchaca, Van Bramer, Lander, Lancman, Richards, Brannan and Borelli

A Local Law to amend the administrative code of the city of New York, in relation to the operation of certain electric bicycles

Be it enacted by the Council as follows:

Section 1. Section 19-176.2 of the administrative code of the city of New York, subdivisions a and d of such section as amended by local law number 40 for the year 2013 and subdivisions b and c of such section as added by local law number 51 for the year 2004, is amended to read as follows:

§ 19-176.2. Motorized scooters. a. For purposes of this section, the term “motorized scooter” shall mean any wheeled device that has handlebars that is designed to be stood or sat upon by the operator, is powered by an electric motor or by a gasoline motor that is capable of propelling the device without human power and is

not capable of being registered with the New York State Department of Motor Vehicles. For the purposes of this section, the term motorized scooter shall not include wheelchairs or other mobility aids designed for use by disabled persons or class one or class two electric bicycles as defined in section 19-176.3(a) of this code.

b. No person shall operate a motorized scooter in the city of New York.

c. Any person who violates subdivision b of this section shall be liable for a civil penalty in the amount of [five hundred dollars] \$100. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation shall be a traffic infraction and shall be punishable in accordance with section eighteen hundred of the New York state vehicle and traffic law.

d. Any motorized scooter that has been used or is being used in violation of the provisions of this section that has been operated in a manner that endangers the safety of the operator or the safety or property of another may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such [vehicle] device.

§ 2. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§ 19-176.3 Motorized bicycles. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Class one electric bicycle. A “class one electric bicycle” means a bicycle equipped with fully operable pedals and an electric motor with an output of less than 750 watts that engages only when the operator is pedaling and disengages or ceases to function when such bicycle’s brakes are applied, the operator stops pedaling, or such bicycle achieves a speed of 20 miles per hour or more.

Class two electric bicycle. A “class two electric bicycle” means a bicycle equipped with fully operable

pedals and an electric motor with an output of less than 750 watts that may be used to propel such bicycle without the operator pedaling and will disengage or cease to function when such bicycle achieves a speed of 20 miles per hour or more.

Motorized bicycle. The term “motorized bicycle” means any bicycle powered by an electric or gasoline motor other than a class one electric bicycle or class two electric bicycle.

b. No person shall operate a class one or class two electric bicycle in the city unless such bicycle has a permanently affixed label of the manufacturer or distributor of the bicycle or electric motor or as otherwise authorized by the department, containing the maximum speed and motor wattage of the bicycle. The department shall establish procedures to provide labels for existing class one or class two electric bicycles.

c. No person shall operate a motorized bicycle in the city.

d. Any person who violates the terms of subdivision c shall be liable for a civil penalty in the amount of \$100. Any person found in violation shall be allowed, for the first such violation, a period of 30 days to submit proof of having brought their motorized bicycle into compliance with subdivision b, and upon submission of proof, shall not be liable for any penalty under this section. Authorized employees of the police department and department of parks and recreation shall have the authority to enforce the provisions of this section. Such penalties shall be recovered in a civil action or in a proceeding commenced by the service of a notice of violation that shall be returnable before the environmental control board. In addition, such violation is a traffic infraction and is punishable in accordance with section eighteen hundred of the vehicle and traffic law.

e. Any motorized bicycle operated in violation of subdivision c and operated in a manner that endangers the safety of the operator or the safety or property of another may be impounded and shall not be released until any and all removal charges and storage fees and applicable fines and civil penalties have been paid or a bond has been posted in an amount satisfactory to the commissioner of the agency that impounded such bicycle.

f. Operators of class one and class two electric bicycles shall be subject to the same rights and responsibilities attributed to operators of bicycles under the code and the rules of the city of New York.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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