



Legislation Details (With Text)

File #:	Int 0086-2004	Version:	*	Name:	Requiring owners and purchasers of motorized scooters to procure and maintain a policy of personal injury and property damage liability insurance for any damage, injuries or deaths resulting from the ownership.
Type:	Introduction	Status:	Filed	In control:	Committee on Consumer Affairs
On agenda:	2/4/2004				
Enactment date:		Enactment #:			
Title:	A Local Law to amend the administrative code of the city of New York, in relation to requiring owners and purchasers of motorized scooters to procure and maintain a policy of personal injury and property damage liability insurance for any damage, injuries or deaths resulting from the ownership, operation or use of a scooter, and to require owners of motorized scooters to register them with the police department, and to require merchants of motorized scooters to post notice of legality of scooters in retail establishments.				
Sponsors:	Margarita Lopez, Domenic M. Recchia, Jr., Helen Sears, Eric N. Gioia, Melinda R. Katz, Maria Baez, Yvette D. Clarke, Lewis A. Fidler, Alan J. Gerson, Miguel Martinez, Hiram Monserrate, Michael C. Nelson, James Sanders, Jr., Larry B. Seabrook, Kendall Stewart, Albert Vann, Simcha Felder, Letitia James, Eva S. Moskowitz, James F. Gennaro, Helen D. Foster				
Indexes:					
Attachments:					

Date	Ver.	Action By	Action	Result
2/4/2004	*	City Council	Introduced by Council	
2/4/2004	*	City Council	Referred to Comm by Council	
12/31/2005	*	City Council	Filed (End of Session)	

Int. No. 86

By Council Members Lopez, Recchia Jr., Sears, Gioia, Katz, Baez, Clarke, Fidler, Gerson, Martinez, Monserrate, Nelson, Sanders Jr., Seabrook, Stewart, Vann, Felder, James, Moskowitz, Gennaro and Foster

A Local Law to amend the administrative code of the city of New York, in relation to requiring owners and purchasers of motorized scooters to procure and maintain a policy of personal injury and property damage liability insurance for any damage, injuries or deaths resulting from the ownership, operation or use of a scooter, and to require owners of motorized scooters to register them with the police department, and to require merchants of motorized scooters to post notice of legality of scooters in retail establishments.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council finds that the presence of motorized scooters in any public area poses a significant health and safety risk to operators, pedestrians and

vehicular traffic. Scooters were originally designed as low-tech devices propelled solely by human-power and intended for low-speed operation. However, the newest models of scooters incorporate more sophisticated motorized technology that allows operators to reach relatively high rates of speed. While these new capabilities have caused motorized scooters to become more popular than ever, showing up seemingly everywhere, the high rates of speed also mean that they are more difficult for operators to safely maneuver and pose an increased risk to operators, pedestrians and vehicular traffic alike. Consequently, the increased presence of modern motorized scooters on sidewalks and streets has been accompanied by a corresponding increase in scooter-related accidents and injuries. Further compounding these already significant risks is an absence of licensing or safety requirements for motorized scooter operators. The combination of the popularity of motorized scooters, their lack of regulation and their potential for aggressive operation, coupled with the fact that the design of scooters affords operators minimal protection against injury in the event of a collision, holds the potential for a very dangerous public safety situation. These factors strongly support enacting and implementing measures to reduce the potential for public harm inherent in the use of these devices in public places.

Contrary to the opinion of many scooter proponents, who advocate the use of scooters in urban areas, there is no room for motorized scooters to be safely operated on the congested public roadways and sidewalks of a city like New York, competing for space with vehicular traffic, pedestrians and bicycles. Further, under New York State law, motorized scooters are currently illegal to operate on any public thoroughfare. Like go-peds, motor bikes and go-karts, scooters are not permitted on any street, highway, parking lot, sidewalk or other area that allows public motor vehicle traffic. As is the case with scooters, none of these devices are equipped for operation on roadways and thus, can only be safely, and legally, operated on private property.

However, despite these laws, scooters continue to be operated on city streets, requiring the City to take action, such as requiring liability insurance and signs to be posted at retail establishments, to ensure a safe City for all New Yorkers. This law would be retroactive and applicable to all motorized scooters purchased on or

after January 1, 2003.

§ 2. Chapter 4 of title 20 of the administrative code of the city of New York is hereby amended by adding a new subchapter to read as follows:

SUBCHAPTER 12

SALE OF MOTORIZED SCOOTERS

§ 20-698. Motorized Scooters.

a. Definitions. For purposes of this subchapter: (1) “Motorized scooter” shall mean any wheeled device that is designed to be stood or sat upon by the operator, is powered by an electric motor or a gasoline fueled motor that is capable of propelling the device without human power and may not be registered with the New York State Department of Motor Vehicles. For purposes of this subchapter, the term “motorized scooter” shall not include wheelchairs or other mobility aids designed for use by disabled persons.

b. Any merchant in the business of selling or offering for sale any motorized scooter under this section shall comply with the following with respect to the sale of motorized scooters:

1. As a condition of completing the sale of a motorized scooter and transferring possession of the motorized scooter to the purchaser, merchants shall require production, by the purchaser, of a police department-issued permit demonstrating proof of the purchaser’s liability insurance coverage, pursuant to section 19-180 of the code, for each motorized scooter to be purchased.

i. At the time of sale of one or more motorized scooters, a bill of sale shall be presented to the purchaser to allow him or her to procure the required insurance coverage and, pursuant to section 10-163 of the code, apply to the police department for a permit evidencing such compliance.

ii. Merchants shall allow purchasers twenty-eight days to obtain the requisite coverage and permit. Following production of a valid permit, merchants may complete the transaction and transfer possession to the purchaser.

2. Reporting requirements. Merchants shall maintain a record of each sale of a motorized scooter, indicating the model of motorized scooter purchased, the name and address of the purchaser, and the date and time of the transaction. Such information shall be reported to the Department of Consumer Affairs, the Police Department and the Department of Transportation.

3. Notice. Merchants shall display, in a conspicuous location clearly visible to consumers, in clear and prominent letter type, of a type size that is sufficient for an ordinary reader to notice, read and comprehend, in English and whichever language the commissioner shall designate by rule, the notice below:

“UNDER NEW YORK LAW, IT IS ILLEGAL TO OPERATE A MOTORIZED SCOOTER ON PUBLIC PROPERTY, INCLUDING ALL PUBLIC SIDEWALKS, STREETS AND HIGHWAYS IN NEW YORK STATE. IN ADDITION, IT IS ALSO ILLEGAL TO STORE GAS-POWERED MOTORIZED SCOOTERS IN PRIVATE APARTMENTS.”

c. The commissioner of the department of consumer affairs may promulgate rules implementing the provisions of this section.

§ 3. Subchapter 3 of chapter 1 of title 19 of the administrative code is hereby amended by adding a new section 19-180 to read as follows:

§ 19-180. Insurance Requirements for Motorized Scooters. a. Every owner or purchaser of a motorized scooter, as defined in section 20-698 of the code, shall be required to maintain a policy of personal injury and property damage liability insurance for each motor scooter owned or purchased, for any damage to property or personal injury, including death, resulting from the ownership, operation or use of a motorized scooter. Pursuant to section 10-163 of the code, every owner or purchaser shall be required to obtain a permit from the police department as evidence of compliance with this section.

b. Enforcement. The commissioners of the police department, the department of consumer affairs and the department of transportation, may promulgate rules implementing the provisions of this section.

§ 4. Chapter 1 of title 10 of the administrative code of the city of New York is hereby amended by adding a new section 10-163 to read as follows:

§ 10-163.

a. Permit Evidencing Compliance with Motorized Scooter Insurance Requirements. It shall be unlawful for any person to own or operate a motorized scooter, as defined in section 20-698 of the code, within the City of New York without first obtaining a permit, issued by the police commissioner in accordance with the regulations that he or she may prescribe, demonstrating compliance with motorized scooter insurance requirements pursuant to section 19-180 of the code.

b. Violations. Any person who shall violate this section by owning or operating a motorized scooter without such a permit shall be liable for a fine of one hundred dollars.

c. Enforcement. The provisions of this section shall be enforced concurrently by the commissioner of the police department, the department of consumer affairs and the department of transportation.

§ 5. Retroactive Applicability. This local law shall take effect thirty days after its enactment into law and shall be deemed to have been in full force and effect on and after January 1, 2003.