



Legislation Text

File #: Int 0098-2004, **Version:** A

Int. No. 98-A

By Council Members McMahon, Vallone, Rivera, Gioia, Baez, Avella, Brewer, Comrie, Fidler, Gennaro, Jackson, Martinez, Monserrate, Nelson, Provenzano, Quinn, Reed, Sears, Stewart, Weprin, Liu, Katz, Reyna, Addabbo, Sanders and Gonzalez

A Local Law to amend the administrative code of the city of New York, in relation to the prohibition on the sale, lease, rental or operation of motorized scooters.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council of the City of New York hereby finds that the operation of motorized scooters in the City presents a growing risk to the life and health of scooter operators, motorists, and pedestrians. The United States Consumer Product Safety Commission reported 4,390 emergency room-treated injuries associated with motorized scooters in the year 2000. Thirty-nine percent of those injured were under 15 years of age.

These motorized scooters come in many forms. A recent manifestation of these devices, one that has been proliferating rapidly in the City, is the so-called “pocket-rocket”. Pocket-rockets are relatively inexpensive and are easily obtained, but are very dangerous. Many reach speeds of forty miles per hour or greater while not being equipped to protect the rider properly. This became abundantly clear in the recent tragic death of a 19-year old pocket-rocket rider in Queens on July 29, 2004 when the device struck a pothole at an excessive speed.

Scooters were originally designed for human power and low-speed operation. Their motorized counterparts travel up to forty miles per hour and cannot be maneuvered safely at these speeds. Difficulty of control poses risks to operators, pedestrians and vehicular traffic in the streets of the City. The absence of licensing or safety requirements compounds these risks.

The New York State Vehicle and Traffic Law mandates that registration is required for operating motorized vehicles on public streets. The Department of Motor Vehicles has declared that motorized scooters cannot be registered and therefore should not be allowed on public streets. The Council is enacting this local law to eliminate the significant safety risks posed by the increasing use of motorized scooters.

§2. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.2 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, electric powered devices not capable of exceeding fifteen miles per hour or “electric personal assistive mobility devices” defined as self-balancing, two non-tandem wheeled devices designed to transport one person by means of an electric propulsion system.

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. 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 may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines have been paid or a bond has been posted in an amount satisfactory to the police commissioner.

§ 3. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-762 to read as follows:

§20-762. Motorized Scooters. a. For purposes of this section, a motorized scooter shall have the definition set forth in section 19-176.2 of this code.

b. No person shall sell, lease or rent or attempt to sell, lease or rent a motorized scooter to another person in the city of New York.

c. Any person who violates subdivision b of this section shall be liable for a civil penalty of one thousand dollars for a first violation and a civil penalty of two thousand dollars for each subsequent violation within one year. Each sale, lease or rental, or attempt to sell, lease or rent, a motorized scooter shall be deemed a separate violation. Authorized employees of the department, the police department, and of any other agency designated by the mayor, 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 hearing that shall be returnable before the administrative tribunal of the department. 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 may be impounded and shall not be released until any and all removal charges and storage fees and the applicable fines have been paid or a bond has been posted in an amount satisfactory to the commissioner.

§ 4. This local law shall take effect one hundred twenty days after its enactment into law, except that the police commissioner and the commissioners of consumer affairs and parks and recreation shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.