**File #:** Res 0223-2024, **Version:** *

Res. No. 223

Resolution calling on the New York State Assembly to pass A.4938-B and A.5310 and the Governor to sign A.4938-B/S.154-C and A.5310/S.157, which would set standards for lithium-ion batteries used in specific electric mobility devices and prohibit the sale of second-use lithium-ion batteries intended for use in a bicycle with electric assist, an electric scooter or a limited use motorcycle.

By Council Members Brewer and Gennaro

Whereas, During the past several years, New York City has experienced a rapid increase in lithium-ion battery related fires, largely associated with E-bikes; and

Whereas, The construction of these batteries contain a pressurized electrolyte fluid that makes them dangerous in a range of circumstances, which may compromise the battery's integrity and cause the battery to explode or ignite; and

Whereas, These circumstances include but are not limited to: (i) impact damage to the battery; (ii) a manufacturing flaw; (iii) aging and deterioration of the battery components; (iv) extreme temperatures; and (v) overcharging; and

Whereas, The New York City Fire Department ("FDNY") investigated 44 lithium-ion fires related to E-bikes and electric scooters during 2020, none of which resulted in deaths; and

Whereas, During 2021 and 2022, respectively, the FDNY reported investigating 104 and 220 fires resulting in 4 and 6 deaths; and

Whereas, On June 20, 2023, an early-morning fire at an E-bike store in lower Manhattan, caused by lithium-ion batteries, resulted in the death of four individuals; and

Whereas, In March of 2023, the Council passed a package of E-bike safety legislation, including:(i) Local Law 39 of 2023, which prohibits the sale, lease, or rental of powered mobility devices, such as e-bikes and electric scooters, and storage batteries for these devices, that fail to meet recognized safety standards and (ii) Local Law 42 of 2023, which prohibits the sale of reconditioned lithium-ion batteries that use cells removed from used storage batteries; and

Whereas, A.4938-B, introduced by New York State Assemblymember Jeffrey Dinowitz, and companion bill S.154-C, introduced by New York State Senator Liz Krueger, would require lithium-ion batteries sold in the State and to be used in a light electric-powered vehicle or personal mobility device to be manufactured in accordance with certain standards and specifications; and

Whereas, A.4938-B/S.154-C would amend the New York State General Business Law ("GBL") by prohibiting the manufacturing, distribution, sale of lithium-ion battery or chargers for E-bikes, electric scooters, and other small mobility devices that do not comply with one of the listed standards set out by *Underwriter Laboratories*; and

Whereas, A.4938-B/S.154-C would create a civil penalty that ranges from $500 for a first violation to $1000 for each subsequent for anyone who violates the law; and

Whereas A.5310, introduced by Assemblymember Jeffrey Dinowitz, and companion bill S.157, introduced by Senator Liz Krueger, would prohibit the sale of second-use lithium-ion batteries intended for use in a bicycle with electric assist, an electric scooter or a limited use motorcycle; and

Whereas, A.5310/S.157 would amend the GBL by prohibiting the distribution, assembly, or sale of second-use lithium-ion batteries for E-bikes and electric scooters that have been assemble or reconditioned

using cells removed from used batteries; and

Whereas, A.5310/S.157 would create a civil penalty that ranges from $200 for a first violation to $1000 for each subsequent violation within two years for anyone who violates the law; and

Whereas, On June 1, 2023, the New York State Senate passed S.157 and was delivered to the New York State Assembly on the same day; and

Whereas, On June 8, 2023, the New York State Senate passed S.154-C and was delivered to the New York State Assembly on the same day; and

Whereas, Currently, the New York State Assembly has yet to hold a vote on A.4938-B or A.5310; and

Whereas, Prohibiting the sale of second-use lithium-ion batteries intended for the use in E-bikes and electric scooters statewide would further preclude the use of these dangerous products within the City and better ensure the safety of all New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass A. 4938-B and A.5310 and the Governor to sign A.4938-B/S.154-C and A.5310/S.157, which would set standards for lithium-ion batteries used in specific electric mobility devices and prohibit the sale of second-use lithium-ion batteries intended for use in a bicycle with electric assist, an electric scooter or a limited use motorcycle.

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WJHLS 13382
7/11/23