

A Local Law to amend the administrative code of the city of New York, in relation to the sale, lease, and rental of powered bicycles, powered mobility devices and storage batteries

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 2 to read as follows:

SUBCHAPTER 2
POWERED MOBILITY DEVICES

§ 20-609 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Powered bicycle. The term "powered bicycle" means a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law.

Powered mobility device. The term "powered mobility device" means an electric scooter as defined in section 114-e of the vehicle and traffic law or successor provision or other personal mobility device powered by a lithium-ion or other storage battery. The term does not include powered bicycles, wheelchairs or other mobility devices designed for use by persons with disabilities, or any vehicle that is capable of being registered with the New York State Department of Motor Vehicles.

Stock keeping unit. The term "stock keeping unit" means each group of items offered for sale of the same brand name, quantity of contents, retail price and variety.

§ 20-610 Sale, lease, and rental of powered bicycles, powered mobility devices, and storage batteries for such devices. a. No person shall 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 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 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 subdivision a, b, or c of this section, or any rule promulgated thereunder, is liable for a civil penalty as follows:

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

2. For each subsequent violation issued for the same offense on a different day within two years of the date of a first violation, a civil penalty of not more than one thousand dollars.

f. 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. This local law takes effect 180 days after it becomes law.