

# STATE OF NEW YORK

5294--A

2019-2020 Regular Sessions

## IN SENATE

April 23, 2019

Introduced by Sens. RAMOS, BAILEY, BENJAMIN, COMRIE, GAUGHRAN, GIANARIS, HARCKHAM, JACKSON, KAMINSKY, KAVANAGH, LIU, MARTINEZ, MAY, METZGER, MONTGOMERY, MYRIE, O'MARA, PARKER, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to bicycles with electric assist and electric scooters; and providing for the repeal of certain provisions upon the expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 102-c to read as follows:

§ 102-c. Bicycle with electric assist. A bicycle which has an electric motor of less than seven hundred fifty watts, equipped with operable pedals, meeting the equipment and manufacturing requirements for bicycles adopted by the Consumer Product Safety Commission under 16 C.F.R. Part 1512.1 et seq. and meeting the requirements of one of the following three classes:

(a) "Class one bicycle with electric assist." A bicycle with electric assist having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and that ceases to provide assistance when such bicycle reaches a speed of twenty miles per hour.

(b) "Class two bicycle with electric assist." A bicycle with electric assist having an electric motor that may be used exclusively to propel such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty miles per hour.

(c) "Class three bicycle with electric assist." Solely within a city having a population of one million or more, a bicycle with electric assist having an electric motor that may be used exclusively to propel

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 such bicycle, and that is not capable of providing assistance when such  
2 bicycle reaches a speed of twenty-five miles per hour.

3 § 2. The vehicle and traffic law is amended by adding a new section  
4 114-e to read as follows:

5 § 114-e. Electric scooter. Every device weighing less than one hundred  
6 pounds that (a) has handlebars, a floorboard that can be stood upon by  
7 the operator, and an electric motor, (b) can be powered by the electric  
8 motor and/or human power, and (c) has a maximum speed of no more than  
9 twenty miles per hour on a paved level surface when powered solely by  
10 the electric motor.

11 § 3. Section 125 of the vehicle and traffic law, as amended by chapter  
12 365 of the laws of 2008, is amended to read as follows:

13 § 125. Motor vehicles. Every vehicle operated or driven upon a public  
14 highway which is propelled by any power other than muscular power,  
15 except (a) electrically-driven mobility assistance devices operated or  
16 driven by a person with a disability, (a-1) electric personal assistive  
17 mobility devices operated outside a city with a population of one  
18 million or more, (b) vehicles which run only upon rails or tracks, (c)  
19 snowmobiles as defined in article forty-seven of this chapter, [and] (d)  
20 all terrain vehicles as defined in article forty-eight-B of this  
21 chapter, (e) bicycles with electric assist as defined in section one  
22 hundred two-c of this article, and (f) electric scooters as defined in  
23 section one hundred fourteen-e of this article operated outside a city  
24 with a population of one million or more. For the purposes of title four

25 of this chapter, the term motor vehicle shall exclude fire and police  
26 vehicles other than ambulances. For the purposes of titles four and  
27 five of this chapter the term motor vehicles shall exclude farm type  
28 tractors and all terrain type vehicles used exclusively for agricultural  
29 purposes, or for snow plowing, other than for hire, farm equipment,  
30 including self-propelled machines used exclusively in growing, harvest-  
31 ing or handling farm produce, and self-propelled caterpillar or crawl-  
32 er-type equipment while being operated on the contract site.

33 § 3-a. Section 125 of the vehicle and traffic law, as amended by  
34 section three of this act, is amended to read as follows:

35 § 125. Motor vehicles. Every vehicle operated or driven upon a public  
36 highway which is propelled by any power other than muscular power,  
37 except (a) electrically-driven mobility assistance devices operated or  
38 driven by a person with a disability, (a-1) electric personal assistive  
39 mobility devices operated outside a city with a population of one  
40 million or more, (b) vehicles which run only upon rails or tracks, (c)  
41 snowmobiles as defined in article forty-seven of this chapter, (d) all  
42 terrain vehicles as defined in article forty-eight-B of this chapter,  
43 (e) bicycles with electric assist as defined in section one hundred  
44 two-c of this article, and (f) electric scooters as defined in section  
45 one hundred fourteen-e of this article [~~operated outside a city with a~~  
46 ~~population of one million or more~~]. For the purposes of title four of  
47 this chapter, the term motor vehicle shall exclude fire and police vehi-  
48 cles other than ambulances. For the purposes of titles four and five of  
49 this chapter the term motor vehicles shall exclude farm type tractors  
50 and all terrain type vehicles used exclusively for agricultural  
51 purposes, or for snow plowing, other than for hire, farm equipment,  
52 including self-propelled machines used exclusively in growing, harvest-  
53 ing or handling farm produce, and self-propelled caterpillar or crawl-  
54 er-type equipment while being operated on the contract site.

55 § 4. Section 159 of the vehicle and traffic law is amended to read as  
56 follows:

1     § 159. Vehicle. Every device in, upon, or by which any person or  
2 property is or may be transported or drawn upon a highway, except  
3 devices moved by human power or used exclusively upon stationary rails  
4 or tracks, bicycles with electric assist as defined in section one  
5 hundred two-c of this article, and electric scooters as defined in  
6 section one hundred fourteen-e of this article operated outside a city  
7 with a population of one million or more.

8     § 4-a. Section 159 of the vehicle and traffic law, as amended by  
9 section four of this act, is amended to read as follows:

10    § 159. Vehicle. Every device in, upon, or by which any person or  
11 property is or may be transported or drawn upon a highway, except  
12 devices moved by human power or used exclusively upon stationary rails  
13 or tracks, bicycles with electric assist as defined in section one  
14 hundred two-c of this article, and electric scooters as defined in  
15 section one hundred fourteen-e of this article [~~operated outside a city~~  
16 ~~with a population of one million or more~~].

17    § 5. The vehicle and traffic law is amended by adding two new sections  
18 1242 and 1243 to read as follows:

19    § 1242. Additional provisions applicable to bicycles with electric  
20 assist. 1. In addition to complying with all of the rules, regulations,  
21 and provisions applicable to bicycles contained in this article, bicy-  
22 cles with electric assist shall operate in a manner so that the electric  
23 motor is disengaged or ceases to function when the brakes are applied or  
24 the rider stops pedaling, or operate in a manner such that the electric  
25 motor is engaged through a switch or mechanism that, when released, will  
26 cause the electric motor to disengage or cease to function.

27    2. Notwithstanding the provisions of section twelve hundred thirty-  
28 eight of this article, no person less than sixteen years of age shall  
29 operate or ride as a passenger upon a bicycle with electric assist, and  
30 no person sixteen years of age or older shall allow any person less than  
31 sixteen years of age to operate or ride as a passenger upon such bicy-  
32 cle. The provisions of subdivision seven of section twelve hundred thir-  
33 ty-eight of this article shall be applicable to this subdivision.

34    3. The governing body of any city, town or village may, by local law  
35 or ordinance, further regulate the time, place and manner of the opera-  
36 tion of bicycles with electric assist, and may limit, prohibit the use  
37 thereof in specified areas, or prohibit entirely the use of bicycles  
38 with electric assist within such city, town, or village.

39    4. (a) No person shall operate a bicycle with electric assist on any  
40 public lands or property, other than a highway exclusive of any greenway  
41 running adjacent to or connected with a highway, except that a bicycle  
42 with electric assist may be operated on any such lands that have been  
43 designated and posted for travel by bicycles with electric assist in  
44 accordance with the provisions of paragraph (b) of this subdivision. For  
45 the purposes of this subdivision, the term "greenway" shall have the  
46 same meaning as such term is defined by subdivision seven of section  
47 44-0103 of the environmental conservation law and subdivision one of  
48 section 39.03 of the parks, recreation and historic preservation law.

49    (b) A state agency, by regulation or order, and a city, town or  
50 village, by local law or ordinance, may designate any appropriate public  
51 lands and properties under its jurisdiction, other than highways exclu-  
52 sive of any greenway running adjacent to or connected with a highway, as  
53 a place open for travel by bicycles with electric assist upon written  
54 request for such designation by any person, and may impose restrictions  
55 and conditions for the regulation and safe operation of bicycles with

1 electric assist on such public lands or property, such as travel on  
2 designated trails and hours of operation.

3 5. (a) No person shall operate a bicycle with electric assist unless  
4 such operation is in compliance with the provisions of this chapter, and  
5 any regulation or order or local law or ordinance adopted pursuant to  
6 subdivisions three and four of this section.

7 (b) No bicycle with electric assist shall be operated on a sidewalk,  
8 except as may be authorized by a local law or ordinance adopted by a  
9 city, town or village having jurisdiction over such sidewalk including  
10 parking on certain sidewalks within such city, town or village in  
11 compliance with the federal Americans with Disabilities Act of 1990, as  
12 amended (Public Law 101-336).

13 6. The operation of a bicycle with electric assist which meets the  
14 requirements of subdivision (c) of section one hundred two-c of this  
15 chapter outside of a city having a population of one million or more is  
16 prohibited.

17 7. (a) No person, firm, association or corporation engaged in the  
18 business of selling or leasing bicycles with electric assist shall sell  
19 or lease any bicycle with electric assist on or after June first, two  
20 thousand twenty-one unless such bicycle with electric assist has perma-  
21 nently affixed thereto, in a prominent location, a manufacturer's label  
22 which shall include the following information: the class, maximum  
23 motor-assisted speed, and motor wattage of such bicycle with electric  
24 assist. Manufacturers and distributors of bicycles with electric assist  
25 shall, by April first, two thousand twenty-one, establish a process by  
26 which an owner of a bicycle with electric assist may request and obtain  
27 a manufacturer's label providing the class, maximum motor-assisted  
28 speed, and motor wattage applicable to his or her bicycle with electric  
29 assist purchased prior to June first, two thousand twenty-one and  
30 installation instructions, from such manufacturers and distributors.

31 (b) No person shall operate a bicycle with electric assist on any  
32 public highway or street in this state after June first, two thousand  
33 twenty-one unless such bicycle with electric assist has affixed thereto,  
34 in a prominent location, a manufacturer's label providing the class,  
35 maximum motor-assisted speed, and motor wattage of such bicycle with  
36 electric assist. Any person who violates the provisions of this para-  
37 graph shall be punished by a civil fine of up to fifty dollars. The  
38 court shall waive any fine for which a person who violates the  
39 provisions of this paragraph would be liable if such person supplies the  
40 court with proof that, between the date on which he or she is charged  
41 with having violated this paragraph and the appearance date for such  
42 violation, a manufacturer's label was affixed to his or her bicycle with  
43 electric assist as required by this paragraph. Provided, however, that  
44 such waiver of fine shall not apply to a second or subsequent conviction  
45 under this paragraph.

46 8. A police officer shall only issue a summons for a violation of this  
47 section by a person less than sixteen years of age to the parent or  
48 guardian of such person if the violation by such person occurs in the  
49 presence of such person's parent or guardian and where such parent or  
50 guardian is eighteen years of age or older. Such summons shall only be  
51 issued to such parent or guardian, and shall not be issued to the person  
52 less than sixteen years of age.

53 § 1243. Shared bicycle and shared bicycle with electric assist  
54 systems; data protection. 1. The governing body of any city, town or  
55 village may, by local law, ordinance, order, rule or regulation, author-  
56 ize and regulate shared bicycle systems or shared bicycle with electric

1 assist systems within such city, town or village. No such shared  
2 systems shall operate within a city, town or village except as author-  
3 ized by such local law, ordinance, order, rule or regulation. For the  
4 purposes of this subdivision, the term shared bicycle system or shared  
5 bicycle with electric assist system shall mean a network of self-service  
6 and publicly available bicycles or bicycles with electric assist in  
7 which a bicycle or bicycle with electric assist trip begins and/or ends  
8 on any public highway.

9 2. Notwithstanding any other provision of law to the contrary, all  
10 trip data, personal information, images, videos, and other recorded  
11 images collected by any shared bicycle system or shared bicycle with  
12 electric assist system which is authorized to operate within a city,  
13 town or village pursuant to this section: (a) shall be for the exclusive  
14 use of such shared bicycle or shared bicycle with electric assist system  
15 and shall not be sold, distributed, or otherwise made available for any  
16 commercial purpose and (b) shall not be disclosed or otherwise made  
17 accessible except (i) to the person who is the subject of such data,  
18 information or record; or (ii) if necessary to comply with a lawful  
19 court order, judicial warrant signed by a judge appointed pursuant to  
20 article III of the United States constitution, or subpoena for individ-  
21 ual data, information or records properly issued pursuant to the crimi-  
22 nal procedure law or the civil practice law and rules. Provided, howev-  
23 er, that nothing contained in this paragraph shall be deemed to preclude  
24 the exchange of such data, information or recorded images solely for the  
25 purpose of administering such authorized shared system. For the purposes  
26 of this subdivision, "personal information" shall mean information that  
27 identifies an individual, including but not limited to name, address,  
28 telephone number, and the type and form of payment including credit card  
29 number, debit card number, or other payment method.

30 § 6. The vehicle and traffic law is amended by adding a new article  
31 34-D to read as follows:

#### 32 ARTICLE 34-D

#### 33 OPERATION OF ELECTRIC SCOOTERS

#### 34 Section 1280. Effect of regulations.

35 1281. Traffic laws apply to persons operating electric scooters;  
36 local laws.

37 1282. Operating electric scooters.

38 1283. Clinging to vehicles.

39 1284. Riding on roadways, shoulders, and lanes reserved for  
40 non-motorized vehicles and devices.

41 1285. Lamps and other equipment.

42 1286. Leaving the scene of an incident involving an electric  
43 scooter without reporting in the second degree.

44 1287. Leaving the scene of an incident involving an electric  
45 scooter without reporting in the first degree.

46 § 1280. Effect of regulations. 1. The parent of any child and the  
47 guardian of any ward shall not authorize or knowingly permit any such  
48 child or ward to violate any of the provisions of this article.

49 2. These regulations applicable to electric scooters shall apply when-  
50 ever an electric scooter is operated upon any highway, upon private  
51 roads open to public motor vehicle traffic and upon any path set aside  
52 for the exclusive use of bicycles, in-line skates, electric scooters, or  
53 all.

54 § 1281. Traffic laws apply to persons operating electric scooters;  
55 local laws. 1. Every person riding an electric scooter upon a roadway  
56 shall be granted all of the rights and shall be subject to all of the

1 duties applicable to the driver of a vehicle and the rider of a bicycle  
2 by this title, except as to special regulations in this article and  
3 except as to those provisions of this title which by their nature can  
4 have no application.

5 2. The governing body of any city, town or village may, by local law  
6 or ordinance, further regulate the time, place and manner of the opera-  
7 tion of electric scooters, and may limit, prohibit the use thereof in  
8 specified areas, or prohibit entirely the use of electric scooters with-  
9 in such city, town, or village.

10 3. No person shall operate an electric scooter unless such operation  
11 is in compliance with the provisions of this chapter, and any regulation  
12 or order or local law or ordinance adopted pursuant to subdivision two  
13 of this section or subdivision six of section twelve hundred eighty-two  
14 of this article. The provisions of subdivision seven of section twelve  
15 hundred thirty-eight of this title shall be applicable to this article.

16 § 1282. Operating electric scooters. 1. No electric scooter shall be  
17 used to carry more persons at one time than the number for which such  
18 device is designed and equipped. No person operating an electric scooter  
19 shall carry any person as a passenger in a pack fastened to the operator  
20 or fastened to the electric scooter.

21 2. No person operating an electric scooter shall carry any package,  
22 bundle or article which prevents the operator from keeping at least one  
23 hand upon the handle bars or which obstructs his or her vision in any  
24 direction.

25 3. Every person operating an electric scooter shall yield the right of  
26 way to pedestrians.

27 4. No person less than sixteen years of age shall operate or ride as a  
28 passenger upon an electric scooter, and no person sixteen years of age  
29 or older shall allow any person less than sixteen years of age to oper-  
30 ate or ride as a passenger upon such scooter. A police officer shall  
31 only issue a summons for a violation of this subdivision by a person  
32 less than sixteen years of age to the parent or guardian of such person  
33 if the violation by such person occurs in the presence of such person's  
34 parent or guardian and where such parent or guardian is eighteen years  
35 of age or more. Such summons shall only be issued to such parent or  
36 guardian, and shall not be issued to the person less than sixteen years  
37 of age.

38 5. No person shall operate an electric scooter on a sidewalk, except  
39 as may be authorized by a local law or ordinance adopted by a city, town  
40 or village having jurisdiction over such sidewalk including parking on  
41 certain sidewalks within such city, town or village in compliance with  
42 the federal Americans with Disabilities Act of 1990, as amended (Public  
43 Law 101-336).

44 6. (a) No person shall operate an electric scooter on any public lands  
45 or property, other than a highway exclusive of any greenway running  
46 adjacent to or connected with a highway, except that an electric scooter  
47 may be operated on any such lands that have been designated and posted  
48 for travel by electric scooters in accordance with the provisions of  
49 paragraph (b) of this subdivision. For the purposes of this subdivision,  
50 the term "greenway" shall have the same meaning as such term is defined  
51 by subdivision seven of section 44-0103 of the environmental conserva-  
52 tion law and subdivision one of section 39.03 of the parks, recreation  
53 and historic preservation law.

54 (b) A state agency, by regulation or order, and a city, town or  
55 village, by local law or ordinance, may designate any appropriate public  
56 lands and properties under its jurisdiction, other than highways exclu-

1 sive of any greenway running adjacent to or connected with a highway, as  
2 a place open for travel by electric scooters upon written request for  
3 such designation by any person, and may impose restrictions and condi-  
4 tions for the regulation and safe operation of electric scooters on such  
5 public lands or property, such as travel on designated trails and hours  
6 of operation.

7 7. (a) No person, firm, association or corporation engaged in the  
8 business of selling or leasing electric scooters shall sell or lease any  
9 electric scooter on or after June first, two thousand twenty-one unless  
10 such electric scooter has in a prominent location, a manufacturer's  
11 label which shall include the following information: the maximum motor-  
12 assisted speed, the number of persons for which such electric scooter is  
13 designed and equipped, and motor wattage of such electric scooter.  
14 Manufacturers and distributors of electric scooters shall, by April  
15 first, two thousand twenty-one, establish a process by which an owner of  
16 an electric scooter may request and obtain a manufacturer's label  
17 providing the maximum motor-assisted speed, the number of persons for  
18 which such electric scooter is designed and equipped, and motor wattage  
19 applicable to his or her electric scooter purchased prior to June first,  
20 two thousand twenty-one and installation instructions, from such  
21 manufacturers and distributors.

22 (b) No person shall operate an electric scooter on any public highway  
23 or street in this state after June first, two thousand twenty-one unless  
24 such electric scooter has in a prominent location, a manufacturer's  
25 label providing the maximum motor-assisted speed, the number of persons  
26 for which such electric scooter is designed and equipped, and motor  
27 wattage of such electric scooter. Any person who violates the provisions  
28 of this paragraph shall be punished by a civil fine of up to fifty  
29 dollars. The court shall waive any fine for which a person who violates  
30 the provisions of this paragraph would be liable if such person supplies  
31 the court with proof that, between the date on which he or she is  
32 charged with having violated this paragraph and the appearance date for  
33 such violation, a manufacturer's label was affixed to his or her elec-  
34 tric scooter as required by this paragraph. Provided, however, that such  
35 waiver of fine shall not apply to a second or subsequent conviction  
36 under this paragraph.

37 8. (a) The governing body of any city, town or village may, by local  
38 law, ordinance, order, rule or regulation, authorize and regulate shared  
39 electric scooter systems within such city, town or village. No such  
40 shared systems shall operate within a city, town or village except as  
41 authorized by such local law, ordinance, order, rule or regulation. No  
42 such shared electric scooter system shall operate on public highways in  
43 a county with a population of no less than one million five hundred  
44 eighty-six thousand and no more than one million five hundred eighty-  
45 seven thousand as of the two thousand ten decennial census. For the  
46 purposes of this subdivision, the term shared electric scooter system  
47 shall mean a network of self-service and publicly available electric  
48 scooters, and related infrastructure, in which an electric scooter trip  
49 begins and/or ends on any public highway.

50 (b) Notwithstanding any other provision of law to the contrary, all  
51 trip data, personal information, images, videos, and other recorded  
52 images collected by any shared electric scooter system which is author-  
53 ized to operate within a city, town or village pursuant to this section:  
54 (i) shall be for the exclusive use of such shared electric scooter  
55 system and shall not be sold, distributed or otherwise made available  
56 for any commercial purpose and (ii) shall not be disclosed or otherwise

1 made accessible except: (1) to the person who is the subject of such  
2 data, information or record; or (2) if necessary to comply with a lawful  
3 court order, judicial warrant signed by a judge appointed pursuant to  
4 article III of the United States constitution, or subpoena for individ-  
5 ual data, information or records properly issued pursuant to the crimi-  
6 nal procedure law or the civil practice law and rules. Provided, howev-  
7 er, that nothing contained in this paragraph shall be deemed to preclude  
8 the exchange of such data, information or recorded images solely for the  
9 purpose of administering such authorized shared system.

10 § 1283. Clinging to vehicles. 1. No person operating an electric  
11 scooter shall attach such scooter, or himself or herself, to any vehicle  
12 being operated upon a roadway.

13 2. No vehicle operator shall knowingly permit any person to attach any  
14 electric scooter or himself or herself to such operator's vehicle in  
15 violation of subdivision one of this section.

16 § 1284. Riding on roadways, shoulders, and lanes reserved for non-mo-  
17 torized vehicles and devices. 1. Upon all roadways, any electric scooter  
18 shall be operated either on a usable bicycle or in-line skate lane or,  
19 if a usable bicycle or in-line skate lane has not been provided, near  
20 the right-hand curb or edge of the roadway or upon a usable right-hand  
21 shoulder in such a manner as to prevent undue interference with the flow  
22 of traffic except when preparing for a left turn or when reasonably  
23 necessary to avoid conditions that would make it unsafe to continue  
24 along near the right-hand curb or edge. Conditions to be taken into  
25 consideration include, but are not limited to, fixed or moving objects,  
26 vehicles, bicycles, in-line skates, pedestrians, animals, surface  
27 hazards or traffic lanes too narrow for a person operating an electric  
28 scooter and a vehicle to travel safely side-by-side within the lane.

29 2. Persons operating electric scooters upon a roadway shall ride  
30 single file. Persons operating electric scooters upon a shoulder, bicy-  
31 cle or in-line skate lane, or bicycle or in-line skate path intended for  
32 the use of bicycles, in-line skates or electric scooters may ride two or  
33 more abreast if sufficient space is available, except that when passing  
34 a vehicle, bicycle, electric personal assistive mobility device, person  
35 on in-line skates or pedestrian standing or proceeding along such shoul-  
36 der, lane or path, persons operating electric scooters shall operate  
37 such scooters single file.

38 3. Any person operating an electric scooter who is entering a roadway  
39 from a private road, driveway, alley or over a curb shall come to a full  
40 stop before entering the roadway.

41 § 1285. Lamps and other equipment. 1. Every electric scooter when in  
42 use during the period from one-half hour after sunset to one-half hour  
43 before sunrise shall be equipped with a lamp on the front which shall  
44 emit a white light visible during hours of darkness from a distance of  
45 at least five hundred feet to the front and with a red light visible to  
46 the rear for three hundred feet.

47 2. No person shall operate an electric scooter unless such scooter is  
48 equipped with a bell or other device capable of giving a signal audible  
49 for a distance of at least one hundred feet, except that an electric  
50 scooter shall not be equipped with nor shall any person use upon an  
51 electric scooter any siren or whistle.

52 3. Every electric scooter shall be equipped with a brake which will  
53 enable the operator to make the braked wheels skid on dry, level, clean  
54 pavement.

55 § 1286. Leaving the scene of an incident involving an electric scooter  
56 without reporting in the second degree. 1. Any person age eighteen years

1 or older operating an electric scooter who, knowing or having cause to  
2 know, that physical injury, as defined in subdivision nine of section  
3 10.00 of the penal law, has been caused to another person, due to the  
4 operation of such electric scooter by such person, shall, before leaving  
5 the place where such physical injury occurred, stop, and provide his or  
6 her name and residence, including street and street number, to the  
7 injured party, if practical, and also to a police officer, or in the  
8 event that no police officer is in the vicinity of the place of said  
9 injury, then such person shall report such incident as soon as phys-  
10 ically able to the nearest police station or judicial officer.

11 2. Leaving the scene of an incident involving an electric scooter  
12 without reporting in the second degree is a violation.

13 § 1287. Leaving the scene of an incident involving an electric scooter  
14 without reporting in the first degree. 1. Any person age eighteen years  
15 or older operating an electric scooter who, knowing or having cause to  
16 know, that serious physical injury, as defined in subdivision ten of  
17 section 10.00 of the penal law, has been caused to another person, due  
18 to the operation of such electric scooter by such person, shall, before  
19 leaving the place where such serious physical injury occurred, stop, and  
20 provide his or her name and residence, including street and street  
21 number, to the injured party, if practical, and also to a police offi-  
22 cer, or in the event that no police officer is in the vicinity of the  
23 place of said injury, then such person shall report said incident as  
24 soon as physically able to the nearest police station or judicial offi-  
25 cer.

26 2. Leaving the scene of an incident involving an electric scooter  
27 without reporting in the first degree is a class B misdemeanor.

28 § 7. Paragraph 3 of subdivision (a) of section 1642 of the vehicle and  
29 traffic law is amended to read as follows:

30 3. The prohibition or regulation of the use of any highway by partic-  
31 ular vehicles or classes or types thereof, bicycles with electric  
32 assist, or devices moved by human power.

33 § 7-a. Paragraph 3 of subdivision (a) of section 1642 of the vehicle  
34 and traffic law, as amended by section seven of this act, is amended to  
35 read as follows:

36 3. The prohibition or regulation of the use of any highway by partic-  
37 ular vehicles or classes or types thereof, bicycles with electric  
38 assist, electric scooters, or devices moved by human power.

39 § 8. The provisions of article 34-D of the vehicle and traffic law as  
40 added by section six of this act shall not apply in a city with a popu-  
41 lation of one million or more.

42 § 9. This act shall take effect on the one hundred eightieth day after  
43 it shall have become a law; provided, however, that sections three-a,  
44 four-a and seven-a shall take effect on the two hundred seventieth day  
45 after this act shall have become a law; provided, further that section  
46 eight of this act shall expire and be deemed repealed two hundred seven-  
47 ty days after it shall have become a law. Effective immediately, the  
48 addition, amendment and/or repeal of any rule or regulation necessary  
49 for the implementation of this act on its effective date are authorized  
50 to be made and completed on or before such effective date.