



Legislation Text

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Int. No. 2061-A

By Council Members Rodriguez, Louis, Rosenthal and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to moped share systems

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-176.3 to read as follows:

§ 19-176.3 Moped share systems. a. For the purposes of this section, the following terms have the following meanings:

Moped. The term “moped” means any limited use motorcycle as defined in section 121-b of the vehicle and traffic law.

Moped share system. The term “moped share system” means a network of self-service and publicly available limited use motorcycles, and any related infrastructure, in which a trip begins or ends on any highway, as defined in section 118 of the vehicle and traffic law.

Person. The term “person” means a natural person, partnership, corporation or other legal entity.

b. 1. It shall be unlawful for any person to operate a moped share system without authorization from the department issued in accordance with this section and the rules of the department. A fee for such authorization and for renewals thereof may be established by rule by the commissioner.

2. The commissioner may require a moped share system to obtain a permit for each moped used in the operation of such system. Where such permits are required, it shall be unlawful for a moped to be used in the operation of a moped share system unless such moped has such a permit issued by the department. A fee for

such permit and for renewals thereof may be established by rule by the commissioner.

c. Only class B or class C electric powered limited use motorcycles that are registered in accordance with the vehicle and traffic law may be used in the operation of a moped share system.

d. Applications for authorization to operate a moped share system and, where applicable, permits for mopeds that will be used in the operation of such system, shall be submitted to the department in a form and manner and containing such information as the department shall prescribe in rules. The term of such authorization and, where applicable, the term of such permit, shall be set forth in the rules of the department.

e. Each person operating a moped share system shall comply with this section and rules of the department issued pursuant to this section, including but not limited to rules relating to:

1. Safety;

2. Vehicle maintenance;

3. Rider accountability;

4. Rider compliance with local and state law including, but not limited to, requiring riders to provide photographic or other evidence of rider helmet use;

5. Community outreach;

6. Equity;

7. Parking considerations;

8. Maintenance of insurance; and

9. Data sharing, recordkeeping and inspection requirements.

f. 1. Any person who violates any of the provisions of this section shall be subject to a civil penalty of not more than \$25,000, which may be recovered in a proceeding before an administrative tribunal within the office of administrative trials and hearings in accordance with the rules of such office or in a civil action in a court of competent jurisdiction.

2. Any person who has obtained authorization from the department to operate a moped share system and

who is found to violate the provisions of this section or rules of the department promulgated pursuant to this section may, after notice and opportunity to be heard, be subject to the suspension or revocation of such authorization.

3. Any moped found parked on a street and offered to the public as a part of a moped share system that is not authorized pursuant to this section, or that does not have a required permit, if such a permit is required, may be removed and taken to a place of safety by the department or by the police department. The agency that removes such moped or that has custody of such moped after removal shall provide notice of such removal within 30 days of removal to the registered owner of such moped. Such moped shall not be released until all removal charges and storage fees have been paid or a bond or other security for such amount has been posted. A moped that is not claimed within the time set forth in such notice may be disposed of in accordance with applicable law relating to the disposal of abandoned vehicles.

g. This section may be enforced by the police department, the department of transportation and by any other agency designated by the department of transportation. Any officers and employees of the police department, the department of transportation, or of any agency designated by the department, shall have the power to issue notices of violation, administrative summonses and appearance tickets.

h. Nothing in this local law shall be interpreted to prevent the department from granting approval for the operation of a moped share system through standards imposed pursuant to a procurement and contracting process.

§ 2. Moped share systems in operation on the date of enactment of this local law may continue to operate without the authorization required pursuant to section one of this local law, provided that such authorization is obtained within a period of time to be set forth in the rules of the department; and provided further that such operation does not endanger public safety.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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