



Legislation Text

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Int. No. 1220

By Council Members Brewer, Rivera and Schulman

A Local Law to amend the administrative code of the city of New York, in relation to creating licensing requirements for electric bicycle or scooter businesses

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 37 to read as follows:

SUBCHAPTER 37

ELECTRIC BICYCLE OR SCOOTER BUSINESS

§ 20-565 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Electric bicycle or scooter business. The term "electric bike or scooter business" means any business that engages in commercial activity of which a significant proportion is focused on the sale, rental or maintenance of powered bicycles or powered mobility devices, including but not limited to the sale, rental, storage, charging, or repair, of such equipment and related storage batteries.

Licensee. The term "licensee" means any person that is currently licensed by the department to engage in the operation of an electric bicycle or scooter business.

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.

§ 20-565.1 License. a. *License required.* It shall be unlawful for any person to operate an electric bicycle or scooter business without first having obtained a license therefor issued pursuant to this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than three years.

b. *License application.* An application for any license required under this subchapter or for any renewal thereof shall be made in such form or manner as the department shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. A signed statement certifying compliance with all applicable laws, regulations and rules including:

(a) that the applicant is in compliance with section 20-610 of the code; and

(b) that the applicant is in compliance with sections FC 309.3, FC 309.3.1, FC 309.3.2, FC 309.3.3, FC 309.3.4, and FC 309.3.5 of the New York city fire code.

2. Original or true copies of liability insurance policies or certificates of insurance for liability insurance carried by the applicant.

§ 20-565.2 Duties of licensees. Any person holding a license permitting operation of an electric bicycle or scooter business shall:

a. Ensure compliance with all applicable laws, regulations and rules.

b. Carry liability insurance that, as determined by the department, adequately protects the public.

c. File annual declarations, in a manner and form prescribed by the department pursuant to rule, certifying compliance with all provisions of this subchapter, including but not limited to, providing documentation of an active liability insurance policy.

§ 20-565.3 Inspections. Prior to issuing any license for an electric bicycle or scooter business to operate, and routinely thereafter, the department, in coordination with the fire department, shall conduct inspections of operating locations of such businesses to ensure compliance with licensee duties established by section 20-

565.2 and any rules promulgated pursuant to this subchapter.

§ 20-565.4 Issuance, renewal, revocation and suspension of license; fines. In addition to any of the powers that may be exercised by the department, and not in limitation thereof, a license required pursuant to this subchapter may be suspended or revoked, or issuance or renewal thereof denied, by the department, and the licensee may be fined pursuant to subdivision e of section 20-104, upon a determination made by the department after due notice and hearing that an applicant or licensee has failed to comply with licensee duties established by section 20-565.2 of this subchapter or any rules promulgated thereunder, or has practiced fraud or misrepresentation in meeting requirements of this subchapter.

§ 20-565.5 Unlicensed operation. Any person operating an electric bicycle or scooter business without a valid license issued by the department shall be liable for a civil penalty of no less than one thousand dollars for every calendar day during which the unlicensed electric bicycle or scooter business operated.

§ 20-565.6 Display of license. Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in close proximity to the main entrance door of each licensee's electric bicycle or scooter business in such a manner that the license is visible from outside the building where such center is located.

§ 20-565.7 Outreach. No more than 60 days after the effective date of this local law, and continuing for 90 days thereafter, the commissioner, in collaboration with relevant agencies, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert electric bicycle or scooter businesses to the requirements of this subchapter. Such outreach shall include, but need not be limited to, posting information on relevant agency websites and distributing information to electric bicycle or scooter businesses and other relevant stakeholders.

§ 2. Prior to the effective date of this local law, the department, in coordination with the fire department, shall make efforts to identify all electric bicycle or scooter businesses currently operating and notify such businesses of requirements as established by this local law.

§ 3. This local law takes effect 180 days after becoming law.

JDK
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