

“P” 8 (2020)

“M” 6 (2020)

Albany, New York

June 5, 2020

TO: All Enforcement Agencies and Magistrates

SUBJECT: Chapter 58 of the Laws of 2020

Effective April 3, 2020, Chapter 58 of the Laws of 2020 amends the Vehicle and Traffic Law (VTL) as follows

Part C creates a new subparagraph (b-1) of paragraph 4 of subdivision 41 of section 375 of the VTL to permit hazard vehicles designed to tow or push disabled vehicles to display blue lights for rear protection only, when also displaying amber lights. Subdivision (b) of section 1144-a of the VTL now requires drivers to exercise due care to avoid colliding with such hazard vehicles displaying one or more amber or blue lights or a combination of blue and amber lights.

Part E amends subdivision 16 of section 385 of the VTL to add fourteen (14) more permissible routes for certain vehicles proceeding to or from the New York State Thruway.

Part XX, excluding section 10, authorizes the use and regulation of bicycles with electric assist (“e-bikes”) in New York State. A new VTL section 102-c is added to define e-bikes. VTL section 125 is amended to exclude e-bikes from the definition of a motor vehicle. Part XX also amends and adds various provisions to Article 34 of the VTL relating to the use and operation of e-bikes, and adds various e-bike operating violations, including prohibiting operation of an e-bike while under the influence of alcohol and/or drugs. E-bikes are also subject to all rules, regulations and provisions applicable to bicycles. Municipalities may regulate the time, place, and manner of the

operation of e-bikes and may prohibit or restrict the use of e-bikes in specified areas. Municipalities may also authorize and regulate a shared e-bike system.

Part YYY amends paragraph (b) of subdivision 12 of section 201 of the VTL to create two new Class E felonies: 1) for violating a DMV certification agreeing not to use DMV records or information for civil immigration enforcement purposes, or not to disclose such records or information to agencies (including agency employees or agents) that primarily enforce immigration law; and 2) for the failure of certifying persons or entities to maintain, for a period of five years, records of all uses, and the identity of each person or entity primarily enforcing immigration law that received DMV records or information from such certifying person or entity, in a manner and form prescribed by the Commissioner of Motor Vehicles.

Part ZZ amends Article 12-C of the VTL to extend the pilot program established to assess the effectiveness of the delivery of a Motor Vehicle Accident Prevention Course, commonly referred to as Point and Insurance Reduction Program via Alternate Delivery Methods, or "IPIRP," to April 1, 2022.

A copy of Chapter 58 is attached for reference. Please share this information with appropriate staff. Thank you.

Mark J. F. Schroeder
Commissioner

Attachments

Ch 58, L. of 2020
App. 4/03/2020
Part C – 4/03/2020
Part E – 4/03/2020
Part XX – 4/3/2020
Part YYY – 4/03/2020
Part ZZ – 4/3/2020

Laws of New York, 2020

Chapter 58

PART C

Section 1. Subparagraphs a and c of paragraph 4 of subdivision 41 of section 375 of the vehicle and traffic law, as amended by chapter 465 of the laws of 2010, are amended to read as follows:

a. One blue light may be affixed to any motor vehicle owned by a volunteer member of a fire department or on a motor vehicle owned by a member of such person's family residing in the same household or by a business enterprise in which such person has a proprietary interest or by which he or she is employed, provided such volunteer firefighter has been authorized in writing to so affix a blue light by the chief of the fire department or company of which he or she is a member, which authorization shall be subject to revocation at any time by the chief who issued the same or his or her successor in office. Such blue light may be displayed exclusively by such volunteer firefighter on such a vehicle only when engaged in an emergency operation. The use of blue lights on vehicles shall be restricted for use only by a volunteer firefighter

except as otherwise provided for in [~~subparagraph~~] subparagraphs b and b-1 of this paragraph.

c. The commissioner is authorized to promulgate rules and regulations relating to the use, placement, power and display of blue lights on a police vehicle [~~and~~], fire vehicle, and hazard vehicle designed for the towing or pushing of disabled vehicles.

§ 2. Paragraph 4 of subdivision 41 of section 375 of the vehicle and traffic law is amended by adding a new subparagraph b-1 to read as follows:

b-1. In addition to the amber light authorized to be displayed pursuant to paragraph three of this subdivision, one or more blue lights or combination blue and amber lights may be affixed to a hazard vehicle designed for the towing or pushing of disabled vehicles provided that such blue light or lights shall be displayed on such a hazard vehicle for rear projection only. Such blue light or lights may be displayed on a hazard vehicle designed for the towing or pushing of disabled vehicles when such vehicle is engaged in a hazardous operation and is also displaying the amber light or lights required to be displayed during a hazardous operation pursuant to paragraph three of this subdivision. Nothing contained in this subparagraph shall be deemed to authorize the use of blue lights on hazard vehicles designed for the towing or pushing of disabled vehicles unless such hazard vehicles also display one or more amber lights as otherwise authorized in this subdivision.

§ 3. Subdivision (b) of section 1144-a of the vehicle and traffic law, as amended by chapter 458 of the laws of 2011, is amended to read as follows:

(b) Every operator of a motor vehicle shall exercise due care to avoid colliding with a hazard vehicle which is parked, stopped or standing on the shoulder or on any portion of such highway and such hazard vehicle is displaying one or more amber lights pursuant to the provisions of paragraph three of subdivision forty-one of section three hundred seventy-five of this chapter or, if such hazard vehicle is designed for the towing or pushing of disabled vehicles such hazard vehicle is displaying one or more amber lights or one or more blue or combination blue and amber lights pursuant to the provisions of paragraph three or subparagraph b-1 of paragraph four, as applicable, of subdivision forty-one of section three hundred seventy-five of this chapter. For operators of motor vehicles on parkways or controlled access highways, such due care shall include, but not be limited to, moving from a lane which contains or is immediately adjacent to the shoulder where (i) such hazard vehicle displaying one or more amber lights pursuant to the provisions of paragraph three of subdivision forty-one of section three hundred seventy-five of this chapter or (ii) such hazard vehicle designed for the towing or pushing of disabled vehicles displaying one or more amber lights or one or more blue or combination blue and amber lights pursuant to the provisions of paragraph three or subparagraph b-1 of paragraph four, as applicable, of subdivision forty-one of section three hundred seventy-five of this chapter, is parked, stopped or standing to another lane, provided that such movement otherwise complies with the requirements of this chapter including, but not limited to, the provisions of sections eleven hundred ten and eleven hundred twenty-eight of this title.

§ 4. This act shall take effect immediately.

PART E

Section 1. Subdivision 16 of section 385 of the vehicle and traffic law is amended to add fourteen new paragraphs (v), (w), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), (gg), (hh) and (ii) to read as follows:

(v) Within a distance of approximately one mile from the New York state thruway interchange 24 traveling along interstate route 90 to interchange 2 Washington avenue, and to Washington avenue traveling westbound to Fuller road in a northerly direction to interstate route 90 traveling to interchange 24 of the New York state thruway, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(w) Within a distance of approximately .25 miles from the New York state thruway interchange 25A, traveling in a westbound direction along interstate route 88 to exit 25 to route 7, and to a left on Becker road traveling in a southbound direction on Becker road for approximately .2 miles to the New York state thruway interchange 25A tandem lot access road, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(x) Within a distance of approximately 2.2 miles from the New York

state thruway interchange 34A traveling in a southbound direction along interstate route 481 to interstate 481 exit 5E Kirkville road east along state route 53 Kirkville road in an eastbound direction to interstate route 481 traveling northbound to exit 6 to interchange 34A of the New York state thruway, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(y) Within a distance of approximately .8 miles from the New York state thruway interchange 35, traveling approximately 200 feet around Carrier circle to traveling northbound on Thompson road for approximately 1000 feet, or traveling southbound on Thompson road approximately 100 feet, to traveling westbound on Tarbell road for approximately .5 miles to reenter at the Dewitt service area of the New York state thruway where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(z) Within a distance of approximately one mile from the New York state thruway interchange 36 traveling in a southbound direction on interstate 81 to interstate 81 exit 25 7th North street, and traveling eastbound on 7th North street to interstate 81 traveling in a northbound direction to interchange 36 of the New York state thruway, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohib-

its the operation of such vehicle or combination of vehicles on such route.

(aa) Within a distance of approximately .6 miles from the New York state thruway interchange 39 traveling eastbound on interstate 690 to interstate 690 exit 2 Jones road in a northbound direction to state route 690 north to interchange 39 of the New York state thruway, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(bb) Within a distance of approximately .5 miles from the New York state thruway interchange 45, traveling on interstate 490 to interstate 490 exit 29, in a southwesterly direction along New York state route 96 to the point where New York state route 96 intersects with the entrance ramp to the New York state thruway interchange 45, and for approximately .2 miles along this entrance ramp to the New York state thruway interchange 45, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(cc) Within a distance of approximately .6 miles from the New York state thruway interchange 46, traveling in a northeasterly direction on the ramp from the New York state thruway interchange 46 to interstate 390 north exit to New York state route 253, Lehigh Station road, for a distance of approximately .5 miles along the ramp from interstate 390 north exit to New York state route 253, Lehigh Station road, for a

distance of approximately .6 miles in a westerly direction along New York state route 253, Lehigh Station road, to the intersection of New York state route 253 with New York state route 15, then for a distance of approximately .6 miles in a southerly direction along New York state route 15, to the New York state thruway interchange 46 maintenance facility entrance, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(dd) Within a distance of approximately .3 miles from the New York state thruway interchange 47, traveling on interstate 490 to interstate 490 exit 1, to a distance of approximately .2 miles along the ramp from interstate 490 exit 1, for a distance of approximately .4 miles in a southwesterly direction to the entrance ramp of the New York state thruway interchange 47, where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(ee) Within a distance of approximately .6 miles from the New York state thruway interchange 19, traveling in a westbound direction along route 28 to route 209, and traveling in a southbound direction on route 209 for approximately .1 miles to route 28, and traveling in an east-bound direction on route 28 for approximately .8 miles to the New York state thruway interchange 19 where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law,

regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(ff) Within a distance of approximately .5 miles from the New York state thruway interchange 31, traveling onto the ramp to Genesee street south for approximately 2800 feet to Genesee street north for approximately 275 feet to interchange 31 of the New York state thruway where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(gg) Within a distance of approximately .2 miles from the New York state thruway interchange 33 traveling westbound on state route 365 for approximately 900 feet to interchange 33 of the New York state thruway where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(hh) Within a distance of approximately .15 miles from the New York state thruway interchange 42 traveling on state route 14 for approximately 750 feet for travel to and from the thruway tandem lot and interchange 42 where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

(ii) Within a distance of approximately .1 miles from the New York

state interchange 43 traveling on state route 21 for approximately 600 feet for travel to and from the thruway tandem lot and interchange 43 where the commissioner of transportation determines that the vehicle or combination of vehicles could operate safely along the designated route and that no applicable federal law, regulation or other requirement prohibits the operation of such vehicle or combination of vehicles on such route.

§ 2. This act shall take effect immediately.

PART XX

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 is no more than thirty-six inches wide and 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 such bicycle, and that is not capable of providing assistance when such bicycle reaches a speed of twenty-five miles per hour.

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

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

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

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

and police vehicles other than ambulances. For the purposes of titles four and five of this chapter the term motor vehicles shall exclude farm type tractors and all terrain type vehicles used exclusively for agricultural purposes, or for snow plowing, other than for hire, farm equipment, including self-propelled machines used exclusively in growing, harvesting or handling farm produce, and self-propelled caterpillar or crawler-type equipment while being operated on the contract site.

§ 4. The section heading of section 1238 of the vehicle and traffic law, as amended by chapter 267 of the laws of 1993, is amended to read as follows:

Passengers on bicycles under one year of age prohibited; passengers and operators under fourteen years of age to wear protective headgear; operators of class three bicycles with electric assist to wear protective headgear.

§ 5. Section 1238 of the vehicle and traffic law is amended by adding a new subdivision 5-c to read as follows:

5-c. No person shall ride upon, propel or otherwise operate a class three bicycle with electric assist unless such person is wearing a helmet meeting standards established by the commissioner. For the purposes of this subdivision, wearing a helmet means having a properly fitting helmet fixed securely on the head of such wearer with the helmet straps securely fastened.

§ 6. Subdivision 6 of section 1238 of the vehicle and traffic law, as added by chapter 267 of the laws of 1993, paragraph (a) as amended by

chapter 402 of the laws of 2001 and paragraph (c) as amended by chapter 703 of the laws of 2004, is amended to read as follows:

6. (a) Any person who violates the provisions of subdivision five, five-a [~~or~~], five-b or five-c of this section shall pay a civil fine not to exceed fifty dollars.

(b) The court shall waive any fine for which a person who violates the provisions of subdivision five or subdivision five-c of this section would be liable if such person supplies the court with proof that between the date of violation and the appearance date for such violation such person purchased or rented a helmet.

(c) The court may waive any fine for which a person who violates the provisions of subdivision five, five-a, [~~or~~] five-b, or five-c of this section would be liable if the court finds that due to reasons of economic hardship such person was unable to purchase a helmet or due to such economic hardship such person was unable to obtain a helmet from the statewide in-line skate and bicycle helmet distribution program, as established in section two hundred six of the public health law, or a local distribution program. Such waiver of a fine shall not apply to a second or subsequent violation of subdivision five-c of this section.

§ 7. Subdivision 8 of section 1238 of the vehicle and traffic law, as amended by chapter 694 of the laws of 1995, is amended to read as follows:

8. (a) A police officer shall only issue a summons for a violation of subdivision two, five, or five-a of this section by a person less than fourteen years of age to the parent or guardian of such person if the violation by such person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than fourteen years of age.

(b) A police officer shall only issue a summons for a violation of subdivision five-c of this section by a person less than sixteen years of age to the parent or guardian of such person if the violation by such

person occurs in the presence of such person's parent or guardian and where such parent or guardian is eighteen years of age or more. Such summons shall only be issued to such parent or guardian, and shall not be issued to the person less than sixteen years of age.

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

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

2. No person less than sixteen years of age shall operate a bicycle with electric assist. The failure of any person to comply with the provisions of this subdivision shall not constitute contributory negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or reduce the damages recoverable in any such action.

3. (a) Except as provided in paragraphs (b) and (c) of this subdivision, the governing body of any city, town or village may, by local law or ordinance, further regulate the time, place and manner of the operation

of bicycles with electric assist including, but not limited to, maximum speed, requiring the use of protective headgear, and the wearing of readily visible reflective clothing or material by operators of bicycles with electric assist, and may limit, prohibit the use thereof in specified areas, or prohibit entirely the use of bicycles with electric assist within such city, town or village, provided that adequate signage is visibly posted outside the boundaries of such prohibited areas.

(b) The governing body of any city, town or village in the counties of Nassau or Suffolk may, by local law or ordinance, further regulate the time, place and manner of the operation of bicycles with electric assist, including, but not limited to, maximum speed, requiring the use of protective headgear, and the wearing of readily visible reflective clothing or material by operators of bicycles with electric assist only after adoption of a local law or ordinance by the governing body of the county in which the city, town or village is located. Provided, however, that the provisions of this paragraph shall not apply to the adoption of a local law or ordinance by a city, town or village in the counties of Nassau or Suffolk pursuant to the provisions of paragraph (a) of this subdivision to prohibit the use of bicycles with electric assist in specified areas, or prohibit entirely the use of bicycles with electric assist within such city, town or village, provided that adequate signage is visibly posted outside the boundaries of such prohibited areas.

(c) The governing body of any town or village in the county of Westchester may, by local law or ordinance, further regulate the time, place and manner of the operation of bicycles with electric assist, including, but not limited to, maximum speed, requiring the use of protective headgear, and the wearing of readily visible reflective clothing or material by operators of bicycles with electric assist only after adoption of a local law or ordinance by the governing body of Westchester county. Provided, however, that the provisions of this paragraph shall not apply to the adoption of a local law or ordinance by a town or village in the county of Westchester pursuant to the provisions of paragraph (a) of

this subdivision to prohibit the use of bicycles with electric assist in specified areas, or prohibit entirely the use of bicycles with electric assist within such town or village, provided that adequate signage is visibly posted outside the boundaries of such prohibited areas.

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

(b) A state agency, by regulation or order, and a city, town or village, by local law or ordinance, may designate any appropriate public lands and properties under its jurisdiction, other than highways exclusive of any greenway running adjacent to or connected with a highway, as a place open for travel by bicycles with electric assist upon written request for such designation by any person, and may impose restrictions and conditions for the regulation and safe operation of bicycles with electric assist on such public lands or property, such as travel on designated trails and hours of operation.

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

(b) (i) Notwithstanding the provisions of paragraph (a) of this subdivision, a bicycle with electric assist owned by a natural person where the owner is engaged in personal use may park on a sidewalk whether attended or unattended. A city, town or village having jurisdiction over such sidewalk shall provide a method by which a bicycle with electric assist owned by a natural person may be identified as such.

(ii) Notwithstanding the provisions of paragraph (a) of this subdivision, a bicycle with electric assist used to transport property in commerce may temporarily park on a sidewalk, whether attended or unattended, for the purpose of and while actually engaged commercially in the loading or unloading of property. A city, town or village having jurisdiction over such sidewalk shall provide a method by which a bicycle with electric assist used to transport property in commerce may be identified as such.

(iii) No person shall park a bicycle with electric assist pursuant to this paragraph in a manner that interferes with the free passage of pedestrians on a sidewalk.

6. Every person operating a bicycle with electric assist shall yield the right of way to pedestrians.

7. Notwithstanding the provisions of subdivision (b) of section twelve hundred thirty-four of this article to the contrary, persons operating bicycles with electric assist upon a roadway shall ride single file.

8. Except as may be otherwise provided by local law, ordinance, order, rule or regulation enacted or promulgated pursuant to this article, a bicycle with electric assist may only be operated on highways with a posted speed limit of thirty miles per hour or less, including non-interstate public highways, private roads open to motor vehicle traffic,

and designated bicycle or in-line skate lanes.

9. No person shall operate a class one or class two bicycle with electric assist in excess of twenty miles per hour. No person shall operate a class three bicycle with electric assist in excess of twenty-five miles per hour.

10. The operation of a class three bicycle with electric assist outside of a city having a population of one million or more is prohibited.

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

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

12. A violation of the provisions of subdivision two, five, six, nine, or ten of this section shall result in a civil fine not to exceed fifty dollars.

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

§ 1243. Shared bicycle and shared bicycle with electric assist systems; data protection. 1. The governing body of any city, town or village may, by local law, ordinance, order, rule or regulation, authorize and regulate shared bicycle systems or shared bicycle with electric assist systems within such city, town or village. No such shared systems shall operate within a city, town or village except as authorized by such local law, ordinance, order, rule or regulation. For the purposes of this subdivision, the term shared bicycle system or shared bicycle with electric assist system shall mean a network of self-service

and publicly available bicycles or bicycles with electric assist in which a bicycle or bicycle with electric assist trip begins and/or ends on any public highway.

2. Notwithstanding any other provision of law to the contrary, all trip data, personal information, images, videos, and other recorded images collected by any shared bicycle system or shared bicycle with electric assist system which is authorized to operate within a city, town or village pursuant to this section: (a) shall be for the exclusive use of such shared bicycle or shared bicycle with electric assist system and shall not be sold, distributed, or otherwise made available for any commercial purpose and (b) shall not be disclosed or otherwise made accessible except (i) to the person who is the subject of such data, information or record; or (ii) if necessary to comply with a lawful court order, judicial warrant signed by a judge appointed pursuant to article III of the United States constitution, or subpoena for individual data, information or records properly issued pursuant to the criminal procedure law or the civil practice law and rules. Provided, however, that nothing contained in this paragraph shall be deemed to preclude the exchange of such data, information or recorded images solely for the purpose of administering such authorized shared system. For the purposes of this subdivision, "personal information" shall mean information that identifies an individual, including but not limited to name, address,

telephone number, and the type and form of payment including credit card number, debit card number, or other payment method.

§ 9. The vehicle and traffic law is amended by adding a new section 1242-a to read as follows:

§ 1242-a. Operation of a bicycle with electric assist while under the influence of alcohol or drugs. 1. Offenses; criminal penalties. (a) Operating a bicycle with electric assist while ability impaired. No person shall operate a bicycle with electric assist while the person's ability to operate such bicycle with electric assist is impaired by the consumption of alcohol.

(i) A violation of this paragraph shall be a traffic infraction and shall be punishable by a fine of not more than three hundred dollars, or by imprisonment in a penitentiary or county jail for not more than fifteen days, or by both such fine and imprisonment.

(ii) A person who operates a bicycle with electric assist in violation of this paragraph after having been convicted of a violation of any paragraph of this subdivision within the preceding five years shall be punished by a fine of not more than seven hundred fifty dollars, or by imprisonment of not more than thirty days in a penitentiary or county jail or by both such fine and imprisonment.

(iii) A person who operates a bicycle with electric assist in violation of this paragraph after being convicted two or more times of a violation of any paragraph of this subdivision within the preceding ten years shall be guilty of a misdemeanor, and shall be punished by a fine of not more than one thousand dollars, or by imprisonment of not more than one hundred eighty days in a penitentiary or county jail or by both such fine and imprisonment.

(b) Operating a bicycle with electric assist while intoxicated; per se. No person shall operate a bicycle with electric assist while such person has .08 of one per centum or more by weight of alcohol in the person's blood as shown by chemical analysis of such person's blood, breath, urine or saliva, made pursuant to the provisions of subdivision five of this section.

(c) Operating a bicycle with electric assist while intoxicated. No

person shall operate a bicycle with electric assist while in an intoxicated condition.

(d) Operating a bicycle with electric assist while ability impaired by drugs. No person shall operate a bicycle with electric assist while the person's ability to operate such bicycle with electric assist is impaired by the use of a drug as defined in this chapter.

(e) Operating a bicycle with electric assist while ability impaired by the combined influence of drugs or of alcohol and any drug or drugs. No person shall operate a bicycle with electric assist while the person's ability to operate such bicycle with electric assist is impaired by the combined influence of drugs or of alcohol and any drug or drugs.

(f) Penalty. (i) A violation of paragraph (b), (c), (d) or (e) of this subdivision shall be a misdemeanor and shall be punishable by a fine of not more than five hundred dollars, or by imprisonment in a penitentiary or county jail for not more than one year, or by both such fine and imprisonment.

(ii) A person who operates a bicycle with electric assist in violation of paragraph (b), (c), (d) or (e) of this subdivision after having been convicted of a violation of paragraph (b), (c), (d) or (e) of this subdivision within the preceding ten years shall be guilty of a class E felony, and shall be punished by a fine of not more than one thousand

dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.

(iii) A person who operates a bicycle with electric assist in violation of paragraph (b), (c), (d) or (e) of this subdivision after having been convicted of a violation of paragraph (b), (c), (d) or (e) of this subdivision two or more times within the preceding ten years shall be guilty of a class E felony, and shall be punished by a fine of not more than four thousand dollars or by a period of imprisonment as provided in the penal law, or by both such fine and imprisonment.

2. Certain sentences prohibited. Notwithstanding any provisions of the penal law, no judge or magistrate shall impose a sentence of unconditional discharge for a violation of paragraph (b), (c), (d) or (e) of subdivision one of this section.

3. Sentencing; previous convictions. When sentencing a person for a violation of paragraph (b), (c), (d) or (e) of subdivision one of this section pursuant to subparagraph (ii) of paragraph (f) of subdivision one of this section, the court shall consider any prior convictions the person may have for a violation of subdivision two, two-a, three, four, or four-a of section eleven hundred ninety-two of this title within the preceding ten years. When sentencing a person for a violation of paragraph (b), (c), (d) or (e) of subdivision one of this section pursuant to subparagraph (iii) of paragraph (f) of subdivision one of this section, the court shall consider any prior convictions the person may have for a violation of subdivision two, two-a, three, four, or four-a of section eleven hundred ninety-two of this title within the preceding ten years. When sentencing a person for a violation of subparagraph (ii) of paragraph (a) of subdivision one of this section, the court shall consider any prior convictions the person may have for a violation of any subdivision of section eleven hundred ninety-two of this title within the preceding five years. When sentencing a person for a violation of subparagraph (iii) of paragraph (a) of subdivision one of this section, the court shall consider any prior convictions the person may have for a violation of any subdivision of section eleven hundred ninety-two of this title within the preceding ten years.

4. Arrest and field testing. (a) Arrest. Notwithstanding the

provisions of section 140.10 of the criminal procedure law, a police officer may, without a warrant, arrest a person, in case of a violation of any paragraph of subdivision one of this section, if such violation is coupled with an accident or collision in which such person is involved, which in fact had been committed, though not in the police officer's presence, when the officer has reasonable cause to believe that the violation was committed by such person. For the purposes of this subdivision, police officer shall also include a peace officer authorized to enforce this chapter when the alleged violation constitutes a crime.

(b) Field testing. Every person operating a bicycle with electric assist which has been involved in an accident shall, at the request of a police officer, submit to a breath test to be administered by the police officer. If such test indicates that such operator has consumed alcohol, the police officer may request such operator to submit to a chemical test in the manner set forth in subdivision five of this section.

5. Chemical tests; when authorized. A police officer may request any person who operates a bicycle with electric assist in this state to consent to a chemical test of one or more of the following: breath, blood, urine, or saliva, for the purpose of determining the alcoholic and/or drug content of such person's blood, provided that such test is

administered at the direction of a police officer with respect to a chemical test of breath, urine or saliva or, with respect to a chemical test of blood, at the direction of a police officer: (a) having reasonable grounds to believe such person to have been operating in violation of paragraph (a), (b), (c), (d) or (e) of subdivision one of this section and within two hours after such person has been placed under arrest for any such violation; or (b) within two hours after a breath test, as provided in paragraph (b) of subdivision four of this section, indicates that alcohol has been consumed by such person and in accordance with the rules and regulations established by the police force of which the officer is a member.

6. Testing procedures. (a) Persons authorized to withdraw blood; immunity; testimony. (i) At the request of a police officer, the following persons may withdraw blood for the purpose of determining the alcoholic or drug content therein: (A) a physician, a registered professional nurse, a registered physician assistant, a certified nurse practitioner, or an advanced emergency medical technician as certified by the department of health; or (B) under the supervision and at the direction of a physician, registered physician assistant or certified nurse practitioner acting within his or her lawful scope of practice, or upon the express consent of the person eighteen years of age or older from whom such blood is to be withdrawn: a clinical laboratory technician or clinical laboratory technologist licensed pursuant to article one hundred sixty-five of the education law; a phlebotomist; or a medical laboratory technician or medical technologist employed by a clinical laboratory approved under title five of article five of the public health law. This limitation shall not apply to the taking of a urine, saliva or breath specimen.

(ii) No person entitled to withdraw blood pursuant to subparagraph (i) of this paragraph or hospital employing such person, and no other employer of such person shall be sued or held liable for any act done or omitted in the course of withdrawing blood at the request of a police officer pursuant to this section.

(iii) Any person who may have a cause of action arising from the withdrawal of blood as aforesaid, for which no personal liability exists

under subparagraph (ii) of this paragraph, may maintain such action against the state if any person entitled to withdraw blood pursuant to this paragraph acted at the request of a police officer employed by the state, or against the appropriate political subdivision of the state if such person acted at the request of a police officer employed by a political subdivision of the state. No action shall be maintained pursuant to this subparagraph unless notice of claim is duly filed or served in compliance with law.

(iv) Notwithstanding subparagraphs (i), (ii) and (iii) of this paragraph, an action may be maintained by the state or a political subdivision thereof against a person entitled to withdraw blood pursuant to subparagraph (i) of this paragraph or hospital employing such person for whose act or omission the state or the political subdivision has been held liable under this paragraph to recover damages, not exceeding the amount awarded to the claimant, that may have been sustained by the state or the political subdivision by reason of gross negligence or bad faith on the part of such person.

(v) The testimony of any person other than a physician, entitled to withdraw blood pursuant to subparagraph (i) of this paragraph, in respect to any such withdrawal of blood made by such person may be

received in evidence with the same weight, force and effect as if such withdrawal of blood were made by a physician.

(vi) The provisions of subparagraphs (ii), (iii) and (iv) of this paragraph shall also apply with regard to any person employed by a hospital as security personnel for any act done or omitted in the course of withdrawing blood at the request of a police officer pursuant to this section.

(b) Right to additional test. The person tested shall be permitted to choose a physician to administer a chemical test in addition to the one administered at the direction of the police officer.

(c) Rules and regulations. The department of health shall issue and file rules and regulations approving satisfactory techniques or methods of conducting chemical analyses of a person's blood, urine, breath or saliva and to ascertain the qualifications and competence of individuals to conduct and supervise chemical analyses of a person's blood, urine, breath or saliva. If the analyses were made by an individual possessing a permit issued by the department of health, this shall be presumptive evidence that the examination was properly given. The provisions of this paragraph do not prohibit the introduction as evidence of an analysis made by an individual other than a person possessing a permit issued by the department of health.

7. Chemical test evidence. (a) Admissibility. Upon the trial of any such action or proceeding arising out of actions alleged to have been committed by any person arrested for a violation of any paragraph of subdivision one of this section, the court shall admit evidence of the amount of alcohol or drugs in the defendant's blood as shown by a test administered pursuant to the provisions of subdivision five of this section.

(b) Probative value. The following effect shall be given to evidence of blood-alcohol content, as determined by such tests, of a person arrested for a violation of subdivision one of this section:

(i) evidence that there was .05 of one per centum or less by weight of alcohol in such person's blood shall be prima facie evidence that the ability of such person to operate a bicycle with electric assist was not impaired by the consumption of alcohol, and that such person was not in an intoxicated condition;

(ii) evidence that there was more than .05 of one per centum but less than .07 of one per centum by weight of alcohol in such person's blood shall be prima facie evidence that such person was not in an intoxicated condition, but such evidence shall be relevant evidence, but shall not be given prima facie effect, in determining whether the ability of such person to operate a bicycle with electric assist was impaired by the consumption of alcohol; and

(iii) evidence that there was .07 of one per centum or more but less than .08 of one per centum by weight of alcohol in such person's blood shall be prima facie evidence that such person was not in an intoxicated condition, but such evidence shall be given prima facie effect in determining whether the ability of such person to operate a bicycle with electric assist was impaired by the consumption of alcohol.

8. Where applicable. The provisions of this section shall apply upon public highways, private roads open to motor vehicle traffic, any other parking lot, and sidewalks. For the purposes of this section "parking lot" shall mean any area or areas of private property, including a driveway, near or contiguous to and provided in connection with premises and used as a means of access to and egress from a public highway to such premises and having a capacity for the parking of four or more

motor vehicles. The provisions of this section shall not apply to any area or areas of private property comprising all or part of property on which is situated a one or two-family residence.

9. Enforcement upon crash. Notwithstanding any provision of this section, no part of this section may be enforced unless in conjunction with a crash involving an operator of a bicycle with electric assist. For the purposes of this subdivision, "crash" shall mean colliding with a vehicle, person, building or other object.

PART YYY

Section 1. Subdivision 12 of section 201 of the vehicle and traffic law, as added by chapter 37 of the laws of 2019, is amended to read as follows:

12. (a) Except as required for the commissioner to issue or renew a driver's license or learner's permit that meets federal standards for identification, as necessary for an individual seeking acceptance into a trusted traveler program, or to facilitate vehicle imports and/or exports, the commissioner, and any agent or employee of the commissioner, shall not disclose or make accessible in any manner records or information that he or she maintains, to any agency that primarily enforces immigration law or to any employee or agent of such agency, unless the commissioner is presented with a lawful court order or judicial warrant signed by a judge appointed pursuant to article III of the United States constitution. Upon receiving a request for such records or information from an agency that primarily enforces immigration law, the commissioner shall, no later than three days after such request, notify the individual about whom such information was requested, informing such individual of the request and the identity of the agency that made such request.

(b) The commissioner shall require any person or entity that receives or has access to records or information from the department to certify to the commissioner, before such receipt or access, that such person or entity shall

not (i) use such records or information for civil immigration purposes or (ii) disclose such records or information to any agency that primarily enforces immigration law or to any employee or agent of any such agency unless such disclosure is pursuant to a cooperative arrangement between city, state and federal agencies which arrangement does not enforce immigration law and which disclosure is limited to the specific records or information being sought pursuant to such arrangement. **Violation of such certification shall be a class E felony.** In addition to any records required to be kept pursuant to subdivision (c) of section 2721 of title 18 of the United States code, any person or entity certifying pursuant to this paragraph shall keep for a period of five years records of all uses and identifying each person or entity that primarily enforces immigration law that received department records or information from such certifying person or entity. Such records shall be maintained in a manner and form prescribed by the commissioner and shall be available for inspection by the commissioner or his or her designee upon his or her request.

(c) For purposes of this subdivision, the term "agency that primarily enforces immigration law" shall include, but not be limited to, United States immigration and customs enforcement and United States customs and border protection, and any successor agencies having similar duties.

Failure to maintain records as required by this subdivision shall be a class E felony.

§ 2. This act shall take effect immediately.

PART ZZ

Section 1. Section 399-1 of the vehicle and traffic law, as amended by section 1 of part UU of chapter 59 of the laws of 2018, is amended to read as follows:

§ 399-1. Application. Applicants for participation in the pilot program established pursuant to this article shall be among those accident prevention course sponsoring agencies that have a course approved by the commissioner pursuant to article twelve-B of this title [~~prior to the effective date of this article~~] and which deliver such course to the public. Provided, [~~however,~~] the commissioner [~~may~~] **shall**, in his or her discretion, approve **additional** applications after [~~such~~] **the effective date of this article**. In order to be approved for participation in such pilot program, the course must comply with the provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application to participate in the pilot program established pursuant to this article. Such fee shall not exceed seven thousand five hundred dollars.

§ 2. Section 399-q of the vehicle and traffic law, as added by chapter 368 of the laws of 2019, is amended to read as follows:

§ 399-q. Application. An applicant for participation in the pilot program established pursuant to this article shall be an approved sponsor of an internet accident prevention course, pursuant to article twelve-C of this title, prior to the effective date of this article and which delivers such courses to the public. **Provided, the commissioner shall, in his or her discretion, approve additional applications after such date.** In order to be approved for participation in such pilot program, the course must comply with provisions of law, rules and regulations applicable thereto. The commissioner may, in his or her discretion, impose a fee for the submission of each application to participate in the pilot program established pursuant to this article.

Such fee shall not exceed seven thousand five hundred dollars which shall, excluding administrative expenses of the department, be deposited in the dedicated highway and bridge trust fund established pursuant to section eighty-nine-b of the state finance law.

§ 3. Section 399-s of the vehicle and traffic law, as added by chapter 368 of the laws of 2019, is amended to read as follows:

§ 399-s. Pilot program scope and duration. The commissioner shall conduct a pilot program designed to evaluate utilizing the internet for delivering an approved pre-licensing course required by subparagraph (i) of paragraph (a) of subdivision four of section five hundred two of this chapter, by permitting qualified applicants to participate in the pilot program from June thirtieth, two thousand twenty to June thirtieth, two thousand twenty-five. **Provided that applicants for class DJ and class MJ licenses shall not be eligible to participate in such pilot program.**

§ 4. Section 5 of chapter 751 of the laws of 2005, amending the insurance law and the vehicle and traffic law relating to establishing the accident prevention course internet technology pilot program, as amended by section 3 of part D of chapter 58 of the laws of 2016, is amended to read as follows:

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed April 1, ~~2020~~ **2022**; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.

§ 5. This act shall take effect immediately; provided that sections two and three of this act shall take effect on the same date and in the same manner as chapter 368 of the laws of 2019 takes effect; provided, however, that the amendments to section 399-1 of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith; provided further, that the amendments to article 12-D of the vehicle and traffic law made by sections two and three of this act shall not affect the repeal of such article and shall be deemed to be repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.