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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
Town of New Paltz
~~Village~~

Local Law No. of the year 2022

A Local Law to Amend the Code of the Town of New Paltz to Add a New Chapter 10, “Electric Assist Bicycles” to the Code of the Town of New Paltz.

Be it enacted by the Town Board of the

~~County~~
~~City~~
Town of New Paltz as follow:
~~Village~~

Be it enacted by the Town Board of the Town of New Paltz as follows:

Section 1. AMENDMENT

The Code of the Town of New Paltz is hereby amended to add a new Chapter 10, “Electric Assist Bicycles” to read as follows:

§10-1 Title.

This Chapter shall be entitled “Electric Assist Bicycles.”

§10-2 Purposes and intent.

The Town Board of the Town of New Paltz finds and determines that it is the public interest for the Town of New Paltz to adopt a local law to regulate the use of electric bicycles on the public highways, streets, avenues, walks, parks and public places within the Town, such local law to be supplemental and in addition to the provisions of the New York State Vehicle and Traffic Law of the State of New York relating to electric assist bicycles and not in conflict therewith.

§10-3 Definitions.

A. As used in this Chapter, these terms shall have the following meanings:

ELECTRIC BICYCLE

An electric bicycle shall mean a bicycle equipped with fully operable pedals and an electric motor of 750 watts or less.

CLASS 1 ELECTRIC BICYCLE OR LOW-SPEED PEDAL-ASSISTED ELECTRIC BICYCLE

Shall mean a bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.

CLASS 2 ELECTRIC BICYCLE OR LOW-SPEED THROTTLE-ASSISTED ELECTRIC BICYCLE shall mean a bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

§ 10-4 Rights and duties of electric bicycles.

Except as otherwise provided in the Vehicle and Traffic Law of the State of New York or this local law, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges and be subject to all of the duties of a bicycle or the operator of a bicycle.

§10-5 Tampering or modification restricted.

A. A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or motor engagement (between pedal and throttle-assist types of engagement) of an electric bicycle. A person shall not tamper with or modify an electric bicycle in a manner that allows the motor to provide assistance above the speed of twenty miles per hour if the bike is being propelled exclusively by the motor.

B. A device shall no longer be considered an electric bicycle if the motor is modified such that the motor is capable of propelling the device at a speed that exceeds twenty miles per hour if the bike is being propelled exclusively by the motor.

§10-6. Consumer Product Safety Commission (CPSC) compliance.

An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512). Section 206.

§10-7. Motor disengagement.

A class 1 electric bicycle shall operate in a manner such that the motor is disengaged through a mechanism that, when the rider stops pedaling the electric motor will disengage or cease to function. A class 2 electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied.

§10-8 Path use by class 1 and 2 electric bicycles.

A class 1 electric bicycle or a class 2 electric bicycle may be used in all places where bicycles are permitted to travel, including, but not limited to bicycle and multi-use paths and trails.

§10-9 Section 10-7 Helmet requirement.

All operators and passengers of class 1 and 2 electric bicycles shall wear a properly fitted and fastened bicycle helmet that meets the standards provided by either the United States Consumer Product Safety Commission or the American Society for Testing and Materials, or standards subsequently established by those entities.

Section 2: SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 3. EFFECTIVE DATE

This Local Law shall be effective upon filing with the Secretary of State.