

LOCAL LAW NO. “E” FOR 2026

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING ALBANY COUNTY CODE CHAPTER 288 REGARDING SAFETY REQUIREMENTS AND PROHIBITIONS FOR ELECTRIC SCOOTERS AND BICYCLES WITH ELECTRIC ASSIST

Introduced: 5/11/26

By Domalewicz, Reidy and Cleary:

BE IT ENACTED by the Albany County Legislature that Chapter 288, Article III of the Albany County Code is hereby amended as follows:

SECTION 1. § 288-19 - Legislative findings and intent.

The Albany County Legislature hereby finds and determines that it is the duty of the County to protect the health and safety of its residents. Under New York Law, individuals aged 16 and older are permitted to operate bicycles with electric assist and electric scooters. Bicycles with electric assist and electric scooters contain motors which can rapidly increase in speed up to 20 miles per hour. This Legislature finds that individuals who ride bicycles with electric assist or operate electric scooters are vulnerable to injury when riding at increased speeds. To protect the safety of operators and passengers, the Legislature finds that individuals riding bicycles with electric assist or operating electric scooters must wear protective helmets.

SECTION 2. § 288-20 - Definitions.

Section 288-20 is amended as follows:

As used in this article, the following terms shall have the meanings indicated:

- A. **HIGHWAY** - Includes any public way as defined by New York State Vehicle and Traffic Law § 118.
- B. **BICYCLE WITH ELECTRIC ASSIST** – As defined in New York State Vehicle and Traffic Law § 102-c, 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:
 - 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. ELECTRIC SCOOTER - As defined in New York State Vehicle and Traffic Law §114-E, any 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.
- D. PARKING AREA OF A SHOPPING CENTER - Includes those areas defined by New York State Vehicle and Traffic Law § 129-a.
- E. PARKING LOT - Includes those areas defined by New York State Vehicle and Traffic Law § 129-b. Also includes any area or areas of private property, including driveways, 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 § 288-21 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.
- F. SIDEWALK - Includes those areas defined by New York State Vehicle and Traffic Law § 144.
- G. STREET - Includes those areas defined by New York State Vehicle and Traffic Law § 148.

SECTION 3. § 288-21 - Helmet Requirements.

Section 288-21 is amended as follows:

- A. Any individuals operating or riding as a passenger on a bicycle with electric assist in Albany County shall wear a helmet.
- B. Any individual aged 18 or older operating or riding as a passenger on an electric scooter in Albany County shall wear a helmet.
- C. Any helmet worn to comply with this article shall conform to the requirements established by New York State Vehicle and Traffic Law § 1238.

- D. For purposes of this section, "wearing a helmet" means having a helmet of good fit fastened securely upon the head with the helmet straps.

SECTION 4. § 288-22 – Prohibitions.

Section 288-22 is amended as follows:

- A. No person shall operate an electric scooter or bicycle with electric assist on any off-highway property owned by the County of Albany.
- B. No person shall operate an electric scooter or bicycle with electric assist upon any sidewalk within the County of Albany.
- C. No person shall operate an electric scooter or bicycle with electric assist upon any County roadway or local roadway with a posted speed limit of more than thirty miles per hour; notwithstanding any more restrictive local rule from a Town or Village within the County of Albany.
- D. No person aged 15 years or younger may lawfully operate an electric scooter or bicycle with electric assist on public property or on roadways.
- E. No person shall operate an electric scooter or bicycle with electric assist in a reckless fashion, including:
1. Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb, or property of any person while in lawful use of the streets or sidewalks or any other public or private property.
 2. By weaving or steering in a zig-zagging course around motor vehicles in operation on the roadway, unless such irregular course is necessary for safe operation in compliance with this article and the New York Vehicle and Traffic Law.
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 3. By trick riding on roads or parking lots which actively have motor vehicle or other road user traffic, including pedestrians and cyclists.
- G. No person shall operate an electric scooter or bicycle with electric assist under the influence of alcohol or drugs, including:
1. Operation of an electric scooter or bicycle with electric assist while the person's ability to operate such is impaired by the consumption of alcohol.
 2. Operation of an electric scooter or bicycle with electric assist while such person has .08 of 1% 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.

3. Operation of an electric scooter or bicycle with electric assist while intoxicated or while impaired by the use of any drug(s), including marijuana and legal prescription medicines with impairing properties.
4. The provisions of this section shall apply on public highways, roads open to motor vehicle and bicycle traffic, and any parking lot.
5. No person shall flee from a police or peace officer while operating an electric scooter or bicycle with electric assist in Albany County. The operator of an electric scooter or bicycle with electric assist is required to stop or pull over when directed to do so by a police or peace officer, or by their marked vehicle by the activation of either its lights or siren.

SECTION 5. § 288-23 - Penalties for offenses; waiver of fines.

Section 288-23 is amended as follows:

- A. Any person who violates § 288-22 of this article shall be guilty of a violation and subject to fine not in excess of \$500.
- B. A second violation within a five-year period of this article shall constitute an unclassified misdemeanor punishable by a fine not less than \$1,500 and impound of the electric scooter or bicycle with electric assist material to the offense. Any third or subsequent violation of this article within a five-year period shall constitute an unclassified misdemeanor punishable by a fine of up to \$5,000 and/or up to one year's imprisonment.
- C. The parent or legal guardian, other than a state or legal Social Services Department foster parent having custody, of any unemancipated person under the age of 18 years found guilty of a violation of this article shall be responsible for the payment of the fine imposed by a court of competent jurisdiction for such violation. In no event shall it be a defense that the parent or legal guardian has exercised due diligence in supervision over the activities of the person under the age of 18 years.
- D. The parent or legal guardian, other than a state or legal Social Services Department foster parent having custody, of any unemancipated person under the age of 18 found guilty of a violation of this article shall be responsible for restitution for any damage caused to real property or improvements located thereon owned and/or operated by the County of Albany. In no event shall it be a defense that the parent or legal guardian has exercised due diligence in supervision over the activities of the person under the age of 18 years.

- E. The court may waive any fine for which a person who violates the provisions of § 288-21 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 New York Public Health Law § 206, or a local distribution program. Such waiver of a fine shall not apply to a second or subsequent violation of § 288-21 of this article.

SECTION 6. § 288-25 - Seizure of scooters in violation; notification; processing and storage fees; regulations.

Section 288-25 is amended as follows:

- A. Any electric scooter or bicycle with electric assist operated by any person under 16 years of age may be subject to immediate seizure and impound by a duly sworn peace or police officer, acting pursuant to his or her official duties, upon reasonable cause to believe that such operation is a violation of § 288-22 (E) of this article.
- B. Any electric scooter or bicycle with electric assist operated by any person may be subject to immediate seizure and impound by a duly sworn peace or police officer, acting pursuant to his or her official duties, upon reasonable cause to believe that such operation is a violation of § 288-22 (F) or (G) of this article.
- C. An electric scooter or bicycle with electric assist that is impounded shall be surrendered to the owner, or if the owner is a minor, to the parent or guardian of the minor upon payment of any impounding fees. A full explanation of the reason for the impounding shall be given to the owner, parent, or guardian. A complete record of impounded electric scooters or bicycles with electric assist shall be kept by each law enforcement agency where the impounding occurred.
- D. Any electric scooter or bicycle with electric assist seized under the authority of this article shall be stored for safekeeping by the law enforcement agency affecting the seizure. That agency may assess an administrative processing fee of \$50 and a storage fee of \$5 per day thereafter. Storage fees may only be assessed for days on which claimants are able to reclaim property.
- E. Proper claimants under this article are limited to:
 - 1. An owner over 16 years of age; or
 - 2. A parent or legal guardian of an owner who is under 16 years of age; or

3. A parent or legal guardian of a person under 16 years of age who is in possession of the electric scooter or bicycle with electric assist at the time of seizure.
- F. The agency effecting a seizure under this article shall notify the parent or legal guardian of the person in possession at the time of seizure. Such notification shall be by first-class mail. Should no valid claim be made for the seized electric scooter or bicycle with electric assist within 90 days of seizure, title to the seized electric scooter or bicycle with electric assist shall vest in the seizing agency's municipal employer.
- G. Law enforcement agencies effecting seizures pursuant to this article may promulgate regulations regarding the storage, release and/or destruction of any electric scooter or bicycle with electric assist seized under this article.

SECTION 7. § 288-24 - Limits on contributory negligence and assumption of risk.

Section 288-24 is amended as follows:

The failure of any person to comply with the provisions of § 288-21 of this article 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.

SECTION 8. Applicability.

This article shall apply to all actions occurring on or after the effective date of this article.

SECTION 9. Reverse Preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany.

SECTION 10. 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, 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 may be rendered.

SECTION 11. SEQRA Determination.

This Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

SECTION 12. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

*Referred to Law Committee and Multimodal Transit and Pedestrian Access
Committee – 5/11/26*