

New York City Department of Consumer and Worker Protection

Notice of Adoption

Notice of Adoption to amend rules to implement new legislation regarding the distribution, sale, rent, or lease of powered mobility devices and their batteries.

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Consumer and Worker Protection by Sections 1043 and 2203(f) of the New York City Charter and Sections 20-104(b), and 20-610 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, that the Department amends Title 6 of the Rules of the City of New York.

This rule was proposed and published on September 15, 2023. A public hearing was held on October 16, 2023 and approximately 32 comments were received.

Statement of Basis and Purpose of Rule

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is adding rules to implement new legislation that requires safety standards for all powered bicycles, powered mobility devices and their batteries that are distributed, sold, leased, or rented in New York City. Local Law 39 of 2023, codified in Subchapter 2 of Chapter 4 of Title 20 of the New York City Administrative Code, requires these powered bicycles, powered mobility devices, and their batteries be tested by an accredited testing laboratory for compliance with certain safety standards.

This rule clarifies that an “accredited testing laboratory” is any testing laboratory that is an International Organization for Standardization and International Electrotechnical Commission (“ISO/IEC”) 17025 Accredited Independent Testing Laboratory, an ISO/IEC 17065 Accredited Certifying Body, or participates in the U.S. Department of Labor Occupational Safety and Health Administration Nationally Recognized Testing Laboratory (“NRTL”) program.

The Department received approximately 32 comments in response to the proposed rule. Most comments supported the proposed definition of “accredited testing laboratory”. Some comments suggested narrowing the definition to include only laboratories participating in the NRTL program. After considering all of the comments, the Department made no changes to the rule. As written, the definition of “accredited testing laboratory” will ensure the safe testing of powered mobility devices, powered bicycles, and their batteries by reputable laboratories, while promoting flexibility and compliance within the e-micromobility market. Notably, inclusion of ISO/IEC 17025 Accredited Independent Testing Laboratories and ISO/IEC 17065 Accredited Certifying Bodies is consistent with the Consumer Product Safety Commission’s (“CPSC”) requirements for laboratories that test consumer products.

Sections 1043 and 2203(f) of the New York City Charter and sections 20-104(b) and 20-610 of the New York City Administrative Code authorize the Department of Consumer and Worker Protection to make these rules.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Chapter 4 of title 6 of the Rules of New York is amended to add Subchapter L: Powered Mobility Devices to read as follows:

Subchapter L: Powered Mobility Devices

§ 4-150 Accredited Testing Laboratories.

“Accredited testing laboratory,” as used in § 20-610 of the Administrative Code, shall mean any laboratory that:

(i) is an International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) 17025 Accredited Independent Testing Laboratory;

(ii) is an International Organization for Standardization and International Electrotechnical Commission (ISO/IEC) 17065 Accredited Certifying Body; or

(iii) is identified as a Nationally Recognized Testing Laboratory by the United States Department of Labor Occupational Safety and Health Administration