

New York City Department of Consumer and Worker Protection

Notice of Opportunity to Comment

What are we considering? The Department of Consumer and Worker Protection (“DCWP” or the “Department”) is requesting comments on its authority under Local Law 39 of 2023 related to the certification standards required for the sale of powered bicycles, powered mobility devices, or storage batteries. Specifically, DCWP is seeking comments and feedback on whether any additional safety standards should be adopted in addition to those listed in Local Law 39. DCWP also seeks comments and feedback on specific questions posed at the end of the Statement of Basis and Purpose.

How do I comment? Anyone can comment by:

- **Email.** You can email comments to Rulecomments@dcwp.nyc.gov.

Is there a deadline to submit comments? Yes. You must submit any comments on or before **May 2, 2025**.

Can I review other comments that are submitted? A few days after the deadline, all comments received by DCWP will be made available to the public online at <http://www1.nyc.gov/site/dca/about/public-hearings-comments.page>.

Statement of Basis and Purpose

The Department of Consumer and Worker Protection (“DCWP” or “Department”) is requesting comments and feedback concerning whether the Department should adopt additional safety standards for powered bicycles, powered mobility devices, and storage batteries (“Micromobility Devices”).

Local Law 39 of 2023 added Section 20-610 of the administrative code of the city of New York prohibiting the sale, lease, rental or distribution of Micromobility Devices unless such devices are certified by an accredited testing laboratory for compliance with specified Underwriters Laboratories (UL) standards. Under Local Law 39, businesses may only sell e-bikes that are certified to UL 2849, electric scooters and other micromobility devices that are certified to UL 2272, and storage batteries that are certified to UL 2271. Local law 39 went into effect Sept. 16, 2023. DCWP promulgated rules to implement Local Law 39, effective January 3, 2024, to define “accredited testing laboratories,” as used in the law. *See* 6 R.C.N.Y. 4-150. Section 20-610 was amended further by Local Law 50 of 2024, effective September 25, 2024, to strengthen enforcement tools.

After the passage of Local Law 39, the New York State legislature added section 495-A of the General Business Law which also governs the safety standards required for the sale of Micromobility Devices. *See* NYS L. 2024, c. 195, sec. 1, eff. Oct. 9, 2024, S.154-F, A.4938-D. Specifically, New York State law requires the same UL standards for the sale of Micromobility Devices as does New York City law, but also allows an additional safety standard for the sale of e-bikes: EN 15194.

The national trade association for manufacturers of bicycles and electric bicycles – PeopleForBikes Coalition – has petitioned DCWP to accept additional accredited testing standards under section 20-610. Specifically, PeopleForBikes requests that EN 15194 be accepted for the sale of e-bikes and their batteries.

Although section 20-610 only allows for the specified UL Standards, it also authorizes “*such other safety standards as the department has established by rule in consultation with the fire department.*” Pursuant to this authority, the Department, in consultation with the Fire Department, is requesting comments on whether any other safety standards should be adopted by the Department, including but not limited to EN 15194.

The Department specifically welcomes comments that address the following issues:

- The technical differences between UL 2849 and EN 15194 or other safety standards submitted for consideration, and an analysis of how those differences impact safety, including the risk of fire. The Department invites written comment on all aspects of safety and is most interested in comments that:
 - Identify the differences between UL 2849 and EN 15194 related to electrical safety (including testing criteria for electrical circuits, such as temperature, isolation resistance, dielectric strength, component fault, locked rotor motor, and running overload), and explain how such differences do or do not contribute to additional fire risk.
 - Identify the differences between UL 2849 and EN 15194 related to components requirements (including motors/controllers, circuit boards, cables, connectors, and flame-resistant non-metallic enclosures, internal parts, and wiring boards, as well as permanent marking, UV and corrosion-resistant enclosures, and circuit spacings), and explain how such differences do or do not contribute to additional fire risk.
 - Identify the differences between UL 2849 and EN 15194 related to production surveillance (including but not limited to inspections and quality control), and explain how such differences do or do not contribute to additional fire risk.

- Other EN standards relevant to Micromobility Devices, the technical differences with UL standards for the same product, and how those differences impact safety, including the risk of fire.
- The testing process for compliance with EN standards, and the entities that perform such testing (e.g., third-party laboratories, manufacturers, etc.).
- How consumers, the Department, and the Fire Department can reliably identify if products are tested to EN or other standards in the consumer marketplace.