

## NEW YORK CITY FIRE DEPARTMENT

### Notice of Public Hearing and Opportunity to Comment on Proposed Rule

**What are we proposing?** The Fire Department is proposing a new rule, 3 RCNY § 309-01, entitled “Uncertified Storage Batteries for Powered Mobility Devices.”

**When and where is the hearing?** The Fire Department will conduct a virtual public hearing, using the “Microsoft Teams” application, as set forth below. The public hearing will take place at 11:00 a.m. on October 1, 2025.

**How do I comment on the proposed rule?** Anyone can comment on the proposed rules by:

- **Website** - You can submit comments to the Fire Department through the NYC rules website at <http://rules.cityofnewyork.us>, or on the “FDNY Rules” page of the Fire Department’s website, <http://www1.nyc.gov/site/fdny/codes/fire-department-rules/fire-dept-rules.page>.
- **Mail** - You can mail written comments to Code Development Unit, Bureau of Legal Affairs, New York City Fire Department, 9 MetroTech Center, Room 4W-6, Brooklyn, NY 11201.
- **Speaking at the hearing** - Anyone who wants to comment on the proposed rule at the on-line public hearing must sign up by emailing [code.develop@fdny.nyc.gov](mailto:code.develop@fdny.nyc.gov). You will receive by reply email a link to the Microsoft Teams meeting and call-in information. The time for which you can speak at the hearing may be limited. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

#### Join through internet:

- If you already have the Teams app, the meeting will open automatically when you select “Join the meeting now” in your meeting invite.
- If you have a Teams account, select **Sign in** to join with access to the meeting chat and more. You'll then join the meeting right away or enter the lobby until an organizer admits you.
- Please follow online instructions if [you don't have a Teams account](#) .

#### Join by phone only (call-in option):

To join the hearing only by phone, use the phone number and access code that you will receive by reply email.

For additional instructions to join a meeting in Microsoft Teams please visit Microsoft Support at <https://support.microsoft.com/en-us/office/join-a-meeting-in-microsoft-teams-1613bb53-f3fa-431e-85a9-d6a91e3468c9?omkt=en-US>.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by October 1, 2025.

**What if I need assistance to participate in the hearing?** You must notify the Bureau of Legal Affairs if you need a sign language interpreter or other reasonable accommodation for a disability at the hearing. Write to us at the address above or email [code.develop@fdny.nyc.gov](mailto:code.develop@fdny.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please notify us by September 19, 2025.

**Can I review the comments made on the proposed rule?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, a record of the hearing and copies of the written comments will be available to the public at the Bureau of Fire Prevention.

**What authorizes the Fire Department to make this rule?** Sections 489 and 1043 of the New York City Charter authorize the Fire Department to propose this rule.

**Where can I find the Fire Department rules?** The Fire Department rules are codified in Title 3 of the Rules of the City of New York and can be viewed on the Fire Department's website, [www.nyc.gov/fdny](http://www.nyc.gov/fdny) and at <http://rules.cityofnewyork.us>.

**What laws govern the rulemaking process?** The Fire Department must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the New York City Charter. This rule was not included in the Fire Department's FY2025 Regulatory Agenda because the rulemaking was not anticipated at the time of publication.

## **Statement of Basis and Purpose of Proposed Rule**

The Fire Department proposes a rule addressing the fire and explosion hazard posed by uncertified storage batteries, including but not limited to lithium-ion storage batteries, associated with powered mobility devices (*e.g.*, e-bikes, e-scooters).

In recent years, fires and fire fatalities associated with storage batteries for powered mobility devices have increased significantly in New York City. The number of investigations of storage battery fires associated with powered mobility devices and other products has increased annually since 2019, with significant increases since 2021, as demonstrated in Table 1 below.

**Table 1. Lithium-Ion Battery Fire Investigations, Injuries and Deaths  
(as of July 14, 2025)**

<b><u>Year</u></b>	<b><u>Investigations</u></b>	<b><u>Injuries</u></b>	<b><u>Deaths</u></b>
2019	30	13	0
2020	44	23	0
2021	104	79	4
2022	219	147	6
2023	268	150	18
2024	279	99	6
<b><u>Year to Date</u></b>			
2025	130	29	1

Local Law No. 39 of 2023 (hereinafter “Local Law 39”), which prohibits the distribution, sale, lease or rent of a storage battery unless such battery has been certified by an accredited testing laboratory for compliance with relevant Underwriters Laboratories (UL) standards or other safety standard determined by the Department of Consumer and Worker Protection in consultation with the Department, reflects a legislative determination that batteries certified to a nationally-recognized standard provide a safer option than uncertified batteries. To further address the fire and explosion hazard posed by uncertified storage batteries, the proposed rule would prohibit the storage, handling, use, charging, transport, sale, and possession of storage batteries, including but not limited to lithium-ion storage batteries, that have not been certified by an accredited testing laboratory for compliance with any such standard. Since a storage battery that is known or presumed to be uncertified pursuant to this rule is presumed to pose a risk of fire and explosion and cannot be safely stored pending adjudication of the violation, the rule would provide that a battery that is confiscated pursuant to this rule will be promptly disposed of in the interest of public safety. In the event that a notice of violation issued pursuant to this rule does not result in a finding of liability, the owner of the storage battery would be entitled to monetary compensation for the cost of the battery.

The entire rule is underlined to indicate that it is all new material.

“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 3 of Title 3 of the Rules of the City of New York is proposed to be amended by adding a new section 309-01 to read as follows:

§ 309-01 Uncertified Storage Batteries for Powered Mobility Devices.

(a) Scope. This section sets forth requirements for the storage, handling, use, charging, transport, sale, or possession of uncertified *storage batteries*, including but not limited to *lithium-ion storage batteries*, for *powered mobility devices* subject to section 20-610 of the *Administrative Code*.

(b) General Provisions.

(1) Prohibition. It shall be unlawful to store, handle, use, charge, transport, sell, or possess a *storage battery* for a *powered mobility device* unless such *storage battery*:

(A) Has been certified by an accredited testing laboratory for compliance with Underwriters Laboratories (UL) standard 2271; or

(B) Is a component part of a *powered mobility device* that has been certified by an accredited testing laboratory for compliance with UL 2272 or UL 2849; or

(C) Has been certified, or is a component part of a *powered mobility device* that has been certified, by an accredited testing laboratory for compliance with a safety standard that the Department of Consumer and Worker Protection, in consultation with the *Department*, has established by rule pursuant to section 20-610 of the *Administrative Code*.

(2) Absence of markings. If a *storage battery* is not *labeled*, the absence of a label, symbol, or other identifying mark of an accredited testing laboratory shall establish a rebuttable presumption that such battery has not been certified as required by paragraph (1) of this subdivision.

(3) Enforcement. A *storage battery* that is confiscated pursuant to this section is presumed to pose a risk of fire and explosion and will be promptly disposed of in the interest of public safety. If a notice of violation issued pursuant to this section does not result in a finding of liability, the owner of the *storage battery* will be entitled to monetary compensation for the cost of the *storage battery*.

**NEW YORK CITY LAW DEPARTMENT**

**DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Rules Relating to Uncertified Storage Batteries for Powered Mobility Devices

**REFERENCE NUMBER:** 2025 RG 056

**RULEMAKING AGENCY:** Fire Department

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Senior Counsel

Date: August 15, 2025

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Rules Relating to Uncertified Storage Batteries for Powered Mobility Devices**

**REFERENCE NUMBER: FDNY-34**

**RULEMAKING AGENCY: Fire Department**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Provides a cure period.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

August 15, 2025  
Date