

Who Is Liable When an E-Bike or Delivery Cyclist Injures a Pedestrian in New York City?

Bronx Pedestrian Accident Lawyers Explain E-Bike Liability Rules

Getting struck by a food delivery e-bike on a Bronx sidewalk or Manhattan crosswalk raises questions a traditional [pedestrian accident](#) case never has to answer. The rider might not carry insurance. The company whose delivery bag was strapped to the handlebars might deny any responsibility. And e-bikes can move fast enough to cause real harm, yet New York treats them completely differently from cars.

New York City data shows that [micromobility devices, including e-bikes, stand-up scooters, and mopeds, accounted for roughly 4.5 percent of pedestrian injuries](#) examined in a recent city report.

Our Bronx pedestrian accident lawyers at [Giampa Law](#) understand the confusing and complex nature of these legal cases. That's because we have represented many pedestrians injured throughout New York City. Below, you can learn more about how e-bikes are classified under New York law and who can be held responsible. You can also learn more about what makes a delivery rider's crash different from an ordinary cyclist's.

Are E-Bikes Legal Vehicles or Bicycles Under New York Law?

New York [Vehicle and Traffic Law § 102-c](#) classifies e-bikes as bicycles, not motor vehicles or motorcycles. That single classification shapes almost everything else about who pays after a crash, from insurance to registration to how a court eventually assigns fault.

The law splits e-bikes into three classes. Class 1 e-bikes provide pedal-assist only, cutting off at 20 miles per hour. Class 2 e-bikes add a throttle but cut off at the same speed. Class 3 e-bikes, permitted only in cities the size of New York, cut off at 25 miles per hour. The specific class involved can matter once a case gets into the details of speed and control.

Because compliant e-bikes are not registered as motorcycles or mopeds, the registration and insurance requirements that apply to those vehicles generally do not apply to them. Riders must be at least 16 years old to operate an e-bike legally in New York. No special license or plate comes with it. A pedestrian hit by a delivery e-bike is not dealing with the same legal framework as a pedestrian hit by a car. The injuries, though, can look just as serious.

Why Delivery E-Bikes May Not Have Required Auto Insurance

New York does not require a license, registration, or insurance policy for a compliant e-bike. That single fact changes the entire compensation picture for an injured pedestrian.

A driver who hits a pedestrian almost always has an auto insurance policy standing behind the claim, often with a minimum coverage amount set by state law. Because New York does not

require compliant e-bikes to carry the same auto liability insurance required for motor vehicles, there may be no vehicle insurance policy available to cover the crash. Other coverage may still apply depending on the rider's employment, the delivery platform, or the circumstances.

This gap is why identifying every possible party connected to the crash matters so much more in an e-bike case than in an ordinary car accident claim. The rider alone may not have the financial resources or insurance coverage to compensate a pedestrian fully for a serious injury. A pedestrian who stops investigating at the rider has usually stopped one step too soon.

Can You Sue the Delivery App Company Directly?

The short answer? Maybe. Most delivery platforms classify their riders as independent contractors rather than employees, and that single word does an enormous amount of legal work. It shapes whether the platform can be held responsible at all once a rider causes a crash.

The classification itself is not the end of the story, and it has been challenged in other legal contexts involving gig economy workers. A company's independent-contractor label does not necessarily resolve every question about its potential liability. The actual relationship between the platform and rider, including the degree of control exercised by the company, may also become relevant.

An employer is generally responsible for an employee's negligence committed on the job, under a legal doctrine called respondeat superior. Independent contractors do not create that same automatic responsibility for the company that hired them.

That does not end the inquiry, though. A pedestrian's lawyer can still examine whether the platform kept using a rider with a known dangerous pattern. The same goes for whether the company's own delivery-time policies pushed riders toward unsafe speeds on crowded streets. Those theories require real evidence, including internal company records, but they are not automatically foreclosed just because a rider was labeled a contractor on paper.

What If the Delivery Rider Works Directly for a Restaurant?

Not every delivery rider works through an app at all. Some New York City restaurants still employ their own delivery staff directly, paying them hourly wages and assigning them specific routes without any third-party platform standing in the middle.

When that's the case, the analysis looks much more like a traditional workplace injury claim. If a restaurant directly controls the rider's schedule, pay, delivery routes, and other aspects of the work, those facts may support an employer-employee relationship.

An employer in that position can be held vicariously liable for a rider's negligence during a delivery. That's the same way any business answers for an employee's actions on the job. Getting the restaurant's ownership and staffing structure right early in a case makes a real

difference. Some restaurants use staffing agencies or franchisees, which complicates who the true employer actually is.

Does Comparative Negligence Still Apply to an E-Bike Pedestrian Crash?

New York recently changed how comparative negligence works in certain personal injury cases. The new limitation, added to [CPLR § 1411](#), applies to personal injury actions subject to Article 51 of New York's Insurance Law, the state's no-fault motor vehicle framework. Because a compliant e-bike is treated differently from a motor vehicle under New York law, determining which comparative-fault rule applies requires looking at the particular accident and claim.

That distinction can matter a great deal. The comparative-fault rules that apply can affect whether a pedestrian's own negligence merely reduces compensation or potentially bars recovery. Determining which rule applies therefore requires careful attention to the type of vehicle and the particular claim involved.

What Evidence Matters Most in an E-Bike Pedestrian Accident Case?

E-bike cases often move fast, both literally and in terms of how quickly the evidence disappears afterward. Building a strong claim usually means gathering the following evidence before it's lost or destroyed:

- **Delivery App Records:** Order timestamps, route data, and GPS logs that may help establish a rider's route, location, and movements around the time of the crash.
- **Store or Building Camera Footage:** Video from nearby businesses or residential buildings that captured the collision. Security video footage and dash cam videos from passing cars can often be critical in such complex legal cases.
- **Police Crash Report:** The official report documenting the incident and any citations issued, often filled out by the New York City police officer who responded to the accident.
- **Witness Statements:** Accounts from bystanders can help establish the rider's speed, direction of travel, traffic signal, and other circumstances surrounding the collision.

None of this evidence lasts long. App data can be difficult to obtain once a delivery is marked complete, and camera footage from nearby stores often gets overwritten within days rather than weeks. Moving quickly protects a pedestrian's ability to prove exactly what happened and exactly who was responsible for it.

Can More Than One Party Share Liability in an E-Bike Accident?

Yes. E-bike crashes in New York City often involve more than just the rider, especially once a delivery job or an employment relationship enters the picture. Depending on the facts, liability may extend to the following parties:

- **The Rider:** The person actually operating the e-bike at the time of the crash, regardless of whether they carry any personal insurance.
- **The Rider's Employer:** A restaurant or business that directly employs the rider as staff.
- **The Delivery Platform:** In limited circumstances involving negligent hiring or unsafe company policies.
- **The E-Bike Owner or Maintainer:** Depending on the circumstances, someone who negligently maintained, modified, or entrusted the e-bike to the rider may also bear responsibility.

Identifying every possible defendant can be especially important when the rider alone has no meaningful assets or insurance. A pedestrian who only pursues the rider directly may be leaving real compensation on the table, sometimes a substantial amount of it.

How Can a New York Pedestrian Accident Lawyer Help After an E-Bike Crash?

E-bike and delivery cyclist cases in the Bronx, Manhattan and across New York City often involve complex legal questions that never come up in other accident claims. Independent contractor status, e-bike classification rules, and figuring out which company actually stands behind the rider all come into play.

At [Giampa Law](#), our New York City pedestrian accident lawyers investigate who actually employed or contracted with the rider. We gather delivery app and camera evidence before it disappears, and pursue every at-fault party whose negligence contributed to the crash.

If an e-bike or delivery cyclist hit you or someone you love, don't assume the rider is the only one responsible for what happened. [Contact Giampa Law](#) today for a free case evaluation, and let us identify every party who actually owes you compensation.