

STATE OF NEW YORK

969

2017-2018 Regular Sessions

IN SENATE

January 5, 2017

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the unauthorized use of parking spaces reserved for electric vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1203-i to read as follows:

3 § 1203-i. Electric vehicles. 1. For the purposes of this section, the
4 following terms shall have the following meanings:

5 (a) "electric vehicles" means any vehicle operated solely by electric-
6 ity or by a plug-in hybrid vehicle that operates on electricity and
7 gasoline and has a battery that can be recharged from an external
8 source.

9 (b) "electric vehicle charging station" means any space used to charge
10 a battery or other energy storage device of an electric vehicle.

11 2. It shall be a violation to stop, stand or park any non-electric
12 vehicle in an electric-vehicle charging station designated for use by
13 electric vehicles, including an electric-vehicle charging station on any
14 private or public off-street parking facility. Only electric vehicles
15 that require immediate charging may park in an electric vehicle charging
16 station designated for use by electric vehicles.

17 3. Any person or local authority owning or operating any public or
18 private off-street parking facility may, after notifying the local
19 police, remove or cause to be removed any non-electric vehicle parked
20 within an electric vehicle charging station space designated for use by
21 electric vehicles, if: (a) the space assigned to the unit is used for
22 the parking or storage of electric-vehicles; or (b) in a common element
23 with the written approval of the unit owner of each unit to which the
24 use of the limited common element is reserved.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 4. An association of unit owners may not prohibit installation or use
2 of an electric-vehicle charging station installed and used in compliance
3 with the rules of this section. Notwithstanding contrary of a declara-
4 tion or bylaws of any private or public off-street parking facility: A
5 unit owner may submit an application to install an electric-vehicle
6 charging station for the personal or noncommercial use of the unit
7 owner, in compliance with the requirements of this section.

8 5. It shall not be a defense to a charge under this section that the
9 sign or notice posted at the electric-vehicle charging station or the
10 designated parking space does not comply with applicable rules, regu-
11 lations, or local ordinances, if a reasonable person would be made aware
12 by the sign or notice on or near the parking space that the space is
13 reserved for electric vehicles.

14 6. Any person found guilty of violating the provisions of subdivision
15 two of this section shall be fined fifty dollars in addition to any
16 costs or charges connected with the removal or storage of the non-elec-
17 tric vehicle; but municipalities by ordinance may impose a fine up to
18 seventy-five dollars.

19 § 2. This act shall take effect immediately.