S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. SWEENEY, WEISENBERG, COLTON, BRADLEY, SCHIMEL, FIELDS, V. LOPEZ, JAFFEE, KOON, ROSENTHAL, ALESSI, GALEF, BENEDETTO, CYMBROWITZ, DINOWITZ, MILLMAN, LUPARDO, BOYLAND, ENGLEBRIGHT, MAGNARELLI -- Multi-Sponsored by -- M. of A. GLICK, JACOBS, KELLNER, LIFTON, McENENY, PEOPLES, REILLY, SALADINO, TITONE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to providing a rebate for the purchase of lower polluting vehicles and assessing a surcharge for the purchase of higher polluting vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "clean vehicle incentive program act".

S 2. The environmental conservation law is amended by adding a new article 20 to read as follows:

ARTICLE 20

CLEAN VEHICLE INCENTIVE PROGRAM

TITLE 1. DECLARATION OF POLICY; DEFINITIONS.

3. CLEAN VEHICLE INCENTIVE PROGRAM.

TITLE 1

DECLARATION OF POLICY; DEFINITIONS

SECTION 20-0101. DECLARATION OF POLICY.

20-0103. DEFINITIONS.

S 20-0101. DECLARATION OF POLICY.

IT IS THE POLICY OF THIS STATE TO REDUCE GREENHOUSE GAS AND AIR POLLUTION EMISSIONS FROM NEW MOTOR VEHICLES. IT IS THE STATE'S GOAL TO ESTABLISH A MARKET-BASED CLEAN VEHICLE INCENTIVE PROGRAM CONSISTING OF ONE-TIME REBATES AND ONE-TIME SURCHARGES ON THE PURCHASE OF NEW MOTOR VEHICLES TO MITIGATE AGAINST EMISSIONS OF GREENHOUSE GASES FROM MOTOR VEHICLES. IT IS THE INTENT OF THE LEGISLATURE THAT THIS PROGRAM BE

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

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SELF-FINANCING, TECHNOLOGY AND FUEL NEUTRAL, AND NOT INCREASE EXPENDITURES FROM OR REDUCE REVENUES INTO THE GENERAL FUND.

S 20-0103. DEFINITIONS.

FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORITY" MEANS THE STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

2. "CARBON DIOXIDE EQUIVALENT" MEANS A METRIC, AS DETERMINED BY THE DEPARTMENT, USED TO COMPARE OR IDENTIFY THE EMISSIONS FROM VARIOUS GREENHOUSE GASES BASED UPON THEIR GLOBAL WARMING POTENTIAL DERIVED BY MULTIPLYING THE TONS OF THE GAS BY THE ASSOCIATED GLOBAL WARMING POTENTIAL.

3. "CONTRIBUTORY POLLUTANT" MEANS AN AIR TOXIC POLLUTANT OR CONTAMINANT, INCLUDING, BUT NOT LIMITED TO, BLACK CARBON, CARBON MONOXIDE, AND NITROUS OXIDE, WHICH THE DEPARTMENT HAS DETERMINED CONTRIBUTES TO GLOBAL WARMING.

4. "CRITERIA AIR POLLUTANT" MEANS AN AIR POLLUTANT FOR WHICH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS ISSUED PRIMARY OR SECONDARY NATIONAL AIR QUALITY STANDARDS PURSUANT TO SECTIONS 108 AND 109 OF THE FEDERAL CLEAN AIR ACT (42 U.S.C. SECTIONS 7408 AND 7409), INCLUDING CARBON MONOXIDE, LEAD, NITROGEN OXIDE, OZONE, PARTICULATE MATTER, AND SULFUR DIOXIDE.

5. "EMERGENCY VEHICLE" MEANS AN AUTHORIZED EMERGENCY VEHICLE AS DEFINED IN SECTION ONE HUNDRED ONE OF THE VEHICLE AND TRAFFIC LAW.

6. "GREENHOUSE GAS FACTOR" MEANS A DOLLAR VALUE, AS DETERMINED BY THE DEPARTMENT, ASSIGNED TO CARBON DIOXIDE EQUIVALENT EMISSIONS PER MILE FROM A MOTOR VEHICLE. AT THE DISCRETION OF THE DEPARTMENT, THIS MAY BE EXPRESSED IN DOLLARS DIVIDED BY GRAMS OF CARBON DIOXIDE EQUIVALENT PER MILE ($/G CO2-EQ/MI).

7. "GREENHOUSE GASES" MEANS CARBON DIOXIDE, HYDROFLOUROCARBONS, METHANE, OXIDES OF NITROGEN, PERFLUOROCARBONS, AND SULFUR HEXAFLOURIDE, AND ANY OTHER GASES THAT THE DEPARTMENT DETERMINES CONTRIBUTE SIGNIFICANTLY TO GLOBAL WARMING.

8. "MOTOR VEHICLE" AND "VEHICLE" MEAN A MOTOR VEHICLE AS DEFINED IN SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

9. "PROGRAM" MEANS THE CLEAN VEHICLE INCENTIVE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

10. "RETAIL SALE" MEANS A RETAIL SALE, AS DEFINED IN PARAGRAPH FOUR OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THE TAX LAW, OF A NEW MOTOR VEHICLE.

11. "ZERO BAND" MEANS THAT PORTION OF A LINEAR SCALE OF REBATES AND SURCHARGES ESTABLISHED PURSUANT TO SECTION 20-0303 OF THIS ARTICLE IN WHICH VEHICLES ARE ASSIGNED NEITHER A REBATE NOR A SURCHARGE.

TITLE 3
CLEAN VEHICLE INCENTIVE PROGRAM

SECTION 20-0301. ELIGIBILITY FOR REBATE OR EMISSIONS SURCHARGE.
20-0302. REGULATIONS.
20-0303. CALCULATION OF REBATE OR SURCHARGE.
20-0304. REVENUE NEUTRALITY.
20-0305. ADJUSTMENTS TO SCHEDULE OF REBATES AND SURCHARGES.
20-0306. OUT OF STATE MOTOR VEHICLE PURCHASES.
20-0307. MOTOR VEHICLE LEASES.
20-0308. PUBLICATION OF PROGRAM INFORMATION.
20-0309. EXEMPTIONS.
20-0310. AUTHORITY TO COLLECT DATA FROM VEHICLE MANUFACTURERS.

S 20-0301. ELIGIBILITY FOR REBATE OR EMISSIONS SURCHARGE.

1. A. ANY NEW YORK STATE RESIDENT WHO BECOMES A MOTOR VEHICLE OWNER BY PURCHASING A NEW MOTOR VEHICLE AT A RETAIL SALE IN NEW YORK STATE SHALL RECEIVE A CLEAN VEHICLE REBATE FOR THE PURCHASE ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OF A NEW MOTOR VEHICLE OF MODEL YEAR TWO THOUSAND THIRTEEN OR LATER, DETERMINED BY THE DEPARTMENT TO BE ELIGIBLE FOR A REBATE IN THE AMOUNT ASSIGNED BY THE DEPARTMENT PURSUANT TO REGULATIONS ADOPTED UNDER THIS ARTICLE.

B. THE DEALER SHALL CLEARLY INDICATE THE AMOUNT OF THE REBATE OWED TO THE NEW MOTOR VEHICLE OWNER ON THE PURCHASE RECEIPT AND CONTRACT, OR LEASE AGREEMENT AS APPLICABLE.

C. IN ORDER TO RECEIVE THE REBATE, THE MOTOR VEHICLE OWNER SHALL FILE A CLAIM THROUGH THE DEALER AT THE TIME OF PURCHASE.

D. THE DEALER SHALL FACILITATE AND ACCEPT THESE CLAIMS FROM THE NEW MOTOR VEHICLE OWNER AND SHALL SUBMIT THESE CLAIMS TO THE AUTHORITY ON A FORM PRESCRIBED BY THE AUTHORITY, IN A TIME, PLACE, AND MANNER DETERMINED BY THE AUTHORITY, THAT SHALL BE ACCOMPANIED BY PROOF OF VEHICLE PURCHASE FROM THE DEALER. THE PROOF OF PURCHASE SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:

(I) THE DATE WHEN THE VEHICLE WAS PURCHASED;

(II) THE YEAR, MAKE, AND MODEL OF THE VEHICLE PURCHASED;

(III) THE VEHICLE IDENTIFICATION NUMBER (VIN) OF THE VEHICLE; AND

(IV) THE PRICE PAID FOR THE VEHICLE.

E. THE AUTHORITY SHALL PAY THE REBATE TO THE ELIGIBLE NEW MOTOR VEHICLE OWNER WITHIN THIRTY DAYS OF RECEIPT OF A CLAIM BY OR ON BEHALF OF SUCH OWNER. SUCH PAYMENT SHALL BE MADE THROUGH ELECTRONIC FUNDS TRANSFER IF REQUESTED BY THE OWNER.

F. NO INTEREST SHALL BE PAID ON ANY REBATE MADE PURSUANT TO THIS ARTICLE.

2. A. EXCEPT AS OTHERWISE PROVIDED FOR IN THIS ARTICLE, A PERSON WHO BECOMES A MOTOR VEHICLE OWNER BY PURCHASING AT A RETAIL SALE, ON OR AFTER JULY FIRST, TWO THOUSAND TEN, A NEW MOTOR VEHICLE OF MODEL YEAR TWO THOUSAND ELEVEN OR LATER, DETERMINED BY THE DEPARTMENT TO BE SUBJECT TO AN EMISSIONS SURCHARGE, SHALL PAY THE EMISSIONS SURCHARGE IN THE AMOUNT DETERMINED BY THE DEPARTMENT PURSUANT TO REGULATIONS ADOPTED UNDER THIS ARTICLE.

B. DEALERS SHALL COLLECT FROM THE NEW MOTOR VEHICLE OWNERS THE EMISSION SURCHARGE AT THE TIME OF RETAIL SALE.

C. DEALERS SHALL CLEARLY INDICATE THE AMOUNT OF THE EMISSIONS SURCHARGE PAID BY THE NEW MOTOR VEHICLE OWNER ON THE PURCHASE RECEIPT AND CONTRACT, OR LEASE AGREEMENT AS APPLICABLE.

D. ALL EMISSIONS SURCHARGES COLLECTED BY A DEALER SHALL BE BE DUE AND PAYABLE TO THE AUTHORITY IN A TIME, PLACE, AND MANNER PRESCRIBED BY THE AUTHORITY.

S 20-0302. REGULATIONS.

1. NO LATER THAN JULY FIRST, TWO THOUSAND ELEVEN, THE DEPARTMENT, IN CONSULTATION WITH THOSE OTHER DEPARTMENTS, AGENCIES AND PUBLIC AUTHORITIES THAT THE DEPARTMENT DETERMINES ARE APPROPRIATE, SHALL ADOPT REGULATIONS TO CREATE AND IMPLEMENT A CLEAN VEHICLE INCENTIVE PROGRAM AS DESCRIBED IN THIS ARTICLE.

2. THE REGULATIONS SHALL, CONSISTENT WITH SECTION 20-0303 OF THIS TITLE, ESTABLISH A SCHEDULE OF ONE-TIME CLEAN VEHICLE REBATES AND ONE-TIME EMISSIONS SURCHARGES FOR ALL NEW MOTOR VEHICLES NOT OTHERWISE EXCLUDED IN THIS ARTICLE.

3. THE SCHEDULE OF REBATES AND SURCHARGES SHALL TAKE EFFECT JULY FIRST, TWO THOUSAND TWELVE, AND SHALL APPLY TO MOTOR VEHICLES WITH THE TWO THOUSAND THIRTEEN MODEL YEAR AND EACH MODEL YEAR THEREAFTER.

S 20-0303. CALCULATION OF REBATE OR SURCHARGE.

1. THE DEPARTMENT SHALL CALCULATE, USING A LINEAR SCALE, THE REBATE OR SURCHARGE TO BE APPLIED TO ANY MOTOR VEHICLE SUBJECT TO THE PROGRAM BASED ON THE VEHICLE'S EMISSIONS OF GREENHOUSE GASES, COMPARED TO THE GREENHOUSE GAS EMISSIONS OF ALL VEHICLES OF THE SAME MODEL YEAR THAT ARE SUBJECT TO THE PROGRAM.

2. TO CALCULATE THE REBATE OR SURCHARGE PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE DEPARTMENT SHALL DETERMINE THE DIFFERENCE BETWEEN A MOTOR VEHICLE'S EMISSIONS OF GREENHOUSE GASES, AND THE AVERAGE EMISSIONS OF GREENHOUSE GASES OF ALL VEHICLES SUBJECT TO THE PROGRAM, FOR A GIVEN MODEL YEAR. IN DETERMINING THE QUANTITY OF GREENHOUSE GAS EMISSIONS FOR PURPOSES OF THIS SUBDIVISION, THE DEPARTMENT MAY, AT ITS DISCRETION, RELY ON INFORMATION AVAILABLE FROM THE UNITED STATES DEPARTMENT OF ENERGY OR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR ANY OTHER RELIABLE SOURCE. THE DIFFERENCE IDENTIFIED FOR EACH VEHICLE BASED ON EMISSIONS OF GREENHOUSE GASES SHALL BE MULTIPLIED BY A GREENHOUSE GASES FACTOR, TO DETERMINE THE AMOUNT OF THE REBATE OR SURCHARGE ATTRIBUTED TO EMISSIONS OF GREENHOUSE GASES.

3. THE AMOUNT DETERMINED PURSUANT TO SUBDIVISION TWO OF THIS SECTION MAY BE ADJUSTED TO ACCOUNT FOR ONE OR BOTH OF THE FOLLOWING, BUT NO ADJUSTMENTS PURSUANT TO THIS SUBDIVISION SHALL AFFECT THE REBATE OR SURCHARGE BY A FACTOR LARGER THAN THIRTY PERCENT:

A. EMISSIONS OF CONTRIBUTORY POLLUTANTS AS DETERMINED BY THE DEPARTMENT; OR

B. EMISSIONS OF CRITERIA AIR POLLUTANTS. IN DETERMINING AIR POLLUTANT EMISSIONS FOR PURPOSES OF THIS SUBDIVISION, THE DEPARTMENT MAY, AT ITS DISCRETION, RELY ON INFORMATION AVAILABLE FROM THE UNITED STATES DEPARTMENT OF ENERGY OR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR ANY OTHER RELIABLE SOURCE.

4. BASED ON THE CALCULATIONS MADE PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION, THE DEPARTMENT SHALL ASSIGN A REBATE OR SURCHARGE TO EVERY MOTOR VEHICLE SUBJECT TO THIS PROGRAM THAT REFLECTS ITS RELATIVE EMISSIONS OF GREENHOUSE GASES AND, AT THE DISCRETION OF THE DEPARTMENT, ITS RELATIVE EMISSIONS OF CONTRIBUTORY POLLUTANTS OR CRITERIA AIR POLLUTANTS, COMPARED TO ALL VEHICLES FOR THE SAME MODEL YEAR THAT ARE SUBJECT TO THE PROGRAM, AND SUBJECT TO ALL OF THE FOLLOWING:

A. THE DEPARTMENT SHALL ESTABLISH A ZERO BAND THAT INCLUDES THE MIDPOINT OF THE LINEAR SCALE AND INCLUDES NOT LESS THAN TWENTY PERCENT, NOR MORE THAN TWENTY-FIVE PERCENT, OF THE FLEET OF A GIVEN MODEL YEAR. MOTOR VEHICLES THAT FALL WITHIN THE ZERO BAND SHALL NOT BE ASSIGNED A REBATE OR A SURCHARGE.

(I) THE ZERO BAND SHALL BE DESIGNED, PLACED, AND ADJUSTED ALONG THE LINEAR SCALE TO ENSURE THAT VEHICLE BUYERS CONTINUE TO HAVE A VARIETY OF CHOICES AMONG MULTIPLE VEHICLE TYPES, INCLUDING LIGHT TRUCKS, THAT ARE NOT ASSIGNED A SURCHARGE. THE ZERO BAND SHALL INCLUDE AT LEAST ONE CAR FROM EACH MARKET CLASS THAT GROUPS CARS THAT ARE SIMILAR FROM THE CAR BUYER'S PERSPECTIVE.

(II) THE DEPARTMENT SHALL CONSIDER SALES-WEIGHTED DATA IN DETERMINING THE PLACEMENT OF THE ZERO BAND.

B. THE MAXIMUM REBATE SHALL BE TWO THOUSAND TWO HUNDRED FIFTY DOLLARS AND THE MAXIMUM SURCHARGE SHALL BE TWO THOUSAND FIVE HUNDRED DOLLARS, AND NO REBATE OR SURCHARGE SHALL EXCEED EIGHT PERCENT OF THE PUBLISHED MANUFACTURERS SUGGESTED RETAIL PRICE OF THE MOTOR VEHICLE AT THE TIME THE DEPARTMENT ASSIGNS SUCH REBATE OR SURCHARGE.

C. NO REBATE OR SURCHARGE SHALL BE LESS THAN ONE HUNDRED DOLLARS. MOTOR VEHICLES THAT WOULD OTHERWISE BE ASSIGNED A REBATE OR SURCHARGE OF LESS THAN ONE HUNDRED DOLLARS SHALL BE PLACED IN THE ZERO BAND.

D. THE DEPARTMENT MAY ROUND UP OR DOWN THE ASSIGNED REBATE AND SURCHARGE AMOUNTS TO THE NEAREST TWENTY-FIVE DOLLARS FOR EACH VEHICLE.

5. WHEN SETTING THE SCHEDULE OF REBATES AND SURCHARGES FOR VEHICLES OF A GIVEN MODEL YEAR, THE DEPARTMENT SHALL CONSIDER PREVIOUS YEARS' SALES DATA AND PROJECTED SALES OF MOTOR VEHICLES IN ORDER TO ENSURE THAT THE PROGRAM WILL INCENTIVIZE REDUCTIONS IN GREENHOUSE GAS EMISSIONS AND BE SELF-FINANCING.

S 20-0304. REVENUE NEUTRALITY.

1. THE SCHEDULE OF REBATES AND SURCHARGES ESTABLISHED PURSUANT TO SECTION 20-0303 OF THIS TITLE SHALL BE DESIGNED TO ENSURE THAT THE PROGRAM WILL BE SELF-FINANCING.

2. ONCE THE SCHEDULE OF REBATES AND SURCHARGES IS SET FOR VEHICLES IN A SPECIFIED MODEL YEAR, THE SCHEDULE MAY BE ADJUSTED NO MORE THAN ONCE PER MODEL YEAR TO MEET THE REQUIREMENTS OF THIS SECTION. ANY ADJUSTMENTS PURSUANT TO THIS SECTION SHALL BECOME OPERATIVE ON THE FIRST DAY OF THE FIRST MONTH THAT COMMENCES AT LEAST NINETY DAYS AFTER THE DEPARTMENT FORMALLY ADOPTS THE ADJUSTMENT TO THE SCHEDULE.

3. THE DEPARTMENT SHALL MAKE ANNUAL OR BIENNIAL ADJUSTMENTS TO THE SCHEDULE OF SURCHARGES AND REBATES, AND THE PLACEMENT OF THE ZERO BAND, BASED ON RECENT AND ANTICIPATED CHANGES IN MOTOR VEHICLE SALES TO ENSURE THAT THE PROGRAM CONTINUES TO GENERATE ADEQUATE REVENUES TO MEET THE REQUIREMENT OF SUBDIVISION 1 OF THIS SECTION.

S 20-0305. ADJUSTMENTS TO SCHEDULE OF REBATES AND SURCHARGES.

1. THE SCHEDULE OF REBATES AND SURCHARGES, AS ADJUSTED ANNUALLY OR BIENNIALLY, SHALL TAKE EFFECT NO EARLIER THAN JULY FIRST OF EACH SUBSEQUENT YEAR, AND BE APPLIED TO NEW VEHICLES OF THE NEXT MODEL YEAR ACCORDINGLY. THE DEPARTMENT MAY MAKE ADJUSTMENTS BIENNIALLY ONLY IF THE DEPARTMENT FINDS THAT BIENNIAL ADJUSTMENTS MEET BOTH OF THE FOLLOWING CRITERIA:

A. THE DEPARTMENT DETERMINES THAT THE PROGRAM WILL REMAIN SELF-FINANCING AND IS NOT IN JEOPARDY OF RUNNING A DEFICIT; AND

B. THE DEPARTMENT DETERMINES THAT IT IS IN THE BEST INTERESTS OF ACHIEVING THE GOALS OF THE PROGRAM TO NOT MAKE ADJUSTMENTS MORE OFTEN THAN ONCE EVERY TWO YEARS.

2. IN THE FIRST YEAR OF THE PROGRAM, THE DEPARTMENT, IN CONSULTATION WITH THE AUTHORITY, MAY DELAY IMPLEMENTATION OF THE REBATE ELIGIBILITY FOR UP TO THIRTY DAYS AFTER THE SURCHARGES INITIALLY TAKE EFFECT IN ORDER TO ENSURE THAT ADEQUATE FUNDS ARE AVAILABLE TO FUND THE PROGRAM'S REBATES.

S 20-0306. OUT OF STATE MOTOR VEHICLE PURCHASES.

1. ANY NEW YORK STATE RESIDENT WHO PURCHASES A NEW MOTOR VEHICLE OUTSIDE OF THE STATE THAT WOULD OTHERWISE HAVE BEEN SUBJECT TO AN EMISSIONS SURCHARGE SHALL PAY THE SURCHARGE WHEN THE RESIDENT RETURNS TO NEW YORK STATE WITH THE VEHICLE WITHIN NINETY DAYS AND REGISTERS OR IS REQUIRED TO REGISTER THE MOTOR VEHICLE.

2. THE SURCHARGE SHALL BE PAID TO THE DEPARTMENT OF MOTOR VEHICLES AT THE TIME OF THE VEHICLE'S INITIAL REGISTRATION. THE DEPARTMENT, THE AUTHORITY AND THE DEPARTMENT OF MOTOR VEHICLES SHALL COOPERATE TO DEVELOP PROCEDURES TO IMPLEMENT THIS SUBDIVISION.

3. VEHICLES PURCHASED OUTSIDE OF NEW YORK STATE SHALL NOT BE ELIGIBLE FOR A REBATE.

S 20-0307. MOTOR VEHICLE LEASES.

1. ANY NEW YORK STATE RESIDENT WHO LEASES FROM A DEALER A NEW MOTOR VEHICLE, AS DEFINED PURSUANT TO SUBDIVISION ELEVEN OF SECTION FOUR HUNDRED SIXTY-TWO OF THE VEHICLE AND TRAFFIC LAW, OTHERWISE SUBJECT TO AN EMISSIONS SURCHARGE, FOR A TERM OF ONE YEAR OR MORE, SHALL BE ASSESSED AND SHALL PAY THE SURCHARGE, BUT MAY AMORTIZE THE SURCHARGE OVER THE LIFE OF THE LEASE.

2. ANY NEW YORK STATE RESIDENT WHO LEASES FROM A DEALER A NEW MOTOR VEHICLE, OTHERWISE SUBJECT TO A REBATE, FOR A TERM OF ONE YEAR OR MORE SHALL QUALIFY FOR AND RECEIVE THE REBATE.

S 20-0308. PUBLICATION OF PROGRAM INFORMATION.

1. NOT LATER THAN MAY FIRST, TWO THOUSAND TWELVE, THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC, INCLUDING ON THE DEPARTMENT'S WEBSITE, THE SCHEDULE OF REBATES AND SURCHARGES APPLICABLE IN THE FISCAL YEAR FOLLOWING THEIR PUBLICATION. THE UPDATED SCHEDULE SHALL BE MADE AVAILABLE TO THE PUBLIC AT THE TIME WHEN IT IS UPDATED.

2. THE DEPARTMENT SHALL NOTIFY LICENSED DEALERS ABOUT RELEVANT DETAILS OF THE PROGRAM, INCLUDING IDENTIFYING, TO THE EXTENT FEASIBLE, MOTOR VEHICLES THAT ARE EXEMPT FROM THE PROGRAM PURSUANT TO SECTION 20-0309 OF THIS TITLE AND PROVIDING REASONABLE ASSISTANCE TO HELP MOTOR VEHICLE DEALERS CARRY OUT THE PROGRAM.

3. DEALERS SHALL BE REQUIRED TO CLEARLY DISPLAY THE AMOUNT OF THE ASSIGNED REBATE OR SURCHARGE FOR EACH NEW MOTOR VEHICLE AVAILABLE FOR SALE AT THE DEALERSHIP.

S 20-0309. EXEMPTIONS.

1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A NEW MOTOR VEHICLE OWNER SHALL BE REFUNDED THE SURCHARGE THAT WOULD OTHERWISE BE APPLICABLE TO HIS OR HER MOTOR VEHICLE IF SUCH MOTOR VEHICLE IS IN ANY OF THE FOLLOWING CATEGORIES:

A. EMERGENCY VEHICLES PURCHASED BY ANY LOCAL JURISDICTION, COUNTY AGENCY, OR MUNICIPALITY;

B. PARATRANSIT AND OTHER MOTOR VEHICLES DESIGNED OR MODIFIED SPECIFICALLY FOR THE PURPOSE OF TRANSPORTING DISABLED PERSONS; OR

C. MOTOR VEHICLES PURCHASED BY THE STATE FOR USE IN OFFICIAL STATE BUSINESS.

2. IF A MOTOR VEHICLE IS NOT IDENTIFIED AS AN EXEMPT VEHICLE BY THE DEPARTMENT PURSUANT TO THIS SECTION, BUT THE PURCHASER OF THE VEHICLE BELIEVES THAT HE OR SHE QUALIFIES FOR AN EXEMPTION PURSUANT TO THIS SECTION, THE PURCHASER SHALL PAY THE SURCHARGE AT THE TIME OF SALE AS REQUIRED BY THE ARTICLE, AND SHALL SUBMIT AN APPLICATION TO THE DEPARTMENT CERTIFYING THAT THE VEHICLE QUALIFIES FOR THE EXEMPTION. THE DEPARTMENT SHALL NOTIFY THE APPLICANT WITHIN SIXTY DAYS OF RECEIPT OF THE APPLICATION OF ITS DETERMINATION OF WHETHER AN EXEMPTION WILL BE GRANTED. IF THE DEPARTMENT DETERMINES THAT THE VEHICLE OWNER QUALIFIES FOR AN EXEMPTION FROM THE SURCHARGE PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL NOTIFY THE AUTHORITY AND THE AUTHORITY SHALL REIMBURSE THE APPLICANT FOR THE VALUE OF THE SURCHARGE.

3. THE DEPARTMENT, IN COOPERATION WITH THE AUTHORITY, SHALL PREPARE AND MAKE AVAILABLE TO DEALERS AND THE PUBLIC, INCLUDING ON THE DEPARTMENT'S WEBSITE, AN APPLICATION FOR USE BY MOTOR VEHICLE PURCHASERS SEEKING REIMBURSEMENT FOR A SURCHARGE PAID FOR AN EXEMPT VEHICLE PURSUANT TO SUBDIVISION TWO OF THIS SECTION. THE APPLICATION SHALL PROVIDE THE OPPORTUNITY FOR THE PURCHASER TO DEMONSTRATE THAT A VEHICLE OR VEHICLE PURCHASER, AS APPLICABLE, QUALIFIES FOR AN EXEMPTION, SPECIFY THE PERIOD OF TIME WITHIN WHICH THE PURCHASER MUST APPLY FOR REIMBURSEMENT, AND PROVIDE REASONABLE MEANS FOR THE APPLICANT TO CHALLENGE THE DEPARTMENT'S

FINDING IF IT DETERMINES THAT A VEHICLE DOES NOT QUALIFY FOR AN EXEMPTION.

S 20-0310. AUTHORITY TO COLLECT DATA FROM VEHICLE MANUFACTURERS.

THE DEPARTMENT MAY REGULARLY COLLECT FROM MOTOR VEHICLE MANUFACTURERS ADEQUATE DATA TO CALCULATE A VEHICLE'S EMISSIONS OF GREENHOUSE GASES TO CARRY OUT THE PROVISIONS OF THIS ARTICLE. THIS ARTICLE DOES NOT REQUIRE THE DEPARTMENT TO CONDUCT ADDITIONAL VEHICLE TESTING TO MAKE THE DETERMINATIONS REQUIRED BY THIS ARTICLE.

S 3. This act shall take effect immediately.