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

5126

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to creating a clean vehicle incentive program; and making an appropriation therefor

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

Section 1. Article 56 of the environmental conservation law is amended by adding a new title 7 to read as follows:

TITLE 7

CLEAN VEHICLE INCENTIVE PROGRAM

SECTION 56-0701. STATEMENT OF LEGISLATIVE FINDINGS.
56-0703. DEFINITIONS.
56-0705. REBATE FOR PURCHASING NEW MOTOR VEHICLE.
56-0707. REGULATIONS.
56-0709. CALCULATION OF REBATE OR SURCHARGE.
56-0711. FUNDING.
56-0713. ADJUSTMENTS.
56-0715. ASSIGNMENT OF REBATE OR SURCHARGE.
56-0717. PURCHASING MOTOR VEHICLES IN OTHER STATES.
56-0719. REBATES AND SURCHARGES ON LEASED MOTOR VEHICLES.
56-0721. COLLECTION AND PAYMENT OF SURCHARGES AND REBATES.
56-0723. SCHEDULE OF REBATES AND SURCHARGES AVAILABLE TO PUBLIC ON INTERNET WEBSITE.
56-0725. EXEMPT MOTOR VEHICLES.
56-0727. THE CLEAN VEHICLE INCENTIVE ACCOUNT.
56-0729. COLLECTION OF DATA.
56-0731. ALTERNATIVE FUEL VEHICLES.

S 56-0701. STATEMENT OF LEGISLATIVE FINDINGS.

1. IT IS THE INTENT OF THE LEGISLATURE IN ENACTING THIS TITLE TO ESTABLISH A MARKET-BASED CLEAN VEHICLE INCENTIVE PROGRAM CONSISTING OF

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

LBD07474-01-9

ONE-TIME REBATES AND ONE-TIME SURCHARGES ON THE PURCHASE OF NEW MOTOR VEHICLES TO MITIGATE AGAINST EMISSIONS OF GREENHOUSE GASES FROM MOTOR VEHICLES.

2. IT IS THE INTENT OF THE LEGISLATURE THAT THIS PROGRAM BE SELF-FINANCING AND NOT INCREASE EXPENDITURES FROM OR REDUCE REVENUES INTO THE GENERAL FUND.

S 56-0703. DEFINITIONS.

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

1. "ACCOUNT" MEANS THE CLEAN VEHICLE INCENTIVE ACCOUNT CREATED BY SECTION NINETY-NINE-T OF THE STATE FINANCE LAW.

2. "BOARD" MEANS THE STATE ENVIRONMENTAL BOARD AS CREATED BY ARTICLE FIVE OF THIS CHAPTER.

3. "CARBON DIOXIDE EQUIVALENT" MEANS A METRIC, AS DETERMINED BY THE STATE BOARD, 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.

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

5. "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. SECS. 7408 AND 7409), INCLUDING CARBON MONOXIDE, LEAD, NITROGEN OXIDES, OZONE, PARTICULATE MATTER, AND SULFUR DIOXIDE.

6. "DEALER" MEANS DEALER AS DEFINED IN PARAGRAPH A OF SUBDIVISION ONE OF SECTION FOUR HUNDRED FIFTEEN OF THE VEHICLE AND TRAFFIC LAW.

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

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

9. "GREENHOUSE GASES" MEANS CARBON DIOXIDE, HYDROFLUOROCARBONS, METHANE, OXIDES OF NITROGEN, PERFLUOROCARBONS, AND SULFUR HEXAFLUORIDE, AND ANY OTHER GASES THAT THE BOARD DETERMINES CONTRIBUTE SIGNIFICANTLY TO GLOBAL WARMING.

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

11. "NEW MOTOR VEHICLE" MEANS A NEW MOTOR VEHICLE AS DEFINED IN SECTION FOUR HUNDRED SIXTY-TWO OF THE VEHICLE AND TRAFFIC LAW.

12. "PROGRAM" MEANS THE CLEAN VEHICLE INCENTIVE PROGRAM ESTABLISHED PURSUANT TO THIS TITLE.

13. "RETAIL SALE" MEANS A RETAIL SALE AS DEFINED IN PARAGRAPH FOUR OF SUBDIVISION (B) OF SECTION ELEVEN HUNDRED ONE OF THE TAX LAW.

14. "ZERO BAND" MEANS THAT PORTION OF A LINEAR SCALE OF REBATES AND SURCHARGES IN WHICH VEHICLES ARE ASSIGNED NEITHER A REBATE NOR A SURCHARGE.

S 56-0705. REBATE FOR PURCHASING NEW MOTOR VEHICLE.

1. (A) ANY NEW YORK RESIDENT WHO BECOMES A MOTOR VEHICLE OWNER BY PURCHASING A NEW MOTOR VEHICLE AT A RETAIL SALE IN NEW YORK SHALL

RECEIVE A CLEAN VEHICLE REBATE FOR THE PURCHASE ON OR AFTER JULY 1, 2012, OF A NEW MOTOR VEHICLE OF MODEL YEAR 2013 OR LATER, DETERMINED BY THE BOARD TO BE ELIGIBLE FOR A REBATE IN THE AMOUNT ASSIGNED BY THE STATE BOARD PURSUANT TO REGULATIONS ADOPTED UNDER THIS TITLE.

(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 COMMISSIONER OF TAXATION AND FINANCE ON A FORM PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE, IN A TIME, PLACE, AND MANNER DETERMINED BY THE COMMISSIONER OF TAXATION AND FINANCE, 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.

(IV) THE PRICE PAID FOR THE VEHICLE.

(E) THE COMMISSIONER OF TAXATION AND FINANCE SHALL PAY THE REBATE TO THE ELIGIBLE NEW MOTOR VEHICLE OWNER THROUGH ELECTRONIC FUNDS TRANSFER IF REQUESTED BY THE OWNER.

(F) NO INTEREST SHALL BE PAID ON ANY REBATE MADE PURSUANT TO THIS TITLE.

2. (A) EXCEPT AS OTHERWISE PROVIDED FOR IN THIS TITLE, A PERSON WHO BECOMES A MOTOR VEHICLE OWNER BY PURCHASING AT A RETAIL SALE, ON OR AFTER JULY 1, 2012, A NEW MOTOR VEHICLE OF MODEL YEAR 2013 OR LATER, DETERMINED BY THE BOARD TO BE SUBJECT TO AN EMISSIONS SURCHARGE, SHALL PAY THE EMISSIONS SURCHARGE IN THE AMOUNT DETERMINED BY THE BOARD PURSUANT TO REGULATIONS ADOPTED UNDER THIS TITLE.

(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 OWED TO THE STATE AND BE DUE AND PAYABLE TO THE COMMISSIONER OF TAXATION AND FINANCE IN A TIME, PLACE, AND MANNER PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE.

S 56-0707. REGULATIONS.

1. NO LATER THAN JULY 1, 2011, THE BOARD, IN CONSULTATION WITH THOSE OTHER AGENCIES THAT THE BOARD DETERMINES ARE APPROPRIATE, AND AFTER AT LEAST TWO PUBLIC WORKSHOPS, SHALL ADOPT REGULATIONS TO CREATE AND IMPLEMENT A CLEAN VEHICLE INCENTIVE PROGRAM AS DESCRIBED IN THIS TITLE.

2. THE REGULATIONS SHALL, CONSISTENT WITH SECTION 56-0709 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 TITLE.

3. THE SCHEDULE OF REBATES AND SURCHARGES SHALL TAKE EFFECT JULY 1, 2012, AND SHALL APPLY TO MOTOR VEHICLES WITH THE 2013 MODEL YEAR AND EACH MODEL YEAR THEREAFTER.

S 56-0709. CALCULATION OF REBATE OR SURCHARGE.

1. THE BOARD 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 BOARD 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. 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 TWENTY PERCENT:

(A) EMISSIONS OF CONTRIBUTORY POLLUTANTS AS DETERMINED BY THE BOARD.

(B) EMISSIONS OF CRITERIA AIR POLLUTANTS BASED ON THE VEHICLE'S CRITERIA POLLUTANT CERTIFICATION CATEGORY.

4. BASED ON THE CALCULATIONS MADE PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION, THE BOARD SHALL ASSIGN A REBATE OR SURCHARGE TO EVERY MOTOR VEHICLE SUBJECT TO THE PROGRAM THAT REFLECTS ITS RELATIVE EMISSIONS OF GREENHOUSE GASES AND, AT THE DISCRETION OF THE BOARD, 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 BOARD 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.

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

(B) THE MAXIMUM REBATE AND SURCHARGE SHALL NOT BE LESS THAT TWO THOUSAND TWO HUNDRED FIFTY DOLLARS NOR MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS, AND NO REBATE OR SURCHARGE SHALL EXCEED THE AMOUNT OF THE SALES TAX ON THE PURCHASE PRICE OF THE MOTOR VEHICLE.

(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 THAT ONE HUNDRED DOLLARS SHALL BE PLACED IN THE ZERO BAND.

(D) THE BOARD MAY ROUND UP OR DOWN THE ASSIGNED REBATE AND SURCHARGE AMOUNT 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 BOARD 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 56-0711. FUNDING.

1. THE SCHEDULE OF REBATES AND SURCHARGES SHALL BE DESIGNED TO ENSURE THAT THE PROGRAM WILL BE SELF-FINANCING AND WILL GENERATE ADEQUATE REVENUES TO DO ALL THE FOLLOWING:

(A) FUND THE COST OF ALL REBATES AND SURCHARGE REFUNDS ASSOCIATED WITH THE PROGRAM.

(B) FUND ALL ADMINISTRATIVE COSTS ASSOCIATED WITH THE PROGRAM.

(C) PROVIDE FOR A RESERVE WITHIN THE PROGRAM EQUAL TO APPROXIMATELY FIFTEEN PERCENT OF ESTIMATED REBATES TO ENSURE THE ACCOUNT, TO THE EXTENT POSSIBLE, WILL HAVE A POSITIVE BALANCE AT THE END OF EACH FISCAL YEAR.

2. IF THE DEPARTMENT DETERMINES THAT THE AMOUNT OF THE RESERVE SPECIFIED IN PARAGRAPH (C) OF SUBDIVISION ONE OF THIS SECTION IS EITHER EXCESSIVE OR INADEQUATE AT THE FIFTEEN-PERCENT LEVEL TO MEET THE REQUIREMENTS OF PARAGRAPHS (A) AND (B) OF SUBDIVISION ONE OF THIS SECTION, IT MAY DIRECT THE BOARD TO REDUCE OR INCREASE THE SIZE OF THE RESERVE IN A MANNER TO BE DETERMINED BY THE BOARD.

3. ONCE THE SCHEDULE OF REBATES AND SURCHARGES ARE 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 LEASE NINETY DAYS AFTER THE BOARD FORMALLY ADOPTS THE ADJUSTMENT TO THE SCHEDULE.

4. THE BOARD 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 REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION.

S 56-0713. ADJUSTMENTS.

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

(A) THE BOARD DETERMINES THAT THE PROGRAM WILL REMAIN SELF-FINANCING AND IS NOT IN JEOPARDY OF RUNNING A DEFICIT.

(B) THE BOARD 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 BOARD, IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND FINANCE, 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 56-0715. ASSIGNMENT OF REBATE OR SURCHARGE.

THE REBATES AND SURCHARGES ADOPTED BY THE BOARD SHALL BE ASSIGNED TO THE PRICE OF THE MOTOR VEHICLE AFTER APPLICABLE TAXES HAVE BEEN ADDED. SALES TAXES SHALL NOT HAVE AN EFFECT ON THE ASSIGNED REBATE OR SURCHARGE.

S 56-0717. PURCHASING MOTOR VEHICLES IN OTHER STATES.

1. ANY NEW YORK 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 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 BOARD, THE COMMISSIONER OF TAXATION AND FINANCE, AND THE DEPARTMENT OF MOTOR VEHICLES SHALL COOPERATE TO DEVELOP PROCEDURES TO IMPLEMENT THIS SECTION.

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

S 56-0719. REBATES AND SURCHARGES ON LEASED MOTOR VEHICLES.

1. ANY NEW YORK RESIDENT WHO LEASES FROM A DEALER A NEW MOTOR VEHICLE, 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 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 56-0721. COLLECTION AND PAYMENT OF SURCHARGES AND REBATES.

THE COMMISSIONER OF TAXATION AND FINANCE SHALL COLLECT ALL SURCHARGES AND PAY ALL REBATES AND REFUNDS OF SURCHARGES.

S 56-0723. SCHEDULE OF REBATES AND SURCHARGES AVAILABLE TO PUBLIC ON INTERNET WEBSITE.

1. NOT LATER THAN MAY 1, 2012, THE BOARD SHALL MAKE AVAILABLE TO THE PUBLIC, INCLUDING ON THE BOARD'S INTERNET WEB SITE, 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 BOARD SHALL DISSEMINATE INFORMATION TO DEALERS AND CONSUMERS ABOUT THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

(A) THE BOARD 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 56-0725 OF THIS TITLE AND PROVIDE REASONABLE ASSISTANCE TO HELP MOTOR VEHICLE DEALERS CARRY OUT THE PROGRAM.

(B) THE BOARD MAY CREATE AND MODIFY AN AIR POLLUTION LABEL TO BE DISPLAYED ON NEW MOTOR VEHICLES SOLD IN THE STATE TO INCLUDE SPECIFIC INFORMATION ON THE APPLICABLE CLEAN VEHICLE REBATE OR EMISSIONS SURCHARGE IMPOSED PURSUANT TO THIS TITLE.

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 56-0725. EXEMPT MOTOR VEHICLES.

1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, A NEW MOTOR VEHICLE OWNER SHALL BE REFUNDED THE SURCHARGE THAT WOULD OTHERWISE BE APPLICABLE TO HIS OR HER MOTOR VEHICLE IF THAT 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.

(C) MOTOR VEHICLES PURCHASED BY THE STATE FOR USE IN OFFICIAL STATE BUSINESS, EXCEPT THAT VEHICLES PURCHASED OR LEASED FOR MEMBERS OF THE LEGISLATURE SHALL BE SUBJECT TO THE SURCHARGE.

(D) MOTOR VEHICLES PURCHASED OR LEASED BY VERY LOW INCOME RESIDENTS OF THE STATE, TO BE DEFINED BY THE BOARD IN REGULATIONS ADOPTED PURSUANT TO THIS TITLE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, MOTOR VEHICLES THAT MEET BOTH OF THE FOLLOWING CONDITIONS ARE EXEMPT FROM THIS TITLE AND SHALL BE IDENTIFIED BY THE BOARD PURSUANT TO PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION 56-0723 OF THIS TITLE:

(A) THE MOTOR VEHICLE'S PRIMARY EXHAUST IS IDENTIFIED BY ANY STATE OR FEDERAL OFFICE AS A CHEMICAL THAT CAUSES CANCER.

(B) THE MOTOR VEHICLE IS NOT SUBJECT TO A STATE-MANDATED INSPECTION AND MAINTENANCE PROGRAM.

3. IF A MOTOR VEHICLE IS NOT IDENTIFIED AS AN EXEMPT VEHICLE BY THE BOARD 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 THIS TITLE, AND SHALL SUBMIT AN APPLICATION TO THE BOARD CERTIFYING THAT THE VEHICLE QUALIFIES FOR THE EXEMPTION. THE BOARD SHALL NOTIFY THE APPLICANT WITHIN SIXTY DAYS OF RECEIPT OF THE APPLICATION OF ITS DETERMINATION OF WHETHER AN EXEMPTION WILL BE GRANTED. IF THE BOARD DETERMINES THAT THE VEHICLE OWNER QUALIFIES FOR AN EXEMPTION FROM THE SURCHARGE PURSUANT TO THIS SECTION, THE BOARD SHALL REIMBURSE THE APPLICANT FOR THE VALUE OF THE SURCHARGE FROM THE ACCOUNT.

4. THE BOARD SHALL PREPARE AND MAKE AVAILABLE TO DEALERS AND THE PUBLIC, INCLUDING ON THE BOARD'S INTERNET WEB SITE, AN APPLICATION FOR USE BY MOTOR VEHICLE PURCHASERS SEEKING REIMBURSEMENT FOR A SURCHARGE PAID FOR AN EXEMPT VEHICLE PURSUANT TO SUBDIVISION THREE 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 BOARD'S FINDING IF IT DETERMINES THAT A VEHICLE DOES NOT QUALIFY FOR AN EXEMPTION.

S 56-0727. THE CLEAN VEHICLE INCENTIVE ACCOUNT.

ANY MONEYS RECEIVED SHALL BE DEPOSITED INTO THE CLEAN VEHICLE INCENTIVE ACCOUNT CREATED IN SECTION NINETY-NINE-T OF THE STATE FINANCE LAW.

S 56-0729. COLLECTION OF DATA.

THE BOARD 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 TITLE. THIS TITLE DOES NOT REQUIRE THE BOARD TO CONDUCT ADDITIONAL VEHICLE TESTING TO MAKE THE DETERMINATIONS REQUIRED BY THIS TITLE.

S 56-0731. ALTERNATIVE FUEL VEHICLES.

IN ADOPTING REGULATIONS PURSUANT TO SUBDIVISIONS ONE AND TWO OF SECTION 56-0707 OF THIS TITLE, THE BOARD SHALL DETERMINE A MANNER TO ACCOUNT FOR VEHICLES THAT RUN ON AN ALTERNATIVE FUEL. THE BOARD SHALL CONSIDER UPSTREAM EMISSIONS, IN THE DEVELOPMENT OF THESE REGULATIONS.

S 2. The state finance law is amended by adding a new section 99-t to read as follows:

S 99-T. THE CLEAN VEHICLE INCENTIVE ACCOUNT. THE CLEAN VEHICLE INCENTIVE ACCOUNT IS HEREBY CREATED TO BE ADMINISTERED BY THE STATE ENVIRONMENTAL BOARD IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND FINANCE. ALL EMISSIONS SURCHARGES COLLECTED PURSUANT TO TITLE SEVEN OF ARTICLE FIFTY-SIX OF THE ENVIRONMENTAL CONSERVATION LAW SHALL BE DEPOSITED INTO THE ACCOUNT. MONEYS IN THE ACCOUNT ARE CONTINUOUSLY APPROPRIATED WITHOUT REGARD TO FISCAL YEAR TO PAY FOR ALL OF THE FOLLOWING:

1. CLEAN VEHICLE REBATES.

2. REFUNDS OF EMISSIONS SURCHARGES AS ALLOWED FOR IN TITLE SEVEN OF ARTICLE FIFTY-SIX OF THE ENVIRONMENTAL CONSERVATION LAW.

3. REIMBURSING THE COMMISSIONER OF TAXATION AND FINANCE FOR ITS ADMINISTRATIVE COSTS OF CARRYING OUT ITS RESPONSIBILITIES PURSUANT TO TITLE SEVEN OF ARTICLE FIFTY-SIX OF THE ENVIRONMENTAL CONSERVATION LAW.

4. ADMINISTRATIVE COSTS OF THE BOARD FOR CARRYING OUT ITS RESPONSIBILITIES PURSUANT TO TITLE SEVEN OF ARTICLE FIFTY-SIX OF THE ENVIRONMENTAL CONSERVATION LAW.

5. REIMBURSING THE DEPARTMENT OF MOTOR VEHICLES FOR COSTS INCURRED DUE TO CARRYING OUT RESPONSIBILITIES PURSUANT TO SECTION 56-0717 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 3. The sum of nine hundred thousand dollars ($900,000), or so much thereof as may be necessary, is hereby appropriated to the state envi-

ronmental board, out of any moneys in the state treasury in the general fund to the credit of the clean vehicle incentive account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the manner prescribed by law.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.