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

870

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DelMONTE, LUPARDO, FIELDS, TITONE, GALEF, GORDON, STIRPE, ESPAILLAT -- Multi-Sponsored by -- M. of A. BOYLAND -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to providing for the operation on public roads of electric vehicles and requiring certain equipment on electric vehicles

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

Section 1. The vehicle and traffic law is amended by adding a new section 122-bb to read as follows:

S 122-BB. MEDIUM-SPEED ELECTRIC VEHICLE. A MOTOR VEHICLE UPON OR BY WHICH A PERSON MAY BE TRANSPORTED, THAT:

1. HAS A MAXIMUM SPEED OF THIRTY-FIVE MILES AN HOUR AS CERTIFIED BY THE MANUFACTURER;

2. IS PROPELLED BY ITS OWN POWER, USING AN ELECTRIC MOTOR OR OTHER DEVICE THAT TRANSFORMS STORED ELECTRICAL ENERGY INTO THE MOTION OF THE VEHICLE;

3. STORES ELECTRICITY IN BATTERIES, ULTRACAPACITORS, OR SIMILAR DEVICES, WHICH ARE CHARGED FROM THE POWER GRID OR FROM RENEWABLE ELECTRICAL ENERGY SOURCES;

4. IS FULLY ENCLOSED AND INCLUDES AT LEAST ONE DOOR FOR ENTRY;

5. HAS A WHEELBASE OF FORTY INCHES OR GREATER AND A WHEEL DIAMETER OF TEN INCHES OR GREATER;

6. EXHIBITS A MANUFACTURER'S COMPLIANCE WITH 49 CFR, PART 565, OR DISPLAYS A SEVENTEEN CHARACTER VEHICLE IDENTIFICATION NUMBER AS PROVIDED IN 49 CFR, PART 565;

7. BEARS A STICKER, AFFIXED BY THE MANUFACTURER OR DEALER, ON THE LEFT SIDE OF THE REAR WINDOW THAT INDICATES THE VEHICLE'S MAXIMUM SPEED RATING; AND

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

LBD01139-01-9

8. AS CERTIFIED BY THE MANUFACTURER, IS EQUIPPED AS PROVIDED IN SECTION THREE HUNDRED SEVENTY-NINE OF THIS CHAPTER.

S 2. The vehicle and traffic law is amended by adding a new section 379 to read as follows:

S 379. MEDIUM-SPEED ELECTRIC VEHICLES: REQUIRED EQUIPMENT. A MEDIUM-SPEED ELECTRIC VEHICLE, AS DEFINED IN SECTION ONE HUNDRED TWENTY-TWO-BB OF THIS CHAPTER, MUST BE EQUIPPED WITH THE FOLLOWING:

1. HEADLAMPS, FRONT AND REAR TURN SIGNAL LAMPS, TAIL LAMPS, AND STOP LAMPS;

2. THREE RED REFLECTORS, TWO OF WHICH MUST BE PLACED ON EACH SIDE AS FAR TO THE REAR OF THE VEHICLE AS PRACTICABLE, AND ONE OF WHICH MUST BE PLACED ON THE REAR OF THE VEHICLE;

3. AN EXTERIOR MIRROR MOUNTED ON THE DRIVER'S SIDE OF THE VEHICLE AND EITHER AN EXTERIOR MIRROR MOUNTED ON THE PASSENGER'S SIDE OF THE VEHICLE OR AN INTERIOR MIRROR;

4. A PARKING BRAKE;

5. A WINDSHIELD THAT CONFORMS TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARD PROVIDED IN 49 CFR 571.205;

6. A SEATBELT ASSEMBLY THAT CONFORMS TO THE FEDERAL MOTOR VEHICLE SAFETY STANDARD PROVIDED IN 49 CFR 571.209; AND

7. A ROLL BAR, ROLL CAGE, OR CRUSH-PROOF BODY DESIGN.

S 3. Paragraph a of subdivision 6 of section 401 of the vehicle and traffic law, as amended by section 74 of part A of chapter 56 of the laws of 1998, is amended to read as follows:

a. The following fees shall be paid to the commissioner, or agent, upon the registration or reregistration of a motor vehicle, including a suburban, in accordance with the provisions of this article:

If such motor vehicle, fully equipped, weighs thirty-five hundred pounds or less, sixty-four and one-half cents for each one hundred pounds or major fraction thereof; if such motor vehicle, fully equipped, weighs more than thirty-five hundred pounds, sixty-four and one-half cents for each one hundred pounds up to thirty-five hundred pounds, and ninety-seven cents for each hundred pounds, or major fraction thereof, in excess of thirty-five hundred pounds; provided, however, that the total fees for the registration or reregistration of any passenger motor vehicle propelled by electricity, INCLUDING A MEDIUM-SPEED ELECTRIC VEHICLE, shall be twelve dollars and ninety-four cents, of a six, eight, or twelve cylinder motor vehicle not less than twelve dollars and ninety-four cents, and of any other motor vehicle not less than ten dollars and thirty-five cents; and provided further that for motor vehicles described in subdivision seven of this section, the fee for such registration shall be as therein prescribed. Provided further, however, that the maximum registration fee under this paragraph shall not exceed fifty-six dollars and six cents per registration year. For the purposes of this section a "suburban" shall be a motor vehicle with a convertible or interchangeable body or with removable seats, usable for both passenger and delivery purposes, and including motor vehicles, commonly known as station or depot wagons. The manufacturer's weight of motor vehicle shall be accepted as the weight for the purpose of registration under this paragraph.

S 4. Subparagraph (iv) of paragraph (a) of subdivision 2 of section 501 of the vehicle and traffic law, as amended by chapter 339 of the laws of 2005, is amended to read as follows:

(iv) Class D. Such license shall be valid to operate any passenger or limited use automobile or any truck with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR

of not more than ten thousand pounds, or any such vehicle towing another vehicle with a GVWR of more than ten thousand pounds provided such combination of vehicles has a GCWR of not more than twenty-six thousand pounds, or any personal use vehicle with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, except it shall not be valid to operate a tractor, a motorcycle other than a class B or C limited use motorcycle, a vehicle used to transport passengers for hire or for which a hazardous materials endorsement is required, or a vehicle defined as a bus in subdivision one of section five hundred nine-a of this title. NOTWITHSTANDING THE FOREGOING, SUCH LICENSE SHALL BE VALID TO OPERATE A MOTORCYCLE THAT IS PROPELLED BY AN ELECTRIC MOTOR OR OTHER DEVICE THAT TRANSFORMS STORED ELECTRICAL ENERGY INTO THE MOTION OF THE VEHICLE, HAS A FULLY ENCLOSED CAB, IS EQUIPPED WITH THREE WHEELS IN CONTACT WITH THE GROUND, IS EQUIPPED WITH A SEAT AND SEATBELTS.

S 5. The vehicle and traffic law is amended by adding a new section 1106 to read as follows:

S 1106. MEDIUM-SPEED ELECTRIC VEHICLE -- OPERATING REQUIREMENTS. 1. A MEDIUM-SPEED ELECTRIC VEHICLE MAY ONLY BE OPERATED ON A HIGHWAY FOR WHICH THE POSTED SPEED LIMIT DOES NOT EXCEED FORTY-FIVE MILES AN HOUR.

2. EXCEPT AS PROVIDED IN SUBDIVISION ONE, THE PROVISIONS OF THIS CHAPTER SHALL APPLY TO THE OPERATOR OF A MEDIUM-SPEED ELECTRIC VEHICLE.

S 6. This act shall take effect immediately.