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

197--A

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. HEVESI, KOON, COLTON, JAFFEE, ENGLEBRIGHT, DelMONTE, SWEENEY, LUPARDO, MAISEL, HOOPER, STIRPE, CARROZZA, N. RIVERA, ROSENTHAL, FIELDS, DINOWITZ, SCHIMEL, GALEF, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BENJAMIN, BRENNAN, DESTITO, GLICK, MAGEE, MARKEY, MAYERSOHN, McENENY, O'DONNELL, PEOPLES, PHEFFER, SCARBOROUGH, WEISENBERG -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the replacement tire fuel efficiency consumer information program for passenger cars and light-duty trucks; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative intent. The legislature finds and declares all of the following:

a. Substantial evidence indicates that replacement tires for passenger cars and light-duty trucks are less energy efficient, on average, than tires installed as original equipment.

b. Improving the energy efficiency of replacement tires for New York's passenger and light-duty truck fleet could yield significant economic and environmental benefits without affecting vehicle performance or safety, while also reducing New York's vulnerability to oil price increases.

c. There are strong indications that technologies are available to make replacement tires more energy efficient and longer lasting.

d. There are replacement tires available in New York that are at least as energy efficient, on average, as original-equipment tires.

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

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e. A replacement tire energy efficiency program should not increase the amount of scrap tires generated within New York, nor negatively impact state efforts to manage scrap tires.

S 2. The environmental conservation law is amended by adding a new article 48 to read as follows:

ARTICLE 48

REPLACEMENT TIRE FUEL EFFICIENCY CONSUMER INFORMATION PROGRAM

SECTION 48-0101. DEFINITIONS.

48-0103. REPLACEMENT TIRE FUEL EFFICIENCY CONSUMER INFORMATION PROGRAM.

48-0105. REPLACEMENT TIRE FUEL EFFICIENCY RATING SYSTEM.

S 48-0101. DEFINITIONS.

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

1. "CONSUMER INFORMATION REQUIREMENT" MEANS POINT-OF-SALE INFORMATION OR SIGNS THAT ARE CONSPICUOUSLY DISPLAYED, READILY ACCESSIBLE, AND WRITTEN IN A MANNER THAT CAN BE EASILY UNDERSTOOD BY THE CONSUMER. "CONSUMER INFORMATION REQUIREMENT" DOES NOT INCLUDE MANDATORY LABELING, IMPRINTING, OR OTHER MARKING, ON AN INDIVIDUAL TIRE BY THE TIRE MANUFACTURER OR THE TIRE RETAILER.

2. "COST EFFECTIVE" MEANS THE COST SAVINGS TO THE CONSUMER RESULTING FROM A REPLACEMENT TIRE SUBJECT TO AN ENERGY EFFICIENCY STANDARD THAT EQUALS OR EXCEEDS THE ADDITIONAL COST TO THE CONSUMER RESULTING FROM THE STANDARD, TAKING INTO ACCOUNT THE EXPECTED FUEL COSTS SAVINGS OVER THE EXPECTED LIFE OF THE REPLACEMENT TIRE.

3. "REPLACEMENT TIRE" MEANS A TIRE SOLD IN THE STATE THAT IS DESIGNED TO REPLACE A TIRE SOLD WITH A NEW PASSENGER CAR OR LIGHT-DUTY TRUCK. "REPLACEMENT TIRE" DOES NOT INCLUDE ANY OF THE FOLLOWING TIRES:

A. A TIRE OR GROUP OF TIRES WITH THE SAME SKU, PLANT, AND YEAR, FOR WHICH THE VOLUME OF TIRES PRODUCED OR IMPORTED IS LESS THAN FIFTEEN THOUSAND ANNUALLY.

B. A DEEP TREAD, WINTER-TYPE SNOW TIRE, A SPACE-SAVER TIRE, OR A TEMPORARY USE SPARE TIRE.

C. A TIRE WITH A NOMINAL RIM DIAMETER OF TWELVE INCHES OR LESS.

D. A MOTORCYCLE TIRE.

E. A TIRE MANUFACTURED SPECIFICALLY FOR USE IN AN OFF-ROAD MOTORIZED RECREATIONAL VEHICLE.

S 48-0103. REPLACEMENT TIRE FUEL EFFICIENCY CONSUMER INFORMATION PROGRAM.

1. THE DEPARTMENT, IN CONSULTATION WITH THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, FOR PURPOSES OF THIS ARTICLE KNOWN AS "THE AUTHORITY", SHALL ESTABLISH A DATABASE OF THE FUEL EFFICIENCY OF A REPRESENTATIVE SAMPLE OF TIRES SOLD IN THE STATE, BASED ON TEST PROCEDURES ADOPTED BY THE DEPARTMENT.

2. ON OR BEFORE JULY FIRST, TWO THOUSAND TWELVE, THE DEPARTMENT SHALL, AFTER CONSULTATION WITH THE AUTHORITY, AND AFTER NOTICE AND OPPORTUNITY FOR COMMENT, PROMULGATE RULES AND REGULATIONS ESTABLISHING A REPLACEMENT TIRE FUEL EFFICIENCY CONSUMER INFORMATION PROGRAM FOR TIRES DESIGNED FOR USE ON MOTOR VEHICLES TO EDUCATE CONSUMERS ABOUT THE EFFECT OF TIRES ON AUTOMOBILE FUEL EFFICIENCY.

THE REGULATIONS SHALL INCLUDE THE FOLLOWING:

A. BASED ON THE DATA COLLECTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND OTHER RELEVANT INFORMATION, A REPLACEMENT TIRE FUEL EFFICIENCY RATING SYSTEM FOR MOTOR VEHICLE REPLACEMENT TIRES SOLD IN THE STATE TO ASSIST CONSUMERS IN MAKING EDUCATED TIRE PURCHASING DECISIONS.

B. CONSUMER INFORMATION REQUIREMENTS FOR PROVIDING INFORMATION TO CONSUMERS, INCLUDING INFORMATION AT THE POINT OF SALE AND OTHER POTENTIAL INFORMATION DISSEMINATION METHODS, INCLUDING THE INTERNET.

C. REQUIREMENTS FOR TIRE MANUFACTURERS TO REPORT TO THE DEPARTMENT THE ENERGY EFFICIENCY OF REPLACEMENT TIRES SOLD IN THE STATE.

D. A TIRE MAINTENANCE CONSUMER EDUCATION PROGRAM INCLUDING, INFORMATION ON TIRE INFLATION PRESSURE, ALIGNMENT, ROTATION, AND TREAD WEAR TO MAXIMIZE FUEL EFFICIENCY.

E. IF ANOTHER STATE HAS ESTABLISHED A SUBSTANTIALLY SIMILAR PROGRAM TO THE PROGRAM SET FORTH IN THIS ARTICLE, THE DEPARTMENT AND AUTHORITY MAY WORK WITH SUCH STATE OR STATES TO ADOPT SUCH A PROGRAM FOR THIS STATE.

3. THE DEPARTMENT IN CONSULTATION WITH THE AUTHORITY, SHALL REVIEW AND REVISE, AS NECESSARY, THE RULES AND REGULATIONS PROMULGATED UNDER THIS SECTION, PROVIDED, HOWEVER, THAT THE DEPARTMENT MAY NOT REVISE THE RULES OR REGULATIONS IN A WAY THAT REDUCES THE AVERAGE FUEL EFFICIENCY OF REPLACEMENT TIRES.

S 48-0105. REPLACEMENT TIRE FUEL EFFICIENCY RATING SYSTEM.

IN DEVELOPING THE REPLACEMENT TIRE FUEL EFFICIENCY RATING SYSTEM REQUIRED BY SECTION 48-0103 OF THIS ARTICLE, THE FOLLOWING CRITERIA SHALL BE CONSIDERED:

1. TECHNICAL FEASIBILITY AND COST EFFECTIVENESS;

2. TIRE SAFETY;

3. AVERAGE TIRE LIFE AND REPLACEMENT TIRES; AND

4. THE MANAGEMENT OF SCRAP TIRES IN THE STATE.

S 3. This act shall take effect immediately; provided, however, that this act shall expire and be deemed repealed on the date the commissioner of environmental conservation notifies the legislative bill drafting commission of the occurrence of the implementation of a substantially similar federal program.