

1207

2009-2010 Regular Sessions

I N S E N A T E

January 27, 2009

Introduced by Sens. THOMPSON, ONORATO, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the transportation law, in relation to establishing a replacement tires energy efficiency program for passenger cars and light-duty trucks

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

1 Section 1. Legislative intent. 1. The legislature finds and declares  
2 all of the following:  
3 a. Substantial evidence indicates that replacement tires for passenger  
4 cars and light-duty trucks are less energy efficient, on average, than  
5 tires installed as original equipment.  
6 b. Improving the energy efficiency of replacement tires for New York's  
7 passenger and light-duty truck fleet could yield significant economic  
8 and environmental benefits without affecting vehicle performance or  
9 safety, while also reducing New York's vulnerability to oil price  
10 increases.  
11 c. There are strong indications that technologies are available to  
12 make replacement tires more energy efficient and longer lasting.  
13 2. It is the intent of the legislature to provide the statutory frame-  
14 work to ensure that consumers are informed that replacement tires are  
15 available in New York that are at least as energy efficient, on average,  
16 as original-equipment tires.  
17 3. It is further the intent of the legislature that the replacement  
18 tires energy efficiency program set forth in this act not increase the  
19 amount of scrap tires generated within New York, nor negatively impact  
20 state efforts to manage scrap tires.  
21 S 2. The transportation law is amended by adding a new article 19-A to  
22 read as follows:

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

LBD04770-01-9

## ARTICLE 19-A

## REPLACEMENT TIRES ENERGY EFFICIENCY PROGRAM

## SECTION 442. DEFINITIONS.

443. RATING ENERGY EFFICIENCY OF REPLACEMENT TIRES.

444. REPLACEMENT TIRES ENERGY EFFICIENCY PROGRAM.

445. REPLACEMENT TIRES ENERGY EFFICIENCY PARAMETERS AND REVIEW.

446. RULES AND REGULATIONS.

S 442. 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 443. RATING ENERGY EFFICIENCY OF REPLACEMENT TIRES. ON OR BEFORE JULY FIRST, TWO THOUSAND ELEVEN, THE DEPARTMENT SHALL DEVELOP AND ADOPT ALL OF THE FOLLOWING:

1. A DATABASE OF THE ENERGY EFFICIENCY OF A REPRESENTATIVE SAMPLE OF REPLACEMENT TIRES SOLD IN THE STATE, BASED ON TEST PROCEDURES ADOPTED BY THE DEPARTMENT.

2. BASED ON THE DATA COLLECTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, A RATING SYSTEM FOR THE ENERGY EFFICIENCY OF REPLACEMENT TIRES SOLD IN THE STATE THAT WILL ENABLE CONSUMERS TO MAKE MORE INFORMED DECISIONS WHEN PURCHASING TIRES FOR THEIR VEHICLES.

3. BASED ON THE TEST PROCEDURES ADOPTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND THE RATING SYSTEM ESTABLISHED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, REQUIREMENTS FOR TIRE MANUFACTURERS TO REPORT TO THE DEPARTMENT THE ENERGY EFFICIENCY OF REPLACEMENT TIRES SOLD IN THE STATE.

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

S 444. REPLACEMENT TIRES ENERGY EFFICIENCY PROGRAM. ON OR BEFORE JULY FIRST, TWO THOUSAND ELEVEN, THE DEPARTMENT SHALL, AFTER APPROPRIATE NOTICE AND WORKSHOPS, ADOPT AND, ON OR BEFORE JULY FIRST, TWO THOUSAND TWELVE, IMPLEMENT, A REPLACEMENT TIRES ENERGY EFFICIENCY PROGRAM OF STATEWIDE APPLICABILITY FOR REPLACEMENT TIRES, DESIGNED TO ENSURE THAT CONSUMERS ARE INFORMED THAT REPLACEMENT TIRES THAT ARE AT LEAST AS ENER-

1 GY EFFICIENT AS THE ORIGINAL TIRES ON NEW PASSENGER CARS AND LIGHT-DUTY  
2 TRUCKS ARE AVAILABLE.

3 S 445. REPLACEMENT TIRES ENERGY EFFICIENCY PARAMETERS AND REVIEW. 1.  
4 FOR CUSTOMER INFORMATION, THE PROGRAM DESCRIBED IN SECTION FOUR HUNDRED  
5 FORTY-FOUR OF THIS ARTICLE SHALL INCLUDE ALL OF THE FOLLOWING:

6 A. THE DEVELOPMENT AND ADOPTION OF MINIMUM ENERGY EFFICIENCY STANDARDS  
7 FOR REPLACEMENT TIRES, EXCEPT TO THE EXTENT THAT THE DEPARTMENT DETER-  
8 MINES THAT IT IS UNABLE TO DO SO IN A MANNER THAT COMPLIES WITH SUBPARA-  
9 GRAPHS (I) THROUGH (IV) OF THIS PARAGRAPH. ENERGY EFFICIENCY STANDARDS  
10 ADOPTED PURSUANT TO THIS PARAGRAPH SHALL MEET ALL OF THE FOLLOWING  
11 CONDITIONS:

12 (I) BE TECHNICALLY FEASIBLE AND COST EFFECTIVE.

13 (II) NOT ADVERSELY AFFECT TIRE SAFETY.

14 (III) NOT ADVERSELY AFFECT THE AVERAGE TIRE LIFE OF REPLACEMENT TIRES.

15 (IV) NOT ADVERSELY AFFECT THE MANAGEMENT OF SCRAP TIRES IN THE STATE.

16 B. THE DEVELOPMENT AND ADOPTION OF CONSUMER INFORMATION REQUIREMENTS  
17 FOR REPLACEMENT TIRES FOR WHICH STANDARDS HAVE BEEN ADOPTED PURSUANT TO  
18 PARAGRAPH A OF THIS SUBDIVISION.

19 2. THE ENERGY EFFICIENCY STANDARDS ESTABLISHED PURSUANT TO PARAGRAPH A  
20 OF SUBDIVISION ONE OF THIS SECTION SHALL BE BASED ON THE RESULTS OF  
21 LABORATORY TESTING AND, TO THE EXTENT IT IS AVAILABLE AND DEEMED APPRO-  
22 PRIATE BY THE DEPARTMENT, ON A ROAD FLEET TESTING PROGRAM DEVELOPED BY  
23 TIRE MANUFACTURERS IN CONSULTATION WITH THE DEPARTMENT, CONDUCTED BY  
24 TIRE MANUFACTURERS, AND SUBMITTED TO THE DEPARTMENT ON OR BEFORE JANUARY  
25 FIRST, TWO THOUSAND TEN.

26 3. THE DEPARTMENT SHALL REVIEW AND REVISE THE PROGRAM, INCLUDING ANY  
27 STANDARDS ADOPTED PURSUANT TO THE PROGRAM, AS NECESSARY, BUT NOT LESS  
28 THAN ONCE EVERY THREE YEARS. THE DEPARTMENT MAY NOT REVISE THE PROGRAM  
29 OR STANDARDS IN A WAY THAT REDUCES THE AVERAGE EFFICIENCY OF REPLACEMENT  
30 TIRES.

31 S 446. RULES AND REGULATIONS. THE DEPARTMENT IS HEREBY AUTHORIZED AND  
32 DIRECTED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMEN-  
33 TATION OF THIS ARTICLE.

34 S 3. This act shall take effect immediately.