

2766

2009-2010 Regular Sessions

I N S E N A T E

March 2, 2009

Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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:

1 Section 1. Legislative intent. The legislature finds and declares all
2 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 d. There are replacement tires available in New York that are at
14 least as energy efficient, on average, as original-equipment tires.

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

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

20 ARTICLE 48

21 REPLACEMENT TIRE FUEL EFFICIENCY CONSUMER INFORMATION PROGRAM

22 SECTION 48-0101. DEFINITIONS.

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

LBD01293-03-9

1 48-0103. REPLACEMENT TIRE FUEL EFFICIENCY CONSUMER INFORMATION
2 PROGRAM.

3 48-0105. REPLACEMENT TIRE FUEL EFFICIENCY RATING SYSTEM.

4 S 48-0101. DEFINITIONS.

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

7 1. "CONSUMER INFORMATION REQUIREMENT" MEANS POINT-OF-SALE INFORMATION
8 OR SIGNS THAT ARE CONSPICUOUSLY DISPLAYED, READILY ACCESSIBLE, AND WRIT-
9 TEN IN A MANNER THAT CAN BE EASILY UNDERSTOOD BY THE CONSUMER. "CONSUMER
10 INFORMATION REQUIREMENT" DOES NOT INCLUDE MANDATORY LABELING, IMPRINT-
11 ING, OR OTHER MARKING, ON AN INDIVIDUAL TIRE BY THE TIRE MANUFACTURER OR
12 THE TIRE RETAILER.

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

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

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

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

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

27 D. A MOTORCYCLE TIRE.

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

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

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

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

43 THE REGULATIONS SHALL INCLUDE THE FOLLOWING:

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

48 B. CONSUMER INFORMATION REQUIREMENTS FOR PROVIDING INFORMATION TO
49 CONSUMERS, INCLUDING INFORMATION AT THE POINT OF SALE AND OTHER POTEN-
50 TIAL INFORMATION DISSEMINATION METHODS, INCLUDING THE INTERNET.

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

53 D. A TIRE MAINTENANCE CONSUMER EDUCATION PROGRAM INCLUDING, INFORMA-
54 TION ON TIRE INFLATION PRESSURE, ALIGNMENT, ROTATION, AND TREAD WEAR TO
55 MAXIMIZE FUEL EFFICIENCY.

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

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

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

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

13 1. TECHNICAL FEASIBILITY AND COST EFFECTIVENESS;

14 2. TIRE SAFETY;

15 3. AVERAGE TIRE LIFE AND REPLACEMENT TIRES; AND

16 4. THE MANAGEMENT OF SCRAP TIRES IN THE STATE.

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