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

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I N A S S E M B L Y

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Introduced by M. of A. N. RIVERA, CRESPO, LINARES -- Multi-Sponsored by -- M. of A. ARROYO, CAMARA, CASTRO, COOK, JEFFRIES, ORTIZ, RAMOS, J. RIVERA, P. RIVERA, ROBINSON, STEVENSON -- read once and referred to the Committee on Transportation

AN ACT to amend the public authorities law, the vehicle and traffic law and the tax law, in relation to establishing the 2011 alternative fuel and electric vehicle incentive program; and providing for the repeal of certain provisions of the tax law relating thereto

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

Section 1. This act shall be known and may be cited as the "2011 alternative fuel and electric vehicle incentive program".

S 2. The public authorities law is amended by adding a new section 388 to read as follows:

S 388. ELECTRIC VEHICLE AND ZERO EMISSIONS VEHICLE E-ZPASS DISCOUNT. 1. A. ANY PERSON WHO HAS AN ELECTRONIC TOLL COLLECTION SYSTEM ACCOUNT WITH THE AUTHORITY SHALL RECEIVE A TWENTY-FIVE PERCENT DISCOUNT ON TOLLS INCURRED ON NEW YORK STATE TOLL ROADS FOR A MOTOR VEHICLE WHICH IS AN ELECTRIC VEHICLE OR ZERO EMISSIONS VEHICLE AS SUCH TERMS ARE DEFINED IN PARAGRAPH FORTY-FOUR OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED FIFTEEN OF THE TAX LAW, AND HAS AN ENVIRONMENTAL PROTECTION AGENCY HIGHWAY MPG FUEL EFFICIENCY OF THIRTY-FIVE OR HIGHER. SUCH DISCOUNT SHALL BE KNOW AS THE "ELECTRIC VEHICLE AND ZERO EMISSIONS VEHICLE E-ZPASS DISCOUNT".

B. SUCH DISCOUNT SHALL BE VALID FOR A PERIOD OF TWO YEARS FROM THE DATE SUCH ELECTRIC VEHICLE OR ZERO EMISSIONS VEHICLE WAS PURCHASED.

2. AS USED IN THIS SECTION, "ELECTRONIC TOLL COLLECTION SYSTEM" SHALL MEAN A SYSTEM OF COLLECTING TOLLS OR CHARGES WHICH IS CAPABLE OF CHARGING AN ACCOUNT HOLDER THE APPROPRIATE TOLL OR CHARGE BY TRANSMISSION OF INFORMATION FROM AN ELECTRONIC DEVICE ON A MOTOR VEHICLE TO THE TOLL

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

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LANE, WHICH INFORMATION IS USED TO CHARGE THE ACCOUNT THE APPROPRIATE TOLL OR CHARGE.

S 3. Subdivision (d) of section 306 of the vehicle and traffic law, as amended by chapter 608 of the laws of 1993, is amended to read as follows:

(d) No person shall issue a certificate or certificates of inspection, inspection extension, or rejection notice without having made a complete inspection or inspections in conformity with the rules and regulations established by the commissioner, or shall wilfully issue a certificate or certificates of inspection for a motor vehicle, the mechanisms and other equipment or emissions of which do not comply with the standards prescribed by the rules and regulations established by the commissioner or the commissioner of environmental conservation, or wilfully issue a certificate of inspection extension or rejection notice when the item or items of inspection conform to the standards established by the regulations of the commissioner or wilfully issue a certificate of inspection extension or rejection notice for an item or items for which inspection is not required by the regulations of the commissioner, PROVIDED, HOWEVER, ANY ELECTRIC VEHICLE OR ZERO EMISSIONS VEHICLE WITH AN ENVIRONMENTAL PROTECTION AGENCY FUEL EFFICIENCY RATING OF FORTY MILES PER GALLON OR HIGHER, SHALL BE EXEMPT FORM THE PROVISIONS OF THIS SUBDIVISION.

S 4. Subdivision 6 of section 401 of the vehicle and traffic law is amended by adding a new paragraph c-1 to read as follows:

C-1. THE PROVISIONS OF THIS SUBDIVISION AND SUBDIVISION SEVEN OF THIS SECTION WITH RESPECT TO THE PAYMENT OF REGISTRATION FEES SHALL NOT APPLY TO THE FIRST YEAR OF REGISTRATION OF ANY NEW ELECTRIC VEHICLE OR ZERO EMISSIONS VEHICLE, AS DEFINED IN PARAGRAPH FORTY-FIVE OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED FIFTEEN OF THE TAX LAW.

S 5. The vehicle and traffic law is amended by adding a new section 1203-i to read as follows:

S 1203-I. METERED PARKING CHARGES. ANY PERSON DRIVING A PLUG-IN ELECTRIC HYBRID VEHICLE, ELECTRIC VEHICLE OR ZERO EMISSION VEHICLE, AS DEFINED IN PARAGRAPH FORTY-FIVE OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED FIFTEEN OF THE TAX LAW, HAVING AN ENVIRONMENTAL PROTECTION AGENCY HIGHWAY FUEL ECONOMY OF FORTY-FIVE MILES PER GALLON OR GREATER, SHALL BE ENTITLED TO PARKING AT A METER WITHOUT CHARGE IF THE MUNICIPALITY IN WHICH THE METER IS LOCATED, DESIGNATES SUCH METER AS FREE OF CHARGE FOR USE BY SUCH VEHICLES.

S 6. The vehicle and traffic law is amended by adding a new section 1229-e to read as follows:

S 1229-E. HIGH OCCUPANCY VEHICLE LANES; USE BY ALTERNATIVE FUEL VEHICLES, ELECTRIC VEHICLES AND PLUG-IN ELECTRIC HYBRID VEHICLES. 1. ALL DRIVERS OF ALTERNATIVE FUEL ELECTRIC VEHICLES AND PLUG-IN ELECTRIC HYBRID VEHICLES ARE AUTHORIZED TO DRIVE ON ANY HIGH OCCUPANCY VEHICLE LANE, DESPITE THE NUMBER OF VEHICLE OCCUPANTS IN EACH SUCH VEHICLE, PROVIDED HOWEVER, SUCH VEHICLE MUST DISPLAY A NEW YORK STATE CLEAN PASS STICKER FROM THE DEPARTMENT OF MOTOR VEHICLES.

2. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "ALTERNATIVE FUEL VEHICLE" SHALL MEAN ANY VEHICLE WHICH USES LIQUEFIED PETROLEUM GAS, COMPRESSED NATURAL GAS, LIQUEFIED NATURAL GAS, LIQUEFIED HYDROGEN, LIQUID FUEL DERIVED FROM COAL THROUGH THE FISCHER-TROPSCH PROCESS, LIQUID HYDROCARBONS DERIVED FROM BIOMASS, AND P-SERIES FUELS, OR ANY OTHER FUEL DESIGNATED AS AN ALTERNATIVE FUEL BY THE UNITED STATES DEPARTMENT OF ENERGY, AS A FUEL SOURCE.

(B) "PLUG-IN ELECTRIC HYBRID VEHICLE" SHALL HAVE THE SAME MEANING ASCRIBED TO SUCH TERM IN PARAGRAPH FORTY-SIX OF SUBDIVISION (A) OF SECTION ELEVEN HUNDRED FIFTEEN OF THE TAX LAW.

S 7. Subdivision (a) of section 1115 of the tax law is amended by adding two new paragraphs 44 and 45 to read as follows:

(44) ELECTRIC VEHICLES AND ZERO EMISSIONS VEHICLES. (A) AS USED IN THIS PARAGRAPH, "ELECTRIC VEHICLE" MEANS ANY VEHICLE WHICH IS POWERED BY AN ELECTRIC MOTOR DRAWING CURRENT FROM RECHARGEABLE STORAGE BATTERIES, FUEL CELLS, OR OTHER PORTABLE SOURCES OF ELECTRICAL CURRENT, AND WHICH MAY INCLUDE A NON-ELECTRICAL SOURCE OF POWER DESIGNED TO CHARGE BATTERIES AND COMPONENTS THEREOF, PROVIDED THAT:

(I) RECHARGE ENERGY MUST BE DRAWN FROM A SOURCE OFF THE VEHICLE, SUCH AS RESIDENTIAL ELECTRIC SERVICE; AND

(II) THE VEHICLE MUST COMPLY WITH ALL PROVISIONS OF THE ZERO EMISSION VEHICLE PURSUANT TO THE STANDARDS PROVIDED IN 40 CFR 88.104-94(G).

(B) AS USED IN THIS SUBDIVISION, "ZERO EMISSION VEHICLE" MEANS A VEHICLE MEETING THE STANDARDS PROVIDED IN 40 CFR 88.104-94(G).

(45) ANY PLUG-IN HYBRID ELECTRIC VEHICLE, AS DEFINED IN PARAGRAPH FORTY-SIX OF SUBDIVISION (A) OF THIS SECTION, WHICH HAS AN ENVIRONMENTAL PROTECTION AGENCY HIGHWAY FUEL EFFICIENCY OF FIFTY-FIVE MPG OR GREATER.

S 8. Subdivision (a) of section 1115 of the tax law is amended by adding a new paragraph 46 to read as follows:

(46) THE NET PRICE OF A PLUG-IN ELECTRIC VEHICLE. AS USED IN THIS PARAGRAPH, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: (I) "PLUG-IN ELECTRIC HYBRID VEHICLE" MEANS ANY VEHICLE PROPELLED BY A COMBINATION OF AN ELECTRIC MOTOR AND AN INTERNAL COMBUSTION ENGINE OR OTHER POWER SOURCE AND COMPONENTS THEREOF.

(II) "NET PRICE" SHALL MEAN THE DIFFERENCE BETWEEN THE PURCHASE PRICE OF THE PLUG-IN ELECTRIC HYBRID VEHICLE AND THE AVERAGE PRICE OF A COMPARABLE NON-HYBRID OR NON-ALTERNATIVE FUEL VEHICLE. SUCH AVERAGE PRICE SHALL BE DETERMINED BY THE COMMISSIONER ON AN ANNUAL BASIS.

S 9. Section 19 of part W-1 of chapter 109 of the laws of 2006, amending the tax law and other laws relating to providing exemptions, reimbursements and credits from various taxes for certain alternative fuels, as amended by section 2 of part L of chapter 61 of the laws of 2011, is amended to read as follows:

S 19. This act shall take effect immediately; provided, however, that sections one through thirteen of this act shall take effect September 1, 2006 and shall be deemed repealed on September 1, [2012] 2013 and such repeal shall apply in accordance with the applicable transitional provisions of sections 1106 and 1217 of the tax law, and shall apply to sales made, fuel compounded or manufactured, and uses occurring on or after such date, and with respect to sections seven through eleven of this act, in accordance with applicable transitional provisions of sections 1106 and 1217 of the tax law; provided, however, that the commissioner of taxation and finance shall be authorized on and after the date this act shall have become a law to adopt and amend any rules or regulations and to take any steps necessary to implement the provisions of this act; provided further that sections fourteen through sixteen of this act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2006.

S 10. This act shall take effect on the sixtieth day after it shall have become a law, provided however, the provisions of section seven of this act shall expire on January 1, 2013 when upon such date the provisions of such section shall be deemed repealed.