

1228--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ABINANTI, GALEF, KAVANAGH, GOTTFRIED, JAFFEE, LAVINE, PAULIN, BUCHWALD -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the idling time of passenger vehicles

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

- 1 Section 1. The environmental conservation law is amended by adding a
2 new section 19-0327 to read as follows:
3 S 19-0327. EMISSIONS FROM PASSENGER VEHICLES; LIMITATIONS.
4 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
5 THE FOLLOWING MEANINGS:
6 (A) "PASSENGER VEHICLE" SHALL MEAN ANY MOTOR VEHICLE, LIGHT-DUTY TRUCK
7 WITH A GROSS VEHICLE WEIGHT OF EIGHTY-FIVE HUNDRED POUNDS OR LESS, OR
8 ANY OTHER VEHICLE WHOSE PRIMARY USE IS NONCOMMERCIAL PERSONAL TRANSPOR-
9 TATION. SUCH DEFINITION SHALL ALSO INCLUDE "MOTORCYCLE", "TAXICAB" AND
10 "LIVERY" AS SUCH TERMS ARE DEFINED IN ARTICLE ONE OF THE VEHICLE AND
11 TRAFFIC LAW.
12 (B) "HYBRID-ELECTRIC VEHICLE" SHALL MEAN ANY PASSENGER VEHICLE WHICH
13 DRAWS PROPULSION FROM BOTH AN INTERNAL COMBUSTION ENGINE (OR HEAT ENGINE
14 THAT USES COMBUSTIBLE FUEL), AN ENERGY STORAGE DEVICE AND EMPLOYS A
15 REGENERATIVE VEHICLE BRAKING SYSTEM THAT RECOVERS WASTE ENERGY TO CHARGE
16 SUCH ENERGY STORAGE DEVICE.
17 2. NO PERSON SHALL ALLOW OR PERMIT THE ENGINE OF A PASSENGER VEHICLE
18 TO IDLE FOR MORE THAN THREE CONSECUTIVE MINUTES WHEN THE PASSENGER VEHI-
19 CLE IS NOT IN MOTION, EXCEPT THAT THIS PROVISION SHALL NOT APPLY WHEN:

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

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1 (A) SUCH VEHICLE IS FORCED TO REMAIN MOTIONLESS BECAUSE OF TRAFFIC
2 CONDITIONS OVER WHICH THE OPERATOR THEREOF HAS NO CONTROL;

3 (B) REGULATIONS ADOPTED BY A FEDERAL, STATE OR LOCAL AGENCY HAVING
4 JURISDICTION REQUIRE THE MAINTENANCE OF A SPECIFIC TEMPERATURE FOR
5 PASSENGER COMFORT, IN WHICH CASE THE IDLING TIME MAY BE INCREASED TO THE
6 EXTENT NECESSARY TO COMPLY WITH SUCH REGULATIONS;

7 (C) A HYBRID-ELECTRIC VEHICLE IS IDLING FOR THE PURPOSE OF PROVIDING
8 ENERGY FOR THE BATTERY OR OTHER FORM OF ENERGY STORAGE RECHARGING;

9 (D) THE AMBIENT AIR TEMPERATURE IS 32 DEGREES FAHRENHEIT (0 DEGREES
10 CELSIUS) OR LESS;

11 (E) WHEN OPERATION OF THE ENGINE IS REQUIRED FOR THE PURPOSE OF MAIN-
12 TENANCE.

13 3. THIS SECTION SHALL NOT APPLY TO THE OPERATION OF AUTHORIZED EMER-
14 GENCY VEHICLES, AS DEFINED BY SECTION ONE HUNDRED ONE OF THE VEHICLE AND
15 TRAFFIC LAW AND OTHER EMERGENCY VEHICLES AND EQUIPMENT WHILE PERFORMING
16 IN THE SCOPE OF THEIR DUTIES.

17 4. NOTHING IN THIS SECTION SHALL BE DEEMED TO PREEMPT ANY PROVISION OF
18 LOCAL LAW, INCLUDING, BUT NOT LIMITED TO SECTION 24-163 OF THE ADMINIS-
19 TRATIVE CODE OF THE CITY OF NEW YORK, PROVIDED THAT THE PROVISIONS OF
20 SUCH LOCAL LAW ARE AT LEAST AS STRINGENT AS THE PROVISIONS OF THIS
21 SECTION.

22 5. ANY PERSON WHO KNOWINGLY OR INTENTIONALLY VIOLATES ANY PROVISION OF
23 THIS SECTION SHALL, UPON THE FIRST FINDING OF SUCH A VIOLATION, BE
24 PROVIDED WITH A WARNING THAT FUTURE VIOLATIONS MAY RESULT IN THE IMPOSI-
25 TION OF A CIVIL PENALTY. ANY PERSON CONVICTED OF A SUBSEQUENT VIOLATION
26 MAY BE LIABLE FOR A CIVIL PENALTY NOT TO EXCEED ONE HUNDRED FIFTY
27 DOLLARS.

28 S 2. Severability clause. If any clause, sentence, paragraph, section
29 or part of this act shall be adjudged by any court of competent juris-
30 diction to be invalid, such judgment shall not affect, impair or invali-
31 date the remainder thereof, but shall be confined in its operation to
32 the clause, sentence, paragraph, section or part thereof directly
33 involved in the controversy in which such judgment shall have been
34 rendered.

35 S 3. This act shall take effect on the one hundred eightieth day after
36 it shall have become a law.