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

5841

2013-2014 Regular Sessions

I N A S S E M B L Y

March 7, 2013

Introduced by M. of A. P. LOPEZ, BLANKENBUSH, CROUCH, OAKS, PALMESANO, CORWIN -- Multi-Sponsored by -- M. of A. BARCLAY, GARBARINO, HAWLEY, McDONOUGH, McLAUGHLIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to exempting contractors from the provisions of the "Diesel Emissions Reduction Act 2006"

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

Section 1. Subdivision 1 of section 19-0323 of the environmental conservation law is amended by adding a new paragraph e to read as follows:

E. "CONTRACTOR" MEANS ANY PERSON OR ENTITY THAT CONTRACTS DIRECTLY OR INDIRECTLY WITH A REGULATED ENTITY TO PROVIDE LABOR, SERVICES, MATERIALS AND/OR EQUIPMENT ON BEHALF OF THE REGULATED ENTITY. CONTRACTOR INCLUDES BUT IS NOT LIMITED TO PRIME CONTRACTOR, SUBCONTRACTOR, AND ANY CONTRACTOR(S) HIRED BY SUCH SUBCONTRACTOR.

S 2. Subdivision 2 and the opening paragraph of subdivision 3 of section 19-0323 of the environmental conservation law, subdivision 2 as added by chapter 629 of the laws of 2006 and the opening paragraph of subdivision 3 as amended by section 1 of part EE of chapter 58 of the laws of 2012, are amended and a new subdivision 9 is added to read as follows:

2. Any diesel powered heavy duty vehicle that is owned by, operated by [or on behalf of,] or leased by a state agency and state and regional public authority shall be powered by ultra low sulfur diesel fuel.

Any diesel powered heavy duty vehicle that is owned by, operated by [or on behalf of,] or leased by a state agency and state and regional public authority with more than half of its governing body appointed by the governor shall utilize the best available retrofit technology for reducing the emission of pollutants. The commissioner shall promulgate

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

LBD07324-01-3

regulations for the implementation of this subdivision specifying that all vehicles covered by this subdivision shall have best available retrofit technology on or before December 31, 2013.

9. CONTRACTORS OF THIS STATE SHALL BE EXEMPT FROM THE PROVISIONS OF THIS SECTION.

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