

1228

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 -- read once and referred to the Committee on Environmental Conservation

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 19-0326 to read as follows:
3 S 19-0326. EMISSIONS FROM DIESEL ENGINES AND PASSENGER VEHICLES; LIMITA-
4 TIONS.
5 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
6 THE FOLLOWING MEANINGS:
7 (A) "PASSENGER VEHICLE" SHALL MEAN ANY MOTOR VEHICLE, LIGHT-DUTY TRUCK
8 WITH A GROSS VEHICLE WEIGHT OF EIGHTY-FIVE HUNDRED POUNDS OR LESS, OR
9 ANY OTHER VEHICLE WHOSE PRIMARY USE IS NONCOMMERCIAL PERSONAL TRANSPOR-
10 TATION. SUCH DEFINITION SHALL ALSO INCLUDE "MOTORCYCLE", "TAXICAB" AND
11 "LIVERY" AS SUCH TERMS ARE DEFINED IN ARTICLE ONE OF THE VEHICLE AND
12 TRAFFIC LAW.
13 (B) "HYBRID-ELECTRIC VEHICLE" SHALL MEAN ANY PASSENGER VEHICLE WHICH
14 DRAWS PROPULSION FROM BOTH AN INTERNAL COMBUSTION ENGINE (OR HEAT ENGINE
15 THAT USES COMBUSTIBLE FUEL), AN ENERGY STORAGE DEVICE AND EMPLOYS A
16 REGENERATIVE VEHICLE BRAKING SYSTEM THAT RECOVERS WASTE ENERGY TO CHARGE
17 SUCH ENERGY STORAGE DEVICE.
18 2. NO PERSON SHALL ALLOW OR PERMIT THE ENGINE OF A PASSENGER VEHICLE
19 TO IDLE FOR MORE THAN THREE CONSECUTIVE MINUTES WHEN THE PASSENGER VEHI-
20 CLE IS NOT IN MOTION, EXCEPT THAT THIS PROVISION SHALL NOT APPLY WHEN:
21 (A) SUCH VEHICLE IS FORCED TO REMAIN MOTIONLESS BECAUSE OF TRAFFIC
22 CONDITIONS OVER WHICH THE OPERATOR THEREOF HAS NO CONTROL;

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

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

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

7 (D) THE AMBIENT AIR TEMPERATURE IS 32 DEGREES FAHRENHEIT (0 DEGREES
8 CELSIUS) OR LESS.

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

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

18 5. ANY PERSON WHO KNOWINGLY OR INTENTIONALLY VIOLATES ANY PROVISION OF
19 THIS SECTION SHALL, UPON THE FIRST FINDING OF SUCH A VIOLATION, BE
20 PROVIDED WITH A WARNING THAT FUTURE VIOLATIONS SHALL RESULT IN THE IMPO-
21 SITION OF A FINE. ANY PERSON CONVICTED OF A SUBSEQUENT VIOLATION SHALL
22 BE LIABLE FOR A CIVIL PENALTY NOT TO EXCEED ONE HUNDRED FIFTY DOLLARS.

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

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