

7035

I N S E N A T E

March 17, 2016

Introduced by Sen. AVELLA -- 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 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 TRANSPORTATION.
9 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 VEHICLE
19 IS NOT IN MOTION, EXCEPT THAT THIS PROVISION SHALL NOT APPLY WHEN:

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

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

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

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

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

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

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

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

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

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

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