

STATE OF NEW YORK

3567

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. LOPEZ -- 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:

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

4 e. "Contractor" means any person or entity that contracts directly or
5 indirectly with a regulated entity to provide labor, services, materials
6 and/or equipment on behalf of the regulated entity. Contractor includes
7 but is not limited to prime contractor, subcontractor, and any
8 contractor(s) hired by such subcontractor.

9 § 2. Subdivision 2 and the opening paragraph of subdivision 3 of
10 section 19-0323 of the environmental conservation law, subdivision 2 as
11 added by chapter 629 of the laws of 2006 and subdivision 3 as amended by
12 section 1 of part X of chapter 58 of the laws of 2016, are amended and a
13 new subdivision 9 is added to read as follows:

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

17 Any diesel powered heavy duty vehicle that is owned by, operated by
18 [~~or on behalf of,~~] or leased by a state agency and state and regional
19 public authority with more than half of its governing body appointed by
20 the governor shall utilize the best available retrofit technology for
21 reducing the emission of pollutants. The commissioner shall promulgate
22 regulations for the implementation of this subdivision specifying that
23 all vehicles covered by this subdivision shall have best available
24 retrofit technology on or before December 31, 2017.

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

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1 9. Contractors of this state shall be exempt from the provisions of
2 this section.

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