

STATE OF NEW YORK

7567

2019-2020 Regular Sessions

IN ASSEMBLY

May 9, 2019

Introduced by M. of A. FAHY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the energy law, in relation to the purchase of fuel economy, electric and hybrid passenger vehicles by the office of general services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 5-108 of the energy law, as amended by chapter 120
2 of the laws of 1990, is amended to read as follows:

3 § 5-108. Purchase of passenger automobiles. a. The commissioner, in
4 consultation with the commissioner of the office of general services,
5 shall promulgate rules and regulations which shall require[~~, at a mini-~~
6 ~~mun,~~] that all passenger automobiles purchased by or for the state or
7 any agency or public authority thereof, of which a majority of the
8 members are appointed by the governor, in any fiscal year which
9 commences on or after April first, [~~nineteen hundred eighty-one~~] two
10 thousand twenty, achieve an average fuel economy [~~not less than~~] that
11 meets or exceeds the applicable average fuel economy standard estab-
12 lished pursuant to the provisions of this section for the model year
13 which includes January first of such fiscal year.

14 b. The commissioner, in consultation with the office of general
15 services, shall be further authorized to establish minimum fuel economy
16 standards for different classes of passenger automobiles, as appropri-
17 ate, which shall be applicable to such vehicles purchased by or for the
18 state or any agency or public authority thereof subject to the require-
19 ments of subdivision a of this section. Whenever practicable the
20 commissioner shall purchase battery, electric, plug-in hybrid electric
21 or zero-emission vehicles.

22 c. As used in this section:

23 (1) The term "passenger automobile" means any four wheeled vehicle
24 propelled by fuel which is manufactured for use on public streets, roads

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

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1 and highways, which is rated at six thousand pounds gross vehicle weight
 2 or less, and which the commissioner determines by rule is manufactured
 3 primarily for use in the transportation of not more than ten individ-
 4 uals.

5 (2) The term "passenger automobile" shall not include police, fire, or
 6 other emergency vehicles, as defined by the commissioner, or snow
 7 removal, salt-spreader, and garbage disposal vehicles, or any vehicles
 8 which the commissioner determines, by regulation, should be excluded
 9 from being defined as "passenger vehicles".

10 (3) The term "average fuel economy" means the total number of passen-
 11 ger automobiles acquired in a fiscal year to which this section applies
 12 divided by a sum of terms, each term of which is a fraction created by
 13 dividing (i) the number of passenger automobiles so acquired of a given
 14 model type, by (ii) the rated fuel economy of such model type as deter-
 15 mined and published by the federal agency with jurisdiction over the
 16 determination and publication of such fuel economy ratings during that
 17 fiscal year.

18 (4) The term "average fuel economy standard" means the average miles
 19 per gallon to be achieved in the operation of passenger automobiles
 20 manufactured in a particular model year and shall be as follows:

Model year	Fuel economy standard (miles per gallon)
1981	22.0
1982	24.0
1983	26.0
1984	27.0
1985	27.5
1991 [and thereafter] <u>through 2019</u>	29.0

29 Beginning July first, two thousand twenty, the commissioner shall set
 30 targets through regulation for the acquisition and use of battery, elec-
 31 tric or plug-in hybrid electric vehicles. By two thousand thirty all
 32 passenger vehicles purchased by or for the state or any agency or public
 33 authority thereof shall be zero-emission vehicles.

34 (5) The term "battery, electric, or plug-in hybrid electric vehicle"
 35 means a motor vehicle, as defined in section one hundred twenty-five of
 36 the vehicle and traffic law, that: has four wheels; was manufactured for
 37 use primarily on public streets, roads and highways; the powertrain of
 38 which has not been modified from the original manufacturer's specifica-
 39 tions; is rated at not more than eight thousand five hundred pounds
 40 gross vehicle weight; has maximum speed capability of at least fifty-
 41 five miles per hour; and is propelled at least in part by an electronic
 42 motor and associated power electronics which provide acceleration torque
 43 to the drive wheels sometime during normal vehicle operation, and that
 44 draws electricity.

45 (6) The term "zero-emission vehicles" shall have the same meaning as
 46 set forth in 6 NYCRR Part 218.

47 § 2. This act shall take effect immediately.