STATE OF NEW YORK

4282--B

2019-2020 Regular Sessions

IN SENATE

March 6, 2019

Introduced by Sens. HARCKHAM, HOYLMAN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the idling time of motor vehicles

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

Section 1. The environmental conservation law is amended by adding a new section 19-0329 to read as follows:

§ 19-0329. Emissions from passenger vehicles; limitations.

1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Motor vehicle" shall mean a passenger vehicle or a commercial motor vehicle.

(b) "Passenger vehicle" shall mean any motor vehicle, light-duty truck with a gross vehicle weight of eighty-five hundred pounds or less, or any other vehicle whose primary use is noncommercial personal transportation. Such definition shall also include "motorcycle", "taxicab" and "livery" as such terms are defined in article one of the vehicle and traffic law.

(c) "Commercial motor vehicle" shall have the same meaning as set forth in subdivision four of section five hundred one-a or subdivision one of section five hundred nine-p of the vehicle and traffic law.

(d) "Hybrid-electric vehicle" shall mean any passenger vehicle which draws propulsion from both an internal combustion engine (or heat engine that uses combustible fuel), an energy storage device and employs a

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

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regenerative vehicle braking system that recovers waste energy to charge such energy storage device.

(e) "Electric vehicle" shall mean a vehicle powered by electricity, usually provided by batteries.

2. No person shall allow or permit the engine of a passenger vehicle to idle for more than three consecutive minutes when the passenger vehicle is not in motion, except that this provision shall not apply when:

(a) the vehicle is forced to remain motionless because of traffic conditions over which the operator thereof has no control;

(b) regulations adopted by a federal, state or local agency having jurisdiction require the maintenance of a specific temperature for passenger comfort, in which case the idling time may be increased to the extent necessary to comply with such regulations;

(c) an engine is being used to provide power for an essential auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming operations; or when operation of the engine is required for the purpose of maintenance;

(d) trucks and heavy-duty construction equipment propelled by diesel engines, owned and operated by persons engaged in mining and quarrying, are used within the confines of such person's property;

(e) a hybrid-electric vehicle is idling for the purpose of providing energy for the battery or other form of energy storage recharging;

(f) the motor vehicle is an electric vehicle;

(g) the ambient air temperature is 32 degrees Fahrenheit (0 degrees Celsius) or less; or

(h) the vehicle is idling for the purpose of ensuring the safe loading, unloading, or transport of persons with one or more disabilities.

3. This section shall not apply to the operation of authorized emergency vehicles, as defined by section one hundred one of the vehicle and traffic law and other emergency vehicles and equipment while performing in the scope of their duties.

4. Nothing in this section shall be deemed to preempt any provision of local law, including, but not limited to section 24-163 of the administrative code of the city of New York, provided that the provisions of such local law are at least as stringent as the provisions of this section.

5. Any person who knowingly or intentionally violates any provision of this section shall, upon the first finding of such a violation, be provided with a warning that future violations may result in the imposition of a civil penalty. Any person convicted of a subsequent violation may be liable for a civil penalty not to exceed one hundred fifty dollars.

§ 2. Severability clause. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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