STATE OF NEW YORK

5439--A

2019-2020 Regular Sessions

IN SENATE

May 1, 2019

Introduced by Sens. METZGER, BROOKS, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications 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 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:

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

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

b. The commissioner, in consultation with the office of general services, shall be further authorized to establish minimum fuel economy standards for different classes of passenger automobiles, as appropriate, which shall be applicable to such vehicles purchased by or for the state or any agency or public authority thereof subject to the requirements of subdivision a of this section. **By January first, two thousand**

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

LBD11348-03-0

twenty-two the commissioner shall purchase battery, electric, plug-in hybrid electric or zero-emission vehicles.

c. As used in this section:

(1) The term "passenger automobile" means any four wheeled vehicle propelled by fuel which is manufactured for use on public streets, roads and highways, which is rated at six thousand pounds gross vehicle weight or less, and which the commissioner determines by rule is manufactured primarily for use in the transportation of not more than ten individuals.

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

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

(4) The term "average fuel economy standard" means the average miles per gallon to be achieved in the operation of passenger automobiles 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~~] through 2020	29.0

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

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

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

§ 2. This act shall take effect immediately.