

# STATE OF NEW YORK

9361

## IN ASSEMBLY

February 23, 2022

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

AN ACT to amend the state finance law, the public authorities law and the public service law, in relation to requiring every parking garage with an electric vehicle charging station installed with state funds to be open to the public

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

1 Section 1. Section 4 of the state finance law is amended by adding a  
2 new subdivision 14 to read as follows:

3 14. (a) Notwithstanding any contrary provision of law, beginning on  
4 the effective date of this subdivision and thereafter, no state agency,  
5 state official or state employee acting in his or her official capacity  
6 shall pay out or otherwise disburse money from any fund or account under  
7 the management of the state for any project involving the construction,  
8 acquisition, installation, reconstruction, improvement, maintenance,  
9 equipping, furnishing or leasing of an electric vehicle charging station  
10 in a commercial garage, unless such garage waives any and all access  
11 fees for a motor vehicle owner or operator solely charging their vehicle  
12 at a charging station located in such garage.

13 (b) For the purposes of this subdivision, "commercial garage" means  
14 any privately owned building or facility where motor vehicles are  
15 parked, stored, serviced or repaired, and whose space and facilities are  
16 available to the public for an access fee without regard to the resi-  
17 dence, business or employment of the motor vehicle owner or operator  
18 seeking such space or facilities.

19 (c) Subject to the provisions of this subdivision, the comptroller and  
20 the division of the budget, in consultation with the power authority of  
21 the state of New York, the New York state energy research and develop-  
22 ment authority and the public service commission, shall be authorized to  
23 establish rules and regulations for the effective administration of this  
24 subdivision.

25 (d) Nothing contained in this subdivision shall operate to impair any  
26 existing contract, award, or other agreement, except that any renewal,  
27 amendment or modification of any such contract, award, or agreement  
28 occurring on or after the effective date of this subdivision shall be  
29 subject to the conditions specified in this subdivision.

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

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1 (e) Notwithstanding any contrary provision of this subdivision, the  
2 owner or operator of an electric vehicle charging station may charge  
3 commercially reasonable rental or fees for the use or operation of such  
4 charging station as the owner or operator may deem necessary in accord-  
5 ance with any rules or regulations established pursuant to paragraph  
6 (c) of this subdivision.

7 (f) Notwithstanding any contrary provision of this subdivision, the  
8 owner or operator of a commercial garage may charge a commercially  
9 reasonable dwell fee for any period of time an electric vehicle is not  
10 actively charging at an electric vehicle charging station located in  
11 such garage in accordance with any rules or regulations established  
12 pursuant to paragraph (c) of this subdivision.

13 § 2. Subdivision 9-a of section 1005 of the public authorities law, as  
14 added by section 1 of part KK of chapter 58 of the laws of 2019, is  
15 amended to read as follows:

16 9-a. As deemed feasible and advisable by the trustees, to design,  
17 finance, develop, construct, install, lease, operate and maintain elec-  
18 tric vehicle charging stations throughout the state for use by the  
19 public, provided that no such charging station shall be authorized  
20 pursuant to this subdivision in any commercial garage, unless such  
21 garage waives any and all access fees for a motor vehicle owner or oper-  
22 ator solely charging their vehicle at a charging station located in such  
23 garage in accordance with the provisions of subdivision fourteen of  
24 section four of the state finance law. The authority shall annually post  
25 on their website a report on those activities undertaken pursuant to  
26 this subdivision, including but not limited to: the total number of  
27 electric vehicle charging stations in operation pursuant to such author-  
28 ization, the locations of such charging stations, and the total costs to  
29 the authority associated with such activities.

30 § 3. Subdivision 8 of section 1854 of the public authorities law is  
31 amended by adding a new paragraph (c) to read as follows:

32 (c) Notwithstanding any contrary provision of law, no special energy  
33 project shall be authorized pursuant to this subdivision in connection  
34 with the construction, acquisition, installation, reconstruction,  
35 improvement, maintenance, equipping, furnishing or leasing of an elec-  
36 tric vehicle charging station in a commercial garage, unless such garage  
37 waives any and all access fees for a motor vehicle owner or operator  
38 solely charging their vehicle at a charging station located in such  
39 garage in accordance with the provisions of subdivision fourteen of  
40 section four of the state finance law.

41 § 4. Section 66 of the public service law is amended by adding a new  
42 subdivision 30 to read as follows:

43 30. Notwithstanding any contrary provision of law, no program estab-  
44 lished or implemented by the commission to incentivize the design,  
45 financing, development, construction, installation, lease, operation  
46 and/or maintenance of electric vehicle charging stations (a) through the  
47 waiver or reduction of any fee or surcharge required to be paid by a  
48 utility or (b) that is financed in whole or in part by any ratepayers  
49 shall authorize the siting of an electric vehicle charging station in a  
50 commercial parking garage, unless such garage waives any an all access  
51 fees for a motor vehicle owner or operator solely charging their vehicle  
52 at a charging station in such garage in accordance with the provisions  
53 of subdivision fourteen of section four of the state finance law.

54 § 5. This act shall take effect immediately.