

STATE OF NEW YORK

9361--A

IN ASSEMBLY

February 23, 2022

Introduced by M. of A. EPSTEIN, THIELE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to requiring commercial garages containing electric vehicle charging stations to ensure public access to such charging stations commercially reasonable rental or fee rates

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

1 Section 1. The state finance law is amended by adding a new section
2 18-a to read as follows:

3 § 18-a. Parking facilities; fees for electric vehicle charging. 1.
4 For the purposes of this section the term "commercial garage" shall mean
5 any privately owned building or facility where motor vehicles are
6 parked, stored, serviced, or repaired, and whose space and facilities
7 are available to the public for a parking fee without regard to the
8 residence, business or employment of the motor vehicle owner or operator
9 utilizing such space or facilities.

10 2. Beginning upon the effective date of this section and thereafter,
11 any owner or operator of a commercial garage that receives funds, loans,
12 credits, or tax incentives, or that receives a waiver or reduction of
13 any fee or surcharge required to be paid by a utility, or that is
14 financed in whole or in part by any utility ratepayers, from or on
15 behalf of the power authority of the state of New York, the New York
16 state energy research and development authority or the public service
17 commission, for purposes related to a project involving the
18 construction, acquisition, installation, reconstruction, improvement,
19 maintenance, equipping, furnishing or leasing of an electric vehicle
20 charging station, shall be required to develop and implement a policy to
21 ensure public access to electric vehicle charging at commercially
22 reasonable rental or fee rates.

23 3. Such policy required under subdivision two of this section shall
24 include, but not be limited to: (a) waiving any and all parking fees for

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

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1 any motor vehicle owner or operator utilizing such commercial garage for
2 the sole purpose of accessing and using an electric vehicle charging
3 station located in such commercial garage; (b) adopting commercially
4 reasonable rental or fee rates for any time that such motor vehicle
5 owner or operator is actively accessing or using an electric vehicle
6 charging station in such commercial garage; and (c) charging additional
7 fees, such as dwell fees, as the owner or operator of such commercial
8 garage may deem appropriate and necessary, for any time that such motor
9 vehicle owner or operator is utilizing such commercial garage but is not
10 actively using an electric vehicle charging station.

11 4. The public service commission, in consultation with the power
12 authority of the state of New York and the New York state energy
13 research and development authority, shall have the authority to adopt
14 regulations and issue guidance to effectuate any of the provisions of
15 this section.

16 5. Nothing contained in this section shall impair any existing
17 contract, award, or other agreement, except that any renewal, amendment,
18 or modification of any such contract, award or agreement occurring on or
19 after the effective date of this section shall be subject to the condi-
20 tions specified in this section.

21 § 2. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law. Effective immediately, the addition, amend-
23 ment and/or repeal of any rule or regulation necessary for the implemen-
24 tation of this act on its effective date are authorized to be made and
25 completed on or before such effective date.