STATE OF NEW YORK

2045--A

Cal. No. 90

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. ABINANTI, COLTON, THIELE, L. ROSENTHAL, GOTTFRIED, STECK, CARROLL, SEAWRIGHT, GALEF, GLICK, REYES, FAHY, GRIFFIN, GONZALEZ-ROJAS, PAULIN, SIMON -- read once and referred to the Committee on Environmental Conservation -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the environmental conservation law, in relation to the idling time of passenger 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 19-0331 to read as follows:

§ 19-0331. Emissions from passenger vehicles; limitations.

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

(a) "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.

(b) "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 regenerative vehicle braking system that recovers waste energy to charge such energy storage device.

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

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

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

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

(e) when operation of the engine is required for the purpose of maintenance; or

(f) such 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.