

STATE OF NEW YORK

2412

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. FAHY, WOERNER, GOTTFRIED, SIMON, EPSTEIN, GALEF,
DICKENS -- read once and referred to the Committee on Energy

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:

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

3 § 5-108. Purchase of passenger automobiles. a. The commissioner, in
4 consultation with the commissioner of the office of general services,
5 shall promulgate rules and regulations which shall require[~~, at a mini-~~
6 ~~imum,~~] that all passenger automobiles purchased by or for the state or
7 any agency or public authority thereof, of which a majority of the
8 members are appointed by the governor, in any fiscal year which
9 commences on or after April first, [~~nineteen hundred eighty-one~~] two
10 thousand twenty-two, achieve an average fuel economy [~~not less than~~
11 that meets or exceeds the applicable average fuel economy standard
12 established pursuant to the provisions of this section for the model
13 year which includes January first of such fiscal year.

14 b. The commissioner, in consultation with the office of general
15 services, shall be further authorized to establish minimum fuel economy
16 standards for different classes of passenger automobiles, as appropri-
17 ate, which shall be applicable to such vehicles purchased by or for the
18 state or any agency or public authority thereof subject to the require-
19 ments of subdivision a of this section. Whenever practicable the
20 commissioner shall purchase battery, electric, plug-in hybrid electric
21 or zero-emission vehicles.

22 c. As used in this section:

23 (1) The term "passenger automobile" means any four wheeled vehicle
24 propelled by fuel which is manufactured for use on public streets, roads

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

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1 and highways, which is rated at six thousand pounds gross vehicle weight
2 or less, and which the commissioner determines by rule is manufactured
3 primarily for use in the transportation of not more than ten individ-
4 uals.

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

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

18 (4) The term "average fuel economy standard" means the average miles
19 per gallon to be achieved in the operation of passenger automobiles
20 manufactured in a particular model year and shall be as follows:

21 Model year	Fuel economy standard (miles per gallon)
22 1981	22.0
23 1982	24.0
24 1983	26.0
25 1984	27.0
26 1985	27.5
27 1991 [and thereafter] <u>through 2021</u>	29.0

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

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

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

46 § 2. This act shall take effect immediately.
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