

# STATE OF NEW YORK

3435

2021-2022 Regular Sessions

## IN ASSEMBLY

January 26, 2021

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

AN ACT to amend the executive law, in relation to requiring all new residential and commercial construction that has dedicated off-street parking to implement electric vehicle supply equipment infrastructure

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "electric vehicle readiness act".

3 § 2. The executive law is amended by adding a new section 378-a to  
4 read as follows:

5 § 378-a. Standards for construction of electric vehicle supply equip-  
6 ment. 1. For the purposes of this section, the following terms shall  
7 have the following meanings:

8 a. "Electric vehicle" or "EV" shall mean an automotive-type vehicle  
9 for on-road use, such as passenger automobiles, buses, trucks, vans,  
10 neighborhood electric vehicles, electric motorcycles, and the like,  
11 powered by an electric motor that draws current from a rechargeable  
12 storage battery, fuel cell, photovoltaic array, or other source of elec-  
13 tric current which is charged by being plugged into an electrical  
14 source. For the purpose of this section, off-road, self-propelled elec-  
15 tric vehicles, such as industrial trucks, hoists, lifts, transports,  
16 golf carts, airline ground support equipment, tractors, boats, and the  
17 like, are not included.

18 b. "Electric vehicle supply equipment" or "EVSE" shall mean the  
19 conductors, including the ungrounded, grounded and equipment grounding  
20 conductors, and the electric vehicle connectors, attachment plugs, and  
21 all other fittings, devices, power outlets, or other apparatus installed  
22 specifically for the purpose of transferring energy between the wiring  
23 of the premises and the electric vehicle.

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

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1 c. "Electric vehicle supply equipment infrastructure" shall mean the  
2 equipment, as defined by the national electrical code, which is provided  
3 to support future electric vehicle charging. This shall include, but not  
4 be limited to: the design load placed on electrical panels and service  
5 equipment to support the additional electrical demand, the panel capaci-  
6 ty to support additional feeder or branch circuits, and the installation  
7 of raceways, both underground and surface mounted, to support the elec-  
8 trical vehicle supply equipment.

9 2. All new commercial and residential buildings that include dedicated  
10 off-street parking, that is not located in any dedicated public right-  
11 of-way, shall be required to install EVSE infrastructure as follows:

12 a. The EVSE infrastructure shall be installed pursuant to the require-  
13 ments of the current edition of the national electrical code.

14 b. The number of parking spaces shall be at least one parking space  
15 with EVSE infrastructure for every five parking spaces without EVSE  
16 infrastructure.

17 c. For all new commercial construction, all new off-street parking  
18 shall include EVSE infrastructure based on the total number of parking  
19 spaces established in paragraph b of this subdivision.

20 (i) The electrical equipment room, when provided for in new buildings,  
21 shall have a dedicated space for the future installation of EVSE. This  
22 space shall be identified on all construction documents submitted for  
23 review, and the dedicated space shall not allow for any violation of the  
24 national electrical code prescriptive requirements regulating working  
25 space clearances around equipment, or any violation of the national  
26 electrical code prescriptive requirements governing the entrance to and  
27 egress from such electrical equipment working space.

28 (ii) During the construction of the electrical equipment room, all  
29 raceways installed for the EVSE infrastructure shall terminate at the  
30 space dedicated for the future EVSE installation.

31 (iii) Prior to the final electrical inspection approval, the space  
32 dedicated within the electrical room for the future EVSE installation  
33 shall have the wall labeled with the following language: "FUTURE ELEC-  
34 TRIC VEHICLE CHARGING EQUIPMENT AND PANELS".

35 (iv) The proposed placement and installation of EVSE infrastructure or  
36 equipment shall not violate any provision of the Americans with Disabili-  
37 ties Act of 1990.

38 (v) The EVSE infrastructure shall include a raceway which is contin-  
39 uous from the branch circuit or feeder panel location to the future EV  
40 parking space designated for the building. Such raceway shall be sized  
41 and installed pursuant to the national electrical code; however, in no  
42 case shall such raceway be less than one inch in size. Such raceway  
43 shall include a pull rope or line installed for future conductor instal-  
44 lation with such raceway sealed and labeled for future use.

45 (vi) The placement of EVSE shall not create a trip hazard or violation  
46 of the accessible path of travel when the EVSE cord is connected to an  
47 EV.

48 (vii) The requirements of this paragraph shall not apply to buildings  
49 without a designated parking space located on the premises or to parking  
50 spaces located in the public right-of-way.

51 d. For all new residential construction, all new off-street parking  
52 shall include EVSE infrastructure based on the total number of parking  
53 spaces established in paragraph b of this subdivision. All buildings  
54 regulated by this section shall provide sufficient electrical capacity  
55 for a forty-ampere, two hundred forty-volt branch circuit for the future  
56 installation of EVSE.

1 (i) An attached or detached garage, when provided in new residential  
2 buildings, shall include dedicated space for the future placement of  
3 EVSE.

4 (ii) Absent an attached or detached garage, an underground electrical  
5 conduit shall be provided between the dwelling and the designated park-  
6 ing space for the dwelling. The EVSE infrastructure shall include a  
7 raceway which is continuous from the branch circuit or feeder panel  
8 location to the future EV parking space designated for the building.  
9 Such raceway shall be sized and installed pursuant to the national elec-  
10 trical code; however, in no case shall such raceway be less than one  
11 inch in size. Such raceway shall include a pull rope or line installed  
12 for future conductor installation with such raceway sealed and labeled  
13 for future use.

14 (iii) The placement of EVSE shall not create a trip hazard or  
15 violation of the accessible path of travel when the EVSE cord is  
16 connected to an EV.

17 (iv) The requirements of this paragraph shall not apply to buildings  
18 without a designated parking space located on the premises or to parking  
19 spaces located in the public right-of-way.

20 3. Exceptions may be issued by a local enforcement agency where such  
21 agency has determined that EV charging and infrastructure are not feasi-  
22 ble based upon one or more of the following conditions:

23 a. There is no commercial power supply for the planned building.

24 b. If there is evidence substantiating that meeting the requirements  
25 of this section will present an unreasonable hardship or is technically  
26 infeasible, the local enforcement agency may consider an appeal from the  
27 project sponsor to reduce the number of EV charging spaces required or  
28 provide for EV charging elsewhere.

29 4. All exceptions granted by local law enforcement agencies shall be  
30 reported to the council and the department of environmental conserva-  
31 tion.

32 5. Nothing in this section shall prevent the council or a local  
33 government from adopting a law, code, ordinance or regulation which is  
34 more stringent than the requirements of this section.

35 § 3. This act shall take effect on the sixtieth day after it shall  
36 have become a law.