STATE OF NEW YORK

1122

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

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

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:

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

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

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

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

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3. Such policy required under subdivision two of this section shall include, but not be limited to: (a) waiving any and all parking fees for any motor vehicle owner or operator utilizing such commercial garage for the sole purpose of accessing and using an electric vehicle charging station located in such commercial garage; (b) adopting commercially reasonable rental or fee rates for any time that such motor vehicle owner or operator is actively accessing or using an electric vehicle charging station in such commercial garage; and (c) charging additional fees, such as dwell fees, as the owner or operator of such commercial garage may deem appropriate and necessary, for any time that such motor vehicle owner or operator is utilizing such commercial garage but is not actively using an electric vehicle charging station.

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

5. Nothing contained in this section shall impair any existing contract, award, or other agreement, except that any renewal, amendment, or modification of any such contract, award or agreement occurring on or after the effective date of this section shall be subject to the conditions specified in this section.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.