STATE OF NEW YORK

9173

IN ASSEMBLY

February 12, 2024

Introduced by M. of A. BURGOS -- read once and referred to the Committee on Energy

AN ACT to amend the energy law, in relation to code requirements for heavy distribution centers

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

Section 1. The energy law is amended by adding a new section 11-111 to read as follows:

§ 11-111. Special code requirements for heavy distribution centers. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Electric vehicle charging station" shall mean a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.

(b) "Heavy distribution center" shall mean a facility that (i) contains at least fifty thousand square feet of total floor space that is used for warehouse activities; and (ii) has as its primary purpose the temporary storage, sorting, and redistribution of goods to fulfill e-commerce orders by receiving shipments of goods from one mode of transport and redistributing those goods via a delivery vehicle. A "heavy distribution center" shall not include any facility where goods are manufactured or assembled on site and temporarily stored prior to distribution, or any facility that has as its primary purpose the temporary storage of food products for wholesale distribution.

(c) "Last mile delivery" shall refer to the final portion of a parcel's journey from a heavy distribution center to a consumer or end-user.

(d) "Parcel hub" shall mean a sorting facility at which parcels are received, sorted, and distributed for last mile delivery.

(e) "Person" means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate,

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

LBD09534-03-3

receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, any combination of individuals and any other form of unincorporated enterprise owned or conducted by two or more persons.

(f) "Warehouse operator" shall mean any person that conducts day-to-day operations at a heavy distribution center, including operations conducted through the use of third-party contractors.

2. Electric vehicle charging stations in heavy distribution centers. (a) All heavy distribution centers subject to the state energy conservation construction code as described in paragraph (b) of subdivision one of section 11-103 of this article shall be equipped with electric vehicle charging stations on and after the effective date of this section.

(b) The secretary of state, in consultation with the president of the New York state energy research and development authority, shall prescribe the required number or numbers of electric vehicle charging stations per heavy distribution center in the code in a manner proportional to the size and needs of such warehouses.

3. Any warehouse operator found in violation of the provisions of this section shall be liable for the penalties prescribed in section 11-108 of this article.

§ 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.