

# STATE OF NEW YORK

1178

2023-2024 Regular Sessions

## IN SENATE

January 10, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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:

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 19-0333 to read as follows:

3 § 19-0333. Emissions from passenger vehicles; limitations.

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

6 (a) "Passenger vehicle" shall mean any motor vehicle, light-duty truck  
7 with a gross vehicle weight of eighty-five hundred pounds or less, or  
8 any other vehicle whose primary use is noncommercial personal transpor-  
9 tation. Such definition shall also include "motorcycle", "taxicab" and  
10 "livery" as such terms are defined in article one of the vehicle and  
11 traffic law.

12 (b) "Hybrid-electric vehicle" shall mean any passenger vehicle which  
13 draws propulsion from both an internal combustion engine (or heat engine  
14 that uses combustible fuel), an energy storage device and employs a  
15 regenerative vehicle braking system that recovers waste energy to charge  
16 such energy storage device.

17 2. No person shall allow or permit the engine of a passenger vehicle  
18 to idle for more than three consecutive minutes when the passenger vehi-  
19 cle is not in motion, except that this provision shall not apply when:

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

22 (b) regulations adopted by a federal, state or local agency having  
23 jurisdiction require the maintenance of a specific temperature for  
24 passenger comfort, in which case the idling time may be increased to the  
25 extent necessary to comply with such regulations;

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

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

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

5 (e) when operation of the engine is required for the purpose of main-  
6 tenance; or

7 (f) such vehicle is idling for the purpose of ensuring the safe load-  
8 ing, unloading, or transport of persons with one or more disabilities.

9 3. This section shall not apply to the operation of authorized emer-  
10 gency vehicles, as defined by section one hundred one of the vehicle and  
11 traffic law and other emergency vehicles and equipment while performing  
12 in the scope of their duties.

13 4. Nothing in this section shall be deemed to preempt any provision of  
14 local law, including, but not limited to section 24-163 of the adminis-  
15 trative code of the city of New York, provided that the provisions of  
16 such local law are at least as stringent as the provisions of this  
17 section.

18 5. Any person who knowingly or intentionally violates any provision of  
19 this section shall, upon the first finding of such a violation, be  
20 provided with a warning that future violations may result in the imposi-  
21 tion of a civil penalty. Any person convicted of a subsequent violation  
22 may be liable for a civil penalty not to exceed one hundred fifty  
23 dollars.

24 § 2. Severability clause. If any clause, sentence, paragraph, section  
25 or part of this act shall be adjudged by any court of competent juris-  
26 diction to be invalid, such judgment shall not affect, impair or invali-  
27 date the remainder thereof, but shall be confined in its operation to  
28 the clause, sentence, paragraph, section or part thereof directly  
29 involved in the controversy in which such judgment shall have been  
30 rendered.

31 § 3. This act shall take effect on the one hundred eightieth day after  
32 it shall have become a law.