STATE OF NEW YORK

8000

IN SENATE

January 4, 2024

Introduced by Sens. HARCKHAM, WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT in relation to requiring a study to be conducted on the feasibility of installing electric ATV charging stations along all state-maintained trails where use of ATVs is permitted; and to amend the vehicle and traffic law, in relation to weight limits of ATVs, and fee schedules and use of funds collected from registration of ATVs

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

Section 1. Short title. This act shall be known and may be cited as the "all electric ATVs act of 2024".

§ 2. The legislature finds that the severity of current climate change and the threat of additional and more severe change will be affected by the actions undertaken by New York and other jurisdictions to reduce greenhouse gas emissions. According to the U.S. Global Change Research Program (USGCRP) and the Intergovernmental Panel on Climate Change (IPCC), substantial reductions in greenhouse gas emissions will be required by mid-century in order to limit global warming to no more than 2° C and ideally 1.5° C above pre-industrial levels, and thus minimize the risk of severe impacts from climate change. Specifically, industrialized countries must reduce their greenhouse gas emissions by at least 80% below 1990 levels by 2050 in order to stabilize carbon dioxide equivalent concentrations at 450 parts per million--the level required to stay within the 2° C target.

It shall be a goal of the state that by 2035, 100% of all terrain vehicles (ATVs) sold in New York state shall be fully electric to contribute toward greenhouse gas emission reduction.

§ 3. (a) The New York state energy research and development authority, in cooperation with the department of environmental conservation, shall conduct a study on the feasibility of installing electric ATV charging stations along all state-maintained trails where use of ATVs is permitted, with the goal to have all ATVs within the state be 100% fully electric by 2035. Such study shall include, but not be limited to, the economic and logistical feasibility of installing such electric ATV

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

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charging stations, and any potential adverse environmental impacts of installing such electric ATV charging stations.

(b) No later than one year after the effective date of this section, the New York state energy research and development authority, in cooperation with the department of environmental conservation, shall create and submit a report on the study conducted under subdivision (a) of this section to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly, which shall include the findings and recommendations of such study.

(c) For the purposes of this section, the following terms shall have the following meanings:

(i) "all terrain vehicle" or "ATV" shall have the same meaning as defined by section 2281 of the vehicle and traffic law.

(ii) "electric ATV" shall have the same meaning as defined by section 2281 of the vehicle and traffic law.

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

§ 4. Subdivision 1 of section 2281 of the vehicle and traffic law, as amended by chapter 319 of the laws of 1997, is amended and a new subdivision 3 is added to read as follows:

1. (a) "All terrain vehicle" or "ATV" means any self-propelled vehicle which is manufactured for sale for operation primarily on off-highway trails or off-highway competitions and only incidentally operated on public highways providing that such vehicle does not exceed seventy inches in width, or [~~one~~] **two** thousand pounds dry weight. Provided, however, this definition shall not include a "snowmobile" or other self-propelled vehicles manufactured for off-highway use exclusively designed for travel on snow or ice, steered by skis or runners and supported in whole or in part by one or more skis, belts or cleats which utilize an endless belt tread.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the term "all terrain vehicle" or "ATV" shall not include any vehicle used for agricultural purposes or for snowplowing, other than for hire, provided, however, that any such vehicle shall register as an "all terrain vehicle" or "ATV" pursuant to the provisions of this article if such vehicle is used or is intended to be used for any purpose other than agricultural purposes or for snowplowing and shall be regulated in accordance with provisions governing the operation of "all terrain vehicles" or [~~"ATV's"~~] **"ATVs"** while in such use.

3. "Electric ATV" means an ATV that draws electricity for propulsion from a traction battery with at least five kilowatt-hours (kWh) of capacity, and uses an external source of energy to recharge such battery. Such term shall not include ATVs with a second source of energy for propulsion.

§ 5. Subdivision 4 of section 2282 of the vehicle and traffic law, as amended by chapter 402 of the laws of 1986 and paragraphs (a) and (b) as amended and the closing paragraph as added by section 4 of part G of chapter 59 of the laws of 2009, is amended to read as follows:

4. Fees. Fees for registration of ATVs to be collected by the commissioner under this article are as follows.

(a) **(i) One thousand pounds dry weight or less:**

(1) An annual fee of [~~twelve~~] fifteen dollars [~~and fifty cents~~] for each individual resident registration.

[~~(b)~~] (2) An annual fee of [~~twelve~~] nineteen dollars and fifty cents for each individual nonresident registration.

[~~(c)~~] (ii) One thousand one pounds dry weight to one thousand five hundred pounds dry weight:

(1) An annual fee of forty dollars for each individual resident registration.

(2) An annual fee of fifty-two dollars for each individual nonresident registration.

(iii) One thousand five hundred one pounds dry weight to two thousand pounds dry weight:

(1) An annual fee of sixty dollars for each individual resident registration.

(2) An annual fee of seventy-eight dollars for each individual nonresident registration.

(b) An annual fee of twenty-five dollars for each dealer registration.

[~~(d)~~] (c) An annual fee of five dollars for each additional dealer demonstrator registration number.

[~~(e)~~] (d) A fee of three dollars for replacement of a lost, mutilated or destroyed certificate.

[~~(f)~~] (e) Provided, however, that the provisions of paragraphs (b) and (c) [~~and (d)~~] of this subdivision with respect to the payment of dealer registration fees shall not apply to dealers registered pursuant to section four hundred fifteen of this chapter.

[~~(g)~~] (f) Annual fees shall not be prorated and such fees shall be applicable to a year or any portion of a year.

(g) Notwithstanding any inconsistent provision of this section, the difference collected between the fees set forth in the former paragraphs (a) and (b) of this subdivision in effect on and after September first, two thousand nine and the fees set forth in such former paragraphs in effect prior to such date shall be deposited to the credit of the dedicated highway and bridge trust fund.

(h) Notwithstanding any inconsistent provision of this section, the difference collected between the fees set forth in subparagraph (i) of paragraph (a) of this subdivision in effect on and after September first, two thousand twenty-four and the fees set forth in the former paragraphs (a) and (b) of this subdivision in effect prior to the effective date of the chapter of the laws of two thousand twenty-four which amended this subdivision, when collected for registration of electric ATVs, shall be donated to the credit of the federal Environmental Protection Agency; provided, further, that the total collected from the fees set forth in subparagraphs (ii) and (iii) of paragraph (a) of this subdivision, when collected for registration of electric ATVs, shall be donated to the credit of the federal Environmental Protection Agency.

§ 6. This act shall take effect immediately.