STATE OF NEW YORK

4173

2023-2024 Regular Sessions

IN ASSEMBLY

February 10, 2023

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:

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

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

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

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

b. "Electric vehicle supply equipment" or "EVSE" shall mean the conductors, including the ungrounded, grounded and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or other apparatus installed specifically for the purpose of transferring energy between the wiring 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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c. "Electric vehicle supply equipment infrastructure" shall mean the equipment, as defined by the national electrical code, which is provided to support future electric vehicle charging. This shall include, but not be limited to: the design load placed on electrical panels and service equipment to support the additional electrical demand, the panel capacity to support additional feeder or branch circuits, and the installation of raceways, both underground and surface mounted, to support the electrical vehicle supply equipment.

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

a. The EVSE infrastructure shall be installed pursuant to the requirements of the current edition of the national electrical code.

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

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

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

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

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

(iv) The proposed placement and installation of EVSE infrastructure or equipment shall not violate any provision of the Americans with Disabilities Act of 1990.

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

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

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

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

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

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

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

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

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

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

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

4. All exceptions granted by local law enforcement agencies shall be reported to the council and the department of environmental conservation.

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

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