

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:

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

3 § 2. The legislature finds that the severity of current climate change
4 and the threat of additional and more severe change will be affected by
5 the actions undertaken by New York and other jurisdictions to reduce
6 greenhouse gas emissions. According to the U.S. Global Change Research
7 Program (USGCRP) and the Intergovernmental Panel on Climate Change
8 (IPCC), substantial reductions in greenhouse gas emissions will be
9 required by mid-century in order to limit global warming to no more than
10 2° C and ideally 1.5° C above pre-industrial levels, and thus minimize
11 the risk of severe impacts from climate change. Specifically, industrial-
12 ized countries must reduce their greenhouse gas emissions by at least
13 80% below 1990 levels by 2050 in order to stabilize carbon dioxide
14 equivalent concentrations at 450 parts per million--the level required
15 to stay within the 2° C target.

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

19 § 3. (a) The New York state energy research and development authority,
20 in cooperation with the department of environmental conservation, shall
21 conduct a study on the feasibility of installing electric ATV charging
22 stations along all state-maintained trails where use of ATVs is permit-
23 ted, with the goal to have all ATVs within the state be 100% fully elec-
24 tric by 2035. Such study shall include, but not be limited to, the
25 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.

LBD11818-03-3

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

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

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

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

15 (ii) "electric ATV" shall have the same meaning as defined by section
16 2281 of the vehicle and traffic law.

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

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

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

36 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
37 sion, the term "all terrain vehicle" or "ATV" shall not include any
38 vehicle used for agricultural purposes or for snowplowing, other than
39 for hire, provided, however, that any such vehicle shall register as an
40 "all terrain vehicle" or "ATV" pursuant to the provisions of this arti-
41 cle if such vehicle is used or is intended to be used for any purpose
42 other than agricultural purposes or for snowplowing and shall be regu-
43 lated in accordance with provisions governing the operation of "all
44 terrain vehicles" or [~~"ATVs"~~] "ATVs" while in such use.

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

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

54 4. Fees. Fees for registration of ATVs to be collected by the commis-
55 sioner under this article are as follows.

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

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

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

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

7 (1) An annual fee of forty dollars for each individual resident regis-
8 tration.

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

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

13 (1) An annual fee of sixty dollars for each individual resident regis-
14 tration.

15 (2) An annual fee of seventy-eight dollars for each individual nonres-
16 ident registration.

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

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

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

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

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

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

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

46 § 6. This act shall take effect immediately.