

STATE OF NEW YORK

6300

2023-2024 Regular Sessions

IN SENATE

April 12, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to a feebate program for medium and heavy duty vehicles

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 article 17-D to read as follows:

3 ARTICLE 17-D
4 FEEBATE PROGRAM FOR MEDIUM AND HEAVY
DUTY VEHICLES

5 Section 499-e. Purpose of article.

6 499-f. Definitions.

7 499-g. Application.

8 499-h. Creation of feebate program.

9 499-i. Public awareness campaign.
10 499-j. Annual report.
11 § 499-e. Purpose of article. There is hereby
created a feebate program
12 in which all covered vehicles are subject to either
an efficiency fee or
13 an efficiency rebate, based upon such covered
vehicle's fuel economy.
14 Such program shall be designed to be revenue
neutral and to respond
15 dynamically to market trends, zero emission or near
zero emissions model
16 availability, actual and projected covered motor
vehicle registration
17 data, and any other such factor the commissioner
deems relevant.
18 § 499-f. Definitions. As used in this
article, the following terms
19 shall have the following meanings:
20 1. "Covered vehicle" or "covered motor vehicle"
shall mean all medium
21 and heavy duty vehicles with a gross vehicle
weight rating of greater
22 than ten thousand pounds registered on or after the
effective date of
23 this section.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

[~~-~~] is old law to be omitted.

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1 2. "Efficiency fee" shall mean a fee
levied upon the owner of a
2 covered vehicle based on such vehicle's fuel
economy pursuant to subdi-
3 vision two of section four hundred ninety-nine-h of
this article.
4 3. "Efficiency rebate" shall mean a rebate
given to the owner of a
5 covered vehicle based on such vehicle's fuel
economy pursuant to subdi-

6 vision three of section four hundred ninety-nine-h
of this article.

7 4. "Feebate program" shall refer to the system
of efficiency fees and
8 efficiency rebates created in this article.

9 5. "Fuel economy" shall refer to the number of
miles a covered vehicle
10 can travel using a specific amount of fuel or a
combination of fuels, as
11 reflected in such vehicle's miles per gallon or
miles per gallon equiv-
12 alent.

13 6. "Gross vehicle weight rating" shall mean
the weight of a vehicle
14 consisting of the unladen weight and the
maximum carrying capacity
15 recommended by the manufacturer of such vehicle.

16 7. "Miles per gallon" or "MPG" shall refer to
the measure of distance
17 that a covered vehicle running on gasoline or
diesel fuel can travel per
18 gallon of such fuel as rated by the Environmental
Protection Agency.

19 8. "Miles per gallon gasoline equivalent" or
"MPGe" shall refer to the
20 measure of distance that a covered vehicle running
on non-liquid fuels
21 can travel per unit of energy as rated by the
Environmental Protection
22 Agency.

23 9. "Revenue neutrality" or "revenue neutral"
shall mean a goal that
24 the efficiency fees described in subdivision two of
section four hundred
25 ninety-nine-h of this article cover the cost of
the efficiency rebates
26 described in subdivision three of such section.

27 10. "Near zero emissions" shall mean a vehicle
that uses zero emission
28 technologies or technologies that provide a
pathway to zero emission
29 operations or that incorporates other
technologies that significantly

30 reduce exhaust emissions of any greenhouse gas,
criteria pollutant, or
 31 precursor pollutant under any and all possible
operational modes and
 32 conditions.
 33 11. "Zero emission" shall mean a vehicle powered
by means of a battery
 34 or fuel cell or a combination thereof, or another
source of power, that
 35 produces zero exhaust emissions of any greenhouse
gas, criteria pollu-
 36 tant or precursor pollutant under any and all
possible operational modes
 37 and conditions.
 38 § 499-g. Application. This article shall apply to
all covered vehicles
 39 registered on or after the effective date of this
section.
 40 § 499-h. Creation of feebate program. 1. The
commissioner shall either
 41 levy an efficiency fee, at the dollar amount
described in subdivision
 42 two of this section, or furnish an efficiency
rebate, at the dollar
 43 amount described in subdivision three of this
section, upon or to the
 44 owner of each covered vehicle required to register
in this state pursu-
 45 ant to section four hundred one of this title at
the time of such regis-
 46 tration.
 47 2. Efficiency fees. The commissioner shall levy
an efficiency fee on
 48 every covered vehicle that receives less than 10
MPG or MPGe in accord-
 49 ance with the following table:

<u>Fuel economy in MPG or MPGe:</u>	<u>Dollar amount of</u>
<u>efficiency fee:</u>	
51 <u>Fewer than 3</u>	<u>\$45,000</u>
52 <u>At least 3 but less than 5</u>	<u>\$30,000</u>
53 <u>At least 5 but less than 7</u>	<u>\$20,000</u>
54 <u>At least 7 but less than 10</u>	<u>\$10,000</u>

1 3. Efficiency rebates. The commissioner shall
2 furnish an efficiency
3 rebate to every covered vehicle that receives at
4 least 10 MPG or MPGe in
5 accordance with the following table:

6 Fuel economy in MPG or MPGe: Dollar amount of
7 efficiency rebate:

8 At least 10 but less than 20 \$45,000

9 At least 20 but less than 30 \$100,000

10 At least 30 \$150,000

11 4. (a) The commissioner, in consultation
12 with the commissioner of
13 environmental conservation and the president of the
14 New York state ener-

15 gy research and development authority, shall
16 annually review and recom-

17 mend adjustments to the efficiency fees and rebates
18 provided in subdivi-

19 sions two and three of this section,
20 respectively, as needed, to the
21 legislature with the goal of maintaining revenue
22 neutrality for the
23 program.

24 (b) The commissioner may examine actual covered
25 motor vehicle regis-

26 tration data for the prior fiscal year, market
27 availability and price

28 points of covered vehicles which are zero
29 emission or near zero emis-

30 sions models, actual and projected fuel economies
31 of covered vehicles,

32 and any other factors the commissioner deems
33 relevant for the adjustment

34 of the dollar amounts of the efficiency fees and
35 rebates set forth in

36 this subdivision.
37 (c) Notwithstanding the provisions of paragraph

38 (a) of this subdivi-
39 sion, the commissioner may use the revenues

40 collected from the efficien-
41 cy fees described in subdivision two of this

42 section to cover the costs

25 of administration of the feebate program and may
26 incorporate such admin-
27 istrative costs into the design of the program when
28 recommending adjust-
29 ments to the efficiency fee and rebate dollar
30 amounts.

31 5. (a) The commissioner shall prominently display
32 the dollar amounts
33 of efficiency fees and efficiency rebates and
34 corresponding fuel econo-
35 mies described in this article on the department's
36 website and shall
37 post a clear and conspicuous notice whenever such
38 dollar amounts or fuel
39 economies are changed.

40 (b) The commissioner shall require that all
41 dealers required to regis-
42 ter with the department under the provisions of
43 section four hundred
44 fifteen of this title prominently display the
45 dollar amounts of effi-
46 ciency fees and efficiency rebates and
47 corresponding fuel economies
48 described herein at such dealers' places of
49 business and on such deal-
50 ers' websites and shall promulgate regulations to
51 effectuate the same.

52 § 499-i. Public awareness campaign. The
53 commissioner shall conduct an
54 educational campaign to make covered vehicle
55 manufacturers, dealers,
56 fleet purchasers, and the general public aware of
57 the provisions of this
58 article. Such campaign may include public service
59 announcements, adver-
60 tisements, media campaigns, mass mailings,
61 conferences, presentations,
62 informational materials in print, electronic,
63 or other media, or any
64 other strategy the commissioner deems fit to inform
65 the public of the
66 feebate program created by this article. Such
67 campaign must include

47 assistance by a natural person by phone and/or
48 email in order to field
49 inquiries about such program.
49 § 499-j. Annual report. 1. No later than one
50 year after the effective
51 date of this section, and annually thereafter, the
52 commissioner shall
53 prepare a report on the feebate program
54 established by this article.

52 Such report shall include:
53 (a) the dollar amounts and thresholds of the
54 efficiency fees and effi-
55 ciency rebates of the prior year;

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1 (b) the amount of revenues collected by the
2 department from efficiency
3 fees;

4 (c) the costs of complying with the provisions of
5 this article;

6 (d) the amount of efficiency rebates disbursed
7 to owners of covered
8 vehicles after accounting for the costs described
9 in paragraph (c) of
10 this subdivision;

11 (e) an aggregate description of the number and
12 types of registrations
13 of covered vehicles and the fuel economies in MPG
14 or MPGe of such vehi-
15 cles;

16 (f) recommendations for any legislative changes
17 to this article; and

18 (g) any other information the commissioner deems
19 necessary to include
20 as a description and review of the feebate program.

21 2. Such report shall be delivered to the
22 temporary president of the
23 senate, the speaker of the assembly, and the
24 governor. Such report
25 shall also be posted for public review in a clear
26 and conspicuous manner
27 on the department's website.

28 § 2. This act shall take effect immediately;
29 provided that sections

18 499-e, 499-f, 499-g, 499-h and 499-j of the
vehicle and traffic law, as
19 added by section one of this act shall take effect
three years after
20 they shall have become a law. Effective
immediately, the addition,
21 amendment and/or repeal of any rule or regulation
necessary for the
22 implementation of this act on its effective date
are authorized to be
23 made and completed on or before such effective
date.