**S06298 Text:**

**STATE OF NEW YORK**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6298--A

2023-2024 Regular Sessions

**IN SENATE**

April 12, 2023

\_\_\_\_\_\_\_\_\_\_\_

Introduced by Sens. GOUNARDES, COMRIE -- read twice and ordered printed,

and when printed to be committed to the Committee on Environmental

Conservation -- recommitted to the Committee on Environmental Conser-

vation in accordance with Senate Rule 6, sec. 8 -- committee

discharged, bill amended, ordered reprinted as amended and recommitted

to said committee

AN ACT to amend the environmental conservation law, in relation to

enacting the advanced clean fleets law

**The People of the State of New York, represented in Senate and Assem-**

**bly, do enact as follows:**

1 Section 1. Subdivision 1 of section 19-0306-b of the environmental

2 conservation law, as amended by chapter 109 of the laws of 2022, is

3 amended to read as follows:

4 1. It shall be a goal of the state that one hundred percent of new

5 passenger cars and trucks offered for sale or lease, or sold, or leased,

6 for registration in the state shall be zero-emissions by two thousand

7 thirty-five. It shall be a further goal of the state that **fifty percent**

8 **of medium-duty and heavy-duty vehicles offered for sale or lease, or**

9 **sold, or leased, for registration in the state be zero-emissions by two**

10 **thousand thirty-one, that eighty percent of medium-duty and heavy-duty**

11 **vehicles offered for sale or lease, or sold, or leased, for registration**

12 **in the state be zero-emissions by two thousand thirty-six, and that** one

13 hundred percent of medium-duty and heavy-duty vehicles offered for sale

14 or lease, or sold, or leased, for registration in the state be zero-em-

15 issions by two thousand [**~~forty-five~~**] **forty-one** for all operations where

16 feasible. It shall be further a goal of the state to transition to one

17 hundred percent zero-emissions from new off-road vehicles and equipment

18 purchased beginning in two thousand thirty-five, where feasible.

19 § 2. Paragraph b of subdivision 2 of section 19-0306-b of the environ-

20 mental conservation law, as amended by chapter 109 of the laws of 2022,

21 is amended to read as follows:

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

[] is old law to be omitted.

LBD06573-06-4

S. 6298--A 2

1 b. Medium-duty and heavy-duty vehicle regulations requiring increasing

2 volumes of new zero-emissions trucks and buses offered for sale or

3 lease, or sold, or leased, for registration and operated in the state

4 towards the target of **fifty percent of the sold or leased fleet transi-**

5 **tioning to zero-emissions vehicles by two thousand thirty-one, eighty**

6 **percent of the sold or leased fleet transitioning to zero-emissions**

7 **vehicles by two thousand thirty-six, and** one hundred percent of the **sold**

8 **or leased** fleet transitioning to zero-emissions vehicles by two thousand

9 [**~~forty-five~~**] **forty-one** everywhere feasible.

10 § 3. The environmental conservation law is amended by adding a new

11 section 19-0306-c to read as follows:

12 **§ 19-0306-c. Advanced clean fleets law for medium- and heavy-duty vehi-**

13 **cles.**

14 **1. This section shall be known and may be cited and referred to as the**

15 **"advanced clean fleets law."**

16 **2. As used in this section, the following terms shall have the**

17 **following meanings:**

18 **(a) "Break-bulk goods" shall mean goods that are stowed on a drayage**

19 **truck in individually counted units.**

20 **(b) "Drayage truck" shall mean any in-use on-road vehicle that trans-**

21 **ports cargo, such as containerized bulk or break-bulk goods, between a**

22 **maritime terminal and intermodal rail facility, distribution center, or**

23 **other near-port location.**

24 **(c) "Fleet operator" or "operator" shall mean the individual or busi-**

25 **ness entity, whether in partnership, limited liability company, joint**

26 **stock company, corporation, or any other form, which owns a truck, or a**

27 **broker, which, as a principal or agent, sells, offers to sell, or nego-**

28 **tiates for truck transportation by a motor carrier for compensation.**

29 **For the purposes of this paragraph, "truck" shall refer to a medium-duty**

30 **vehicle, as defined in paragraph (i) of this subdivision, a heavy-duty**

31 **vehicle, as defined in paragraph (e) of this subdivision, a drayage**

32 **truck, as defined in paragraph (b) of this subdivision, or any truck, as**

33 **defined in paragraph (n) of this subdivision, owned, operated, or**

34 **controlled as part of a high priority fleet, as defined in paragraph (f)**

35 **of this subdivision.**

36 **(d) "Gross vehicle weight rating" or "GVWR" shall mean the weight of a**

37 **vehicle consisting of the unladen weight and the maximum carrying capac-**

38 **ity recommended by the manufacturer of such vehicle.**

39 **(e) "Heavy-duty vehicle" shall mean a vehicle with a gross vehicle**

40 **weight rating greater than twenty thousand six hundred pounds.**

41 **(f) "High priority fleets" shall mean trucking fleets which are owned,**

42 **operated, or controlled by entities with fifty million dollars or more**

43 **in annual gross revenue and that own, operate, or control at least one**

44 **vehicle with a gross vehicle weight rating of greater than eight thou-**

45 **sand five hundred pounds, or trucking fleets which are owned, operated,**

46 **or controlled by entities which own, operate, or control at least fifty**

47 **vehicles with a gross vehicle weight rating of greater than eight thou-**

48 **sand five hundred pounds.**

49 **(g) "Intermodal rail facility" shall mean a facility owned or operated**

50 **by a public or private entity that receives both drayage trucks and**

51 **locomotives.**

52 **(h) "Maritime terminal" shall mean wharves, bulkheads, quays, piers,**

53 **docks, and other berthing locations and adjacent storage or adjacent**

54 **areas and structures associated with the primary movement of cargo and**

55 **goods from vessel to shore, or shore to vessel, including structures**

56 **which are devoted to receiving, handling, holding, consolidating, and**

S. 6298--A 3

1 **loading or delivery of waterborne shipments or passengers, including**

2 **areas devoted to the maintenance of the terminal or equipment.**

3 **(i) "Medium-duty vehicle" shall mean a vehicle with a gross vehicle**

4 **weight rating between fourteen thousand one pounds and twenty thousand**

5 **six hundred pounds.**

6 **(j) "Motor carrier" shall mean a common and contract carrier of prop-**

7 **erty by motor vehicle and a common carrier of household goods by motor**

8 **vehicle.**

9 **(k) "Near zero emissions" shall refer to a vehicle that uses zero**

10 **emission technologies or technologies that provide a pathway to zero**

11 **emission operations or a vehicle that incorporates other technologies**

12 **that significantly reduce exhaust emissions of any greenhouse gas,**

13 **criteria pollutant, or precursor pollutant under any and all possible**

14 **operational modes and conditions.**

15 **(l) "On-road" shall mean a vehicle that is designed to be driven on**

16 **public highways, as such term is defined in section one hundred thirty-**

17 **four of the vehicle and traffic law, and that is registered or capable**

18 **of being registered pursuant to article fourteen of the vehicle and**

19 **traffic law.**

20 **(m) "Zero emission" shall refer to a vehicle powered by means of a**

21 **battery or fuel cell or a combination thereof, or another source of**

22 **power, that produces zero exhaust emissions of any greenhouse gas,**

23 **criteria pollutant, or precursor pollutant under any and all possible**

24 **operational modes and conditions.**

25 **(n) "Truck" shall mean a vehicle with a gross vehicle weight rating of**

26 **greater than eight thousand five hundred pounds.**

27 **3. No later than one year after the effective date of this section,**

28 **all fleet operators, as defined in paragraph (c) of subdivision two of**

29 **this section, shall be required to compile and deliver a report to the**

30 **department which shall detail:**

31 **(a) the number and type of contracts the fleet operator may have to**

32 **deliver items or perform work in the state of New York;**

33 **(b) what types of facilities the fleet operator uses to store such**

34 **operator's medium- and heavy-duty vehicle fleet as a home base, and**

35 **whether such fleet is primarily fueled at such home base;**

36 **(c) whether such storage facility is owned or leased by the fleet**

37 **operator;**

38 **(d) whether such storage facility contains refueling infrastructure**

39 **and the type of such infrastructure;**

40 **(e) the body and fuel type of each vehicle of the operator's fleet;**

41 **(f) how many vehicles in the operator's fleet are zero emission vehi-**

42 **cles or near zero emission vehicles compared to non-zero emission or**

43 **non-near zero emission vehicles;**

44 **(g) the weight class of each vehicle in the operator's fleet;**

45 **(h) the estimated daily and annual mileage of each vehicle in the**

46 **operator's fleet;**

47 **(i) whether the operator's fleet has a predictable usage pattern, and**

48 **if so, a description of such pattern;**

49 **(j) whether the operator's fleet tows a trailer and if so, a**

50 **description of the weight and type of such trailer;**

51 **(k) whether the operator's fleet is registered outside the state of**

52 **New York, and if so, where such fleet is registered;**

53 **(l) the percentage of an operator's fleet being driven on public high-**

54 **ways compared to the percentage parked at a facility on an average day;**

55 **(m) the average annual mileage of the operator's fleet;**

S. 6298--A 4

1 **(n) whether the operator's fleet is equipped with a global positioning**

2 **system or other form of electronic mileage tracking;**

3 **(o) how many years after purchase or lease a vehicle in the operator's**

4 **fleet is typically kept;**

5 **(p) whether the fleet operator is the owner of the fleet or is**

6 **dispatching vehicles as a broker of such fleet; and**

7 **(q) any other information the department deems necessary in order to**

8 **enforce the provisions of this section.**

9 **4. (a) Commencing in the year two thousand twenty-eight, no fleet**

10 **operator shall newly purchase or lease a drayage truck in this state**

11 **unless such truck is a zero emission or near zero emission vehicle.**

12 **(b) Commencing in the year two thousand thirty-six, no fleet operator**

13 **shall maintain or drive a drayage truck in this state unless it is a**

14 **zero emission or near zero emission vehicle.**

15 **(c) Commencing in the year two thousand forty-one, no fleet operator**

16 **shall maintain or drive a medium- or heavy-duty vehicle in this state**

17 **unless it is a zero emission or near zero emission vehicle.**

18 **(d) Commencing in the year two thousand twenty-eight, no high-priority**

19 **fleet operator may newly purchase or lease a truck in this state unless**

20 **such truck is a zero emission or near zero emission vehicle. Also**

21 **commencing in the year two thousand twenty-eight, all high priority**

22 **fleet operators must replace a non-zero emission or non-near zero emis-**

23 **sion truck that has reached the end of its useful life, defined as**

24 **occurring when either (i) the model year for the engine of such truck**

25 **has exceeded eighteen years, or (ii) such truck has been driven more**

26 **than eight hundred thousand miles, whichever is sooner, with a zero**

27 **emission or near zero emission truck. High priority fleet operators**

28 **shall not be required to replace a non-zero emission or non-near zero**

29 **emission truck that has reached the end of its useful life, however, if**

30 **such operator has determined that a replacement for such truck is unnec-**

31 **essary because of a reduction in the size of such operator's fleet.**

32 **(e) (i) The commissioner may, in their discretion, exempt fleet oper-**

33 **ators from the zero emission or near zero emission fleet requirements**

34 **described in this subdivision if no such zero emission or near zero**

35 **emission vehicle model is available for purchase or lease which meets**

36 **the needs of such fleet operator, in which case the fleet operator shall**

37 **be able to purchase or lease an alternative vehicle model, including**

38 **models with an internal combustion engine, where necessary. The**

39 **commissioner shall promulgate rules and/or regulations to effectuate the**

40 **provisions of this paragraph.**

41 **(ii) The department shall maintain, on a publicly accessible website,**

42 **a list of vehicle models, sortable by manufacturer and model year, which**

43 **are not yet available as a zero emission or near zero emission vehicle.**

44 **5. (a) The department shall establish a navigation program to provide**

45 **information and assistance to fleet operators relating to the provisions**

46 **of this section. Such program shall include assistance by a natural**

47 **person by phone and email as well as the posting of information on a**

48 **publicly accessible website.**

49 **(b) The navigation program shall provide the following:**

50 **(i) information about available zero emission and near zero emission**

51 **models of vehicles for fleet operators covered under this section;**

52 **(ii) information about available programs to assist fleet operators in**

53 **the purchasing or lease of zero emission and near zero emission vehi-**

54 **cles, such as but not limited to, vouchers, rebates, competitive grants,**

55 **low-cost financing, or any other program offered by any public or**

56 **private entity; and**

S. 6298--A 5

1 **(iii) any other information the department deems relevant in order to**

2 **compel compliance with the provisions of this section.**

3 **(c) The department shall conduct an outreach and education campaign to**

4 **inform fleet operators of the provisions of this section.**

5 **6. No later than two years after the effective date of this section,**

6 **and each year thereafter, the department shall issue a report on the**

7 **state of the trucking industry as it relates to the provisions of this**

8 **section. Such report shall include:**

9 **(a) the number of fleet operators covered by this section and an**

10 **aggregate description of such operators' fleets, including the number of**

11 **drayage trucks and medium- and heavy-duty vehicles across the state;**

12 **(b) the aggregate percentage of vehicles owned, operated, or**

13 **controlled by fleet operators covered under this section which are zero**

14 **emission or near zero emission vehicles compared to non-zero emission or**

15 **non-near zero emission vehicles;**

16 **(c) an aggregate description of the purchase or lease of new vehicles**

17 **by fleet operators and whether such vehicles are zero emission or near**

18 **zero emission vehicles compared to non-zero emission or non-near zero**

19 **emission vehicles;**

20 **(d) an aggregate description, by number and percentage, of non-zero**

21 **emission or non-near zero emission vehicles covered by this section**

22 **which were not able to be replaced with zero emission or near zero emis-**

23 **sion vehicles due to such vehicle model's unavailability, as well as**

24 **such model's anticipated date, if any, of availability by any vehicle**

25 **manufacturer;**

26 **(e) the estimated aggregate annual mileage of fleet operators covered**

27 **by this section;**

28 **(f) the estimated aggregate annual tailpipe emissions of fleet opera-**

29 **tors covered by this section, based on the mileage reported in paragraph**

30 **(e) of this subdivision;**

31 **(g) recommendations for any legislative changes to this section; and**

32 **(h) any other information the department deems necessary to include as**

33 **a description of the trucking industry's compliance with this act.**

34 **Such report shall be delivered on an annual basis to the temporary**

35 **president of the senate, the speaker of the assembly, and the governor.**

36 **Such report shall also be posted for public review in a clear and**

37 **conspicuous manner on the department's website.**

38 **7. (a) Any fleet operator who violates the provisions of subdivision**

39 **four of this section shall be liable, in the case of a first violation,**

40 **for a penalty not less than five hundred dollars nor more than eighteen**

41 **thousand dollars for said violation; provided, however, that the commis-**

42 **sioner may in their discretion suspend such penalty for a period of one**

43 **calendar year. If at the end of such calendar year, such fleet operator**

44 **remains noncompliant with subdivision four of this section, such penalty**

45 **shall be reinstated and become immediately due and payable to the**

46 **commissioner.**

47 **(b) In the case of a second or any further violation, the liability**

48 **shall be for a penalty not to exceed twenty-six thousand dollars for**

49 **said violation.**

50 § 4. This act shall take effect on the one hundred eightieth day after

51 it shall have become a law. Effective immediately, the addition, amend-

52 ment and/or repeal of any rule or regulation necessary for the implemen-

53 tation of this act on its effective date are authorized to be made and

54 completed on or before such effective date.