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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993



ENROLLED

SENATE BILL NO. 509

(By Senator Sharpe, et al)



PASSED April 10, 1993

In Effect 90 days from Passage

E N R O L L E D

Senate Bill No. 509

(BY SENATORS SHARPE, ROSS, HELMICK, DALTON,
BOLEY AND MINARD)

[Passed April 10, 1993; in effect ninety days from passage.]

AN ACT to amend chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-a, relating to alternative fuels; regulating alternative fuel technology; providing for conversion to alternative fuels of a certain percentage of state-owned vehicles; reports; standards; exceptions; and related matters.

Be it enacted by the Legislature of West Virginia:

That chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-a, to read as follows:

ARTICLE 2A. USE OF ALTERNATIVE FUELS IN STATE-OWNED VEHICLES.

§5A-2A-1. Definitions.

- 1 As used in this article, the following words and
- 2 phrases shall have the meanings hereinafter ascribed
- 3 to them:
- 4 (1) "Alternative fuels" include compressed natural

5 gas, liquefied natural gas, liquefied petroleum gas,
6 methanol, ethanol, fuel mixtures containing eighty-
7 five percent or more by volume of methanol, ethanol
8 and other alcohols with gasoline or other fuels, coal-
9 derived liquid fuels and electricity (including electric-
10 ity from solar energy).

11 (2) "Alternative fuel vehicle" means a motor vehicle
12 that operates solely on one alternative fuel, a motor
13 vehicle that is capable of operating on one or more
14 alternative fuels, or a motor vehicle that is capable of
15 operating on an alternative fuel and is capable of
16 operating on gasoline or diesel fuel.

17 (3) "Compression and conversion equipment" means
18 all equipment used in the compression, storage,
19 transmission and decompression of natural gas for the
20 purpose of powering motor vehicles.

21 (4) "Fleet" means fifteen or more motor vehicles
22 that are centrally fueled or capable of being centrally
23 fueled and are owned, operated, leased or otherwise
24 controlled by or assigned to a state agency.

25 (5) "Secretary" means the secretary of admini-
26 stration.

**§5A-2A-2. Purchase or lease of fleet vehicles; use of
alternative fuels.**

1 (a) After the first day of September, one thousand
2 nine hundred ninety-three, the secretary may pur-
3 chase or lease alternative fuel vehicles for use by any
4 state agency.

5 (b) The secretary may acquire or be provided with
6 equipment or refueling facilities necessary to operate
7 alternative fuel vehicles by any of the following
8 methods:

9 (1) Purchase or lease as authorized by law;

10 (2) Gift or loan of the equipment or facilities; or

11 (3) Gift or loan of the equipment or facilities or
12 other arrangement pursuant to a service contract for
13 the supply of alternative fuels.

14 (c) If such equipment or facilities are donated,
15 loaned or provided through other arrangement with
16 the supplier of alternative fuels, the supplier shall be
17 entitled to recoup its actual cost of donating, loaning or
18 providing the equipment or facilities through its fuel
19 charges under the fuel supply contract.

20 (d) Of the total number of vehicles acquired or
21 caused to be acquired by the secretary for use by any
22 state agency vehicle fleet:

23 (1) Twenty percent in fiscal year one thousand nine
24 hundred ninety-five;

25 (2) Thirty percent in fiscal year one thousand nine
26 hundred ninety-six;

27 (3) Fifty percent in fiscal year one thousand nine
28 hundred ninety-seven, shall be alternative fuel
29 vehicles.

30 (e) The secretary shall review this alternative fuel
31 use program on or before the thirty-first day of
32 December, one thousand nine hundred ninety-seven,
33 and if the secretary determines that the program is
34 effective in reducing costs to the state, taking into
35 consideration the cost of operating alternative fuel
36 vehicles over the expected useful life of such vehicles,
37 the secretary shall, of the total number of vehicles
38 acquired in each fiscal year, acquire at least seventy-
39 five percent alternative fuel vehicles for state agency
40 fleets beginning the first day of September, one
41 thousand nine hundred ninety-eight, and thereafter.

42 (f) The secretary shall, in the annual fiscal report to
43 the Legislature, show the progress in achieving these
44 percentage requirements by itemizing purchases,
45 leases and conversions of motor vehicles and usage of
46 alternative fuels.

47 (g) The secretary, in the development of the alterna-
48 tive fuel use program, shall consult with state agency
49 fleet operators, vehicle manufacturers and converters,
50 fuel distributors and others to delineate the vehicles to
51 be covered, taking into consideration range, specialty
52 uses, fuel availability, vehicle manufacturing and

53 conversion capability, safety, resale values and other
54 relevant factors. In order to maximize the savings to
55 the state, the secretary shall attempt to the extent
56 possible to convert first those vehicles that are used
57 the most often for the most miles. The secretary may
58 meet the percentage requirements of this section
59 through purchase or lease of new vehicles, purchase or
60 lease of used alternative fuel vehicles or the conver-
61 sion of existing vehicles, in accordance with federal
62 and state requirements and applicable safety laws and
63 standards to use alternative fuels.

64 (h) The secretary may reduce any percentage spec-
65 ified or waive the requirements of subsection (d) of
66 this section for any state agency upon a determination
67 by the secretary that either of the following situations
68 apply:

69 (1) The agency's vehicles will be operating primarily
70 in an area in which neither the agency nor a supplier
71 has or can reasonably be expected to establish a
72 central refueling station for alternative fuels.

73 (2) The agency is unable to acquire or be provided
74 equipment or refueling facilities necessary to operate
75 alternative fuel vehicles at a projected cost that is
76 reasonably expected to result in no greater net costs
77 than the continued use of traditional gasoline or diesel
78 fuels measured over the expected useful life of the
79 equipment or facilities supplied.

80 (i) The provisions of this section do not apply to:

81 (1) Vehicles operated by law-enforcement agencies;

82 (2) Emergency vehicles;

83 (3) Vehicles operated by public transit authorities;

84 (4) School buses; or

85 (5) Nonroad vehicles, including farm and construc-
86 tion vehicles.

§5A-2A-3. Regulation of compressed natural gas.

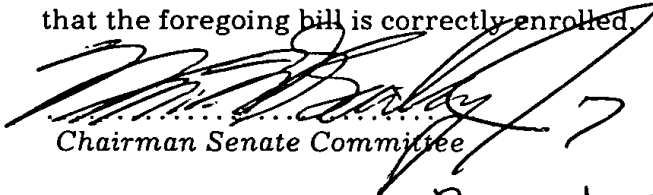
1 The secretary of commerce, labor and environmen-
2 tal resources has the authority to regulate all activities

3 related to the safety of compressed natural gas and
4 shall establish by regulation minimum safety stand-
5 ards, in conformity with federal and industry stand-
6 ards, for compressed natural gas compression and
7 conversion equipment including the installation of
8 such equipment.

§5A-2A-4. Prohibition of subsidies or incentive payments.

1 Except as provided by section three-d, article thir-
2 teen-d, chapter eleven of this code, the state may not
3 enter into any program providing subsidies or incen-
4 tive payments for the production of compressed
5 natural gas, liquefied natural gas, liquefied petroleum
6 gas, methanol, ethanol or coal-derived liquid fuels.

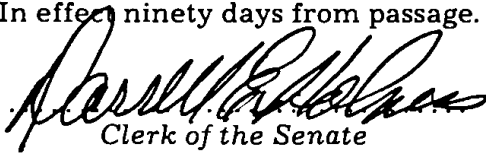
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee

..... Ernest C. Moore
Chairman House Committee

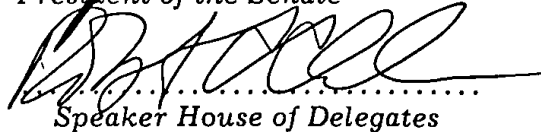
Originated in the Senate.

In effect ninety days from passage.


Clerk of the Senate


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Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is approved this the 22nd
day of June 1993.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/19/23

Time

9:54 am