

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 493**

(By Senators Plymale and Stollings)

---

[Originating in the Committee on Transportation and  
Infrastructure; reported March 27, 2013.]

---

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-13-1, §17A-13-2, §17A-13-3, §17A-13-4 and §17A-13-5, all relating generally to standards for conversion and retrofits of alternative-fuel motor vehicles; defining key terms for such standards; setting forth conversion and retrofit standards for the conversion of diesel and gasoline vehicles to alternative fuels; and setting forth training requirements for facilities converting and retrofitting vehicles to be capable of running on compressed natural gas.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §17A-13-1, §17A-13-2, §17A-13-3, §17A-13-4 and §17A-13-5, all to read as follows:

**ARTICLE 13. ALTERNATIVE-FUEL MOTOR VEHICLES  
CONVERSIONS AND RETROFITS.**

**§17A-13-1. Definitions.**

1 As used in this article, the following terms have the  
2 meanings ascribed to them in this section:

3 (a) “Alternative fuel” includes:

4 (1) Compressed natural gas;

5 (2) Liquefied natural gas; and

6 (3) Liquefied petroleum gas

7 (b) “Alternative-fuel motor vehicle” means a motor  
8 vehicle that as a new, retrofitted or converted fuel vehicle:

9 (1) Operates solely on one alternative fuel;

10 (2) Is capable of operating on one or more alternative  
11 fuels, singly or in combination; or

12 (3) Is capable of operating on an alternative fuel and is  
13 also capable of operating on gasoline or diesel fuel.

14 (c) “Bi-fueled” means the ability of an alternative-fuel  
15 motor vehicle to operate on an alternative fuel and another  
16 form of fuel.

17 (d) “CNG conversion and retrofit facility” means any  
18 person or entity in the business of converting or retrofitting  
19 vehicles to run on compressed natural gas and includes any  
20 person who installs, modifies, repairs or renovates equipment  
21 used in the conversion or retrofit of engines to run on  
22 compressed natural gas.

23 (e) “CSA certified technician” means a person certified  
24 at the highest level by the Current Standards Activities Group  
25 as a compressed natural gas fuel system inspector capable of  
26 inspecting containers, valves, pressure relief devices  
27 (including vent system) and other fuel system components of  
28 vehicles capable of solely running on compressed natural gas  
29 or bi-fuel and dual fuel vehicles capable of running on  
30 compressed natural gas.

31 (f) “Diesel dual fuel retrofit” means the modification of  
32 a motor vehicle that runs on diesel fuel to be a dual fuel

33 vehicle which does not change the original equipment  
34 manufacturer engine design.

35 (g) “Diesel dual fuel conversion” means the modification  
36 of a motor vehicle that runs on diesel fuel to be a dual fuel  
37 vehicle which modifies and changes the original equipment  
38 manufacturer engine design and is not a dual fuel retrofit as  
39 defined and provided in this article.

40 (h) “Dual fuel” means the ability of an alternative-fuel  
41 motor vehicle to operate on: (1) Diesel or gasoline; and (2) an  
42 alternative fuel at the same time.

43 (i) “EPA certified conversion kit” means a kit certified by  
44 the United States Environmental Protection Agency which  
45 grants the converted vehicle an exemption from the  
46 tampering prohibition with respect to vehicles, pursuant to 40  
47 CFR Parts 85 and 86.

48 (j) “Fuel mixer” means a device that is designed for the  
49 diesel air intake preturbo charger to mix incoming air in an  
50 electronically controlled manner with the alternative fuel.

51 (k) “Fumigation system” means a device that  
52 mechanically introduces natural gas through fumigation.

53 (l) “Gasoline conversion” means the modification of a  
54 motor vehicle that runs on gasoline to be a vehicle capable of  
55 running on an alternative fuel, bi-fueled or dual fueled.

**§17A-13-2. Diesel dual fuel retrofit.**

1 (a) No person performing a diesel dual fuel retrofit in the  
2 State of West Virginia may modify the original equipment  
3 manufacturer engine in any way, including, but not limited  
4 to, the following:

- 5 (1) Drilling or tapping the diesel engine manifold;
- 6 (2) Drilling or tapping the diesel engine intercooler;
- 7 (3) Adding injectors to the diesel engine;
- 8 (4) Adding spark plugs to the diesel engine; and
- 9 (5) Using a fumigation system in the modification.

10 (b) Any person performing a diesel dual fuel retrofit in  
11 the State of West Virginia must include a fuel mixer in the  
12 diesel dual fuel retrofit.

13 (c) All diesel dual fuel retrofits performed in the State of  
14 West Virginia must reduce tailpipe emissions while the  
15 alternative-fuel motor vehicle is running.

16 (d) If any person violates subsection (a), (b) or (c) of this  
17 section, the modification of the vehicle shall be considered a  
18 diesel dual fuel conversion and the person shall be required  
19 to comply with the requirements set forth in section three of  
20 this article.

**§17A-13-3. Diesel dual fuel conversion.**

1 No person may perform a diesel dual fuel conversion in  
2 the State of West Virginia unless the person is using an EPA  
3 certified conversion kit for diesel dual fuel conversions or the  
4 vehicle being converted is rated for off road use only, farm  
5 use only, outside of its useful life, or covered by an EPA-  
6 compliant waiver.

**7 §17A-13-4. Gasoline conversion.**

1 No person may perform a gasoline conversion in the  
2 State of West Virginia unless the person is using an EPA  
3 certified conversion kit for gasoline conversions.

**§17A-13-5. Training requirements for CNG conversion and retrofit facilities.**

1 (a) All CNG conversion and retrofit facilities located in  
2 the State of West Virginia must have a CSA certified  
3 technician at each location to oversee all vehicle conversions  
4 and retrofits to compressed natural gas, dual fuel or bi-fuel  
5 with the capability of running on compressed natural gas.

6 (b) Activities directly related to normal, vehicle  
7 maintenance and service are not subject to this section. It is  
8 not the intent of this section to prevent any individual,  
9 corporation, company or other entity from servicing,  
10 repairing or maintaining general systems not directly related  
11 to the alternative fuel delivery system. Nonalternative motor  
12 fuels related activities include:

- 13 (1) Tune-ups;
- 14 (2) Filter replacement;
- 15 (3) Oil changes;
- 16 (4) Electrical/electronic component replacement; and
- 17 (5) Replacement or maintenance of belts and hoses.

---

(NOTE: The purpose of this bill is to provide standards for conversions and retrofits of diesel and gasoline vehicles to alternative fuels.

This article is new; therefore, strike-throughs and underscoring have been omitted.)