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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993



ENROLLED

SENATE BILL NO. 508

(By Senator Sharpe, et al.)



PASSED April 10, 1993

In Effect Sept. 1, 1993 Passage

E N R O L L E D

Senate Bill No. 508

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

[Passed April 10, 1993; to take effect September 1, 1993.]

AN ACT to amend and reenact chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-seven-a, relating to intergovernmental relations alternative fuel vehicles.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 27A. INTERGOVERNMENTAL RELATIONS—ALTERNATIVE FUEL VEHICLES.

§8-27A-1. Definitions.

1 The following terms, whenever used or referred to
2 in this article, shall have the following meanings
3 unless a different meaning clearly appears from the
4 context:

5 (a) "Alternative fuels" include compressed natural
6 gas, liquified natural gas, liquified petroleum gas,
7 methanol, ethanol, fuel mixtures containing eighty-

8 five percent or more by volume of methanol, ethanol
9 and other alcohols with gasoline or other fuels, coal-
10 derived liquid fuels and electricity (including electric-
11 ity from solar energy).

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

18 (c) "Fleet" means fifteen or more motor vehicles
19 that are centrally fueled or capable of being centrally
20 fueled and are owned, operated, leased or otherwise
21 controlled by or assigned to an agency of a political
22 subdivision.

23 (d) "Political subdivision" means a county, munic-
24 ipality and any other unit of local government autho-
25 rized by law to perform governmental functions, but
26 does not include school boards or school districts.

**§8-27A-2. Purchase or lease of fleet vehicles; use of alterna-
tive fuels.**

1 (a) After the first day of September, one thousand
2 nine hundred ninety-three, a political subdivision may
3 purchase or lease alternative fuel vehicles for use by
4 any agency of the political subdivision as follows:

5 (1) Any agency of a political subdivision may acquire
6 or be provided with equipment or refueling facilities
7 necessary to operate alternative fuel vehicles by any of
8 the following methods:

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

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

11 (C) 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 (2) If the equipment or facilities are donated, loaned
15 or provided through other arrangement with the
16 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 (b) Of the total number of fleet vehicles acquired by
21 each political subdivision for use by any agency of
22 each political subdivision:

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 vehicles.

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

43 (d) The governing authority of each political subdi-
44 vision, in the development of the alternative fuel use
45 program, shall consult with agency fleet operators,
46 vehicle manufacturers and converters, fuel distribu-
47 tors and others to delineate the vehicles to be covered,
48 taking into consideration range, specialty uses, fuel
49 availability, vehicle manufacturing and conversion
50 capability, safety, resale values and other relevant
51 factors. In order to maximize the savings to the
52 political subdivision, the governing authority of each
53 political subdivision shall attempt to the extent possi-
54 ble to convert first those vehicles that are used the
55 most often for the most miles. The governing author-

56 ity may meet the percentage requirements of this
57 section through purchase or lease of new vehicles,
58 purchase or lease of used alternative fuel vehicles or
59 the conversion of existing vehicles, in accordance with
60 federal and state requirements and applicable safety
61 laws and standards, to use alternative fuels.

62 (e) The governing authority of each political subdivi-
63 sion may reduce any percentage specified or waive
64 the requirements of subsection (b) of this section for
65 any agency upon a determination by the governing
66 authority, in its sole discretion, that either of the
67 following situations apply:

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

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

79 (f) The provisions of this section shall not apply to:

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

81 (2) Emergency vehicles;

82 (3) Vehicles operated by public transit authorities;

83 (4) School buses; or

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

§8-27A-3. Prohibition of subsidies or incentive payments.

1 Except as provided by section three-d, article thir-
2 teen-d, chapter eleven of this code, a political subdivi-
3 sion shall not enter into any program providing
4 subsidies or incentive payments for the production of
5 compressed natural gas, liquified natural gas, liquified
6 petroleum gas, methanol, ethanol or coal-derived
7 liquid fuels.

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

[Handwritten Signature]
.....
Chairman Senate Committee

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

Originated in the Senate.

To take effect September 1, 1993.

Carroll Adams
.....
Clerk of the Senate

Donald W. Hoff
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within is approved this the *12th* day of *May*, 1993.

Upston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/23/93

Time 9:10 AM