

Senate Bill 109

By: Senators Brush of the 24th and Polak of the 42nd

A BILL TO BE ENTITLED
AN ACT

1 To enact the "Alternative Fuel Vehicle Investment and Incentive Act of 2001"; to provide
2 for legislative purpose; to amend Chapter 2 of Title 20 of the Official Code of Georgia
3 Annotated, relating to elementary and secondary education, so as to require local boards of
4 education in certain counties to develop a motor vehicle fleet plan which encourages the use
5 of alternative fuels in school district owned vehicles; to define "alternative fuels"; to provide
6 a schedule for implementation of an alternative fuel vehicle plan; to amend Article 2 of
7 Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to the registration
8 and licensing of motor vehicles, so as to provide for the registration of alternative fuel
9 vehicles; to provide for the issuance of an alternative fuel vehicle sticker for use in high
10 occupancy vehicle lanes; to amend Code Section 48-8-3 of the Official Code of Georgia
11 Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption
12 for sales of new alternative fuel vehicles and conversion equipment; to amend Chapter 5 of
13 Title 50 of the Official Code of Georgia Annotated, relating to the Department of
14 Administrative Services, so as to require the commissioner of administrative services to
15 develop and implement a state-wide alternative fuel plan for certain state owned motor
16 vehicles; to provide for matters relative to the foregoing; to repeal conflicting laws; and for
17 other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 The General Assembly asserts its obligation to do every reasonable act to promote and ensure
21 clean air for the protection of the health and well-being of this state's citizens. The General
22 Assembly recognizes that automobile emissions for gasoline powered vehicles contribute
23 greatly to the problem of poor air quality. The General Assembly further recognizes that if
24 led by example and offered appropriate incentives, this state's citizens will willingly
25 participate in efforts to improve air quality.

1 20-2-2081.

2 (a) The board of education of each local school system which is within a county having
3 a population of 100,000 or more according to the 2000 United States decennial census shall
4 develop a vehicle fleet plan for the purpose of encouraging and progressively increasing
5 the use of alternative fuels in school district owned vehicles. The plan shall include a
6 timetable for increasing the use of alternative fuels in fleet vehicles either through purchase
7 or conversion. At a minimum, the alternative fuel vehicles shall comply with any one of
8 the following:

9 (1) The United States Environmental Protection Agency standards for low emission
10 vehicles pursuant to 40 Code of Federal Regulations, Section 88.104-94 or 88.105-94;

11 (2) The vehicle engine is certified by the engine modifier to meet the addendum to
12 Memorandum 1-A of the United States Environmental Protection Agency, as printed in
13 the Federal Register, volume 62, number 207, October 27, 1997, pp. 55635-55637; or

14 (3) The vehicle engine is the subject of a waiver for that specific engine application from
15 the United States Environmental Protection Agency's addendum to Memorandum 1-A
16 requirements and that waiver is documented to the reasonable satisfaction of the State
17 Department of Education.

18 (b) The timetable shall reflect the following schedule and percentage of vehicles which
19 shall operate on alternative fuels:

20 (1) At least 5 percent of the total fleet by December 31, 2003;

21 (2) At least 10 percent of the total fleet by December 31, 2005;

22 (3) At least 25 percent of the total fleet by December 31, 2007;

23 (4) At least 33 percent of the total fleet by December 31, 2008;

24 (5) At least 50 percent of the total fleet by December 31, 2010; and

25 (6) At least 75 percent of the total fleet by December 31, 2012 and each year thereafter.

26 (c) The requirements of subsections (a) and (b) of this Code section may be waived by
27 evidence acceptable to the Department of Education that the local school system is unable
28 to convert, purchase, or acquire vehicles or acquire or be provided equipment or refueling
29 facilities necessary to operate vehicles using alternative fuels at a projected cost that is
30 reasonably expected to result in net costs of no greater than 10 percent more than the net
31 costs associated with the continued use of conventional gasoline or diesel fuels measured
32 over the expected useful life of the equipment or facilities supplies. Applications for
33 waivers shall be filed with the State Board of Education. An entity that receives a waiver
34 pursuant to this subsection shall retrofit fleet heavy-duty diesel vehicles with a gross
35 vehicle weight of 8,500 pounds or more that were manufactured in or before model year
36 1993 and that are the subject of the waiver with a technology that is effective at reducing

1 particulate emissions at least 25 percent or more and that has been approved by the United
 2 States Environmental Protection Agency pursuant to the urban bus engine retrofit/rebuild
 3 program.

4 (d) Notwithstanding any other law, a local school system may calculate the projected cost
 5 savings incurred as a result of the use of alternative fuels as compared to the use of
 6 conventional gasoline or diesel fuels and may use the moneys representing the projected
 7 cost savings for either purchase or conversion of the school district vehicle fleet to
 8 alternative fuels or for the installation of the school district's alternative fuel delivery
 9 system.

10 (e) The Department of Education shall prescribe procedures for computing the amount of
 11 the savings as described in this subsection. If the requirements of subsections (a) and (b)
 12 of this Code section are waived, a local school system shall use low sulphur diesel fuel in
 13 its diesel engines as required by Section 211(g) of the federal Clean Air Act of 1990."

14 **SECTION 4.**

15 Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to the
 16 registration and licensing of motor vehicles, is amended by inserting at the end thereof a new
 17 Code Section 40-2-49.2 to read as follows:

18 "40-2-49.2.

19 (a) As used in this Code section, the term 'alternative fuel' means:

20 (1) Electricity;

21 (2) Solar energy;

22 (3) Liquified petroleum gas;

23 (4) Natural gas;

24 (5) Hydrogen;

25 (6) A blend of hydrogen with liquified petroleum or natural gas that complies with either
 26 of the following:

27 (A) Is used in an engine that is certified to meet at a minimum of the United States
 28 Environmental Protection Agency low emission vehicle standard pursuant to 40 Code
 29 of Federal Regulations, Section 88.104-94 of 88.105-94; or

30 (B) Is used in an engine that is certified by the engine modifier to meet the addendum
 31 to Memorandum 1-A of the United States Environmental Protection Agency; and

32 (7) An emulsion of water-phased hydrocarbon fuel that contains not less than 20 percent
 33 water by volume and that complies with any of the following:

34 (A) Is used in an engine that is certified to meet at a minimum the United States
 35 Environmental Protection Agency low emission vehicle standard pursuant to 40 Code
 36 of Federal Regulations, Section 88.104-94 or 88.105-94;

1 (B) Is used in an engine that is certified by the engine modifier to meet the addendum
2 to Memorandum 1-A of the United States Environmental Protection Agency; or

3 (C) Is used in an engine that is the subject of a waiver for that specific engine
4 application from the United States Environmental Protection Agency's Memorandum
5 1-A addendum requirements and that waiver is documented to the reasonable
6 satisfaction of the Department of Commerce Energy Office.

7 (b) A separate classification of motor vehicles is established that shall consist of motor
8 vehicles powered by alternative fuel. Such vehicles shall be subject to a one-time vehicle
9 registration fee of \$100.00.

10 (c)(1) At the time of registration and upon payment of the registration fee, the tag agent
11 may issue an alternative fuel vehicle sticker to the person who owns the motor vehicle.
12 The sticker shall be diamond shaped, shall indicate the type of alternative fuel used by
13 the vehicle, and shall be placed on the vehicle as prescribed by the department.

14 (2) A person may drive a motor vehicle with an alternative fuel vehicle sticker in high
15 occupancy vehicle lanes at any time, regardless of occupancy level, without penalty."

16 SECTION 5.

17 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from
18 sales and use taxes, is amended by striking the word "or" at the end of paragraph (71), by
19 striking the period at the end of paragraph (72) and inserting "; and", and by adding a new
20 paragraph (73) to read as follows:

21 "(73) Sales of new alternative fuel vehicles and equipment that is installed in a
22 conventional motor vehicle to convert the vehicle to operate on an alternative fuel. As
23 used in this paragraph, the term 'alternative fuel' means:

24 (1) Electricity;

25 (2) Solar energy;

26 (3) Liquified petroleum gas;

27 (4) Natural gas;

28 (5) Hydrogen;

29 (6) A blend of hydrogen with liquified petroleum or natural gas that complies with either
30 of the following:

31 (A) Is used in an engine that is certified to meet at a minimum of the United States
32 Environmental Protection Agency low emission vehicle standard pursuant to 40 Code
33 of Federal Regulations, Section 88.104-94 of 88.105-94; or

34 (B) Is used in an engine that is certified by the engine modifier to meet the addendum
35 to Memorandum 1-A of the United States Environmental Protection Agency; and

1 (7) An emulsion of water-phased hydrocarbon fuel that contains not less than 20 percent
2 water by volume and that complies with any of the following:

3 (A) Is used in an engine that is certified to meet at a minimum the United States
4 Environmental Protection Agency low emission vehicle standard pursuant to 40 Code
5 of Federal Regulations, Section 88.104-94 or 88.105-94;

6 (B) Is used in an engine that is certified by the engine modifier to meet the addendum
7 to Memorandum 1-A of the United States Environmental Protection Agency; or

8 (C) Is used in an engine that is the subject of a waiver for that specific engine
9 application from the United States Environmental Protection Agency's Memorandum
10 1-A addendum requirements and that waiver is documented to the reasonable
11 satisfaction of the Department of Commerce Energy Office.

12 (b) A separate classification of motor vehicles is established that shall consist of motor
13 vehicles powered by alternative fuel. Such vehicles shall be subject to a one-time vehicle
14 registration fee of \$100.00.

15 (c)(1) At the time of registration and upon payment of the registration fee, the tag agent
16 may issue an alternative fuel vehicle sticker to the person who owns the motor vehicle.
17 The sticker shall be diamond shaped, shall indicate the type of alternative fuel used by
18 the vehicle, and shall be placed on the vehicle as prescribed by the department.

19 (2) A person may drive a motor vehicle with an alternative fuel vehicle sticker in high
20 occupancy vehicle lanes at any time, regardless of occupancy level, without penalty."

21 **SECTION 6.**

22 Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
23 of Administrative Services, is amended by inserting at the end thereof a new Article 6 to read
24 as follows:

25 "ARTICLE 6

26 50-5-220.

27 As used in this article, the term 'alternative fuel' means:

28 (1) Electricity;

29 (2) Solar energy;

30 (3) Liquified petroleum gas;

31 (4) Natural gas;

32 (5) Hydrogen;

33 (6) A blend of hydrogen with liquified petroleum or natural gas that complies with either
34 of the following:

1 (A) Is used in an engine that is certified to meet at a minimum of the United States
2 Environmental Protection Agency low emission vehicle standard pursuant to 40 Code
3 of Federal Regulations, Section 88.104-94 of 88.105-94; or

4 (B) Is used in an engine that is certified by the engine modifier to meet the addendum
5 to Memorandum 1-A of the United States Environmental Protection Agency; and

6 (7) An emulsion of water-phased hydrocarbon fuel that contains not less than 20 percent
7 water by volume and that complies with any of the following:

8 (A) Is used in an engine that is certified to meet at a minimum the United States
9 Environmental Protection Agency low emission vehicle standard pursuant to 40 Code
10 of Federal Regulations, Section 88.104-94 or 88.105-94;

11 (B) Is used in an engine that is certified by the engine modifier to meet the addendum
12 to Memorandum 1-A of the United States Environmental Protection Agency; or

13 (C) Is used in an engine that is the subject of a waiver for that specific engine
14 application from the United States Environmental Protection Agency's Memorandum
15 1-A addendum requirements and that waiver is documented to the reasonable
16 satisfaction of the Department of Commerce Energy Office.

17 (b) A separate classification of motor vehicles is established that shall consist of motor
18 vehicles powered by alternative fuel. Such vehicles shall be subject to a one-time vehicle
19 registration fee of \$100.00.

20 (c)(1) At the time of registration and upon payment of the registration fee, the tag agent
21 may issue an alternative fuel vehicle sticker to the person who owns the motor vehicle.
22 The sticker shall be diamond shaped, shall indicate the type of alternative fuel used by
23 the vehicle, and shall be placed on the vehicle as prescribed by the department.

24 (2) A person may drive a motor vehicle with an alternative fuel vehicle sticker in high
25 occupancy vehicle lanes at any time, regardless of occupancy level, without penalty.

26 50-5-221.

27 (a) The commissioner shall develop, implement, document, monitor, and modify as
28 necessary a state-wide alternative fuel plan in consultation with all state agencies and
29 departments which shall be subject to the alternative fuel requirements prescribed in
30 subsection (b) of this Code section. The approval of the commissioner or the
31 commissioner's designee shall be required for all acquisitions of vehicles pursuant to this
32 article.

33 (b) Purchases of all new state owned motor vehicles that primarily operate in counties with
34 a population of more than 100,000 persons and that have a gross vehicle weight of 8,500
35 pounds or less shall meet the following minimum requirements for vehicles:

- 1 (1) For model year 2003, 5 percent of new motor vehicles purchased shall be capable of
2 operating on alternative fuels;
- 3 (2) For model year 2005, 10 percent of new motor vehicles purchased shall be capable
4 of operating on alternative fuels;
- 5 (3) For model year 2007, 25 percent of motor vehicles purchased shall be capable of
6 operating on alternative fuels;
- 7 (4) For model year 2010, 50 percent of new motor vehicles purchased shall be capable
8 of operating on alternative fuels; and
- 9 (5) For model year 2012 and all subsequent model years, 75 percent of new motor
10 vehicles purchased shall be capable of operating on alternative fuels.
- 11 (c) The provisions of subsections (a) and (b) of this Code section shall not apply to the
12 purchase or lease of the following:
- 13 (1) A vehicle to be used primarily for criminal law enforcement;
- 14 (2) A motorcycle;
- 15 (3) An all-terrain vehicle;
- 16 (4) An ambulance; or
- 17 (5) A fire truck, a fire engine, or any other fire suppression apparatus.
- 18 (d) On or before November 1, 2004, and each year thereafter, the commission shall submit
19 a report to the Governor, the Speaker of the House of Representatives, the President of the
20 Senate, the members of the General Assembly, and the Office of Planning and Budget
21 concerning the use of alternative fuels in the state motor vehicle fleet. Such report shall
22 include at least the following:
- 23 (1) The number of state fleet vehicles;
- 24 (2) The number of state fleet vehicles capable of using alternative fuels;
- 25 (3) Progress on compliance with federal and state guidelines mandating the conversion
26 of state fleet vehicles to alternative fuel vehicles;
- 27 (4) Alternative fuel usage data; and
- 28 (5) Information gathered from local offices of federal agencies regarding progress made
29 toward implementing the federal mandates relating to the conversion of motor vehicle
30 fleets to alternative fuel pursuant to subsection (b) of this Code section."

31 **SECTION 7.**

32 All laws and parts of laws in conflict with this Act are repealed.