

Regular Session, 2012

ACT No. 833

HOUSE BILL NO. 1213 (Substitute for House Bill No. 664 by Representative Ortego)

BY REPRESENTATIVES ORTEGO, ARMES, ARNOLD, BARROW, BROSSETT, HENRY BURNS, CARMODY, CHAMPAGNE, COX, DIXON, EDWARDS, FOIL, GISCLAIR, GUINN, HAVARD, HUNTER, HUVAL, JOHNSON, LEGER, MONTOUCET, REYNOLDS, RICHARD, RITCHIE, WHITNEY, AND ALFRED WILLIAMS

1 AN ACT

2 To amend and reenact R.S. 39:364, relative to motor vehicles used by state agencies; to
3 provide for the purchase or lease of vehicles which use certain fuels; to provide for
4 the types of vehicles; to provide for the use of certain funds administered by the
5 Department of Natural Resources; to provide for an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:364 is hereby amended and reenacted to read as follows:

9 §364. Purchase or lease of fleet vehicles; use of alternative fuel vehicles ~~and hybrid~~
10 ~~vehicles~~; exceptions

11 A.(1) The commissioner of administration shall not purchase or lease any
12 motor vehicle for use by any state agency unless that vehicle is capable of and
13 equipped for using ~~an alternative fuel that results in lower emissions of oxides of~~
14 ~~nitrogen, volatile organic compounds, carbon monoxide, or particulates or any~~
15 ~~combination thereof that meet or exceed federal Clean Air Act standards, including~~
16 ~~but not limited to hybrid vehicles. Alternative fuels shall include compressed natural~~
17 ~~gas, liquefied petroleum gas, reformulated gasoline, methanol, ethanol, advanced~~
18 ~~biofuel, electricity, and any other fuels which meet or exceed federal Clean Air Act~~
19 ~~standards~~ bi-fuels, natural gas, or liquified petroleum gas, herein after referred to
20 collectively as "alternative fuels". For the purpose of this Section, "bi-fuel" shall
21 mean either gasoline or diesel plus liquified petroleum gas, gasoline or diesel plus

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 compressed natural gas or any fuel derived from natural gas, or gasoline or diesel
 2 plus any nonethanol based advanced bio-fuel.

3 ~~(2) For the purposes of this Section, "hybrid vehicle" shall mean a vehicle~~
 4 ~~that employs a combustion engine system together with an electric propulsion system~~
 5 ~~that results in lower emissions of oxides of nitrogen, volatile organic compounds,~~
 6 ~~carbon monoxide, or particulates or any combination thereof that meet or exceed~~
 7 ~~federal Clean Air Act standards.~~

8 ~~(3) A state agency may acquire or be provided equipment or refueling~~
 9 ~~facilities necessary to operate such alternate fuel or hybrid vehicles by any of the~~
 10 ~~following methods:~~

11 ~~(a) Purchase or lease as authorized by law provided that the state shall~~
 12 ~~recoup its actual costs, including finance charges, through reduced costs of operating~~
 13 ~~such vehicles within forty-eight months of the purchase or lease.~~

14 ~~(b) Gift or loan of the equipment or facilities.~~

15 ~~(c) Gift or loan of the equipment or facilities or other arrangement pursuant~~
 16 ~~to a service contract for the supply of alternative fuels.~~

17 ~~(4)(2)~~ The commissioner may waive the requirements of this Subsection for
 18 any state agency upon receipt of certification supported by evidence acceptable to
 19 the commissioner that either any of the following situations applies apply:

20 (a) The agency's vehicles will be operating primarily in an area in which
 21 neither the agency nor a supplier has or can reasonably be expected to establish a
 22 central refueling station for alternative fuel or hybrid vehicles that is not within a
 23 twenty-five mile radius of an available liquified petroleum gas, compressed natural
 24 gas, or advanced bio-fuel refueling facility.

25 ~~(b) The agency is unable to acquire or be provided equipment or refueling~~
 26 ~~facilities necessary to operate alternate fuel or hybrid vehicles at a projected cost that~~
 27 ~~is reasonably expected to result in no greater net costs than the continued use of~~
 28 ~~traditional gasoline or diesel fuels measured over the expected useful life of the~~
 29 ~~equipment or facilities supplied.~~

1 **(b) A state agency is not able to recoup the portion of the purchase or lease**
 2 **that is the difference between the cost of a new vehicle that is alternative fuel capable**
 3 **and the estimated cost of a vehicle with similar vehicle specifications that is not**
 4 **alternative fuel capable through reduced costs of operating such vehicle within sixty**
 5 **months of the purchase or lease.**

6 **(c) The vehicle does not meet the required specifications as determined by**
 7 **the division of administration.**

8 ~~(5) A governmental body, state educational institution, or instrumentality of~~
 9 ~~the state that performs essential governmental functions on a statewide or local basis~~
 10 ~~is entitled to purchase E20, E30, or E85 advanced biofuel directly from a qualified~~
 11 ~~small advanced biofuel manufacturing facility at a price equal to fifteen percent less~~
 12 ~~per gallon than the price of unleaded gasoline for use in any motor vehicle. The~~
 13 ~~price of unleaded gasoline will be the prevailing average price for the locality on the~~
 14 ~~date of purchase.~~

15 **B. A state agency may acquire or be provided equipment or refueling**
 16 **facilities necessary to operate such alternative fuel vehicles by any of the following**
 17 **methods:**

18 **(1) Purchase or lease as authorized by law, provided that the state shall**
 19 **recoup its actual costs, including finance charges, through reduced costs of operating**
 20 **such vehicles within forty-eight months of the purchase or lease.**

21 **(2) Gift or loan of the equipment or facilities.**

22 **(3) Gift or loan of the equipment or facilities or other arrangement pursuant**
 23 **to a service contract for the supply of alternative fuels.**

24 **C. A state agency may use monies from the Alternative Fuel Vehicle**
 25 **Revolving Loan Fund or the Flex-Fund Revolving Loan Program that are available**
 26 **for such purpose as is provided for in this Section to pay the difference between the**
 27 **cost of a vehicle that is alternative fuel capable and the estimated cost of a vehicle**
 28 **with similar vehicle specifications that is not alternative fuel capable.**

29 ~~B:~~ **D.** The provisions of this Section shall apply to any vehicles operated by
 30 law enforcement agencies or used as emergency vehicles but only to the extent

1 deemed feasible after consultations and considerations of this Section ~~provided in~~
2 ~~Subsection A~~ and a proper determination made thereon as to the feasibility thereof.

3 E. The Joint Legislative Committee on the Budget shall exercise oversight
4 over the implementation of the provisions of this Section.

5 Section 2. This Act shall become effective on October 1, 2012.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____