

Regular Session, 2010

SENATE BILL NO. 254

BY SENATOR N. GAUTREAUX

LOCAL AGENCIES. Requires local political subdivisions to purchase or lease only hybrid fuel or alternative fuel vehicles. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 33:1418, relative to hybrid or alternative fuel vehicles; to require

3 political subdivisions to purchase or lease only hybrid fuel or alternative fuel

4 vehicles; to provide for exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:1418 is hereby amended and reenacted to read as follows:

7 §1418. Purchase or lease of fleet vehicles; use of alternative ~~fuels~~; **fuel vehicles**

8 **and hybrid vehicles**; exceptions; definitions

9 A.(1) A political subdivision may **not** purchase or lease, ~~after September 1,~~

10 ~~1991,~~ any motor vehicle; for use by any agency of the political subdivision, ~~if~~ **unless**

11 that vehicle is capable of and equipped for using an alternative fuel ~~which~~ **that**

12 results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon

13 monoxide, or particulates, or any combination thereof ~~which~~ **that** meet or exceed

14 federal Clean Air standards, **including but not limited to hybrid vehicles.**

15 Alternative fuels shall include compressed natural gas, liquefied petroleum gas,

16 reformulated gasoline, methanol, ethanol, electricity, and any other fuels which meet

17 or exceed federal Clean Air standards.

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

6                    ~~(2)~~(3) An agency of a political subdivision may acquire or be provided  
 7                    equipment or refueling facilities necessary to operate such alternative fuel or  
 8                    hybrid vehicles ~~using alternative fuels~~ by any of the following methods:

9                    (a) Purchase or lease as authorized by law.

10                  (b) Gift or loan of the equipment or facilities.

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

13                  ~~(3)~~(4) If such equipment or facilities are donated, loaned, or provided through  
 14                  other arrangement with the supplier of alternative fuels, the supplier shall be entitled  
 15                  to recoup its actual cost of donating, loaning, or providing the equipment or facilities  
 16                  through its fuel charges under the supply contract.

17                  ~~(4)~~(5) The governing authority of a political subdivision may waive the  
 18                  requirements of this Subsection for any agency of a political subdivision upon receipt  
 19                  of certification supported by evidence acceptable to that governing authority that  
 20                  either of the following situations apply:

21                  (a) The agency's vehicles will be operating primarily in an area in which  
 22                  neither the agency nor a supplier has or can reasonably be expected to establish a  
 23                  central refueling station for alternative ~~fuels~~ fuel or hybrid vehicles.

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

29                  ~~B.(1) Each political subdivision shall achieve the following percentages of~~

1 ~~vehicles capable of using alternative fuels by the times specified:~~

2 ~~(a) The percentage shall be equal to or greater than thirty percent of the~~  
3 ~~number of fleet vehicles operated by September 1, 1994.~~

4 ~~(b) The percentage shall be equal to or greater than fifty percent of the~~  
5 ~~number of fleet vehicles operated by September 1, 1996.~~

6 ~~(2) The governing authority of each political subdivision shall review this~~  
7 ~~alternative fuel use program on or before December 31, 1996, and, if the governing~~  
8 ~~authority determines that the program has been effective in reducing total annual~~  
9 ~~emissions from motor vehicles in the area, the governing authority shall achieve a~~  
10 ~~percentage of fleet vehicles capable of using alternative fuels equal to or greater than~~  
11 ~~eighty percent of the number of fleet vehicles operated by September 1, 1998, and~~  
12 ~~thereafter.~~

13 ~~C. The governing authority of each political subdivision, in the development~~  
14 ~~of the alternative fuel use program, shall consult with vehicle manufacturers and~~  
15 ~~converters, fuel distributors, and others to delineate the vehicles to be covered, taking~~  
16 ~~into consideration range, specialty uses, fuel availability, vehicle manufacturing and~~  
17 ~~conversion capability, safety, resale values, and other relevant factors. The governing~~  
18 ~~authority may meet the percentage requirements of this Section through purchase or~~  
19 ~~lease of new vehicles or the conversion of existing vehicles, in accordance with~~  
20 ~~federal and state requirements and applicable safety laws and standards, to use the~~  
21 ~~alternative fuels.~~

22 ~~D. The governing authority of a political subdivision may reduce any~~  
23 ~~percentage specified or waive the requirements of Subsection B of this Section for~~  
24 ~~any agency of a political subdivision upon receipt of certification supported by~~  
25 ~~evidence acceptable to the governing authority that either of the following situations~~  
26 ~~apply:~~

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

1                   ~~(2) The agency is unable to acquire or be provided equipment or refueling~~  
2                   ~~facilities necessary to operate vehicles using alternative fuels at a projected cost that~~  
3                   ~~is reasonably expected to result in no greater net costs than the continued use of~~  
4                   ~~traditional gasoline or diesel fuels measured over the expected useful life of the~~  
5                   ~~equipment or facilities supplied.~~

6                   E.B. The provisions of this Section shall not apply to any vehicles operated  
7                   by law enforcement agencies or used as emergency vehicles.

8                   F.C. As used in this Part, "political subdivision" means a parish,  
9                   municipality, and any other unit of local government, including a school board and  
10                  a special district, authorized by law to perform governmental functions.

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by James Benton.

#### DIGEST

Present law provides that a political subdivision may purchase or lease, after September 1, 1991, any motor vehicle, for use by any agency of the political subdivision, if that vehicle is capable of and equipped for using an alternative fuel which results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or particulates, or any combination thereof that meet or exceed federal Clean Air standards.

Proposed law provides that a political subdivision may not purchase or lease any motor vehicle unless the vehicle is capable of and equipped for using alternative fuel.

Proposed law also adds hybrid vehicles to the purchase and lease options.

Proposed law provides that the definition of a "hybrid vehicle" shall mean a vehicle that employs a combustion engine system together with an electric propulsion system that results in lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or particulates or any combination thereof that meet or exceed federal Clean Air Act standards.

Present law provides that the governing authority of a political subdivision may waive the requirements of present law for any agency of a political subdivision upon receipt of certification supported by evidence acceptable to that governing authority that either of the following situations apply:

- (a) The agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to establish a central refueling station for alternative fuels.
- (b) The agency is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels at a projected cost that is reasonably expected to result in no greater net costs than the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied.

Proposed law retains present law but adds hybrid vehicles to the waiver requirements.

Present law provides that each political subdivision shall achieve the following percentages of vehicles capable of using alternative fuels by the times specified:

- (a) The percentage shall be equal to or greater than 30% of the number of fleet vehicles operated by September 1, 1994.
- (b) The percentage shall be equal to or greater than 50% of the number of fleet vehicles operated by September 1, 1996.

Proposed law deletes present law.

Present law provides that the governing authority of each political subdivision shall review the alternative fuel use program on or before December 31, 1996, and, if the governing authority determines that the program has been effective in reducing total annual emissions from motor vehicles in the area, the governing authority shall achieve a percentage of fleet vehicles capable of using alternative fuels equal to or greater than 80% of the number of fleet vehicles operated by September 1, 1998, and thereafter.

Proposed law deletes present law.

Present law provides that the governing authority of each political subdivision, in the development of the alternative fuel use program, shall consult with vehicle manufacturers and converters, fuel distributors, and others to delineate the vehicles to be covered, taking into consideration range, specialty uses, fuel availability, vehicle manufacturing and conversion capability, safety, resale values, and other relevant factors. The governing authority may meet the percentage requirements of present law through purchase or lease of new vehicles or the conversion of existing vehicles, in accordance with federal and state requirements and applicable safety laws and standards, to use the alternative fuels.

Proposed law deletes present law.

Present law provides that the governing authority of a political subdivision may reduce any percentage specified or waive the requirements of present law for any agency of a political subdivision upon receipt of certification supported by evidence acceptable to the governing authority that either of the following situations apply:

- (1) The agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has or can reasonably be expected to establish a central refueling station for alternative fuels.
- (2) The agency is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels at a projected cost that is reasonably expected to result in no greater net costs than the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied.

Proposed law deletes present law.

Present law provides an exception for any vehicles operated by law enforcement agencies used as emergency vehicles.

Proposed law retains present law.

Effective August 15, 2010.

(Amends R.S. 33:1418)