

By: Isaac

H.B. No. 3835

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain alternative fuels by state agency motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2158.003(a), Government Code, is amended to read as follows:

(a) A state agency may not purchase or lease a vehicle designed or used primarily for the transportation of individuals, including a station wagon, that has a wheelbase longer than 113 inches or that has more than 160 SAE net horsepower. The vehicle may have a wheelbase of up to 116 inches or SAE net horsepower of up to 280 if the vehicle will be converted so that it uses compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ~~[ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater,~~ or electricity, including electricity to power a plug-in hybrid motor vehicle. This exception to the wheelbase and horsepower limitations applies to a state agency regardless of the size of the agency's vehicle fleet.

SECTION 2. Sections 2158.004(a), (b), (c), and (d), Government Code, are amended to read as follows:

(a) A state agency operating a fleet of more than 15 vehicles, excluding law enforcement and emergency vehicles, may not

1 purchase or lease a motor vehicle unless that vehicle uses
2 compressed natural gas, liquefied natural gas, liquefied petroleum
3 gas, methanol or methanol/gasoline blends of 85 percent or greater,
4 ~~[ethanol or ethanol/gasoline blends of 85 percent or greater,]~~
5 biodiesel or biodiesel/diesel blends of 20 percent or greater, or
6 electricity, including electricity to power a plug-in hybrid motor
7 vehicle.

8 (b) A state agency may obtain equipment or refueling
9 facilities necessary to operate vehicles using compressed natural
10 gas, liquefied natural gas, liquefied petroleum gas, methanol or
11 methanol/gasoline blends of 85 percent or greater, ~~[ethanol or~~
12 ~~ethanol/gasoline blends of 85 percent or greater,]~~ biodiesel or
13 biodiesel/diesel blends of 20 percent or greater, or electricity,
14 including electricity to power a plug-in hybrid motor vehicle:

15 (1) by purchase or lease as authorized by law;
16 (2) by gift or loan of the equipment or facilities; or
17 (3) by gift or loan of the equipment or facilities or
18 by another arrangement under a service contract for the supply of
19 compressed natural gas, liquefied natural gas, liquefied petroleum
20 gas, methanol or methanol/gasoline blends of 85 percent or greater,
21 ~~[ethanol or ethanol/gasoline blends of 85 percent or greater,]~~
22 biodiesel or biodiesel/diesel blends of 20 percent or greater, or
23 electricity, including electricity to power a plug-in hybrid motor
24 vehicle.

25 (c) If the equipment or facilities are donated, loaned, or
26 provided through another arrangement with the supplier of
27 compressed natural gas, liquefied natural gas, liquefied petroleum

1 gas, methanol or methanol/gasoline blends of 85 percent or greater,
2 ~~[ethanol or ethanol/gasoline blends of 85 percent or greater,]~~
3 biodiesel or biodiesel/diesel blends of 20 percent or greater, or
4 electricity, including electricity to power a plug-in hybrid motor
5 vehicle, the supplier is entitled to recoup its actual cost of
6 donating, loaning, or providing the equipment or facilities through
7 its fuel charges under the supply contract.

8 (d) The commission may waive the requirements of this
9 section for a state agency on receipt of certification supported by
10 evidence acceptable to the commission that:

11 (1) the agency's vehicles will be operating primarily
12 in an area in which neither the agency nor a supplier has or can
13 reasonably be expected to establish adequate refueling for
14 compressed natural gas, liquefied natural gas, liquefied petroleum
15 gas, methanol or methanol/gasoline blends of 85 percent or greater,
16 ~~[ethanol or ethanol/gasoline blends of 85 percent or greater,]~~
17 biodiesel or biodiesel/diesel blends of 20 percent or greater, or
18 electricity, including electricity to power a plug-in hybrid motor
19 vehicle; or

20 (2) the agency is unable to obtain equipment or
21 refueling facilities necessary to operate vehicles using
22 compressed natural gas, liquefied natural gas, liquefied petroleum
23 gas, methanol or methanol/gasoline blends of 85 percent or greater,
24 ~~[ethanol or ethanol/gasoline blends of 85 percent or greater,]~~
25 biodiesel or biodiesel/diesel blends of 20 percent or greater, or
26 electricity, including electricity to power a plug-in hybrid motor
27 vehicle, at a projected cost that is reasonably expected to be no

1 greater than the net costs of continued use of conventional
2 gasoline or diesel fuels, measured over the expected useful life of
3 the equipment or facilities supplied.

4 SECTION 3. Sections 2158.005(a), (b), and (c), Government
5 Code, are amended to read as follows:

6 (a) Not later than September 30, 2025 ~~[2010]~~, a state agency
7 that operates a fleet of more than 15 motor vehicles, excluding law
8 enforcement and emergency vehicles, shall have a fleet consisting
9 of vehicles of which at least 50 percent use compressed natural gas,
10 liquefied natural gas, liquefied petroleum gas, ~~[methanol or~~
11 ~~methanol/gasoline blends of 85 percent or greater, ethanol or~~
12 ~~ethanol/gasoline blends of 85 percent or greater, biodiesel or~~
13 ~~biodiesel/diesel blends of 20 percent or greater,~~] or electricity,
14 including electricity to power a plug-in hybrid motor vehicle.

15 (b) The Texas Commission on Environmental Quality shall
16 collect reasonable information needed to determine the air quality
17 benefits from use of compressed natural gas, liquefied natural gas,
18 liquefied petroleum gas, methanol or methanol/gasoline blends of 85
19 percent or greater, ~~[ethanol or ethanol/gasoline blends of 85~~
20 ~~percent or greater,~~] biodiesel or biodiesel/diesel blends of 20
21 percent or greater, or electricity, including electricity to power
22 a plug-in hybrid motor vehicle, at affected agencies.

23 (c) A state agency in its annual financial report to the
24 legislature shall report its progress in achieving the percentage
25 requirements of this section by:

26 (1) itemizing purchases, leases, and conversions of
27 motor vehicles;

(2) itemizing usage of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ~~[ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater,~~] or electricity, including electricity to power a plug-in hybrid motor vehicle; and

(3) describing the availability of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ~~[ethanol or ethanol/gasoline blends of 85 percent or greater,~~] biodiesel or biodiesel/diesel blends of 20 percent or greater, or electricity, including electricity to power a plug-in hybrid motor vehicle~~[, and~~

~~[(4) providing the information reasonably needed to determine the air quality benefits from use of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, or electricity, including electricity to power a plug-in hybrid motor vehicle].~~

SECTION 4. Section [2158.006](#), Government Code, is amended to read as follows:

Sec. 2158.006. DETERMINATION OF ALTERNATIVE FUELS PROGRAM PARAMETERS. In developing the use of compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ~~[ethanol or ethanol/gasoline blends of 85 percent or greater,~~] biodiesel or biodiesel/diesel blends of 20 percent or greater, or electricity,

1 including electricity to power a plug-in hybrid motor vehicle, the
2 commission should work with state agency fleet operators, vehicle
3 manufacturers and converters, fuel distributors, and others to
4 determine the vehicles to be covered, taking into consideration:

- 5 (1) range;
- 6 (2) specialty uses;
- 7 (3) fuel availability;
- 8 (4) vehicle manufacturing and conversion capability;
- 9 (5) safety;
- 10 (6) resale values; and
- 11 (7) other relevant factors.

12 SECTION 5. Section [2158.007](#), Government Code, is amended to
13 read as follows:

14 Sec. 2158.007. COMPLIANCE WITH APPLICABLE SAFETY
15 STANDARDS. In purchasing, leasing, maintaining, or converting
16 vehicles for use with compressed natural gas, liquefied natural
17 gas, liquefied petroleum gas, methanol or methanol/gasoline blends
18 of 85 percent or greater, ~~[ethanol or ethanol/gasoline blends of 85~~
19 ~~percent or greater,~~] biodiesel or biodiesel/diesel blends of 20
20 percent or greater, or electricity, including electricity to power
21 a plug-in hybrid motor vehicle, the commission shall comply with
22 all applicable safety standards adopted by the United States
23 Department of Transportation and the Railroad Commission of Texas.

24 SECTION 6. Section [2158.008](#), Government Code, is amended to
25 read as follows:

26 Sec. 2158.008. WHEN VEHICLE CONSIDERED TO BE USING
27 ALTERNATIVE FUELS. In this subchapter, a vehicle is considered to

1 be using compressed natural gas, liquefied natural gas, liquefied
2 petroleum gas, [~~methanol or methanol/gasoline blends of 85 percent~~
3 ~~or greater, ethanol or ethanol/gasoline blends of 85 percent or~~
4 ~~greater, biodiesel or biodiesel/diesel blends of 20 percent or~~
5 ~~greater,~~] or electricity, including electricity to power a plug-in
6 hybrid motor vehicle, if the vehicle uses those fuels:

7 (1) not less than 80 percent of the time the vehicle is
8 driven; and

9 (2) either in its original equipment engine or in an
10 engine that has been converted to use those fuels.

11 SECTION 7. Subchapter A, Chapter 2158, Government Code, is
12 amended by adding Section 2158.010 to read as follows:

13 Sec. 2158.010. PURCHASE OR LEASE OF CERTAIN VEHICLES
14 PROHIBITED. A state agency may not purchase or lease a vehicle that
15 uses ethanol or ethanol/gasoline blends of 85 percent or greater.

16 SECTION 8. Section [2171.103](#), Government Code, is amended by
17 adding Subsection (c) to read as follows:

18 (c) In this section, "alternative fuel" does not include
19 methanol or methanol/gasoline blends of 85 percent or greater,
20 ethanol or ethanol/gasoline blends of 85 percent or greater, or
21 biodiesel or biodiesel/diesel blends of 20 percent or greater.

22 SECTION 9. Section [2158.005](#)(e), Government Code, is
23 repealed.

24 SECTION 10. This Act takes effect September 1, 2015.