

CLEAN-BURNING FUEL FOR MOTOR POOLS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Stephen G. Handy

LONG TITLE

General Description:

This bill establishes fuel efficiency requirements for government vehicles.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a government entity to ensure that 50% or more of the government entity's motor vehicles are alternative-fuel or high-efficiency vehicles; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-9-401, as last amended by Laws of Utah 2014, Chapter 190

ENACTS:

63G-19-101, Utah Code Annotated 1953

63G-19-102, Utah Code Annotated 1953

63G-19-103, Utah Code Annotated 1953

REPEALS:



28 **63A-9-403**, as enacted by Laws of Utah 2014, Chapter 190



30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **63A-9-401** is amended to read:

32 **63A-9-401. Division -- Duties.**

33 (1) The division shall:

34 (a) perform all administrative duties and functions related to management of state
35 vehicles;

36 (b) coordinate all purchases of state vehicles;

37 (c) establish one or more fleet automation and information systems for state vehicles;

38 (d) make rules establishing requirements for:

39 (i) maintenance operations for state vehicles;

40 (ii) use requirements for state vehicles;

41 (iii) fleet safety and loss prevention programs;

42 (iv) preventative maintenance programs;

43 (v) procurement of state vehicles, including:

44 (A) vehicle standards;

45 (B) alternative fuel vehicle requirements;

46 (C) short-term lease programs;

47 (D) equipment installation; and

48 (E) warranty recovery programs;

49 (vi) fuel management programs;

50 (vii) cost management programs;

51 (viii) business and personal use practices, including commute standards;

52 (ix) cost recovery and billing procedures;

53 (x) disposal of state vehicles;

54 (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;

55 (xii) standard use and rate structures for state vehicles; and

56 (xiii) insurance and risk management requirements;

57 (e) establish a parts inventory;

58 (f) create and administer a fuel dispensing services program that meets the

59 requirements of Subsection (2);

60 (g) emphasize customer service when dealing with agencies and agency employees;

61 (h) conduct an annual audit of all state vehicles for compliance with division

62 requirements;

63 (i) before charging a rate, fee, or other amount to an executive branch agency, or to a
64 subscriber of services other than an executive branch agency:

65 (i) submit the proposed rates, fees, and cost analysis to the Rate Committee established
66 in Section 63A-1-114; and

67 (ii) obtain the approval of the Legislature as required by Section 63J-1-410; and

68 (j) conduct an annual market analysis of proposed rates and fees, which analysis shall
69 include a comparison of the division's rates and fees with the fees of other public or private
70 sector providers where comparable services and rates are reasonably available.

71 (2) The division shall operate a fuel dispensing services program in a manner that:

72 (a) reduces the risk of environmental damage and subsequent liability for leaks
73 involving state-owned underground storage tanks;

74 (b) eliminates fuel site duplication and reduces overall costs associated with fuel
75 dispensing;

76 (c) provides efficient fuel management and efficient and accurate accounting of
77 fuel-related expenses;

78 (d) where practicable, privatizes portions of the state's fuel dispensing system;

79 (e) provides central planning for fuel contingencies;

80 (f) establishes fuel dispensing sites that meet geographical distribution needs and that
81 reflect usage patterns;

82 (g) where practicable, uses alternative sources of energy; and

83 (h) provides safe, accessible fuel supplies in an emergency.

84 (3) The division shall:

85 (a) ensure that the state and each of its agencies comply with state and federal law and
86 state and federal rules and regulations governing underground storage tanks;

87 (b) coordinate the installation of new state-owned underground storage tanks and the
88 upgrading or retrofitting of existing underground storage tanks; and

89 (c) ensure that counties, municipalities, school districts, local districts, and special

90 service districts subscribing to services provided by the division sign a contract that:

91 (i) establishes the duties and responsibilities of the parties;

92 (ii) establishes the cost for the services; and

93 (iii) defines the liability of the parties.

94 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
95 the director of the Division of Fleet Operations:

96 (i) may make rules governing fuel dispensing; and

97 (ii) shall make rules establishing standards and procedures for purchasing the most
98 economically appropriate size and type of vehicle for the purposes and driving conditions for
99 which the vehicle will be used, including procedures for granting exceptions to the standards
100 by the executive director of the Department of Administrative Services.

101 (b) Rules made under Subsection (4)(a)(ii):

102 (i) shall designate a standard vehicle size and type that shall be designated as the
103 statewide standard vehicle for fleet expansion and vehicle replacement;

104 (ii) may designate different standard vehicle size and types based on defined categories
105 of vehicle use;

106 (iii) may, when determining a standard vehicle size and type for a specific category of
107 vehicle use, consider the following factors affecting the vehicle class:

108 (A) size requirements;

109 (B) economic savings;

110 (C) fuel efficiency;

111 (D) driving and use requirements;

112 (E) safety;

113 (F) maintenance requirements;

114 (G) resale value; and

115 (H) the requirements of Section [~~63A-9-403~~] 63G-19-103; and

116 (iv) shall require agencies that request a vehicle size and type that is different from the
117 standard vehicle size and type to:

118 (A) submit a written request for a nonstandard vehicle to the division that contains the
119 following:

120 (I) the make and model of the vehicle requested, including acceptable alternate vehicle

121 makes and models as applicable;

122 (II) the reasons justifying the need for a nonstandard vehicle size or type;

123 (III) the date of the request; and

124 (IV) the name and signature of the person making the request; and

125 (B) obtain the division's written approval for the nonstandard vehicle.

126 (5) (a) (i) Each state agency and each higher education institution shall subscribe to the
127 fuel dispensing services provided by the division.

128 (ii) A state agency may not provide or subscribe to any other fuel dispensing services,
129 systems, or products other than those provided by the division.

130 (b) Counties, municipalities, school districts, local districts, special service districts,
131 and federal agencies may subscribe to the fuel dispensing services provided by the division if:

132 (i) the county or municipal legislative body, the school district, or the local district or
133 special service district board recommends that the county, municipality, school district, local
134 district, or special service district subscribe to the fuel dispensing services of the division; and

135 (ii) the division approves participation in the program by that government unit.

136 (6) The director, with the approval of the executive director, may delegate functions to
137 institutions of higher education, by contract or other means authorized by law, if:

138 (a) the agency or institution of higher education has requested the authority;

139 (b) in the judgment of the director, the state agency or institution has the necessary
140 resources and skills to perform the delegated responsibilities; and

141 (c) the delegation of authority is in the best interest of the state and the function
142 delegated is accomplished according to provisions contained in law or rule.

143 Section 2. Section **63G-19-101** is enacted to read:

144 **CHAPTER 19. GOVERNMENT VEHICLE STANDARDS**

145 **63G-19-101. Title.**

146 This chapter is known as "Government Vehicle Standards."

147 Section 3. Section **63G-19-102** is enacted to read:

148 **63G-19-102. Definitions.**

149 As used in this chapter:

150 (1) (a) "Government entity" means a department, commission, board, council, agency,
151 institution, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel,

152 or any other administrative unit of:

153 (i) the state;

154 (ii) a county; or

155 (iii) a municipality.

156 (b) "Government entity" includes:

157 (i) a state institution of higher education;

158 (ii) the board of trustees of a state institution of higher education;

159 (iii) the State Board of Education;

160 (iv) the State Office of Education;

161 (v) an applied technology center;

162 (vi) the Board of Regents;

163 (vii) the legislative branch; and

164 (viii) the judicial branch.

165 (c) "Government entity" does not include:

166 (i) a limited purpose local government entity;

167 (ii) an independent entity as defined in Section [63E-1-102](#); or

168 (iii) an independent corporation as defined in Section [63E-1-102](#).

169 (2) "Motor vehicle" means a self-propelled vehicle used for the transportation of

170 passengers that is owned, operated, or in the possession of a government entity.

171 Section 4. Section **63G-19-103** is enacted to read:

172 **63G-19-103. Clean emissions vehicles -- Alternative fuel vehicles.**

173 (1) No later than August 30, 2019, except as provided in Subsection (2), a government

174 entity shall ensure that 50% or more of the government entity's new or replacement motor

175 vehicles are motor vehicles:

176 (a) with emissions that meet or exceed emissions standards established in bin 2 in

177 Table S04-1, of 86.1811-04(c)(6); or

178 (b) that are propelled to a significant extent using one of the following alternative

179 fuels:

180 (i) electricity from an off-board source;

181 (ii) natural gas;

182 (iii) liquid petroleum gas;

183 (iv) hydrogen; or

184 (v) biodiesel.

185 (2) The Division of Fleet Operations shall comply with the requirements of Subsection

186 (1) no later than August 30, 2018, with regards to new or replacement division-owned motor

187 vehicles.

188 Section 5. **Repealer.**

189 This bill repeals:

190 Section **63A-9-403**, Clean emissions vehicles -- Alternative fuel vehicles.

Legislative Review Note
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Office of Legislative Research and General Counsel