

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 160
SENATE BILL 1442

AN ACT

AMENDING SECTION 41-803, ARIZONA REVISED STATUTES; RELATING TO STATE
VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-803, Arizona Revised Statutes, is amended to
3 read:

4 41-803. Operation of state motor vehicle fleet; public
5 service announcements; energy conservation;
6 alternative and clean burning fuels; definitions

7 A. The director shall operate a motor vehicle fleet for all ~~state~~
8 ~~owned~~ STATE-OWNED motor vehicles for the purpose of providing
9 transportation for state officers and employees, except those officers and
10 employees of any agency or department excluded by subsection E of this
11 section. The director shall make fleet motor vehicles available to state
12 agencies and departments on the request of the chosen representative for
13 that agency or department.

14 B. The director may adopt rules necessary for the administration of
15 the motor vehicle fleet. State agencies and departments, including
16 agencies and departments listed in subsection E of this section, may
17 accept compensation for placing public service announcements on ~~state~~
18 ~~owned~~ STATE-OWNED motor vehicles, and monies received shall be deposited,
19 pursuant to sections 35-146 and 35-147, in the state general fund. The
20 agency or department director shall determine the appropriateness of the
21 announcements, may exempt any vehicles that are not suitable for
22 advertising and may contract with private parties for design and placement
23 of the announcements.

24 C. The director shall provide for detailed cost, operation,
25 maintenance, mileage and custody records for each ~~state owned~~ STATE-OWNED
26 vehicle. On or before August 1 of each year, all state agencies and
27 departments, including those listed in subsection E of this section, shall
28 make information available to the director regarding vehicle cost,
29 operation, maintenance and mileage and other information as established by
30 the director in policies and procedures for the purposes of the report
31 prescribed in subsection R of this section.

32 D. Each state department and agency shall pay from available monies
33 the cost of motor vehicle services received from the state motor vehicle
34 fleet at a rate determined by the director.

35 E. The following departments and agencies are excluded from
36 participation in the state motor vehicle fleet:

- 37 1. Department of public safety.
- 38 2. Department of transportation.
- 39 3. Department of economic security.
- 40 4. State department of corrections.
- 41 5. Universities and community colleges.
- 42 6. Arizona state schools for the deaf and the blind.
- 43 7. Cotton research and protection council.
- 44 8. Arizona commerce authority.
- 45 9. Department of child safety.

1 F. The director shall appoint a person in the office of the
2 director who is the state motor vehicle fleet alternative fuel and clean
3 burning fuel coordinator. The coordinator shall develop, implement,
4 document, monitor and modify as necessary a statewide alternative fuels
5 plan in consultation with all state agencies and departments that are
6 subject to the alternative fuel and clean burning fuel requirements
7 prescribed in this section or any other law. The approval of the
8 coordinator is required for all acquisitions of vehicles pursuant to this
9 section, except for acquisitions by community college districts.

10 G. Purchases of all new motor vehicles that primarily operate in
11 counties with a population of more than two hundred fifty thousand persons
12 and that have a gross vehicle weight of eight thousand five hundred pounds
13 or less, including those agency motor vehicle fleets listed in subsection
14 E of this section, shall meet the following minimum requirements for
15 vehicles:

16 1. For model year 1997, ten ~~per cent~~ PERCENT of new motor vehicles
17 purchased shall be capable of operating on alternative fuels.

18 2. For model year 1998, fifteen ~~per cent~~ PERCENT of new motor
19 vehicles purchased shall be capable of operating on alternative fuels.

20 3. For model year 1999, twenty-five ~~per cent~~ PERCENT of new motor
21 vehicles purchased shall be capable of operating on alternative fuels.

22 4. For model year 2000, fifty ~~per cent~~ PERCENT of new motor
23 vehicles purchased shall be capable of operating on alternative fuels.

24 5. EXCEPT AS PROVIDED IN SUBSECTION T OF THIS SECTION, for model
25 year 2001 and all subsequent model years, seventy-five ~~per cent~~ PERCENT of
26 new motor vehicles purchased shall be capable of operating on alternative
27 fuels or clean burning fuels.

28 H. Purchases of new alternative fuel and clean burning fuel
29 vehicles that have a gross vehicle weight of eight thousand five hundred
30 pounds or less shall meet the following minimum requirements for vehicles
31 that primarily operate in counties with a population of more than one
32 million two hundred thousand persons:

33 1. For model year 2000, forty ~~per cent~~ PERCENT of new alternative
34 fuel and clean burning fuel vehicles purchased shall comply with the
35 United States environmental protection agency standards for low emission
36 vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or
37 88.105-94.

38 2. For model year 2001, fifty ~~per cent~~ PERCENT of new alternative
39 fuel and clean burning fuel vehicles purchased shall comply with the
40 United States environmental protection agency standards for low emission
41 vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or
42 88.105-94.

43 3. For model year 2002, sixty ~~per cent~~ PERCENT of new alternative
44 fuel and clean burning fuel vehicles purchased shall comply with the
45 United States environmental protection agency standards for low emission

1 vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or
2 88.105-94.

3 4. For model year 2003, seventy ~~per cent~~ PERCENT of new alternative
4 fuel and clean burning fuel vehicles purchased shall comply with the
5 United States environmental protection agency standards for low emission
6 vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or
7 88.105-94.

8 I. The coordinator may waive the requirements of subsection G of
9 this section for any state agency on receipt of certification supported by
10 evidence acceptable to the coordinator that:

11 1. The agency's vehicles will be operating primarily in an area in
12 which neither the agency nor a supplier has established or can reasonably
13 be expected to establish a central refueling station for alternative fuels
14 or clean burning fuels.

15 2. The agency is unable to acquire or be provided equipment or
16 refueling facilities necessary to operate vehicles using alternative fuels
17 or clean burning fuels at a projected cost that is reasonably expected to
18 result in net costs of no greater than thirty ~~per cent~~ PERCENT more than
19 the net costs associated with the continued use of traditional gasoline or
20 diesel fuels measured over the expected useful life of the equipment or
21 facilities supplied. Applications for waivers shall be filed with the
22 department of environmental quality pursuant to section 49-412. An entity
23 that receives a waiver pursuant to this section shall retrofit fleet
24 heavy-duty diesel vehicles with a gross vehicle weight of eight thousand
25 five hundred pounds or more that were manufactured in or before model year
26 1993 and that are the subject of the waiver with a technology that is
27 effective at reducing particulate emissions at least twenty-five ~~per cent~~
28 PERCENT or more and that has been approved by the United States
29 environmental protection agency pursuant to the urban bus engine
30 retrofit/rebuild program. The entity shall comply with the implementation
31 schedule pursuant to section 49-555.

32 J. The department of administration, through the coordinator, may
33 acquire or be provided equipment or refueling facilities necessary to
34 operate such vehicles using alternative fuels or clean burning fuels:

35 1. By purchase or lease as authorized by law.

36 2. By gift or loan of the equipment or facilities.

37 3. By gift or loan of the equipment or facilities or any other
38 arrangement pursuant to a service contract for the supply of alternative
39 fuels or clean burning fuels.

40 K. The coordinator and the governor's office of energy policy shall
41 develop and implement a vehicle fleet energy conservation plan for the
42 purposes of reducing vehicle fuel consumption and to encourage and
43 progressively increase the use of alternative fuels and clean burning
44 fuels in ~~state owned~~ STATE-OWNED vehicles. The plans shall include:

1 1. A timetable by which fleet vehicles shall be replaced with
2 vehicles that have demonstrated high fuel economy estimates within their
3 vehicle class.

4 2. A timetable for increasing the use of alternative fuels and
5 clean burning fuels in fleet vehicles either through purchase or
6 conversion. The timetable shall reflect the following schedule and
7 percentage of vehicles ~~which~~ THAT operate on alternative fuels or clean
8 burning fuels:

9 (a) Not less than forty ~~per cent~~ PERCENT of the total fleet by
10 December 31, 1995, except for community college districts. Community
11 college districts shall comply by December 31, 2002.

12 (b) Not less than ninety ~~per cent~~ PERCENT of the total fleet
13 operating primarily in counties with populations exceeding one million two
14 hundred thousand persons according to the most recent federal decennial
15 census by December 31, 1997, except for community college districts.
16 Community college districts shall comply by December 31, 2004.

17 3. Options for increasing, whenever possible, the use of vehicles
18 that have the capability to use available alternative fuels or clean
19 burning fuels, or vehicles that may be economically converted, if needed,
20 for the use of alternative fuels or clean burning fuels.

21 4. Options for the use of demonstrated innovative technologies that
22 promote energy conservation and reduced fuel consumption.

23 5. Methods that promote efficient trip planning and state vehicle
24 use.

25 6. Car pooling and van pooling for agency employees for commuting
26 and ~~job-related~~ JOB-RELATED travel.

27 L. The coordinator shall identify specific vehicle models within
28 each vehicle class that would meet the demands of each state agency and
29 that demonstrate a high degree of fuel economy. Vehicle classes and fuel
30 economy comparisons shall be based on United States department of energy
31 and United States environmental protection agency data pursuant to title
32 15 United States Code sections 2003 through 2006. For the use of an
33 alcohol fueled vehicle, the state agency shall demonstrate to the director
34 that the fuel for the vehicle is available within a ~~ten-mile~~ TEN-MILE
35 radius of the primary home base of that vehicle.

36 M. Subsections G, H, I, J, K, L, N, O and P of this section do not
37 apply to the purchase or lease of the following:

38 1. A vehicle to be used primarily for criminal law enforcement.

39 2. A motorcycle.

40 3. An all-terrain vehicle.

41 4. An ambulance.

42 5. A fire truck, a fire engine or any other fire suppression
43 apparatus.

1 N. Any contract for conversion of vehicles to alternative fuels
2 pursuant to this section shall be entered into by competitive sealed
3 proposals pursuant to section 41-2534.

4 O. If everything else is equal, when contracting for vehicles to
5 satisfy the requirements prescribed in this section, preference shall be
6 given to vehicles with the lowest emissions levels.

7 P. The departments and agencies excluded from participation in the
8 state motor vehicle fleet pursuant to subsection E of this section shall
9 develop and implement a program for alternative fuels and clean burning
10 fuels and fuel economy for their motor vehicle fleets substantially
11 similar to the standards set forth in this section, and the program shall
12 be submitted to the coordinator for review.

13 Q. All agencies, including those listed in subsection E of this
14 section, shall comply with the plan developed and implemented by the
15 coordinator pursuant to subsection F of this section.

16 R. On or before November 1 of each year, the director shall submit
17 a report to the governor, the speaker of the house of representatives, the
18 president of the senate, the governor's office of strategic planning and
19 budgeting and the joint legislative budget committee concerning the use of
20 alternative fuels and clean burning fuels in the state motor vehicle
21 fleet. The report shall include at least the following:

22 1. The number of state fleet vehicles.

23 2. The number of state fleet vehicles used primarily in Maricopa
24 county.

25 3. The number of state fleet vehicles capable of using alternative
26 fuels or clean burning fuels.

27 4. Progress on compliance with federal and state guidelines
28 mandating the conversion of state fleet vehicles to alternatively fueled
29 vehicles.

30 5. Alternative fuels and clean burning fuels usage data.

31 6. Information received from state agencies pursuant to subsection
32 C of this section.

33 7. Information gathered from local offices of federal agencies
34 regarding progress made toward implementing the federal mandates relating
35 to the conversion of motor vehicle fleets to alternative fuels or clean
36 burning fuels pursuant to subsection G of this section.

37 S. If the requirements of subsections G, H and K of this section
38 are met by the use of clean burning fuel, vehicle equivalents under those
39 requirements shall be calculated as follows:

40 1. One vehicle equivalent for every four hundred fifty gallons of
41 neat biodiesel or two thousand two hundred fifty gallons of a diesel fuel
42 substitute prescribed in section 1-215, paragraph 7, subdivision (b) in
43 vehicles with a gross vehicle weight rating of at least eighty-five
44 hundred pounds.

1 2. One vehicle equivalent for every five hundred thirty gallons of
2 the fuel prescribed in section 1-215, paragraph 7, subdivision (d).

3 T. BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
4 SECTION, BEFORE EACH NEW MOTOR VEHICLE PURCHASE, THE DEPARTMENT SHALL
5 CONSIDER PURCHASING A NEIGHBORHOOD ELECTRIC VEHICLE.

6 U. WHEN A STATE DEPARTMENT OR AGENCY REQUESTS A VEHICLE FROM THE
7 STATE MOTOR VEHICLE FLEET, THE STATE DEPARTMENT OR AGENCY SHALL BE
8 ASSIGNED A NEIGHBORHOOD ELECTRIC VEHICLE UNLESS THE STATE DEPARTMENT OR
9 AGENCY DEMONSTRATES TO THE DEPARTMENT OF ADMINISTRATION THAT THE
10 NEIGHBORHOOD ELECTRIC VEHICLE WILL NOT MEET THE NEEDS OF THE STATE
11 DEPARTMENT OR AGENCY BECAUSE THE NEIGHBORHOOD ELECTRIC VEHICLE WILL BE
12 DOING ANY OF THE FOLLOWING:

13 1. OPERATING ON A STREET WITH A POSTED SPEED LIMIT THAT EXCEEDS
14 THIRTY-FIVE MILES PER HOUR.

15 2. CARRYING A LOAD THAT EXCEEDS ONE THOUSAND FIVE HUNDRED POUNDS.

16 3. TRANSPORTING MORE THAN SIX PERSONS.

17 ~~T.~~ V. For the purposes of this section:

18 1. "Alternative fuels" has the same meaning prescribed in section
19 1-215.

20 2. "Clean burning fuels" has the same meaning prescribed in section
21 1-215.

22 3. "NEIGHBORHOOD ELECTRIC VEHICLE" HAS THE SAME MEANING PRESCRIBED
23 IN SECTION 28-101.

24 ~~S.~~ 4. "New motor vehicle" means an original equipment manufactured
25 vehicle, a converted original equipment manufactured vehicle or an
26 original equipment manufactured vehicle that will be converted.

APPROVED BY THE GOVERNOR APRIL 30, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2019.