

# Arizona Revised Statutes

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

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

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

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

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

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

1. Department of public safety.
2. Department of transportation.
3. Department of economic security.
4. State department of corrections.
5. Universities and community colleges.
6. Arizona state schools for the deaf and the blind.
7. Cotton research and protection council.
8. Arizona commerce authority.

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

G. Purchases of all new motor vehicles that primarily operate in counties with a population of more than two hundred fifty thousand persons and that have a gross vehicle weight of eight thousand five hundred pounds or less, including those agency motor vehicle fleets listed in subsection E of this section, shall meet

the following minimum requirements for vehicles:

1. For model year 1997, ten per cent of new motor vehicles purchased shall be capable of operating on alternative fuels.
2. For model year 1998, fifteen per cent of new motor vehicles purchased shall be capable of operating on alternative fuels.
3. For model year 1999, twenty-five per cent of new motor vehicles purchased shall be capable of operating on alternative fuels.
4. For model year 2000, fifty per cent of new motor vehicles purchased shall be capable of operating on alternative fuels.
5. For model year 2001 and all subsequent model years, seventy-five per cent of new motor vehicles purchased shall be capable of operating on alternative fuels or clean burning fuels.

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

1. For model year 2000, forty per cent of new alternative fuel and clean burning fuel vehicles purchased shall comply with the United States environmental protection agency standards for low emission vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.
2. For model year 2001, fifty per cent of new alternative fuel and clean burning fuel vehicles purchased shall comply with the United States environmental protection agency standards for low emission vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.
3. For model year 2002, sixty per cent of new alternative fuel and clean burning fuel vehicles purchased shall comply with the United States environmental protection agency standards for low emission vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.
4. For model year 2003, seventy per cent of new alternative fuel and clean burning fuel vehicles purchased shall comply with the United States environmental protection agency standards for low emission vehicles pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

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

1. The agency's vehicles will be operating primarily in an area in which neither the agency nor a supplier has established or can reasonably be expected to establish a central refueling station for alternative fuels or clean burning fuels.
2. The agency is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels or clean burning fuels at a projected cost that is reasonably expected to result in net costs of no greater than thirty per cent more than the net costs associated with the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied. Applications for waivers shall be filed with the department of environmental quality pursuant to section 49-412. An entity that receives a waiver pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with a gross vehicle weight of eight thousand five hundred pounds or more that were manufactured in or before model year 1993 and that are the subject of the waiver with a technology that is effective at reducing particulate emissions at least twenty-five per cent or more and that has been approved by the United States environmental protection agency pursuant to the urban bus engine retrofit/rebuild program. The entity shall comply with the implementation schedule pursuant to section 49-555.

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

1. By purchase or lease as authorized by law.
2. By gift or loan of the equipment or facilities.
3. By gift or loan of the equipment or facilities or any other arrangement pursuant to a service contract for the supply of alternative fuels or clean burning fuels.

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

1. A timetable by which fleet vehicles shall be replaced with vehicles that have demonstrated high fuel economy estimates within their vehicle class.
2. A timetable for increasing the use of alternative fuels and clean burning fuels in fleet vehicles either through purchase or conversion. The timetable shall reflect the following schedule and percentage of vehicles which operate on alternative fuels or clean burning fuels:

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

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

3. Options for increasing, whenever possible, the use of vehicles that have the capability to use available alternative fuels or clean burning fuels, or vehicles that may be economically converted, if needed, for the use of alternative fuels or clean burning fuels.
4. Options for the use of demonstrated innovative technologies that promote energy conservation and reduced fuel consumption.
5. Methods that promote efficient trip planning and state vehicle use.
6. Car pooling and van pooling for agency employees for commuting and job related travel.

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

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

1. A vehicle to be used primarily for criminal law enforcement.
2. A motorcycle.
3. An all-terrain vehicle.
4. An ambulance.

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

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

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

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

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

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

1. The number of state fleet vehicles.
2. The number of state fleet vehicles used primarily in Maricopa county.
3. The number of state fleet vehicles capable of using alternative fuels or clean burning fuels.
4. Progress on compliance with federal and state guidelines mandating the conversion of state fleet vehicles to alternatively fueled vehicles.
5. Alternative fuels and clean burning fuels usage data.
6. Information received from state agencies pursuant to subsection C of this section.
7. Information gathered from local offices of federal agencies regarding progress made toward implementing the federal mandates relating to the conversion of motor vehicle fleets to alternative fuels or clean burning fuels pursuant to subsection G of this section.

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

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

T. For the purposes of this section:

1. "Alternative fuels" has the same meaning prescribed in section 1-215.
2. "Clean burning fuels" has the same meaning prescribed in section 1-215.
3. "New motor vehicle" means an original equipment manufactured vehicle, a converted original equipment manufactured vehicle or an original equipment manufactured vehicle that will be converted.