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HOUSE BILL 2091

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By Representatives Overstreet, Shea, Taylor, Scott, Condotta, Haler, Buys, Hargrove, Rodne, and Pike

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1 AN ACT Relating to granting exemptions from state biofuel and  
2 biodiesel requirements; and amending RCW 43.19.642 and 43.19.648.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.19.642 and 2013 c 306 s 701 are each amended to  
5 read as follows:

6 (1) Effective June 1, 2006, for agencies complying with the ultra-  
7 low sulfur diesel mandate of the United States environmental protection  
8 agency for on-highway diesel fuel, agencies shall use biodiesel as an  
9 additive to ultra-low sulfur diesel for lubricity, provided that the  
10 use of a lubricity additive is warranted and that the use of biodiesel  
11 is comparable in performance and cost with other available lubricity  
12 additives. The amount of biodiesel added to the ultra-low sulfur  
13 diesel fuel shall be not less than two percent.

14 (2) Except as provided in subsection (5) of this section, effective  
15 June 1, 2009, state agencies are required to use a minimum of twenty  
16 percent biodiesel as compared to total volume of all diesel purchases  
17 made by the agencies for the operation of the agencies' diesel-powered  
18 vessels, vehicles, and construction equipment.

1 (3) All state agencies using biodiesel fuel shall, beginning on  
2 July 1, 2006, file biannual reports with the department of enterprise  
3 services documenting the use of the fuel and a description of how any  
4 problems encountered were resolved.

5 (4) By December 1, 2009, the department of enterprise services  
6 shall:

7 (a) Report to the legislature on the average true price  
8 differential for biodiesel by blend and location; and

9 (b) Examine alternative fuel procurement methods that work to  
10 address potential market barriers for in-state biodiesel producers and  
11 report these findings to the legislature.

12 (~~During the 2011-2013 and 2013-2015 fiscal biennia, the~~  
13 ~~Washington state ferries is required to use a minimum of five percent~~  
14 ~~biodiesel as compared to total volume of all diesel purchases made by~~  
15 ~~the Washington state ferries for the operation of the Washington state~~  
16 ~~ferries diesel-powered vessels, as long as the price of a B5 biodiesel~~  
17 ~~blend does not exceed the price of conventional diesel fuel by five~~  
18 ~~percent or more.)) Beginning July 1, 2014, the department of  
19 transportation and the Washington state patrol are exempt from the  
20 biodiesel requirements under this section.~~

21 **Sec. 2.** RCW 43.19.648 and 2013 c 328 s 1 are each amended to read  
22 as follows:

23 (1) Effective June 1, 2015, all state agencies, to the extent  
24 determined practicable by the rules adopted by the department of  
25 commerce pursuant to RCW 43.325.080, are required to satisfy one  
26 hundred percent of their fuel usage for operating publicly owned  
27 vessels, vehicles, and construction equipment from electricity or  
28 biofuel. Compressed natural gas, liquefied natural gas, or propane may  
29 be substituted for electricity or biofuel if the department of commerce  
30 determines that electricity and biofuel are not reasonably available.

31 (2)(a) Effective June 1, 2018, all local government subdivisions of  
32 the state, to the extent determined practicable by the rules adopted by  
33 the department of commerce pursuant to RCW 43.325.080, are required to  
34 satisfy one hundred percent of their fuel usage for operating publicly  
35 owned vessels, vehicles, and construction equipment from electricity or  
36 biofuel. The department of commerce shall convene an advisory  
37 committee of representatives of local government subdivisions,

1 representatives from organizations representing each local government  
2 subdivision, and either (i) an electric utility or (ii) a natural gas  
3 utility, or both, to work with the department to develop the rules.  
4 The department may invite additional stakeholders to participate in the  
5 advisory committee as needed and determined by the department.

6 (b) The following are exempt from this requirement: (i) Transit  
7 agencies using compressed natural gas on June 1, 2018, and (ii) engine  
8 retrofits that would void warranties. Nothing in this section is  
9 intended to require the replacement of equipment before the end of its  
10 useful life. Compressed natural gas, liquefied natural gas, or propane  
11 may be substituted for electricity or biofuel if the department of  
12 commerce determines that electricity and biofuel are not reasonably  
13 available.

14 (c)(i) Rules adopted pursuant to RCW 43.325.080 must provide the  
15 authority for local government subdivisions to elect to exempt police,  
16 fire, and other emergency response vehicles, including utility vehicles  
17 frequently used for emergency response, from the fuel usage requirement  
18 in (a) of this subsection.

19 (ii) Prior to executing its authority under (c)(i) of this  
20 subsection, a local government subdivision must provide notice to the  
21 department of commerce of the exemption. The notice must include the  
22 rationale for the exemption and an explanation of how the exemption is  
23 consistent with rules adopted by the department of commerce.

24 (d) Before June 1, 2018, local government subdivisions purchasing  
25 vessels, vehicles, and construction equipment capable of using  
26 biodiesel must request warranty protection for the highest level of  
27 biodiesel the vessel, vehicle, or construction equipment is capable of  
28 using, up to one hundred percent biodiesel, as long as the costs are  
29 reasonably equal to a vessel, vehicle, or construction equipment that  
30 is not warranted to use up to one hundred percent biodiesel.

31 (3) In order to phase in this transition for the state, all state  
32 agencies, to the extent determined practicable by the department of  
33 commerce by rules adopted pursuant to RCW 43.325.080, are required to  
34 achieve forty percent fuel usage for operating publicly owned vessels,  
35 vehicles, and construction equipment from electricity or biofuel by  
36 June 1, 2013. Compressed natural gas, liquefied natural gas, or  
37 propane may be substituted for electricity or biofuel if the department  
38 of commerce determines that electricity and biofuel are not reasonably

1 available. The department of enterprise services, in consultation with  
2 the department of commerce, shall report to the governor and the  
3 legislature by December 1, 2013, on what percentage of the state's fuel  
4 usage is from electricity or biofuel.

5 (4) Except for cars owned or operated by the Washington state  
6 patrol, when tires on vehicles in the state's motor vehicle fleet are  
7 replaced, they must be replaced with tires that have the same or better  
8 rolling resistance as the original tires.

9 (5) By December 31, 2015, the state must, to the extent  
10 practicable, install electrical outlets capable of charging electric  
11 vehicles in each of the state's fleet parking and maintenance  
12 facilities.

13 (6) The department of transportation(~~'s obligations under~~  
14 ~~subsection (3) of this section are subject to the availability of~~  
15 ~~amounts appropriated for the specific purpose identified in~~  
16 ~~subsection)) and the Washington state patrol are exempt from the  
17 requirements under subsections (1) and (3) of this section.~~

18 (7) The department of transportation's obligations under subsection  
19 (5) of this section are subject to the availability of amounts  
20 appropriated for the specific purpose identified in subsection (5) of  
21 this section unless the department receives federal or private funds  
22 for the specific purpose identified in subsection (5) of this section.

23 (8) The definitions in this subsection apply throughout this  
24 section unless the context clearly requires otherwise.

25 (a) "Battery charging station" means an electrical component  
26 assembly or cluster of component assemblies designed specifically to  
27 charge batteries within electric vehicles, which meet or exceed any  
28 standards, codes, and regulations set forth by chapter 19.28 RCW and  
29 consistent with rules adopted under RCW 19.27.540.

30 (b) "Battery exchange station" means a fully automated facility  
31 that will enable an electric vehicle with a swappable battery to enter  
32 a drive lane and exchange the depleted battery with a fully charged  
33 battery through a fully automated process, which meets or exceeds any  
34 standards, codes, and regulations set forth by chapter 19.28 RCW and  
35 consistent with rules adopted under RCW 19.27.540.

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