

**Effective 5/12/2015**

**19-2-105.3 Clean fuel requirements for fleets.**

- (1) As used in this section:
  - (a) "1990 Clean Air Act" means the federal Clean Air Act as amended in 1990.
  - (b) "Clean fuel" means:
    - (i) propane, compressed natural gas, or electricity;
    - (ii) other fuel the board determines annually on or before July 1 is at least as effective as fuels under Subsection (1)(b)(i) in reducing air pollution; and
    - (iii) other fuel that meets the clean fuel vehicle standards in the 1990 Clean Air Act.
  - (c) "Fleet" means 10 or more vehicles:
    - (i) owned or operated by a single entity as defined by board rule; and
    - (ii) capable of being fueled or that are fueled at a central location.
  - (d) "Fleet" does not include motor vehicles that are:
    - (i) held for lease or rental to the general public;
    - (ii) held for sale or used as demonstration vehicles by motor vehicle dealers;
    - (iii) used by motor vehicle manufacturers for product evaluations or tests;
    - (iv) authorized emergency vehicles as defined in Section 41-6a-102;
    - (v) registered under Title 41, Chapter 1a, Part 2, Registration, as farm vehicles;
    - (vi) special mobile equipment as defined in Section 41-1a-102;
    - (vii) heavy duty trucks with a gross vehicle weight rating of more than 26,000 pounds;
    - (viii) regularly used by employees to drive to and from work, parked at the employees' personal residences when they are not at their employment, and not practicably fueled at a central location;
    - (ix) owned, operated, or leased by public transit districts; or
    - (x) exempted by board rule.
- (2)
  - (a) After evaluation of reasonably available pollution control strategies, and as part of the state implementation plan demonstrating attainment of the national ambient air quality standards, the board may by rule require fleets in specified geographical areas to use clean fuels if the board determines fleet use of clean fuels is:
    - (i) necessary to demonstrate attainment of the national ambient air quality standards in an area where they are required; and
    - (ii) reasonably cost effective when compared to other similarly beneficial control strategies for demonstrating attainment of the national ambient air quality standards.
  - (b) A vehicle retrofit to operate on compressed natural gas in accordance with Section 19-1-406 qualifies as a clean fuel vehicle under this section.
- (3) After evaluation of reasonably available pollution control strategies, and as part of a state implementation plan demonstrating only maintenance of the national ambient air quality standards, the board may by rule require fleets in specified geographical areas to use clean fuels if the board determines fleet use of clean fuels is:
  - (a) necessary to demonstrate maintenance of the national ambient air quality standards in an area where they are required; and
  - (b) reasonably cost effective as compared with other similarly beneficial control strategies for demonstrating maintenance of the national ambient air quality standards.
- (4) Rules the board makes under this section may include:
  - (a) dates by which fleets are required to convert to clean fuels under the provisions of this section;
  - (b) definitions of fleet owners or operators;

- (c) definitions of vehicles exempted from this section by rule;
  - (d) certification requirements for persons who install clean fuel conversion equipment, including testing and certification standards regarding installers; and
  - (e) certification fees for installers, established under Section 63J-1-504.
- (5) Implementation of this section and rules made under this section are subject to the reasonable availability of clean fuel in the local market as determined by the board.

Amended by Chapter 154, 2015 General Session