

Stricken language would be deleted from and underlined language would be added to present law.
Act 851 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/16/17
A Bill

HOUSE BILL 1735

By: Representative Pilkington

For An Act To Be Entitled

AN ACT TO AMEND THE TITLE OF THE ARKANSAS CLEAN-BURNING MOTOR FUEL DEVELOPMENT ACT; TO AMEND AND ADD DEFINITIONS UNDER THE ARKANSAS CLEAN-BURNING MOTOR FUEL DEVELOPMENT ACT; TO AMEND THE LAW CONCERNING REBATES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE TITLE OF THE ARKANSAS CLEAN-BURNING MOTOR FUEL DEVELOPMENT ACT; TO AMEND AND ADD DEFINITIONS UNDER THE ARKANSAS CLEAN-BURNING MOTOR FUEL DEVELOPMENT ACT; AND TO AMEND THE LAW CONCERNING REBATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 15-10-901 is amended to read as follows:

15-10-901. Title

This subchapter shall be known and may be cited as the “Arkansas ~~Clean-burning~~ Alternative Motor Fuel Development Act”.

SECTION 2. Arkansas Code § 15-10-902(2)(D), concerning the definition of "compressed natural gas refueling station" under the Arkansas Clean-burning Motor Fuel Development Act, is amended to read as follows:

(D) Contains a credit card reader that allows for the use of a credit card or debit card to purchase the compressed natural gas;



SECTION 3. Arkansas Code § 15-10-902(6)(D), concerning the definition of "liquefied natural gas refueling station" under the Arkansas Clean-burning Motor Fuel Development Act, is amended to read as follows:

(D) Contains a credit card reader that allows for the use of a credit card or debit card to purchase the liquefied natural gas;

SECTION 4. Arkansas Code § 15-10-902(8)(D), concerning the definition of "liquefied petroleum gas refueling station" under the Arkansas Clean-burning Motor Fuel Development Act, is amended to read as follows:

(D) Contains a credit card reader that allows for the use of a credit card or debit card to purchase the liquefied petroleum gas;

SECTION 5. Arkansas Code § 15-10-902(9), concerning the definition of "motor vehicle" under the Arkansas Clean-burning Motor Fuel Development Act, is amended to read as follows:

(9) "Motor vehicle" means a motor vehicle licensed under the laws of this state or another state that was originally designed by the manufacturer to operate lawfully and principally on highways, roads, and streets;

SECTION 6. Arkansas Code § 15-10-902(10), concerning the definition of "qualified clean-burning motor vehicle fuel" under the Arkansas Clean-burning Motor Fuel Development Act, is amended to read as follows:

(10) "Qualified ~~clean-burning~~ alternative motor vehicle fuel" means electricity, a hydrogen fuel cell, compressed natural gas, liquefied natural gas, or liquefied petroleum gas; and

SECTION 7. Arkansas Code § 15-10-902(11), concerning the definition of "qualified clean-burning motor vehicle property" under the Arkansas Clean-burning Motor Fuel Development Act, is amended to read as follows:

(11) "Qualified ~~clean-burning~~ alternative motor vehicle property" means:

(A) New equipment that:

(i) Is installed:

(a) By a certified mechanic;

(b) On a motor vehicle with a model year ~~of~~

2012 or later that is no older than one (1) model year older than the current year; and

(c) To convert a motor vehicle propelled by gasoline or diesel fuel to be propelled by a qualified ~~clean-burning~~ alternative motor vehicle fuel;

(ii) Is approved by the United States Environmental Protection Agency under 40 C.F.R. Part 85 Subpart F, 40 C.F.R. § 85.501 et seq., and 40 C.F.R. Part 86 Subpart S, 40 C.F.R. § 86.1801-01 et seq.; and

(iii) Has not been used to modify or retrofit any other motor vehicle propelled by gasoline or diesel fuel;

(B) The portion of the basis of a motor vehicle with a model year ~~of 2012 or later~~ that is no older than one (1) model year older than the current year and that was originally equipped to be propelled by a qualified ~~clean-burning~~ alternative motor vehicle fuel that is attributable to the:

(i) Storage of the qualified ~~clean-burning~~ alternative motor vehicle fuel;

(ii) Delivery of the qualified ~~clean-burning~~ alternative motor vehicle fuel to the motor vehicle's engine; and

(iii) Exhaust of gases from the combustion of the qualified ~~clean-burning~~ alternative motor vehicle fuel; or

(C) New property that:

(i) Is directly related to the:

(a) ~~compression~~ Compression and delivery of natural gas from a private home or residence for noncommercial purposes into the fuel tank of a motor vehicle propelled by compressed natural gas; or

(b) Delivery of electricity from a private home or residence for noncommercial purposes into a motor vehicle propelled by electricity; and

(ii) Has not been previously installed or used at another location to refuel motor vehicles powered by natural gas or electricity.

SECTION 8. Arkansas Code § 15-10-902, concerning the definition of terms used under the Arkansas Clean-burning Motor Fuel Development Act, is amended to add additional subdivisions to read as follows:

(12) "Electric vehicle" means a plug-in electric drive motor vehicle that is propelled by one (1) or more electric motors using electrical energy stored in rechargeable batteries or other energy storage devices;

(13) "Private electric vehicle charging station" means a charging station of two hundred forty volts (240 V) or less that is purchased for private use and supplies electricity for charging one (1) or more electric vehicles; and

(14) "Public electric vehicle charging station" means a charging station of two hundred forty volts (240 V) or more that:

(A) Supplies electricity for charging one (1) or more electric vehicles;

(B) Is available to the public twenty-four (24) hours a day; and

(C) Contains a credit card reader that allows for the use of a credit card or debit card to purchase electricity.

SECTION 9. Arkansas Code § 15-10-903 is amended to read as follows:
15-10-903. Rebate for refueling stations.

(a)(1) The Arkansas Energy Office of the Arkansas Department of Environmental Quality shall may offer a rebate for each approved private electric vehicle charging station, public electric vehicle charging station, compressed natural gas refueling station, liquefied natural gas refueling station, and liquefied petroleum gas refueling station in an amount equal to that is:

(A) the lesser of seventy-five Not more than seventy-five percent (75%) of the qualifying costs of the compressed natural gas refueling station, liquefied natural gas refueling station, or liquefied petroleum gas refueling station, or not to exceed four hundred thousand dollars (\$400,000);

(B) Not more than fifty percent (50%) of the eligible equipment purchase and installation cost of the private electric vehicle charging station, not to exceed nine hundred dollars (\$900); or

(C) Not more than fifty percent (50%) of eligible equipment purchase and installation cost of the public electric vehicle charging station, not to exceed five thousand dollars (\$5,000).

(2) The Director of the Arkansas Department of Environmental Quality may increase the rebate percentages listed under subdivision (a)(1)

of this section if the increase is designated or authorized by a funding source approved by a federal settlement or state settlement.

(b) ~~The~~ A rebate offered under this section does not apply to any of the following:

(1) The cost of land for the private electric vehicle charging station, public electric vehicle charging station, compressed natural gas refueling station, liquefied natural gas refueling station, or liquefied petroleum gas refueling station;

(2) The cost of any buildings for the private electric vehicle charging station, public electric vehicle charging station, compressed natural gas refueling station, liquefied natural gas refueling station, or liquefied petroleum gas refueling station; and

(3) Any costs not directly associated with the compression, storage, or dispensing of compressed natural gas, or the storage and dispensing of liquefied natural gas or liquefied petroleum gas, or the dispensing of electricity.

(c) To be eligible for a rebate under this section, a person or entity shall complete and submit an application for the rebate on the forms prescribed by the office.

(d) The office shall ensure that the following criteria are met before providing a rebate under this section:

(1) The applicant is registered as a business entity in good standing with the Secretary of State;

~~(2) The applicant holds a wholesale fuel distribution permit from the Department of Finance and Administration;~~

~~(3) The dispenser at the compressed natural gas refueling station, liquefied natural gas refueling station, or liquefied petroleum gas refueling station has been inspected and certified by the State Division of Weights and Measures of the Arkansas Bureau of Standards of the State Plant Board or a registered service agency of the division; and~~

(3) The dispenser at the private electric vehicle charging station or public electric vehicle charging station has been inspected and is in compliance with the rules promulgated by the office and any other applicable laws;

(4) The applicant for a rebate on a compressed natural gas refueling station, liquefied natural gas refueling station, or liquefied

petroleum gas refueling station meets the siting requirements stated in the National Fire Protection Association's NFPA 52: Vehicular Gaseous Natural Gas Fuel Systems Code, 2013 2016 Edition; and

(5) The applicant for a rebate on a private electric vehicle charging station or public electric vehicle charging station meets the siting requirements stated in the National Fire Protection Association's NFPA 70: National Electrical Code, 2017 Edition.

SECTION 10. Arkansas Code § 15-10-904 is amended to read as follows:
15-10-904. Rebates for qualified ~~clean-burning~~ alternative motor vehicle ~~fuel~~ property.

(a) The Arkansas Energy Office of the Arkansas Department of Environmental Quality shall may offer a rebate for qualified ~~clean-burning~~ alternative motor vehicle ~~fuel~~ property that is:-

~~(b)(1) The rebate for qualified clean-burning motor vehicle fuel property as defined in § 15-10-902(11)(A) and (B) is the lesser of Not more than~~ fifty percent (50%) of the cost of the qualified ~~clean-burning~~ alternative motor vehicle ~~fuel~~ property, ~~or not to exceed~~ four thousand five hundred dollars (\$4,500) for each motor vehicle that is powered by hydrogen fuel cell, compressed natural gas, liquefied natural gas, or liquefied petroleum gas; and-

~~(2) A qualified clean-burning motor vehicle fuel property is not eligible for a rebate under this subsection if the person or entity applying for the rebate has claimed another rebate or incentive for the same motor vehicle under any other state rebate or incentive program.~~

~~(c) The rebate for qualified clean-burning motor vehicle fuel property as defined in § 15-10-902(11)(C) is the lesser of Not more than~~ fifty percent (50%) of the cost of the qualified ~~clean-burning~~ alternative motor vehicle ~~fuel~~ property, ~~or not to exceed~~ two thousand five hundred dollars (\$2,500) for each qualified ~~clean-burning~~ alternative motor vehicle ~~fuel~~ property that is powered by electricity.

(b) The Director of the Arkansas Department of Environmental Quality may increase the rebate percentages listed under subsection (a) of this section if the increase is designated or authorized by a funding source approved by a federal settlement or state settlement.

*SECTION 11. Arkansas Code § 19-5-1249 is amended to read as follows:
19-5-1249. ~~Clean-burning~~ Alternative Motor Fuel Development Fund.*

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the "~~Clean-burning~~ Alternative Motor Fuel Development Fund".

(b) The fund shall consist of:

- (1) Grants made by a person, entity, or federal government agency;*
- (2) Other funds that become available through energy programs;*
- (3) Any remaining fund balances carried forward from year to year; and*
- (4) Any other funds authorized or provided by law.*

(c) The fund shall be used by the ~~Arkansas Energy Office of the Arkansas Economic Development Commission~~ Arkansas Department of Environmental Quality to provide rebates and incentives under the Arkansas ~~Clean-burning~~ Alternative Motor Fuel Development Act, § 15-10-901 et seq.

(d) Moneys remaining in the fund at the end of each fiscal year shall carry forward and be made available for the purposes stated in this section in the next fiscal year.

/s/Pilkington

APPROVED: 04/03/2017