

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 493**

4 (By Senators Plymale and Stollings)

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6 [Originating in the Committee on Transportation and
7 Infrastructure; reported March 27, 2013.]

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12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new article, designated §17A-13-1, §17A-13-2,
14 §17A-13-3, §17A-13-4 and §17A-13-5, all relating generally to
15 standards for conversion and retrofits of alternative-fuel
16 motor vehicles; defining key terms for such standards; setting
17 forth conversion and retrofit standards for the conversion of
18 diesel and gasoline vehicles to alternative fuels; and setting
19 forth training requirements for facilities converting and
20 retrofitting vehicles to be capable of running on compressed
21 natural gas.

22 *Be it enacted by the Legislature of West Virginia:*

23 That the Code of West Virginia, 1931, as amended, be amended
24 by adding thereto a new article, designated §17A-13-1, §17A-13-2,

1 §17A-13-3, §17A-13-4 and §17A-13-5, all to read as follows:

2 **ARTICLE 13. ALTERNATIVE-FUEL MOTOR VEHICLES CONVERSIONS AND**
3 **RETROFITS.**

4 **§17A-13-1. Definitions.**

5 As used in this article, the following terms have the meanings
6 ascribed to them in this section:

7 (a) "Alternative fuel" includes:

- 8 (1) Compressed natural gas;
9 (2) Liquified natural gas; and
10 (3) Liquified petroleum gas.

11 (b) "Alternative-fuel motor vehicle" means a motor vehicle
12 that as a new, retrofitted or converted fuel vehicle:

- 13 (1) Operates solely on one alternative fuel;
14 (2) Is capable of operating on one or more alternative fuels,
15 singly or in combination; or
16 (3) Is capable of operating on an alternative fuel and is also
17 capable of operating on gasoline or diesel fuel.

18 (c) "Bi-fueled" means the ability of an alternative-fuel motor
19 vehicle to operate on an alternative fuel and another form of fuel.

20 (d) "CNG conversion and retrofit facility" means any person or
21 entity in the business of converting or retrofitting vehicles to
22 run on compressed natural gas and includes any person who installs,
23 modifies, repairs or renovates equipment used in the conversion or
24 retrofit of engines to run on compressed natural gas.

1 (e) "CSA certified technician" means a person certified at the
2 highest level by the Current Standards Activities Group as a
3 compressed natural gas fuel system inspector capable of inspecting
4 containers, valves, pressure relief devices (including vent system)
5 and other fuel system components of vehicles capable of solely
6 running on compressed natural gas or bi-fuel and dual fuel vehicles
7 capable of running on compressed natural gas.

8 (f) "Diesel dual fuel retrofit" means the modification of a
9 motor vehicle that runs on diesel fuel to be a dual fuel vehicle
10 which does not change the original equipment manufacturer engine
11 design.

12 (g) "Diesel dual fuel conversion" means the modification of a
13 motor vehicle that runs on diesel fuel to be a dual fuel vehicle
14 which modifies and changes the original equipment manufacturer
15 engine design and is not a dual fuel retrofit as defined and
16 provided in this article.

17 (h) "Dual fuel" means the ability of an alternative-fuel motor
18 vehicle to operate on: (1) Diesel or gasoline; and (2) an
19 alternative fuel at the same time.

20 (i) "EPA certified conversion kit" means a kit certified by
21 the United States Environmental Protection Agency which grants the
22 converted vehicle an exemption from the tampering prohibition with
23 respect to vehicles, pursuant to 40 CFR Parts 85 and 86.

24 (j) "Fuel mixer" means a device that is designed for the

1 diesel air intake preturbo charger to mix incoming air in an
2 electronically controlled manner with the alternative fuel.

3 (k) "Fumigation system" means a device that mechanically
4 introduces natural gas through fumigation.

5 (l) "Gasoline conversion" means the modification of a motor
6 vehicle that runs on gasoline to be a vehicle capable of running on
7 an alternative fuel, bi-fueled or dual fueled.

8 **§17A-13-2. Diesel dual fuel retrofit.**

9 (a) No person performing a diesel dual fuel retrofit in the
10 State of West Virginia may modify the original equipment
11 manufacturer engine in any way, including, but not limited to, the
12 following:

- 13 (1) Drilling or tapping the diesel engine manifold;
- 14 (2) Drilling or tapping the diesel engine intercooler;
- 15 (3) Adding injectors to the diesel engine;
- 16 (4) Adding spark plugs to the diesel engine; and
- 17 (5) Using a fumigation system in the modification.

18 (b) Any person performing a diesel dual fuel retrofit in the
19 State of West Virginia must include a fuel mixer in the diesel dual
20 fuel retrofit.

21 (c) All diesel dual fuel retrofits performed in the State of
22 West Virginia must reduce tailpipe emissions while the alternative-
23 fuel motor vehicle is running.

24 (d) If any person violates subsection (a), (b) or (c) of this

1 section, the modification of the vehicle shall be considered a
2 diesel dual fuel conversion and the person shall be required to
3 comply with the requirements set forth in section three of this
4 article.

5 **§17A-13-3. Diesel dual fuel conversion.**

6 No person may perform a diesel dual fuel conversion in the
7 State of West Virginia unless the person is using an EPA certified
8 conversion kit for diesel dual fuel conversions or the vehicle
9 being converted is rated for off road use only, farm use only,
10 outside of its useful life, or covered by an EPA-compliant waiver.

11 **§17A-13-4. Gasoline conversion.**

12 No person may perform a gasoline conversion in the State of
13 West Virginia unless the person is using an EPA certified
14 conversion kit for gasoline conversions.

15 **§17A-13-5. Training requirements for CNG conversion and retrofit**
16 **facilities.**

17 (a) All CNG conversion and retrofit facilities located in the
18 State of West Virginia must have a CSA certified technician at each
19 location to oversee all vehicle conversions and retrofits to
20 compressed natural gas, dual fuel or bi-fuel with the capability of
21 running on compressed natural gas.

22 (b) Activities directly related to normal, vehicle maintenance
23 and service are not subject to this section. It is not the intent
24 of this section to prevent any individual, corporation, company or

1 other entity from servicing, repairing or maintaining general
2 systems not directly related to the alternative fuel delivery
3 system. Nonalternative motor fuels related activities include:

4 (1) Tune-ups;

5 (2) Filter replacement;

6 (3) Oil changes;

7 (4) Electrical/electronic component replacement; and

8 (5) Replacement or maintenance of belts and hoses.

(NOTE: The purpose of this bill is to provide standards for conversions and retrofits of diesel and gasoline vehicles to alternative fuels.

This article is new; therefore, strike-throughs and underscoring have been omitted.)