

Senate Bill No. 87

(By Senator Plymale)

[Introduced January 14, 2015; referred to the Committee on Transportation and Infrastructure;

and then to the Committee on the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §17A-13-1, §17A-13-2, §17A-13-3, §17A-13-4 and §17A-13-5, all to read as follows:

ARTICLE 13. ALTERNATIVE-FUEL MOTOR VEHICLES CONVERSIONS AND RETROFITS.

1 **§17A-13-1. Definitions.**

2 As used in this article:

3 (a) "Alternative fuel" includes:

4 (1) Compressed natural gas;

5 (2) Liquified natural gas; and

6 (3) Liquified petroleum gas.

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

9 (1) Operates solely on one alternative fuel;

10 (2) Is capable of operating on one or more alternative fuels, singly or in combination; or

11 (3) Is capable of operating on an alternative fuel and is also capable of operating on gasoline
12 or diesel fuel.

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

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

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

1 capable of running on compressed natural gas.

2 (f) “Diesel dual fuel retrofit” means the modification of a motor vehicle that runs on diesel
3 fuel to be a dual fuel vehicle which does not change the original equipment manufacturer engine
4 design.

5 (g) “Diesel dual fuel conversion” means the modification of a motor vehicle that runs on
6 diesel fuel to be a dual fuel vehicle which modifies and changes the original equipment manufacturer
7 engine design and is not a dual fuel retrofit as defined and provided in this article.

8 (h) “Dual fuel” means the ability of an alternative-fuel motor vehicle to operate on:

9 (1) Diesel or gasoline; and

10 (2) An alternative fuel at the same time.

11 (i) “EPA certified conversion kit” means a kit certified by the United States Environmental
12 Protection Agency which grants the converted vehicle an exemption from the tampering prohibition
13 with respect to vehicles, pursuant to 40 CFR Parts 85 and 86.

14 (j) “Fuel mixer” means a device that is designed for the diesel air intake preturbo charger to
15 mix incoming air in an electronically controlled manner with the alternative fuel.

16 (k) “Fumigation system” means a device that mechanically introduces natural gas through
17 fumigation.

18 (l) “Gasoline conversion” means the modification of a motor vehicle that runs on gasoline
19 to be a vehicle capable of running on an alternative fuel, bi-fueled or dual fueled.

20 **§17A-13-2. Diesel dual fuel retrofit.**

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

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

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

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

10 (d) If any person violates subsection (a), (b) or (c) of this section, the modification of the
11 vehicle shall be considered a diesel dual fuel conversion and the person shall be required to comply
12 with the requirements set forth in section three of this article.

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

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

18 **§17A-13-4. Gasoline conversion.**

19 No person may perform a gasoline conversion in the State of West Virginia unless the person
20 is using an EPA-certified conversion kit for gasoline conversions.

21 **§17A-13-5. Training requirements for CNG conversion and retrofit facilities.**

22 (a) All CNG conversion and retrofit facilities located in the State of West Virginia must have

1 a CSA-certified technician at each location to oversee all vehicle conversions and retrofits to
2 compressed natural gas, dual fuel or bi-fuel with the capability of running on compressed natural gas.

3 (b) Activities directly related to normal vehicle maintenance and service are not subject to
4 this section. It is not the intent of this section to prevent any individual, corporation, company or
5 other entity from servicing, repairing or maintaining general systems not directly related to the
6 alternative fuel delivery system. Nonalternative motor fuels-related activities include:

7 (1) Tune-ups;

8 (2) Filter replacement;

9 (3) Oil changes;

10 (4) Electrical/electronic component replacement; and

11 (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.