

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

As Engrossed: H3/16/17

# A Bill

HOUSE BILL 1735

5 By: Representative Pilkington  
6

## For An Act To Be Entitled

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

## Subtitle

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16 *TO AMEND THE TITLE OF THE ARKANSAS CLEAN-*  
17 *BURNING MOTOR FUEL DEVELOPMENT ACT; TO*  
18 *AMEND AND ADD DEFINITIONS UNDER THE*  
19 *ARKANSAS CLEAN-BURNING MOTOR FUEL*  
20 *DEVELOPMENT ACT; AND TO AMEND THE LAW*  
21 *CONCERNING REBATES.*

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

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

27 *15-10-901. Title*

28 *This subchapter shall be known and may be cited as the "Arkansas Clean-*  
29 *~~burning~~ Alternative Motor Fuel Development Act".*

30  
31 *SECTION 2. Arkansas Code § 15-10-902(2)(D), concerning the definition*  
32 *of "compressed natural gas refueling station" under the Arkansas Clean-*  
33 *burning Motor Fuel Development Act, is amended to read as follows:*

34 *(D) Contains a credit card reader that allows for the use*  
35 *of a credit card or debit card to purchase the compressed natural gas;*  
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1           SECTION 3. Arkansas Code § 15-10-902(6)(D), concerning the definition  
2 of "liquefied natural gas refueling station" under the Arkansas Clean-burning  
3 Motor Fuel Development Act, is amended to read as follows:

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

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

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

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

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

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

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

27  
28           SECTION 7. Arkansas Code § 15-10-902(11), concerning the definition of  
29 "qualified clean-burning motor vehicle property" under the Arkansas Clean-  
30 burning Motor Fuel Development Act, is amended to read as follows:

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

33                             (A) New equipment that:

34                                     (i) Is installed:

35   (a) By a certified mechanic;

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

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

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

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

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

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

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

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

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

22 (C) New property that:

23 (i) Is directly related to the:

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

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

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

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

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

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

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

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

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

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

16  
17 SECTION 9. Arkansas Code § 15-10-903 is amended to read as follows:  
18 15-10-903. Rebate for refueling stations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 ~~(c) The rebate for qualified clean-burning motor vehicle fuel property~~  
27 ~~as defined in § 15-10-902(11)(C) is the lesser of~~ Not more than fifty percent  
28 (50%) of the cost of the qualified ~~clean-burning~~ alternative motor vehicle  
29 ~~fuel~~ property, ~~or not to exceed~~ two thousand five hundred dollars (\$2,500)  
30 for each qualified clean-burning alternative motor vehicle fuel property that  
31 is powered by electricity.

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

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1 SECTION 11. Arkansas Code § 19-5-1249 is amended to read as follows:  
2 19-5-1249. ~~Clean-burning~~ Alternative Motor Fuel Development Fund.

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

7 (b) The fund shall consist of:

8 (1) Grants made by a person, entity, or federal government  
9 agency;

10 (2) Other funds that become available through energy programs;

11 (3) Any remaining fund balances carried forward from year to  
12 year; and

13 (4) Any other funds authorized or provided by law.

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

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

21 /s/Pilkington  
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