

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5099**

Chapter 328, Laws of 2013

63rd Legislature  
2013 Regular Session

STATE AGENCIES AND LOCAL GOVERNMENTS--FUEL USAGE

EFFECTIVE DATE: 07/28/13

Passed by the Senate April 23, 2013  
YEAS 45 NAYS 2

BRAD OWEN

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**President of the Senate**

Passed by the House April 17, 2013  
YEAS 96 NAYS 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 21, 2013, 2:43 p.m.

JAY INSLEE

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5099** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

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**Secretary**

FILED

May 21, 2013

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 5099

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AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington

63rd Legislature

2013 Regular Session

By Senator Rivers

Read first time 01/18/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to fuel usage of publicly owned vehicles, vessels,  
2 and construction equipment; and amending RCW 43.19.648.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.19.648 and 2012 c 171 s 1 are each amended to read  
5 as follows:

6 (1) Effective June 1, 2015, all state agencies, to the extent  
7 determined practicable by the rules adopted by the department of  
8 commerce pursuant to RCW 43.325.080, are required to satisfy one  
9 hundred percent of their fuel usage for operating publicly owned  
10 vessels, vehicles, and construction equipment from electricity or  
11 biofuel. Compressed natural gas, liquefied natural gas, or propane may  
12 be substituted for electricity or biofuel if the department of commerce  
13 determines that electricity and biofuel are not reasonably available.

14 (2)(a) Effective June 1, 2018, all local government subdivisions of  
15 the state, to the extent determined practicable by the rules adopted by  
16 the department of commerce pursuant to RCW 43.325.080, are required to  
17 satisfy one hundred percent of their fuel usage for operating publicly  
18 owned vessels, vehicles, and construction equipment from electricity or  
19 biofuel. The department of commerce shall convene an advisory

1 committee of representatives of local government subdivisions,  
2 representatives from organizations representing each local government  
3 subdivision, and either (i) an electric utility or (ii) a natural gas  
4 utility, or both, to work with the department to develop the rules.  
5 The department may invite additional stakeholders to participate in the  
6 advisory committee as needed and determined by the department.

7 (b) The following are exempt from this requirement: (i) Transit  
8 agencies using compressed natural gas on June 1, 2018~~((, are exempt~~  
9 ~~from this requirement))~~, and (ii) engine retrofits that would void  
10 warranties. Nothing in this section is intended to require the  
11 replacement of equipment before the end of its useful life. Compressed  
12 natural gas, liquefied natural gas, or propane may be substituted for  
13 electricity or biofuel if the department of commerce determines that  
14 electricity and biofuel are not reasonably available.

15 (c)(i) Rules adopted pursuant to RCW 43.325.080 must provide the  
16 authority for local government subdivisions to elect to exempt police,  
17 fire, and other emergency response vehicles, including utility vehicles  
18 frequently used for emergency response, from the fuel usage requirement  
19 in (a) of this subsection.

20 (ii) Prior to executing its authority under (c)(i) of this  
21 subsection, a local government subdivision must provide notice to the  
22 department of commerce of the exemption. The notice must include the  
23 rationale for the exemption and an explanation of how the exemption is  
24 consistent with rules adopted by the department of commerce.

25 (d) Before June 1, 2018, local government subdivisions purchasing  
26 vessels, vehicles, and construction equipment capable of using  
27 biodiesel must request warranty protection for the highest level of  
28 biodiesel the vessel, vehicle, or construction equipment is capable of  
29 using, up to one hundred percent biodiesel, as long as the costs are  
30 reasonably equal to a vessel, vehicle, or construction equipment that  
31 is not warranted to use up to one hundred percent biodiesel.

32 (3) In order to phase in this transition for the state, all state  
33 agencies, to the extent determined practicable by the department of  
34 commerce by rules adopted pursuant to RCW 43.325.080, are required to  
35 achieve forty percent fuel usage for operating publicly owned vessels,  
36 vehicles, and construction equipment from electricity or biofuel by  
37 June 1, 2013. Compressed natural gas, liquefied natural gas, or  
38 propane may be substituted for electricity or biofuel if the department

1 of commerce determines that electricity and biofuel are not reasonably  
2 available. The department of enterprise services, in consultation with  
3 the department of commerce, shall report to the governor and the  
4 legislature by December 1, 2013, on what percentage of the state's fuel  
5 usage is from electricity or biofuel.

6 (4) Except for cars owned or operated by the Washington state  
7 patrol, when tires on vehicles in the state's motor vehicle fleet are  
8 replaced, they must be replaced with tires that have the same or better  
9 rolling resistance as the original tires.

10 (5) By December 31, 2015, the state must, to the extent  
11 practicable, install electrical outlets capable of charging electric  
12 vehicles in each of the state's fleet parking and maintenance  
13 facilities.

14 (6) The department of transportation's obligations under subsection  
15 (3) of this section are subject to the availability of amounts  
16 appropriated for the specific purpose identified in subsection (3) of  
17 this section.

18 (7) The department of transportation's obligations under subsection  
19 (5) of this section are subject to the availability of amounts  
20 appropriated for the specific purpose identified in subsection (5) of  
21 this section unless the department receives federal or private funds  
22 for the specific purpose identified in subsection (5) of this section.

23 (8) The definitions in this subsection apply throughout this  
24 section unless the context clearly requires otherwise.

25 (a) "Battery charging station" means an electrical component  
26 assembly or cluster of component assemblies designed specifically to  
27 charge batteries within electric vehicles, which meet or exceed any  
28 standards, codes, and regulations set forth by chapter 19.28 RCW and  
29 consistent with rules adopted under RCW 19.27.540.

30 (b) "Battery exchange station" means a fully automated facility  
31 that will enable an electric vehicle with a swappable battery to enter  
32 a drive lane and exchange the depleted battery with a fully charged  
33 battery through a fully automated process, which meets or exceeds any  
34 standards, codes, and regulations set forth by chapter 19.28 RCW and  
35 consistent with rules adopted under RCW 19.27.540.

Passed by the Senate April 23, 2013.

Passed by the House April 17, 2013.

Approved by the Governor May 21, 2013.

Filed in Office of Secretary of State May 21, 2013.