

As Introduced

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Representatives Smith, K., Weinstein

Cosponsors: Representatives Russo, Skindell, Lepore-Hagan, Brent, Lightbody,
Smith, M.

A BILL

To amend sections 122.075, 125.831, 125.834, 1
125.836, 4511.101, 5537.30, and 5735.40 of the 2
Revised Code to generally require all state 3
motor vehicles purchased after December 31, 4
2029, to be powered by electricity exclusively. 5

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

Section 1. That sections 122.075, 125.831, 125.834, 6
125.836, 4511.101, 5537.30, and 5735.40 of the Revised Code be 7
amended to read as follows: 8

Sec. 122.075. (A) As used in this section: 9

(1) "~~Alternative fuel~~" ~~has the same meaning as in section~~ 10
~~125.831 of the Revised Code~~means any of the following fuels used 11
in a motor vehicle: 12

(a) E85 blend fuel; 13

(b) Blended biodiesel; 14

(c) Natural gas; 15

(d) Liquefied petroleum gas; 16

<u>(e) Hydrogen;</u>	17
<u>(f) Compressed air;</u>	18
<u>(g) Any power source, including electricity;</u>	19
<u>(h) Any fuel not described in divisions (A) (1) (a) to (g)</u>	20
<u>of this section that the United States department of energy</u>	21
<u>determines, by final rule, to be substantially not petroleum,</u>	22
<u>and that would yield substantial energy security and</u>	23
<u>environmental benefits.</u>	24
(2) "Biodiesel" means a mono-alkyl ester combustible	25
liquid fuel that is derived from vegetable oils or animal fats,	26
or any combination of those reagents, and that meets American	27
society for testing and materials specification D6751-03a for	28
biodiesel fuel (B100) blend stock distillate fuels.	29
(3) "Diesel fuel" and "gasoline" have the same meanings as	30
in section 5735.01 of the Revised Code.	31
(4) "Ethanol" means fermentation ethyl alcohol derived	32
from agricultural products, including potatoes, cereal, grains,	33
cheese whey, and sugar beets; forest products; or other	34
renewable resources, including residue and waste generated from	35
the production, processing, and marketing of agricultural	36
products, forest products, and other renewable resources that	37
meet all of the specifications in the American society for	38
testing and materials (ASTM) specification D 4806-88 and is	39
denatured as specified in Parts 20 and 21 of Title 27 of the	40
Code of Federal Regulations.	41
(5) "Blended biodiesel" means diesel fuel containing at	42
least twenty per cent biodiesel by volume.	43
(6) "Blended gasoline" means gasoline containing at least	44

eighty-five per cent ethanol by volume. 45

(7) "Incremental cost" means either of the following: 46

(a) The difference in cost between blended gasoline and 47
gasoline containing ten per cent or less ethanol at the time 48
that the blended gasoline is purchased; 49

(b) The difference in cost between blended biodiesel and 50
diesel fuel containing two per cent or less biodiesel at the 51
time that the blended biodiesel is purchased. 52

(8) "E85 blend fuel" means fuel containing eighty-five per 53
cent or more ethanol or containing any other percentage of not 54
less than seventy per cent ethanol if the United States 55
department of energy determines, by rule, that the lower 56
percentage is necessary to provide for the requirements of cold 57
start, safety, or vehicle functions, and that meets the American 58
society for testing and materials specification for E85 blend 59
fuel. 60

(B) For the purpose of improving the air quality in this 61
state, the director of development services shall establish an 62
alternative fuel transportation program under which the director 63
may make grants and loans to businesses, nonprofit 64
organizations, public school systems, or local governments for 65
the purchase and installation of alternative fuel refueling or 66
distribution facilities and terminals, for the purchase and use 67
of alternative fuel, to pay the cost of fleet conversion, and to 68
pay the costs of educational and promotional materials and 69
activities intended for prospective alternative fuel consumers, 70
fuel marketers, and others in order to increase the availability 71
and use of alternative fuel. 72

(C) The director, in consultation with the director of 73

agriculture, shall adopt rules in accordance with Chapter 119. 74
of the Revised Code that are necessary for the administration of 75
the alternative fuel transportation program. The rules shall 76
establish at least all of the following: 77

(1) An application form and procedures governing the 78
application process for receiving funds under the program; 79

(2) A procedure for prioritizing the award of grants and 80
loans under the program. The procedures shall give preference to 81
all of the following: 82

(a) Publicly accessible refueling facilities; 83

(b) Entities applying to the program that have secured 84
funding from other sources, including, but not limited to, 85
private or federal incentives; 86

(c) Entities that have presented compelling evidence of 87
demand in the market in which the facilities or terminals will 88
be located; 89

(d) Entities that have committed to utilizing purchased or 90
installed facilities or terminals for the greatest number of 91
years; 92

(e) Entities that will be purchasing or installing 93
facilities or terminals for any type of alternative fuel. 94

(3) A requirement that the maximum incentive for the 95
purchase and installation of an alternative fuel refueling or 96
distribution facility or terminal be eighty per cent of the cost 97
of the facility or terminal, except that at least twenty per 98
cent of the total cost of the facility or terminal shall be 99
incurred by the recipient and not compensated for by any other 100
source; 101

(4) A requirement that the maximum incentive for the purchase of alternative fuel be eighty per cent of the cost of the fuel or, in the case of blended biodiesel or blended gasoline, eighty per cent of the incremental cost of the blended biodiesel or blended gasoline;

(5) Any other criteria, procedures, or guidelines that the director determines are necessary to administer the program, including fees, charges, interest rates, and payment schedules.

(D) An applicant for a grant or loan under this section that sells motor vehicle fuel at retail shall agree that if the applicant receives funding, the applicant will report to the director the gallon or gallon equivalent amounts of alternative fuel the applicant sells at retail in this state for a period of three years after the project is completed.

The director shall enter into a written confidentiality agreement with the applicant regarding the gallon or gallon equivalent amounts sold as described in this division, and upon execution of the agreement this information is not a public record.

(E) There is hereby created in the state treasury the alternative fuel transportation fund. The fund shall consist of money transferred to the fund under division (B) of section 125.836 of the Revised Code, money that is appropriated to it by the general assembly, money as may be specified by the general assembly from the advanced energy fund created by section 4928.61 of the Revised Code, and all money received from the repayment of loans made from the fund or in the event of a default on any such loan. Money in the fund shall be used to make grants and loans under the alternative fuel transportation program and by the director in the administration of that

program.	132
Sec. 125.831. As used in sections 125.831 to 125.834 of	133
the Revised Code:	134
(A) " Alternative <u>Petroleum-based alternative fuel</u> " means	135
any of the following fuels used in a motor vehicle:	136
(1) E85 blend fuel;	137
(2) Blended biodiesel;	138
(3) Natural gas;	139
(4) Liquefied petroleum gas;	140
(5)	141
Hydrogen;	142
(6) Compressed air;	143
(7) Any power source, including electricity;	144
(8) Any fuel not described in divisions (A) (1) to (7) of	145
this section that the United States department of energy	146
determines, by final rule, to be substantially not petroleum,	147
and that would yield substantial energy security and	148
environmental benefits.	149
(B) "Biodiesel" means a mono-alkyl ester combustible	150
liquid fuel that is derived from vegetable oils or animal fats,	151
or any combination of those reagents that meets the American	152
society for testing and materials specification for biodiesel	153
fuel (B100) blend stock distillate fuels and any other standards	154
that the director of administrative services adopts by rule.	155
(C) "Blended biodiesel" means a blend of biodiesel with	156
petroleum based diesel fuel in which the resultant product	157

contains not less than twenty per cent biodiesel that meets the 158
American society for testing and materials specification for 159
blended diesel fuel and any other standards that the director of 160
administrative services adopts by rule. 161

(D) "Diesel fuel" means any liquid fuel that is capable of 162
use in discrete form or as a blend component in the operation of 163
engines of the diesel type. 164

(E) "E85 blend fuel" means fuel containing eighty-five per 165
cent or more ethanol as defined in section 122.075 of the 166
Revised Code or containing any other percentage of not less than 167
seventy per cent ethanol if the United States department of 168
energy determines, by rule, that the lower percentage is 169
necessary to provide for the requirements of cold start, safety, 170
or vehicle functions, and that meets the American society for 171
testing and materials specification for E85 blend fuel and any 172
other standards that the director of administrative services 173
adopts by rule. 174

(F) "Law enforcement officer" means an officer, agent, or 175
employee of a state agency upon whom, by statute, a duty to 176
conserve the peace or to enforce all or certain laws is imposed 177
and the authority to arrest violators is conferred, within the 178
limits of that statutory duty and authority, but does not 179
include such an officer, agent, or employee if that duty and 180
authority is location specific. 181

(G) (1) "Motor vehicle" means any automobile, car minivan, 182
cargo van, passenger van, sport utility vehicle, or pickup truck 183
with a gross vehicle weight of under twelve thousand pounds. 184

(2) "Motor vehicle" does not include, except for the 185
purposes of division (C) of section 125.832 of the Revised Code, 186

any vehicle described in division (G)(1) of this section that is 187
used by a law enforcement officer and law enforcement agency or 188
any vehicle that is so described and that is equipped with 189
specialized equipment that is not normally found in such a 190
vehicle and that is used to carry out a state agency's specific 191
and specialized duties and responsibilities. 192

(H) "Specialized equipment" does not include standard 193
mobile radios with no capabilities other than voice 194
communication, exterior and interior lights, or roof-mounted 195
caution lights. 196

(I) "State agency" means every organized body, office, 197
board, authority, commission, or agency established by the laws 198
of the state for the exercise of any governmental or quasi- 199
governmental function of state government regardless of the 200
funding source for that entity, other than any state institution 201
of higher education, the office of the governor, lieutenant 202
governor, auditor of state, treasurer of state, secretary of 203
state, or attorney general, the general assembly or any 204
legislative agency, the courts or any judicial agency, or any 205
state retirement system or retirement program established by or 206
referenced in the Revised Code. 207

(J) "State institution of higher education" has the same 208
meaning as in section 3345.011 of the Revised Code. 209

Sec. 125.834. ~~(A) The~~ (A) (1) Until January 1, 2025, the 210
department of administrative services shall ensure ~~that both of~~ 211
the following: 212

(a) Not less than twenty-five per cent of all new motor 213
vehicles acquired by the state for use by state agencies under 214
section 125.832 of the Revised Code ~~are capable of using~~ 215

~~alternative fuels. A~~ are powered by electricity exclusively. 216

(b) All new motor vehicles acquired by the state, other 217
than those acquired under division (A) (1) (a) of this section, 218
for use by state agencies under section 125.832 of the Revised 219
Code are capable of using petroleum-based alternative fuels. 220

(2) Beginning January 1, 2025, and until January 1, 2030, 221
the department shall ensure both of the following: 222

(a) Not less than fifty per cent of all new motor vehicles 223
acquired by the state for use by state agencies under section 224
125.832 of the Revised Code are powered by electricity 225
exclusively. 226

(b) All new motor vehicles acquired by the state, other 227
than those acquired under division (A) (2) (a) of this section, 228
for use by state agencies under section 125.832 of the Revised 229
Code are capable of using petroleum-based alternative fuels. 230

(3) Beginning January 1, 2030, the department shall ensure 231
that all new motor vehicles acquired by the state for use by 232
state agencies under section 125.832 of the Revised Code are 233
powered by electricity exclusively. 234

A state agency that is acquiring new motor vehicles under 235
division (G) (1) of section 125.832 of the Revised Code shall 236
report annually, in a manner prescribed by the director of 237
administrative services, the number of new motor vehicles 238
acquired by the state agency and the number of those motor 239
vehicles that are ~~capable of using alternative fuel~~ powered by 240
electricity exclusively and, until January 1, 2030, the number 241
of those vehicles that use petroleum-based alternative fuel. 242

~~(B) The~~ (B) (1) Until January 1, 2030, the department shall 243
not purchase or lease, or authorize the purchase or lease by a 244

state agency of, any motor vehicles that ~~are incapable of using~~ 245
do not use petroleum-based alternative fuels or are not powered 246
by electricity exclusively, unless one or ~~more~~ both of the 247
following apply: 248

~~(1)~~ (a) The department or state agency is unable to 249
acquire or operate motor vehicles within the cost limitations 250
described in rules adopted under division ~~(D)~~ (C) of this 251
section. 252

~~(2)~~ The use of alternative fuels would not meet the energy 253
conservation and exhaust emissions criteria described in rules 254
adopted under division ~~(D)~~ of this section. 255

~~(3)~~ (b) An emergency exists or exigent circumstances 256
exist, as determined by the department of administrative 257
services. 258

(2) Beginning January 1, 2030, the department shall not 259
purchase or lease, or authorize the purchase or lease by a state 260
agency of, any motor vehicles that are not powered by 261
electricity exclusively, unless one or both of the following 262
apply: 263

(a) The department or state agency is unable to acquire or 264
operate motor vehicles within the cost limitations described in 265
rules adopted under division (C) of this section. 266

(b) An emergency exists or exigent circumstances exist, as 267
determined by the department of administrative services. 268

~~(C) All motor vehicles owned or leased by the state that~~ 269
~~are capable of using an alternative fuel shall use an~~ 270
~~alternative fuel if the fuel is reasonably available at a~~ 271
~~reasonable price. The director of administrative services, under~~ 272
~~Chapter 119. of the Revised Code, shall adopt rules to implement~~ 273

~~the fuel use requirement of this division, and the directors and heads of all state departments and agencies shall issue a directive to all state employees who use state motor vehicles informing them of the fuel use requirement. The directive shall instruct state employees to purchase alternative fuels at retail fuel facilities whenever possible.~~ 274
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~~As used in this division, "motor vehicle" has the same meaning as in section 125.831 of the Revised Code and also includes all on road and off road vehicles powered by diesel fuel, regardless of gross vehicle weight.~~ 280
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~~(D) The director of administrative services shall adopt and may amend, under Chapter 119. of the Revised Code, rules that include both of the following:~~ 284
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~~(1) Requirements requirements for state agencies in the procurement of petroleum-based alternative fuels and motor vehicles capable of using alternative such fuels or that are powered by electricity exclusively, and cost limitations for the acquisition and operation of such vehicles;~~ 287
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~~(2) Energy conservation and exhaust emissions criteria for motor vehicles capable of using alternative fuels.~~ 292
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Sec. 125.836. (A) As used in this section: 294

(1) "Biodiesel," "blended biodiesel," and "diesel fuel" have the same meanings as in section ~~125.831~~ 122.075 of the Revised Code. 295
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(2) "Incremental cost" means the difference in cost between blended biodiesel and conventional petroleum-based diesel fuel at the time the blended biodiesel is purchased. 298
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(B) There is hereby created in the state treasury the 301

"biodiesel revolving fund," to which shall be credited moneys 302
appropriated to the fund by the general assembly and any other 303
moneys obtained or accepted by the development services agency 304
for crediting to the fund. Moneys credited to the fund shall be 305
used to pay for the incremental cost of biodiesel for use in 306
vehicles owned or leased by the state that use diesel fuel. The 307
director of development services may direct the director of 308
budget and management to transfer available moneys in the 309
biodiesel revolving fund to the alternative fuel transportation 310
fund created in section 122.075 of the Revised Code to be used 311
by the development services agency for the purposes specified in 312
that section. 313

Sec. 4511.101. (A) The director of transportation, in 314
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 315
and by rule adopted pursuant to Chapter 119. of the Revised 316
Code, shall establish a program for the placement of business 317
logos for identification purposes on state directional signs 318
within the rights-of-way of divided, multi-lane, limited access 319
highways in both rural and urban areas. 320

(B) (1) The director, by rule adopted pursuant to Chapter 321
119. of the Revised Code, shall establish, and may revise, a fee 322
for participation in the business logo sign program. All direct 323
and indirect costs of the business logo sign program established 324
pursuant to this section shall be fully paid by the businesses 325
applying for participation in the program. The direct and 326
indirect costs of the program shall include, but not be limited 327
to, the cost of capital, directional signs, blanks, posts, 328
logos, installation, repair, engineering, design, insurance, 329
removal, replacement, and administration. 330

(2) Money generated from participating businesses in 331

excess of the direct and indirect costs and any reasonable 332
profit earned by a person awarded a contract under division (C) 333
of this section shall be remitted to the department. 334

(3) Nothing in this chapter shall be construed to prohibit 335
the director from establishing such a program. If the department 336
operates such a program and does not contract with a private 337
person to operate it, all money collected from participating 338
businesses shall be deposited and credited as prescribed in 339
division (B) (2) of this section. 340

(C) The director, in accordance with rules adopted 341
pursuant to Chapter 119. of the Revised Code, may contract with 342
any private person to operate, maintain, or market the business 343
logo sign program. The contract may allow for a reasonable 344
profit to be earned by the successful applicant. In awarding the 345
contract, the director shall consider the skill, expertise, 346
prior experience, and other qualifications of each applicant. 347

(D) As used in this section, "urban area" means an area 348
having a population of fifty thousand or more according to the 349
most recent federal census and designated as such on urban maps 350
prepared by the department. 351

(E) In implementing this section, neither the department 352
nor the director shall do either of the following: 353

(1) Limit the right of any person to erect, maintain, 354
repair, remove, or utilize any off-premises or on-premises 355
advertising device; 356

(2) Make participation in the business logo sign program 357
conditional upon a business agreeing to limit, discontinue, 358
withdraw, modify, alter, or change any advertising or sign. 359

(F) The program shall permit the business logo signs of a 360

seller of motor vehicle fuel to include on the seller's signs a 361
marking or symbol indicating that the seller sells one or more 362
types of alternative fuel so long as the seller in fact sells 363
that fuel. 364

As used in this division, "alternative fuel" has the same 365
meaning as in section ~~125.831~~122.075 of the Revised Code. 366

Sec. 5537.30. (A) Not later than December 31, 2009, the 367
Ohio turnpike and infrastructure commission shall establish a 368
program for the placement of business logos for identification 369
purposes on directional signs within the turnpike right-of-way. 370

(B) (1) The commission shall establish, and may revise at 371
any time, a fee for participation in the business logo sign 372
program. All direct and indirect costs of the business logo sign 373
program established pursuant to this section shall be fully paid 374
by the businesses applying for participation in the program. The 375
direct and indirect costs of the program shall include, but not 376
be limited to, the cost of capital, directional signs, blanks, 377
posts, logos, installation, repair, engineering, design, 378
insurance, removal, replacement, and administration. 379

(2) Money generated from participating businesses in 380
excess of the direct and indirect costs and any reasonable 381
profit earned by a person awarded a contract to operate, 382
maintain, or market the business logo sign program shall be 383
remitted to the commission. 384

(3) If the commission operates such a program and does not 385
contract with a private person to operate it, all money 386
collected from participating businesses shall be retained by the 387
commission. 388

(C) The program shall permit the business logo signs of a 389

seller of motor vehicle fuel to include on the seller's signs a 390
marking or symbol indicating that the seller sells one or more 391
types of alternative fuel so long as the seller in fact sells 392
that fuel. As used in this division, "alternative fuel" has the 393
same meaning as in section ~~125.831~~122.075 of the Revised Code. 394

Sec. 5735.40. (A) As used in this section: 395

(1) "Alternative fuel" has the same meaning as in section 396
~~125.831~~122.075 of the Revised Code. 397

(2) "Political subdivision" means a county, township, 398
municipal corporation, school district, or other body corporate 399
and politic responsible for governmental activities in a 400
geographic area smaller than that of the state. 401

(B) Except as provided in division (B) (6) of section 402
5739.02 of the Revised Code when levying the tax imposed by that 403
section in conjunction with sections 5739.021, 5739.023, 404
5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code, 405
or as provided in section 5739.101 of the Revised Code, no 406
political subdivision shall levy or collect any excise, license, 407
privilege, or occupational tax on alternative fuel or on the 408
buying, selling, handling, or consuming of alternative fuel. 409

Section 2. That existing sections 122.075, 125.831, 410
125.834, 125.836, 4511.101, 5537.30, and 5735.40 of the Revised 411
Code are hereby repealed. 412