

111TH CONGRESS
1ST SESSION

H. R. 2395

To enable State and local promotion of natural gas, flexible fuel, and high-efficiency motor vehicle fleets.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2009

Mr. ENGEL introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To enable State and local promotion of natural gas, flexible fuel, and high-efficiency motor vehicle fleets.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State and Local Fleet
5 Efficiency Act”.

6 **SEC. 2. STATE AND LOCAL PROMOTION OF NATURAL GAS,**
7 **FLEXIBLE FUEL, AND HIGH-EFFICIENCY**
8 **MOTOR VEHICLE FLEETS.**

9 (a) DEFINITIONS.—

1 (1) IN GENERAL.—For purposes of this section,
2 the term “fleet” means a group of 20 or more light
3 duty motor vehicles, medium duty motor vehicles, or
4 heavy duty motor vehicles capable of carrying 14 or
5 more passengers, operating primarily in a metropoli-
6 tan statistical area or consolidated metropolitan sta-
7 tistical area, as established by the Bureau of the
8 Census, with a 2000 population of more than
9 250,000, that are—

10 (A) centrally dispatched, or

11 (B) centrally fueled or capable of being
12 centrally fueled and owned, operated, leased, or
13 otherwise controlled by a governmental entity or
14 other person who owns, operates, leases, or oth-
15 erwise controls 50 or more such vehicles, by any
16 person who controls such person, by any person
17 controlled by such person, and by any person
18 under common control with such person.

19 (2) EXCLUDED VEHICLES.—Such term does not
20 include—

21 (A) motor vehicles held for lease or rental
22 to the general public;

23 (B) motor vehicles held for sale by motor
24 vehicle dealers, including demonstration motor
25 vehicles;

- 1 (C) motor vehicles used for motor vehicle
2 manufacturer product evaluations or tests;
3 (D) law enforcement motor vehicles;
4 (E) emergency motor vehicles; or
5 (F) motor vehicles acquired and used for
6 military purposes that the Secretary of Defense
7 has certified to the Secretary must be exempt
8 for national security reasons.

9 (3) PURCHASE REQUIREMENT.—For purposes
10 of this section, a purchase requirement is a State or
11 local legal requirement applying to the acquisition of
12 fleet vehicles. Such requirements may specify that
13 when a fleet owner or operator acquires a new fleet
14 vehicle, such owner or operator may acquire only
15 new fleet vehicles that—

- 16 (A) utilize natural gas as a fuel,
17 (B) are flexible fuel vehicles, meaning vehi-
18 cles that have been warranted by their manu-
19 facturer to operate on gasoline, E85, and M85,
20 or
21 (C) meet a technology or performance-
22 based characteristic that is commercially avail-
23 able.

24 (b) STATE AND LOCAL FLEET REQUIREMENTS.—
25 Nothing in this Act or in any other provision of law shall

1 be construed to limit the authority of any State or local
2 government to establish purchase requirements applicable
3 to fleets operating primarily within the jurisdiction of the
4 State or local government if such requirements are in-
5 tended to further any policy regarding climate change, the
6 control of air pollution, energy independence, or local eco-
7 nomic benefits. No such State or local requirement shall
8 be considered to be an undue burden on interstate com-
9 merce. A fleet operating in more than one jurisdiction in
10 any calendar year shall be treated as operating primarily
11 in the jurisdiction in which the largest number of vehicle
12 miles were traveled by vehicles in the fleet in the 5-cal-
13 endar-year period immediately preceding such calendar
14 year.

15 (c) SAVINGS.—Nothing in this section shall be con-
16 strued as granting additional authority to State or local
17 governments to establish requirements upon the manufac-
18 turers of automobiles.

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