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Biofuels Statutory Citations

State of California

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STATE OF CALIFORNIA

This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2007. In some instances, regulations have been included in the compilation due to their significance. This compilation is intended to serve as a researcher-friendly inventory of state laws by providing the formal title of relevant legislation, the standard legal citation for each statute and a brief description of the law. Some statutes and regulations listed do not specifically relate to biofuels, but are included because of their complementary relationship to the evolution of biofuels law in the state. These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

<u>Title</u>	<u>Citation</u>	<u>Applicability</u>	<u>Description</u>
Survey and cost-benefit analysis; evaluation of application to alternative fuels and low carbon fuel standards; advisory group; public hearings (2008)	CAL. BUS. & PROF. CODE § 13630	Both	The California Energy Commission in partnership with the Department of Food and Agriculture and the State Air Resources Board shall conduct a comprehensive survey and cost-benefit analysis. The department shall conduct a survey on the effect of temperatures on fuel deliveries. The survey shall be conducted during routine dispenser inspections by determining the accuracy of fuel delivery, and recording fuel temperature, air temperature, and storage tank temperature at fuel stations and other fuel facilities subject to inspection. It is the intent of the Legislature that the department use data collected by the survey that the department started on April 1, 2007, and will complete on March 31, 2008. The commission shall evaluate how different reference temperatures or temperature correction devices apply to alternative fuels and low-carbon fuel standards

<p>California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007. (2008)</p>	<p>CAL. HEALTH & SAFETY CODE §§ 44270 - 44274.7</p>	<p>Both</p>	<p>The Alternative and Renewable Fuel and Vehicle Technology Program (Program), administered by the California Energy Commission, aims to increase the use of alternative and renewable fuels and innovative technologies. The Program provides grants and loans for projects that develop and improve alternative and renewable low-carbon fuels; optimize alternative and renewable fuels for existing and developing engine technologies; produce alternative and renewable low-carbon fuels in California; decrease the overall impact of an alternative and renewable fuel's life-cycle carbon footprint and increase sustainability; expand fuel infrastructure, fueling stations, and equipment; improve light-, medium-, and heavy-duty vehicle technologies; retrofit medium- and heavy-duty on-road and non-road vehicle fleets; expand infrastructure connected with existing fleets, public transit, and transportation corridors; and establish workforce training programs, conduct public education and promotion, and create technology centers.</p>
<p>Urban Forestry- Grants (2008)</p>	<p>CAL. PUB. RES. CODE § 4799.12</p>	<p>Both</p>	<p>The director, with advice from other appropriate state agencies and interested parties, may make grants to provide assistance of 25 to 90 percent of costs for projects meeting guidelines established by the board upon recommendation by the director. The director may waive the cost share requirement for projects that are in disadvantaged and severely disadvantaged communities. Grants may be made to cities, counties, districts, and nonprofit organizations. Contributions required as a condition of grants made pursuant to this section may be made in the form of material, services, or equipment, or funds. Authorized assistance may include, but is not limited to, . . . funding and other assistance for demonstration projects in urban forestry with special attention given to projects or</p>

			<p>programs assisting the state in meeting the requirements of the Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), improving energy and water conservation, capturing and filtering urban stormwater, improving water quality, reducing the urban heat island effect, improving air quality, and wood and fiber utilization projects, including, but not limited to, biofuel and bioenergy.</p>
<p>Use of decals, labels and other identifiers to distinguish enumerated hybrid and alternative fuel vehicles from other vehicles; use of high-occupancy lanes; toll-free and reduced-rate passage; accounts (2008)</p>	<p>CAL. VEH. CODE §§ 5205.5; 21655.9</p>	<p>Both</p>	<p>For the purposes of implementing Section 21655.9, the department shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for the actual costs incurred pursuant to this section, distinctive decals, labels, and other identifiers that clearly distinguish the following vehicles from other vehicles: . . . A hybrid vehicle or an alternative fuel vehicle that meets California's advanced technology partial zero-emission vehicle (AT PZEV) standard for criteria pollutant emissions and has a 45 miles per gallon or greater fuel economy highway rating. If the provisions in Section 5205.5 authorizing the department to issue decals, labels, or other identifiers to hybrid and alternative fuel vehicles are repealed, vehicles displaying those decals, labels, or other identifiers shall not access high-occupancy vehicle lanes without meeting the occupancy requirements otherwise applicable to those lanes.</p>

<p>Vehicle Acquisition and Petroleum Reduction Requirements (2007)</p>	<p>CAL. PUB. RES. CODE §§ 25722.5-25722.8</p>	<p>Both</p>	<p>The California Department of General Services (DGS) is responsible for maintaining specifications and standards for passenger cars and light-duty trucks that are purchased or leased for use by state offices, agencies, and departments. These specifications include minimum vehicle emission standards and encourage the purchase or lease of fuel-efficient and alternatively fueled vehicles. On an annual basis, the DGS must compile information including, but not limited to, the number of alternative fuel and hybrid electric vehicles acquired, the locations of the alternative fuel pumps available for those vehicles, and the total alternative fuel consumption. By July 1, 2009, vehicles owned or leased by the state that are capable of operating on alternative fuel must operate on that fuel unless the alternative fuel is not available. Additionally, the Secretary of State and Consumer Services, in consultation with the California Department of General Services (DGS) and other appropriate state agencies, must develop, implement, and submit to the Legislature and the Governor, a plan to increase the state fleet's use of alternative fuels, synthetic lubricants, and fuel-efficient vehicles. This must be done by reducing or displacing the fleet's consumption of petroleum products by 10% by January 1, 2012, and 20% by January 1, 2020, as compared to the 2003 consumption level. Beginning April 1, 2010, and annually thereafter, the DGS must provide progress reports to the California Department of Finance, related legislative committees of the Legislature, and the general public via the DGS Web site.</p>
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<p>California Clean School bus Program (2007)</p>	<p>CAL. HEALTH & SAFETY CODE §§ 44299.90 - 44299.91</p>	<p>Both</p>	<p>The Lower-Emission School Bus Program provides grant funding for the replacement of older school buses and for the purchase of air pollution control equipment for in-use buses. Air pollution control devices must be verified by the California Air Resources Board to reduce particulate matter emissions by at least 85% for each retrofitted school bus. Public school districts in California, that own their own buses, are eligible to receive funding. Private school transportation providers that contract with public school districts in California to provide transportation services are also eligible to receive funding for the retrofit of in-use buses. New buses purchased to replace older buses may be fueled by diesel or an alternative fuel, provided that the required emissions standards specified in the current Lower-Emissions School Bus Program Guidelines are met. Commercially available hybrid school buses may be partially eligible for funding. Contact local air districts for more information about grant funding availability and distribution from the Lower-Emission School Bus Program.</p>
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<p>New vessel dedicate to employ biodiesel fuel (B20) (2007)</p>	<p>CAL. GOV'T CODE § 66540. 40</p>	<p>Biodiesel</p>	<p>The authority shall dedicate at least one new vessel, subject to engine manufacturers' warranties, to employ biodiesel fuel (B20) to assess the practical application of using renewable fuels. If further funding becomes available for this application from regional, state, or federal funding sources, the authority shall consider increasing the use of biodiesel fuel to demonstrate reduction in greenhouse gas emissions. The air emission standards set by the authority pursuant to this title shall apply to the use of biodiesel fuel.</p>
<p>Alternative Fuels- Definitions (2006)</p>	<p>CAL. HEALTH & SAFETY CODE § 43867</p>	<p>Both</p>	<p>“Alternative fuel” means a nonpetroleum fuel, including electricity, ethanol, biodiesel, hydrogen, methanol, or natural gas that, when used in vehicles, has been demonstrated, to the satisfaction of the state board, to have the ability to meet applicable vehicular emission standards. For the purpose of this section, alternative fuel may also include petroleum fuel blended with nonpetroleum constituents, such as E85 or B20.</p>
<p>Alternative Fuels- Development and adoption of state plan to increase use of alternative transportation fuels; contents of plan (2005)</p>	<p>CAL. HEALTH & SAFETY CODE § 43866</p>	<p>Both</p>	<p>The State Energy Resources Conservation and Development Commission in collaboration with other agencies shall develop a plan to increase the use of alternative fuels. The plan should establish goals for the years 2012, 2017, and 2022. It should also make recommendations on policies that should be implemented to achieve the goals.</p>

Alternative Fuels- Legislative Findings (2005)	CAL. HEALTH & SAFETY CODE § 43865	Both	The legislature finds that (1) clean alternative fuels have the potential to considerably reduce these impacts and are important strategies for the state to attain its air and water quality goals and (2) research, development, and commercialization of alternative fuels in California have the potential to strengthen California's economy by providing job growth and helping to reduce the state's vulnerability to petroleum price volatility.
Heavy-duty diesel motor vehicles; regulations; emissions inspections; emission control equipment; alternative fuels; evidence of compliance with emission standards (2004)	CAL. HEALTH & SAFETY CODE § 43701	Both	Not later than December 15, 1993, the state board shall, in consultation with the State Energy Resources Conservation and Development Commission, and after a public hearing, adopt regulations that require that heavy-duty diesel motor vehicles subject to subdivision (a) utilize emission control equipment and alternative fuels. The state board shall consider, but not be limited to, the use of cleaner burning diesel fuel, or other methods which will reduce gaseous and smoke emissions to the greatest extent feasible, taking into consideration the cost of compliance. The regulations shall provide that any significant modification of the engine necessary to meet these requirements shall be made during a regularly scheduled major maintenance or overhaul of the vehicle's engine. If the state board requires the use of alternative fuels, it shall do so only to the extent those fuels are available.

<p>Integrated Energy Policy Report; electricity and natural gas markets; transportation fuels, technology and infrastructure; public interest energy strategies (2002)</p>	<p>CAL. PUB. RES. CODE §§ 25302, 25304</p>	<p>Both</p>	<p>The California Energy Commission is required to prepare and provide an Integrated Energy Policy Report (IEPR) to the Governor on a biannual basis. The IEPR provides an overview of major energy trends and issues facing the state, including those related to transportation fuels, technologies, and infrastructure. The IEPR also examines potential effects of alternative fuels usage, vehicle efficiency improvements, and shifts in transportation modes on public health and safety, the economy, resources, the environment, and energy security. The primary purpose of the IEPR is to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety. The commission shall conduct transportation forecasting and assessment activities including Evaluation of alternative transportation energy scenarios, in the context of least environmental and economic costs, to examine potential effects of alternative fuels usage, vehicle efficiency improvements, and shifts in transportation modes on public health and safety, the economy, resources, the environment, and energy security.</p>
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<p>Legislative findings and declarations with respect to overdependence on petroleum based fuels; evaluation of economic and environmental costs of petroleum use and other transportation fuels; establishment of state transportation energy policy; least environmental and economic cost strategy (2001)</p>	<p>CAL. PUB. RES. CODE § 25000.5</p>	<p>Both</p>	<p>It is also the policy of this state to minimize the economic and environmental costs due to the use of petroleum-based and other transportation fuels by state agencies. In implementing a least-cost economic and environmental strategy for state fleets, it is the policy of the state to implement practicable and cost-effective measures, including, but not necessarily limited to, the purchase of the cleanest and most efficient automobiles and replacement tires, the use of alternative fuels in its fleets, and other conservation measures.</p>
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<p>Sacramento Emergency Clean Air & Transportation Program/ San Joaquin Valley Clean Air Attainment Program/ California Port Community Air Quality Program- Determination of Eligible Projects; Criteria (2000)</p>	<p>CAL. HEALTH & SAFETY CODE §§ 44299.52; 44299.77; 44299.82</p>	<p>Both</p>	<p>Eligible projects may include, but shall not be limited to: . . .implementation of practical, low-emission retrofit technologies, repower options, advanced technologies, or low sulfur diesel or alternative fuel mixtures for covered engines and vehicles.</p>
<p>Loans to other state agencies for purchasing vanpool vehicles; requirements (1999)</p>	<p>CAL. STS. & HIGH. CODE § 2580</p>	<p>Both</p>	<p>The Department of Transportation may make loans to other state agencies for the purpose of purchasing vanpool vehicles, as defined by subdivision (b) of Section 2570, for state employee vanpooling. The purchased vehicles, to the extent practicable, shall be either "low-emission vehicles," as defined by Section 39037.05 of the Health and Safety Code, or "alternative fuel vehicles," which are either of the following: (1) an original equipment manufactured vehicle capable of operating on a nonpetroleum-based alternative fuel such as electricity, ethanol, hydrogen, liquefied petroleum gas, methanol, or natural gas and that</p>

			<p>has demonstrated to the satisfaction of the State Air Resources Board the ability to meet applicable California emission standards or (2) A vehicle that has been converted to use a nonpetroleum-based alternative fuel such as electricity, ethanol, hydrogen, liquefied petroleum gas, methanol, or natural gas through the installation of an alternative fuel retrofit system that has been certified by the State Air Resources Board.</p>
<p>Ethanol or diesel containing not more than 15% of gasoline or diesel; rate(1993)</p>	<p>CAL. REV. & TAX CODE § 8651.8</p>	<p>Ethanol</p>	<p>The excise tax on ethanol and methanol containing up to 15% gasoline or diesel fuel is half of the current tax on gasoline and diesel.</p>

Clean fuel vehicle (1993)	CAL. VEH. CODE § 257	Both	A “clean fuel vehicle” means any passenger or commercial vehicle or pickup truck that is fueled by alternative fuels, as defined in Section 301 of the Energy Policy Act of 1992 (P.L. 102-486), and produces emissions which do not exceed whichever of the following standards, as defined by regulations of the State Air Resources Board in effect on January 1, 1994, is applicable to the model year of the vehicle: (1) For a vehicle of the 1994 to 1996, inclusive, model year, the emission standard applicable to a transitional low-emission vehicle. (2) For a vehicle of the 1997 model year, the emission standard applicable to a low-emission vehicle. (3) For a vehicle of the 1998 to 2000, inclusive, model year, the emission standard applicable to an ultra low-emission vehicle.
Mojave Desert Air Quality District- Fleet Motor Vehicles, Adoption of Regulations to Require Purchase of Maximum Low-Emission Vehicles (1992)	CAL. HEALTH & SAFETY CODE § 41231	Both	After a public hearing, the Mojave Desert district may adopt regulations to require operators of public and commercial fleet vehicles, when adding vehicles to, or replacing vehicles in, an existing fleet or when purchasing vehicles to form a new fleet, to purchase low-emission motor vehicles, and to require, to the maximum extent feasible or appropriate, that those vehicles be operated on a cleaner burning alternative fuel.

<p>Linkages between rail passengers services and airports; feeder bus services; alternative fuel buses (1992)</p>	<p>CAL. GOV'T CODE § 14036.7</p>	<p>Both</p>	<p>The department shall, to the extent feasible, utilize alternative-fuel buses for its feeder bus service.</p>
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<p>South Coast Air Quality District- Additional regulations (1987)</p>	<p>CAL. HEALTH & SAFETY CODE § 40447.5</p>	<p>Both</p>	<p>The district board may adopt regulations requiring operators of public and commercial fleet vehicles, consisting of 15 or more vehicles under a single owner or lessee and operating substantially in the south coast district, when adding vehicles to or replacing vehicles in an existing fleet or purchasing vehicles to form a new fleet, to purchase vehicles which are capable of operating on methanol or other equivalently clean burning alternative fuel and to require that these vehicles be operated, to the maximum extent feasible, on the alternative fuel when operating in the south coast district. Notwithstanding Section 39021, as used in this subdivision, the term “commercial fleet vehicles” is not limited to vehicles that are operated for hire, compensation, or profit. No regulation adopted pursuant to this paragraph shall apply to emergency vehicles operated by local law enforcement agencies, fire departments, or to paramedic and rescue vehicles until the south coast district board finds and determines that the alternative fuel is available at sufficient locations so that the emergency response capabilities of those vehicles is not impaired.</p>
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