

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 3297

By: Osborn

5
6
7
8 COMMITTEE SUBSTITUTE

9 An Act relating to compressed natural gas;
10 transferring the regulation of compressed natural gas
11 fueling stations from the Corporation Commission to
12 the Department of Labor; transferring the
13 implementation and enforcement of the Alternative
14 Fuels Technician Certification Act from the Office of
15 Management and Enterprise Services to the Department
16 of Labor; allowing certain contracts; providing for
17 the transfer of certain funds, property, records and
18 financial obligations; limiting expenditures of
19 certain funds and use of certain property; providing
20 for the transfer of funds, property and records
21 acquired after certain date; including certain
22 licensing fees and payment of fines; prohibiting
23 certain contracts; providing for the enforcement of
24 licenses, registrations, certifications and
accreditations; requiring the Director of the Office
of Management and Enterprise Services to coordinate
certain transfers; providing for enforcement of
certain administrative rules; granting the Department
of Labor authority to amend or repeal certain rules;
amending Section 1, Chapter 95, O.S.L. 2013 (52 O.S.
Supp. 2013, Section 348), which relates to inspection
of compressed natural gas fueling stations or pumps
by the Corporation Commission; changing authority
from the Corporation Commission to the Department of
Labor; amending 74 O.S. 2011, Sections 130.11,
130.14, as amended by Section 825, Chapter 304,
O.S.L. 2012, 130.15, as amended by Section 826,
Chapter 304, O.S.L. 2012, 130.16, as amended by
Section 827, Chapter 304, O.S.L. 2012, 130.17, as

1 amended by Section 828, Chapter 304, O.S.L. 2012,
2 130.18, as amended by Section 829, Chapter 304,
3 O.S.L. 2012, 130.19, as amended by Section 830,
4 Chapter 304, O.S.L. 2012, 130.21, as amended by
5 Section 831, Chapter 304, O.S.L. 2012, 130.22, as
6 amended by Section 832, Chapter 304, O.S.L. 2012 (74
7 O.S. Supp. 2013, Sections 130.14, 130.15, 130.16,
8 130.17, 130.18, 130.19, 130.21 and 130.22), which
9 relate to the Alternative Fuels Technician
10 Certification Act; updating statutory language;
11 changing references from the Director of the Office
12 of Management and Enterprise Services to the
13 Commissioner of Labor; changing references from the
14 Office of Management and Enterprise Services to the
15 Department of Labor; deleting obsolete language;
16 deleting designation of the Alternative Fuels
17 Technician Hearing Board; changing references from
18 the Alternative Fuels Technician Hearing Board to the
19 Commissioner of Labor; authorizing the Commissioner
20 of Labor or designee to suspend or revoke a license,
21 certificate or registration under certain
22 circumstance; amending 68 O.S. 2011, Section 2357.22,
23 as last amended by Section 1, Chapter 252, O.S.L.
24 2013 (68 O.S. Supp. 2013, Section 2357.22), which
relates to credit for investments in qualified clean-
burning motor fuel vehicle property; modifying credit
for qualified clean-burning motor vehicle fuel
property; directing the Oklahoma Tax Commission to
transfer certain amount of revenue based on the
credit to the Compressed Natural Gas Conversion
Safety and Regulation Fund; creating the Compressed
Natural Gas Conversion Safety and Regulation Fund;
stating source of funding; specifying purpose of
expenditures from the fund; requiring expenditures to
be made on warrants; providing for codification;
providing for recodification; providing an effective
date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 142.1 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 A. On the effective date of this act, all powers, duties,
5 responsibilities, records and equipment of the Corporation
6 Commission relating exclusively to the regulation of compressed
7 natural gas fueling stations are hereby transferred and shall be
8 placed under the authority of the Department of Labor.

9 B. On the effective date of this act, all powers, duties,
10 responsibilities, records and equipment of the Office of Management
11 and Enterprise Services relating exclusively to the implementation
12 and enforcement of the Alternative Fuels Technician Certification
13 Act are hereby transferred and shall be placed under the authority
14 of the Department of Labor. To the extent practicable, the transfer
15 shall include all computer hardware and software used in regulating
16 the functions listed in this subsection.

17 C. The Corporation Commission, the Commissioner of Labor and
18 the Director of the Office of Management and Enterprise Services may
19 contract for additional legal and administrative services as
20 necessary to effectuate the transfers as provided for in this
21 section.

22 D. 1. All unexpended funds, property, furnishings, equipment,
23 supplies, records, and outstanding financial obligations and
24 encumbrances of the Corporation Commission relating to the

1 regulation of natural gas fueling stations and of the Office of
2 Management and Enterprise Services relating to the implementation
3 and enforcement of the Alternative Fuels Technician Certification
4 Act shall be transferred to the Department of Labor for the
5 continuing performance of duties relating to the regulation of
6 natural gas fueling stations and implementation and enforcement of
7 the Alternative Fuels Technician Certification Act. No funds,
8 property, furnishings, equipment, supplies or records may be
9 expended or used for any purpose other than the performance of
10 duties and responsibilities as directed and required in this act.

11 2. Any funds, properties, furnishings, equipment, supplies, or
12 records related in any manner to the regulation of natural gas
13 fueling stations and implementation and enforcement of the
14 Alternative Fuels Technician Certification Act which may not be in
15 the current possession of the Corporation Commission or the Office
16 of Management and Enterprise Services on the effective date of this
17 act, but which come into the possession of the Corporation
18 Commission or the Office of Management and Enterprise Services after
19 the transfer of authority to the Department of Labor as provided in
20 this act, shall immediately be transferred to the Department of
21 Labor. Items subject to the immediate transfer shall include, but
22 are not limited to, any misdirected licensing fees or payments of
23 outstanding administrative fines.

24

1 E. The Corporation Commission and the Director of the Office of
2 Management and Enterprise Services shall not enter into any contract
3 or agreement relating to the regulation of natural gas fueling
4 stations or implementation and enforcement of the Alternative Fuels
5 Technician Certification Act extending beyond the effective date of
6 the transfer without approval by the Commissioner of Labor.

7 F. All licenses, registrations, certifications and
8 accreditations issued by the Office of Management and Enterprise
9 Services pursuant to the Alternative Fuels Technician Certification
10 Act that are in effect on the effective date of this act shall
11 remain in full force and effect and shall be enforceable by the
12 Department of Labor.

13 G. The Director of the Office of Management and Enterprise
14 Services shall coordinate the transfer of funds, allotments,
15 purchase orders and outstanding financial obligations and
16 encumbrances relating to the regulation of natural gas fueling
17 stations and the implementation and enforcement of the Alternative
18 Fuels Technician Certification Act as transferred pursuant to the
19 provisions of this act.

20 H. Upon the effective date of this act, all administrative
21 rules promulgated by the Office of Management and Enterprise
22 Services relating to the implementation and enforcement of the
23 Alternative Fuels Technician Certification Act shall be enforceable
24 by the Commissioner of Labor. The rules shall continue in force and

1 effect after the effective date of this act, and the Commissioner of
2 Labor shall have authority to amend, repeal, recodify or make
3 additions to the rules pursuant to the Administrative Procedures
4 Act.

5 SECTION 2. AMENDATORY Section 1, Chapter 95, O.S.L. 2013
6 (52 O.S. Supp. 2013, Section 348), is amended to read as follows:

7 Section 348. A. The ~~Corporation Commission~~ Department of Labor
8 shall have authority to have access to and inspect any equipment,
9 including compression equipment and storage tanks, practices or
10 methods used by or in association with any public access compressed
11 natural gas fueling station or pump.

12 B. The ~~Commission~~ Department may promulgate rules as necessary
13 to implement the provisions of this section.

14 SECTION 3. AMENDATORY 74 O.S. 2011, Section 130.11, is
15 amended to read as follows:

16 Section 130.11 ~~Sections 1 through 14 of this~~ This act shall be
17 known and may be cited as the "Alternative Fuels Technician
18 Certification Act".

19 SECTION 4. AMENDATORY 74 O.S. 2011, Section 130.14, as
20 amended by Section 825, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
21 2013, Section 130.14), is amended to read as follows:

22 Section 130.14 A. There is hereby established the Committee of
23 Alternative Fuels Technician Examiners which shall consist of eight
24

1 (8) members. All members of the Committee shall be residents of
2 this state.

3 B. Five voting members of the Committee shall be appointed by
4 the ~~Director of the Office of Management and Enterprise Services~~
5 Commissioner of Labor as follows:

6 1. ~~Beginning September 1, 1994, three~~ Three members shall be
7 alternative fuels technicians selected from a list of names
8 submitted by the State Board of Career and Technology Education,
9 with at least one member being an alternative fuels equipment
10 technician and at least one member being an alternative fuels
11 compression technician;

12 2. One member shall be a person involved in compressed natural
13 gas technology in an oil and/or gas industry; and

14 3. One member shall be a person involved in liquefied petroleum
15 gas technology in an oil and/or gas industry.

16 C. ~~Beginning November 1, 1998, two~~ Two additional voting
17 members shall be appointed by the ~~Director of the Office of~~
18 ~~Management and Enterprise Services~~ Commissioner of Labor, one of
19 whom shall be selected from a list of names submitted by the State
20 Board of Career and Technology Education and shall be an electric
21 vehicle technician, and one of whom shall be a person involved in
22 manufacturing, conversion, or research in the electric vehicle
23 industry.

24

1 D. All members shall each have at least two (2) years of active
2 experience in alternative fuels technology. The terms of the voting
3 members initially appointed to the Committee shall be staggered as
4 follows:

5 1. One alternative fuels technician shall be appointed for a
6 term of two (2) years;

7 2. One alternative fuels technician shall be appointed for a
8 term of three (3) years;

9 3. One alternative fuels technician shall be appointed for a
10 term of four (4) years;

11 4. One person involved in compressed natural gas technology in
12 an oil and/or gas industry shall be appointed for a term of three
13 (3) years;

14 5. One person involved in liquefied petroleum gas technology in
15 an oil and/or gas industry shall be appointed for a term of four (4)
16 years;

17 6. One electric vehicle technician shall be appointed for a
18 term of (2) years; and

19 7. One person involved in manufacturing, conversion, or
20 research in the electric vehicle industry shall be appointed for a
21 term of three (3) years.

22 Thereafter, each voting member of the Committee shall be
23 appointed for a term of five (5) years, or until their successors
24 are appointed and qualified.

1 The nonvoting member shall be designated by the ~~Director of the~~
2 ~~Office of Management and Enterprise Services~~ Commissioner of Labor
3 to serve as Program Administrator and Recording Secretary to the
4 Committee. ~~It is the intent of the Legislature that the person~~
5 ~~acting as the Program Administrator and Recording Secretary to the~~
6 ~~Committee as of the effective date of this act be transferred to the~~
7 ~~Office of Management and Enterprise Services to continue in his or~~
8 ~~her capacity.~~

9 E. Vacancies which may occur in the membership of the Committee
10 shall be filled by appointment of the ~~Director of the Office of~~
11 ~~Management and Enterprise Services~~ Commissioner of Labor. Each
12 person who has been appointed to fill a vacancy shall serve for the
13 remainder of the term for which the member such person succeeds was
14 appointed and until a successor has been appointed and has
15 qualified. Members of the Committee may be removed from office by
16 the ~~Director of the Office of Management and Enterprise Services~~
17 Commissioner of Labor for cause in the manner provided by law for
18 the removal of officers not subject to impeachment.

19 F. The Committee shall assist and advise the ~~Office of~~
20 ~~Management and Enterprise Services~~ Commissioner of Labor on all
21 matters relating to the formulation of rules and standards in
22 accordance with the Alternative Fuels Technician Certification Act.
23 The Committee shall administer the examinations of applicants for
24 certification as alternative fuels equipment technicians,

1 alternative fuels compression technicians, and electric vehicle
2 technicians provided that such examinations shall be in accordance
3 with the provisions of the Alternative Fuels Technician
4 Certification Act.

5 G. All members of the Committee shall be reimbursed for
6 expenses incurred while in the performance of their duties in
7 accordance with the State Travel Reimbursement Act.

8 H. A majority of the total membership of the Committee shall
9 constitute a quorum for the transaction of business.

10 SECTION 5. AMENDATORY 74 O.S. 2011, Section 130.15, as
11 amended by Section 826, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
12 2013, Section 130.15), is amended to read as follows:

13 Section 130.15 A. Examinations for certification as
14 alternative fuels equipment technicians shall be uniform and
15 practical in nature for alternative fuels equipment technician
16 certification and shall be sufficiently strict to test the
17 qualifications and fitness of the applicants for certificates.

18 B. Examinations for certification as alternative fuels
19 compression technicians shall be uniform and practical in nature for
20 alternative fuels compression technician certification and shall be
21 sufficiently strict to test the qualifications and fitness of the
22 applicants for certificates.

23 C. Examinations for certification as electric vehicle
24 technicians shall be uniform and practical in nature for electric

1 vehicle technician certification and shall be sufficiently strict to
2 test the qualifications and fitness of the applicants for
3 certificates.

4 D. Examinations shall be in whole or in part in writing. The
5 Committee shall conduct examinations twice a year and at such other
6 times as it deems necessary. Any applicant initially failing to
7 pass the examination shall not be permitted to take another
8 examination for a period of thirty (30) days. Any applicant
9 subsequently failing to pass the examination shall not be permitted
10 to take another examination for a period of ninety (90) days.

11 E. ~~The Office of Management and Enterprise Services~~ Department
12 of Labor shall enforce the provisions of this section.

13 SECTION 6. AMENDATORY 74 O.S. 2011, Section 130.16, as
14 amended by Section 827, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
15 2013, Section 130.16), is amended to read as follows:

16 Section 130.16 A. ~~The Office of Management and Enterprise~~
17 ~~Services~~ Department of Labor shall issue a certificate as an
18 alternative fuels equipment technician to any person who:

19 1. Has been licensed by the Oklahoma Liquefied Petroleum Gas
20 Board and has successfully passed the appropriate examination as
21 provided in the Alternative Fuels Technician Certification Act; or

22 2. Has been certified by the Committee as either having
23 successfully passed the appropriate examination or having a valid
24 license or certificate issued by another governmental entity with

1 licensing or certification requirements similar to those provided in
2 the Alternative Fuels Technician Certification Act;

3 3. Has paid the certification fee and otherwise complied with
4 the provisions of the Alternative Fuels Technician Certification
5 Act; and

6 4. Has provided proof of liability insurance with limits of not
7 less than Fifty Thousand Dollars (\$50,000.00) general liability.

8 B. ~~The Office of Management and Enterprise Services~~ Department
9 of Labor shall issue a certificate as an alternative fuels
10 compression technician to any person who:

11 1. Has successfully passed the appropriate examination as
12 provided in the Alternative Fuels Technician Certification Act or
13 has been certified by the Committee as having a valid license or
14 certificate issued by another governmental entity with licensing or
15 certification requirements similar to those provided in the
16 Alternative Fuels Technician Certification Act;

17 2. Has paid the certification fee and otherwise complied with
18 the provisions of the Alternative Fuels Technician Certification
19 Act; and

20 3. Has provided proof of liability insurance with limits of not
21 less than Fifty Thousand Dollars (\$50,000.00) general liability.

22 C. ~~The Office of Management and Enterprise Services~~ Department
23 of Labor shall issue a certificate as an electric vehicle technician
24 to any person who:

1 1. Has been certified by the Committee as either having
2 successfully passed the appropriate examination or having a valid
3 license or certificate issued by another governmental entity with
4 licensing or certification requirements similar to those provided in
5 the Alternative Fuels Technician Certification Act;

6 2. Has paid the certification fee and otherwise complied with
7 the provisions of the Alternative Fuels Technician Certification
8 Act; and

9 3. Has provided proof of liability insurance with limits of not
10 less than Fifty Thousand Dollars (\$50,000.00) general liability.

11 D. In the case of a company, partnership or corporation engaged
12 in the business of installing, servicing, repairing, modifying or
13 renovating equipment used in the conversion of engines to engines
14 fueled by alternative fuels, a separate certificate shall be issued
15 by the ~~Office of Management and Enterprise Services~~ Department of
16 Labor to that individual company, partnership or corporation. This
17 certificate is for the express purpose of recognizing that the
18 company, partnership or corporation is an authorized alternative
19 fuels conversion business and employs state-certified alternative
20 fuels equipment technicians. Any violations by a certified
21 alternative fuels equipment technician shall be deemed a violation
22 by the certified company, partnership or corporation employing such
23 certified technician.

24

1 E. In the case of a company, partnership or corporation engaged
2 in the business of installing, servicing, repairing, modifying or
3 renovating fill stations, a separate certificate shall be issued by
4 the ~~Office of Management and Enterprise Services~~ Department of Labor
5 to that individual company, partnership or corporation. This
6 certificate is for the express purpose of recognizing that the
7 company, partnership or corporation is an authorized fill station
8 installation business and employs state-certified alternative fuels
9 compression technicians or electric vehicle technicians. Any
10 violations by a certified alternative fuels compression technician
11 or electric vehicle technician shall be deemed a violation by the
12 certified company, partnership or corporation employing such
13 certified technician.

14 F. In conjunction with subsection A of this section, the ~~Office~~
15 ~~of Management and Enterprise Services~~ Department of Labor shall
16 issue an Alternative Fuels Equipment Installation Certification to
17 any public entity or private company, partnership or corporation
18 that operates commercial, private or public fleets of vehicles and
19 employs ten (10) or more auto service technicians per location. The
20 certification shall be based on the ability of the applicant to
21 provide their own alternative fuels equipment technician training
22 program which shall be certified by the ~~Office of Management and~~
23 ~~Enterprise Services~~ Department of Labor, Committee of Alternative
24 Fuels Technician Examiners. This subsection shall not apply to

1 allow certification of any alternative fuels compression technician
2 training programs.

3 G. All alternative fuels equipment technician certificates,
4 alternative fuels compression technician certificates, and electric
5 vehicle technician certificates shall be nontransferable and it
6 shall be unlawful for any person certified pursuant to the
7 provisions of the Alternative Fuels Technician Certification Act to
8 loan or allow the use of such certificate by any other person,
9 except as specifically provided in the Alternative Fuels Technician
10 Certification Act.

11 H. The standards for the storage and handling of liquefied
12 petroleum gases adopted by the National Fire Protection Association
13 and published in the latest edition of its Pamphlet No. 58 and the
14 standards for the installation of compressed natural gas vehicular
15 fuel systems adopted by the National Fire Protection Association and
16 published in its Pamphlet No. 52 shall be the accepted standards for
17 this state. The accepted standards for this state for electric
18 vehicle charge stations shall be the National Electric Code (NEC).
19 ~~The Office of Management and Enterprise Services~~ Commissioner of
20 Labor is authorized, and it shall be its duty to adopt and
21 promulgate such rules or specifications relating to safety in the
22 manufacture, assembly, sale, installation and use of vehicular
23 alternative fuel systems. ~~The Office of Management and Enterprise~~
24 ~~Services~~ Commissioner of Labor is further authorized to modify or

1 amend such rules or specifications as it deems reasonable and
2 necessary.

3 SECTION 7. AMENDATORY 74 O.S. 2011, Section 130.17, as
4 amended by Section 828, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
5 2013, Section 130.17), is amended to read as follows:

6 Section 130.17 A. 1. All applications for examination,
7 certification or renewal of certification shall be made in writing
8 to the ~~Office of Management and Enterprise Services~~ Department of
9 Labor on forms provided, if necessary, by the ~~Office of Management~~
10 ~~and Enterprise Services~~ Department of Labor. All applications shall
11 be accompanied by the appropriate fee.

12 2. If a person holds a valid Class I Dealer Permit properly
13 issued by the Oklahoma Liquefied Petroleum Gas Board, pursuant to
14 Section 420.4 of Title 52 of the Oklahoma Statutes, the requirements
15 of this section for certification or renewal of certification shall
16 not be required.

17 B. The following shall be the fees charged under the
18 Alternative Fuels Technician Certification Act.

19	Alternative Fuels Equipment Technician Examination	\$50.00
20	Alternative Fuels Compression Technician Examination	\$50.00
21	Electric Vehicle Technician Examination	\$50.00
22	Alternative Fuels Equipment Technician Certificate	\$50.00
23	Alternative Fuels Compression Technician Certificate	\$50.00
24	Electric Vehicle Technician Certificate	\$50.00

1	Certificate renewal, if made within thirty (30) days after	
2	expiration:	
3	Alternative Fuels Equipment Technician Certificate	\$50.00
4	Alternative Fuels Compression Technician Certificate	\$50.00
5	Electric Vehicle Technician Certificate	\$50.00
6	Penalty for Late Certification Renewal:	
7	Alternative Fuels Equipment Technician Certificate	\$10.00
8	Alternative Fuels Compression Technician Certificate	\$10.00
9	Electric Vehicle Technician Certificate	\$10.00
10	Certificate fee if certified after March 1 of each year:	
11	Alternative Fuels Equipment Technician Certificate	\$25.00
12	Alternative Fuels Compression Technician Certificate	\$25.00
13	Electric Vehicle Technician Certificate	\$25.00
14	Certificate fee if certified after June 1 of each year:	
15	Alternative Fuels Equipment Technician Certificate	\$12.50
16	Alternative Fuels Compression Technician Certificate	\$12.50
17	Electric Vehicle Technician Certificate	\$12.50
18	Company, Partnership or Corporation Certificate	\$100.00
19	Annual Renewal for Company, Partnership or Corporation	
20	Certificate	\$100.00
21	Training Program Certification (one-time fee)	\$500.00
22	Alternative Fuels Installation Certification Per	
23	Location	\$1,000.00
24		

1 Annual Renewal of Alternative Fuels Installation

2 Certification Per Location \$1,000.00

3 SECTION 8. AMENDATORY 74 O.S. 2011, Section 130.18, as
4 amended by Section 829, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
5 2013, Section 130.18), is amended to read as follows:

6 Section 130.18 ~~The Office of Management and Enterprise Services~~
7 Commissioner of Labor shall adopt rules and guidelines for the
8 expiration of certificates for alternative fuels equipment
9 technicians, alternative fuels compression technicians, and electric
10 vehicle technicians, and for determining the recertification of
11 alternative fuels equipment technicians, alternative fuels
12 compression technicians, and electric vehicle technicians.

13 SECTION 9. AMENDATORY 74 O.S. 2011, Section 130.19, as
14 amended by Section 830, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
15 2013, Section 130.19), is amended to read as follows:

16 Section 130.19 A. ~~A person or persons designated by the~~
17 ~~Director of the Office of Management and Enterprise Services and The~~
18 Commissioner of Labor or designee may suspend or revoke any license,
19 certificate or registration for cause upon recommendation of the
20 ~~Committee shall act as the~~ of Alternative Fuels Technician ~~Hearing~~
21 ~~Board~~ Examiners and shall comply with the provisions of the
22 Administrative Procedures Act.

23 B. ~~The Alternative Fuels Technician Hearing Board~~ Commissioner
24 of Labor or designee may, upon its own the motion of the

1 Commissioner or designee, and shall, upon written complaint filed by
2 any person, investigate the business transactions of any certified
3 alternative fuels equipment or compression technician, or electric
4 vehicle technician. The results of the investigation may be
5 presented to the Committee and the Committee may recommend
6 suspension or revocation of the license, certificate or
7 registration. The ~~Board~~ Commissioner of Labor or designee shall
8 suspend or revoke any certificate or registration obtained by false
9 or fraudulent representation. The ~~Board~~ Commissioner of Labor or
10 designee shall also suspend or revoke any certificate or
11 registration for any of the following:

12 1. Making a material misstatement in the application for a
13 certificate or registration, or the renewal of a certificate or
14 registration;

15 2. Loaning or illegally using a certificate;

16 3. Demonstrating incompetence to act as an alternative fuels
17 equipment technician, alternative fuels compression technician, or
18 electric vehicle technician;

19 4. Violating any provisions of the Alternative Fuels Technician
20 Certification Act, or any rule or order prescribed by the ~~Office of~~
21 ~~Management and Enterprise Services~~ Department of Labor; or

22 5. Willfully failing to perform normal business obligations
23 without justifiable cause.

24

1 Any person whose alternative fuels equipment technician
2 certificate, alternative fuels compression technician certificate,
3 or electric vehicle technician certificate has been revoked by the
4 ~~Alternative Fuels Technician Hearing Board~~ Commissioner of Labor or
5 designee may apply for a new certificate one (1) year from the date
6 of such revocation.

7 SECTION 10. AMENDATORY 74 O.S. 2011, Section 130.21, as
8 amended by Section 831, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
9 2013, Section 130.21), is amended to read as follows:

10 Section 130.21 Any holder of a certificate or registration
11 issued in accordance with the provisions of the Alternative Fuels
12 Technician Certification Act shall promptly notify the ~~Office of~~
13 ~~Management and Enterprise Services~~ Department of Labor of any change
14 in such holder's address.

15 SECTION 11. AMENDATORY 74 O.S. 2011, Section 130.22, as
16 amended by Section 832, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
17 2013, Section 130.22), is amended to read as follows:

18 Section 130.22 All monies received by the ~~Office of Management~~
19 ~~and Enterprise Services~~ Department of Labor under the Alternative
20 Fuels Technician Certification Act shall be deposited with the State
21 Treasurer and credited to the "Alternative Fuels Technician
22 Certification Revolving Fund". The revolving fund shall be a
23 continuing fund not subject to fiscal year limitations and shall be
24 under the control and management of the ~~Office of Management and~~

1 ~~Enterprise Services~~ Department of Labor. Expenditures from this
2 fund shall be made pursuant to the purposes of the Alternative Fuels
3 Technician Certification Act and shall include, but not be limited
4 to, payment of operating costs, costs of programs designed to
5 promote public awareness of the alternative fuels industry,
6 expenditures for the preparation and printing of regulations,
7 bulletins or other documents and the furnishing of copies of the
8 documents to those persons engaged in the alternative fuels industry
9 or the public, and expenses the ~~Office~~ Department of Labor incurs to
10 support program operations. Warrants for expenditures shall be
11 drawn by the State Treasurer based on claims signed and approved for
12 payment by the Director of the Office of Management and Enterprise
13 Services.

14 SECTION 12. AMENDATORY 68 O.S. 2011, Section 2357.22, as
15 last amended by Section 1, Chapter 252, O.S.L. 2013 (68 O.S. Supp.
16 2013, Section 2357.22), is amended to read as follows:

17 Section 2357.22 A. For tax years beginning before January 1,
18 2020, there shall be allowed a one-time credit against the income
19 tax imposed by Section 2355 of this title for investments in
20 qualified clean-burning motor vehicle fuel property placed in
21 service after December 31, 1990.

22 B. As used in this section, "qualified clean-burning motor
23 vehicle fuel property" means:
24

1 1. Equipment installed to modify a motor vehicle which is
2 propelled by gasoline or diesel fuel so that the vehicle may be
3 propelled by a hydrogen fuel cell, compressed natural gas, liquefied
4 natural gas or liquefied petroleum gas; provided, equipment
5 installed on a vehicle propelled by a hydrogen fuel cell shall only
6 be eligible for tax year 2010. The equipment covered by this
7 paragraph must:

- 8 a. be new, not previously used to modify or retrofit any
9 vehicle propelled by gasoline or diesel fuel and be
10 installed by an alternative fuels equipment technician
11 who is certified in accordance with the Alternative
12 Fuels Technician Certification Act,
- 13 b. meet all Federal Motor Vehicle Safety Standards set
14 forth in 49 CFR 571, or
- 15 c. for any commercial motor vehicle (CMV), follow the
16 Federal Motor Carrier Safety Regulations or Oklahoma
17 Intrastate Motor Carrier Regulations;

18 2. A motor vehicle originally equipped so that the vehicle may
19 be propelled by a hydrogen fuel cell, compressed natural gas,
20 liquefied natural gas or liquefied petroleum gas but only to the
21 extent of the portion of the basis of such motor vehicle which is
22 attributable to the storage of such fuel, the delivery to the engine
23 of such motor vehicle of such fuel, and the exhaust of gases from
24 combustion of such fuel. A motor vehicle originally equipped so

1 that the vehicle may be propelled by a hydrogen fuel cell shall only
2 be eligible for tax year 2010;

3 3. Property, not including a building and its structural
4 components, which is:

5 a. directly related to the delivery of compressed natural
6 gas, liquefied natural gas or liquefied petroleum gas,
7 or hydrogen, for commercial purposes or for a fee or
8 charge, into the fuel tank of a motor vehicle
9 propelled by such fuel including compression equipment
10 and storage tanks for such fuel at the point where
11 such fuel is so delivered but only if such property is
12 not used to deliver such fuel into any other type of
13 storage tank or receptacle and such fuel is not used
14 for any purpose other than to propel a motor vehicle,
15 or

16 b. a metered-for-fee, public access recharging system for
17 motor vehicles propelled in whole or in part by
18 electricity. The property covered by this paragraph
19 must be new, and must not have been previously
20 installed or used to refuel vehicles powered by
21 compressed natural gas, liquefied natural gas or
22 liquefied petroleum gas, hydrogen or electricity.
23
24

1 Any property covered by this paragraph which is related to the
2 delivery of hydrogen into the fuel tank of a motor vehicle shall
3 only be eligible for tax year 2010; or

4 4. Property which is directly related to the compression and
5 delivery of natural gas from a private home or residence, for
6 noncommercial purposes, into the fuel tank of a motor vehicle
7 propelled by compressed natural gas. The property covered by this
8 paragraph must be new and must not have been previously installed or
9 used to refuel vehicles powered by natural gas.

10 C. As used in this section, "motor vehicle" means a motor
11 vehicle originally designed by the manufacturer to operate lawfully
12 and principally on streets and highways.

13 D. The credit provided for in subsection A of this section
14 shall be as follows:

15 1. For the qualified clean-burning motor vehicle fuel property
16 defined in paragraph 1 or 2 of subsection B of this section, ~~fifty~~
17 ~~percent (50%)~~ forty-five percent (45%) of the cost of the qualified
18 clean-burning motor vehicle fuel property;

19 2. For qualified clean-burning motor vehicle fuel property
20 defined in paragraph 3 of subsection B of this section, a per-
21 location credit of seventy-five percent (75%) of the cost of the
22 qualified clean-burning motor vehicle fuel property; and

23 3. For qualified clean-burning motor vehicle fuel property
24 defined in paragraph 4 of subsection B of this section, a per-

1 location credit of the lesser of fifty percent (50%) of the cost of
2 the qualified clean-burning motor vehicle fuel property or Two
3 Thousand Five Hundred Dollars (\$2,500.00).

4 E. In cases where no credit has been claimed pursuant to
5 paragraph 1 of subsection D of this section by any prior owner and
6 in which a motor vehicle is purchased by a taxpayer with qualified
7 clean-burning motor vehicle fuel property installed by the
8 manufacturer of such motor vehicle and the taxpayer is unable or
9 elects not to determine the exact basis which is attributable to
10 such property, the taxpayer may claim a credit in an amount not
11 exceeding the lesser of ten percent (10%) of the cost of the motor
12 vehicle or One Thousand Five Hundred Dollars (\$1,500.00).

13 F. If the tax credit allowed pursuant to subsection A of this
14 section exceeds the amount of income taxes due or if there are no
15 state income taxes due on the income of the taxpayer, the amount of
16 the credit not used as an offset against the income taxes of a
17 taxable year may be carried forward as a credit against subsequent
18 income tax liability for a period not to exceed five (5) years.

19 G. A husband and wife who file separate returns for a taxable
20 year in which they could have filed a joint return may each claim
21 only one-half (1/2) of the tax credit that would have been allowed
22 for a joint return.

23 H. The Oklahoma Tax Commission is herein empowered to
24 promulgate rules by which the purpose of this section shall be

1 administered, including the power to establish and enforce penalties
2 for violations thereof.

3 I. Notwithstanding the provisions of Section 2352 of this
4 title, for the fiscal year beginning on July 1, 2014, and each
5 fiscal year thereafter, the Oklahoma Tax Commission shall calculate
6 an amount that equals five percent (5%) of the credit for qualified
7 clean-burning motor vehicle fuel property as provided for in
8 paragraph 1 of subsection D of this section. The Commission shall
9 then transfer an amount equal to the amount calculated in this
10 subsection from the revenue derived pursuant to the provisions of
11 subsections A, B and E of Section 2355 of this title to the
12 Compressed Natural Gas Conversion Safety and Regulation Fund created
13 in Section 13 of this act.

14 SECTION 13. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 130.25 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 A. There is hereby created in the State Treasury a revolving
18 fund for the Department of Labor to be designated as the "Compressed
19 Natural Gas Conversion Safety and Regulation Fund". The fund shall
20 be a continuing fund, not subject to fiscal year limitations, and
21 shall consist of all monies received by the Department of Labor
22 pursuant to Section 2357.22 of Title 68 of the Oklahoma Statutes.

23 B. All monies accruing to the credit of the revolving fund
24 shall be expended by the Department of Labor to inspect, regulate

1 and enforce safety regulations of the conversion of motor vehicles
2 for operation on compressed natural gas.

3 C. Expenditures from the revolving fund shall be made upon
4 warrants issued by the State Treasurer against claims filed as
5 prescribed by law with the Director of the Office of Management and
6 Enterprise Services for approval and payment.

7 SECTION 14. RECODIFICATION Section 1, Chapter 95, O.S.L.
8 2013 (52 O.S. Supp. 2013, Section 348), as amended by Section 2 of
9 this act, shall be recodified as Section 143.1 of Title 40 of the
10 Oklahoma Statutes, unless there is created a duplication in
11 numbering.

12 SECTION 15. RECODIFICATION 74 O.S. 2011, Section 130.11,
13 as amended by Section 3 of this act, shall be recodified as Section
14 142.2 of Title 40 of the Oklahoma Statutes, unless there is created
15 a duplication in numbering.

16 SECTION 16. RECODIFICATION 74 O.S. 2011, Section 130.12,
17 shall be recodified as Section 142.3 of Title 40 of the Oklahoma
18 Statutes, unless there is created a duplication in numbering.

19 SECTION 17. RECODIFICATION 74 O.S. 2011, Section 130.13,
20 shall be recodified as Section 142.4 of Title 40 of the Oklahoma
21 Statutes, unless there is created a duplication in numbering.

22 SECTION 18. RECODIFICATION 74 O.S. 2011, Section 130.14,
23 as last amended by Section 4 of this act, shall be recodified as
24

1 Section 142.5 of Title 40 of the Oklahoma Statutes, unless there is
2 created a duplication in numbering.

3 SECTION 19. RECODIFICATION 74 O.S. 2011, Section 130.15,
4 as last amended by Section 5 of this act, shall be recodified as
5 Section 142.6 of Title 40 of the Oklahoma Statutes, unless there is
6 created a duplication in numbering.

7 SECTION 20. RECODIFICATION 74 O.S. 2011, Section 130.16,
8 as last amended by Section 6 of this act, shall be recodified as
9 Section 142.7 of Title 40 of the Oklahoma Statutes, unless there is
10 created a duplication in numbering.

11 SECTION 21. RECODIFICATION 74 O.S. 2011, Section 130.17,
12 as last amended by Section 7 of this act, shall be recodified as
13 Section 142.8 of Title 40 of the Oklahoma Statutes, unless there is
14 created a duplication in numbering.

15 SECTION 22. RECODIFICATION 74 O.S. 2011, Section 130.18,
16 as last amended by Section 8 of this act, shall be recodified as
17 Section 142.9 of Title 40 of the Oklahoma Statutes, unless there is
18 created a duplication in numbering.

19 SECTION 23. RECODIFICATION 74 O.S. 2011, Section 130.19,
20 as last amended by Section 9 of this act, shall be recodified as
21 Section 142.10 of Title 40 of the Oklahoma Statutes, unless there is
22 created a duplication in numbering.

23
24

1 SECTION 24. RECODIFICATION 74 O.S. 2011, Section 130.20,
2 shall be recodified as Section 142.11 of Title 40 of the Oklahoma
3 Statutes, unless there is created a duplication in numbering.

4 SECTION 25. RECODIFICATION 74 O.S. 2011, Section 130.21,
5 as last amended by Section 10 of this act, shall be recodified as
6 Section 142.12 of Title 40 of the Oklahoma Statutes, unless there is
7 created a duplication in numbering.

8 SECTION 26. RECODIFICATION 74 O.S. 2011, Section 130.22,
9 as last amended by Section 11 of this act, shall be recodified as
10 Section 142.13 of Title 40 of the Oklahoma Statutes, unless there is
11 created a duplication in numbering.

12 SECTION 27. RECODIFICATION 74 O.S. 2011, Section 130.23,
13 shall be recodified as Section 142.14 of Title 40 of the Oklahoma
14 Statutes, unless there is created a duplication in numbering.

15 SECTION 28. RECODIFICATION 74 O.S. 2011, Section 130.24,
16 shall be recodified as Section 142.15 of Title 40 of the Oklahoma
17 Statutes, unless there is created a duplication in numbering.

18 SECTION 29. This act shall become effective July 1, 2014.

19 SECTION 30. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23

24 54-2-10366 JM 02/25/14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24