

Enrolled House Bill 3497

Sponsored by Representatives FREEMAN, HANNA; Representatives BAILEY, BERGER, C EDWARDS, GARRARD, GELSER, JENSON, KENNEMER, NOLAN, READ, ROBLAN, THATCHER, Senator WALKER

CHAPTER

AN ACT

Relating to motor vehicle fuel; creating new provisions; and amending ORS 646.913.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 646.913, as amended by section 4, chapter 44, Oregon Laws 2008, is amended to read:

646.913. (1) Except as provided in subsection (5) of this section, a retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale gasoline unless the gasoline contains 10 percent ethanol by volume.

(2) Gasoline containing ethanol that is sold or offered for sale meets the requirements of this section if the gasoline, exclusive of denaturants and permitted contaminants, contains not less than 9.2 percent by volume of agriculturally derived, denatured ethanol that complies with the standards for ethanol adopted by the State Department of Agriculture.

(3) The department shall adopt standards for ethanol blended with gasoline sold in this state. The standards adopted shall require that the gasoline blended with ethanol:

- (a) Contains ethanol that is derived from agricultural or woody waste or residue;
- (b) Contains ethanol denatured as specified in 27 C.F.R. parts 20 and 21;
- (c) Complies with the volatility requirements specified in 40 C.F.R. part 80;
- (d) Complies with or is produced from a gasoline base stock that complies with ASTM International specification D 4814;
- (e) Is not blended with casinghead gasoline, absorption gasoline, drip gasoline or natural gasoline after *[it]* **the gasoline** has been sold, transferred or otherwise removed from a refinery or terminal; and
- (f) Contains ethanol that complies with ASTM International specification D 4806.

(4) The department may review specifications adopted by ASTM International, or equivalent organizations, and federal regulations and revise the standards adopted pursuant to this section as necessary.

(5) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale gasoline that is not blended with ethanol if the gasoline **has an octane rating, as defined in ORS 646.945, of 91 or above or if the gasoline** is for use in:

- (a) An aircraft:
 - (A) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles; or

(B) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

(b) An aircraft that has been issued an experimental certificate, described in 14 C.F.R. 21.191, by the Federal Aviation Administration and that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(c) A light-sport aircraft, as defined in 14 C.F.R. 1.1, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(d) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(e) An antique vehicle, as defined in ORS 801.125;

(f) A Class I all-terrain vehicle, as defined in ORS 801.190;

(g) A Class III all-terrain vehicle, as defined in ORS 801.194;

(h) A racing activity vehicle, as defined in ORS 801.404;

(i) A snowmobile, as defined in ORS 801.490;

(j) Tools, including but not limited to lawn mowers, leaf blowers and chain saws; or

(k) A watercraft.

SECTION 2. The amendments to ORS 646.913 by section 1 of this 2009 Act apply to sales of gasoline that occur on or after the effective date of this 2009 Act.

Passed by House June 19, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 25, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State