

Senate Bill 336

Sponsored by Senator WALKER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that following notice from State Department of Agriculture, retailer dealer, nonretail dealer or wholesale dealer may not sell or offer for sale gasoline unless 20 percent of gasoline sold contains 10 percent ethanol by volume.

A BILL FOR AN ACT

1
2 Relating to fuel; amending ORS 646.912 and 646.913.

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

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

6 646.913. (1) Except as provided in subsection (5) of this section, a retail dealer, nonretail dealer
7 or wholesale dealer may not sell or offer for sale gasoline unless **20 percent of the gasoline the**
8 **retail dealer, the nonretail dealer or the wholesale dealer sells or offers for sale** contains 10
9 percent ethanol by volume.

10 (2) Gasoline containing ethanol that is sold or offered for sale meets the requirements of this
11 section if the gasoline, exclusive of denaturants and permitted contaminants, contains not less than
12 9.2 percent by volume of agriculturally derived, denatured ethanol that complies with the standards
13 for ethanol adopted by the State Department of Agriculture.

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

16 (a) Contains ethanol that is derived from agricultural or woody waste or residue;

17 (b) Contains ethanol denatured as specified in 27 C.F.R. parts 20 and 21;

18 (c) Complies with the volatility requirements specified in 40 C.F.R. part 80;

19 (d) Complies with or is produced from a gasoline base stock that complies with ASTM Interna-
20 tional specification D 4814;

21 (e) Is not blended with casinghead gasoline, absorption gasoline, drip gasoline or natural gaso-
22 line after it has been sold, transferred or otherwise removed from a refinery or terminal; and

23 (f) Contains ethanol that complies with ASTM International specification D 4806.

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

27 (5) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale gasoline that
28 is not blended with ethanol if the gasoline is for use in:

29 (a) An aircraft:

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

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

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

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

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

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

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

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

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

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

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

16 (k) A watercraft.

17 **SECTION 2.** ORS 646.912 is amended to read:

18 646.912. (1) The State Department of Agriculture shall study and monitor ethanol fuel pro-
19 duction, use and sales in this state.

20 (2) When capacity of ethanol production facilities in Oregon reaches a level of at least 40 million
21 gallons, the department shall notify all retail dealers, nonretail dealers and wholesale dealers in this
22 state, in a notice that meets the requirements of subsection (3) of this section.

23 (3) The notice under subsection (2) of this section shall inform retail dealers, nonretail dealers
24 and wholesale dealers that:

25 (a) The capacity of ethanol production facilities in Oregon has reached the levels described in
26 subsection (2) of this section; and

27 (b) Three months after the date of the notice, a retail dealer, nonretail dealer or wholesale
28 dealer may sell or offer for sale [*only*] gasoline [*described*] **only as provided** in ORS 646.913.

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