

## HOUSE AMENDMENTS TO HOUSE BILL 3693

By COMMITTEE ON ENVIRONMENT AND WATER

February 12

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions;”.

2 On page 2, delete lines 11 through 16 and insert:

3 “(3) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel fuel  
4 that otherwise meets the requirements of subsections (1) and (2) of this section and rules adopted  
5 pursuant to ORS 646.957 but to which there have been added substances to prevent congealing or  
6 gelling of diesel fuel containing biodiesel, without violating the requirements of subsections (1) and  
7 (2) of this section and rules adopted pursuant to ORS 646.957. This subsection applies only to diesel  
8 fuel sold or offered for sale during the period from October 1 of any year to February 28 of the  
9 following year.”.

10 Delete lines 37 through 43 and insert:

11 “(3) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel fuel  
12 that otherwise meets the requirements of subsections (1) and (2) of this section and rules adopted  
13 pursuant to ORS 646.957 but to which there have been added substances to prevent congealing or  
14 gelling of diesel fuel containing biodiesel or other renewable diesel, without violating the require-  
15 ments of subsections (1) and (2) of this section and rules adopted pursuant to ORS 646.957. This  
16 subsection applies only to diesel fuel sold or offered for sale during the period from October 1 of  
17 any year to February 28 of the following year.”.

18 On page 3, after line 10, insert:

19 “**SECTION 5.** ORS 646.922, as amended by section 2 of this 2010 Act, is amended to read:

20 “646.922. (1) A retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale  
21 diesel fuel unless the diesel fuel contains at least two percent biodiesel by volume.

22 “(2) Two months after the date of the notice given under ORS 646.921 (2), a retail dealer,  
23 nonretail dealer or wholesale dealer may not sell or offer for sale diesel fuel unless the diesel fuel  
24 contains at least five percent biodiesel by volume. Diesel fuel containing more than five percent  
25 biodiesel by volume must be labeled as provided by the State Department of Agriculture by rule.

26 “[*(3) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel fuel that  
27 otherwise meets the requirements of subsections (1) and (2) of this section and rules adopted pursuant  
28 to ORS 646.957 but to which there have been added substances to prevent congealing or gelling of  
29 diesel fuel containing biodiesel, without violating the requirements of subsections (1) and (2) of this  
30 section and rules adopted pursuant to ORS 646.957. This subsection applies only to diesel fuel sold or  
31 offered for sale during the period from October 1 of any year to February 28 of the following year.*]

32 “[*(4)*] (3) The department shall adopt standards for biodiesel or other renewable diesel sold in  
33 this state. The department shall consult the specifications established for biodiesel or other  
34 renewable diesel by ASTM International in forming its standards. The department may review  
35 specifications adopted by ASTM International, or equivalent organizations, and revise the standards

1 adopted pursuant to this subsection as necessary.

2 “[5] (4) The minimum biodiesel fuel content requirements under subsections (1) and (2) of this  
3 section do not apply to diesel fuel sold or offered for sale for use by railroad locomotives, marine  
4 engines or home heating.

5 “**SECTION 6.** ORS 646.922, as amended by section 3, chapter 752, Oregon Laws 2009, and sec-  
6 tion 3 of this 2010 Act, is amended to read:

7 “646.922. (1) A retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale  
8 diesel fuel unless the diesel fuel contains at least two percent biodiesel by volume or other  
9 renewable diesel with at least two percent renewable component by volume.

10 “(2) Two months after the date of the notice given under ORS 646.921 (2), a retail dealer,  
11 nonretail dealer or wholesale dealer may not sell or offer for sale diesel fuel unless the diesel fuel  
12 contains at least five percent biodiesel by volume or other renewable diesel with at least five per-  
13 cent renewable component by volume. Diesel fuel containing more than five percent biodiesel by  
14 volume or other renewable diesel with more than five percent renewable component by volume must  
15 be labeled as provided by the State Department of Agriculture by rule.

16 “[3] *A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel fuel that*  
17 *otherwise meets the requirements of subsections (1) and (2) of this section and rules adopted pursuant*  
18 *to ORS 646.957 but to which there have been added substances to prevent congealing or gelling of*  
19 *diesel fuel containing biodiesel or other renewable diesel, without violating the requirements of sub-*  
20 *sections (1) and (2) of this section and rules adopted pursuant to ORS 646.957. This subsection applies*  
21 *only to diesel fuel sold or offered for sale during the period from October 1 of any year to February*  
22 *28 of the following year.]*

23 “[4] (3) The department shall adopt standards for biodiesel or other renewable diesel sold in  
24 this state. The department shall consult the specifications established for biodiesel or other  
25 renewable diesel by ASTM International in forming its standards. The department may review  
26 specifications adopted by ASTM International, or equivalent organizations, and revise the standards  
27 adopted pursuant to this subsection as necessary.

28 “[5] (4) The minimum biodiesel fuel content or renewable component in other renewable diesel  
29 requirements under subsections (1) and (2) of this section do not apply to diesel fuel sold or offered  
30 for sale for use by railroad locomotives, marine engines or home heating.

31 “**SECTION 7. The amendments to ORS 646.922 by sections 5 and 6 of this 2010 Act become**  
32 **operative on March 1, 2011.”**

33 In line 11, delete “5” and insert “8”.  
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