

# House Bill 2827

Sponsored by Representative WHISNANT (Pre-session 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**.

Repeals sunset of provisions permitting sales of diesel fuel containing additives.  
Declares emergency, effective March 1, 2011.

## A BILL FOR AN ACT

1  
2 Relating to additives to biodiesel fuel; creating new provisions; amending ORS 646.922; repealing  
3 section 7, chapter 55, Oregon Laws 2010; and declaring an emergency.

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

5 **SECTION 1. Section 7, chapter 55, Oregon Laws 2010, is repealed.**

6 **SECTION 2.** ORS 646.922, as amended by sections 2 and 5, chapter 55, Oregon Laws 2010, is  
7 amended to read:

8 646.922. (1) A retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale  
9 diesel fuel unless the diesel fuel contains at least two percent biodiesel 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. Diesel fuel containing more than five percent  
13 biodiesel by volume must be labeled as provided by the State Department of Agriculture by rule.

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

21 *[(3)]* (4) The department shall adopt standards for biodiesel or other renewable diesel sold in this  
22 state. The department shall consult the specifications established for biodiesel or other renewable  
23 diesel by ASTM International in forming its standards. The department may review specifications  
24 adopted by ASTM International, or equivalent organizations, and revise the standards adopted pur-  
25 suant to this subsection as necessary.

26 *[(4)]* (5) The minimum biodiesel fuel content requirements under subsections (1) and (2) of this  
27 section do not apply to diesel fuel sold or offered for sale for use by railroad locomotives, marine  
28 engines or home heating.

29 **SECTION 3.** ORS 646.922, as amended by section 3, chapter 752, Oregon Laws 2009, and  
30 sections 3 and 6, chapter 55, Oregon Laws 2010, is amended to read:

31 646.922. (1) A retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale

**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 diesel fuel unless the diesel fuel contains at least two percent biodiesel by volume or other  
 2 renewable diesel with at least two percent renewable component by volume.

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

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

16 [(3)] (4) The department shall adopt standards for biodiesel or other renewable diesel sold in this  
 17 state. The department shall consult the specifications established for biodiesel or other renewable  
 18 diesel by ASTM International in forming its standards. The department may review specifications  
 19 adopted by ASTM International, or equivalent organizations, and revise the standards adopted pur-  
 20 suant to this subsection as necessary.

21 [(4)] (5) The minimum biodiesel fuel content [or] **and** renewable component in other renewable  
 22 diesel requirements under subsections (1) and (2) of this section do not apply to diesel fuel sold or  
 23 offered for sale for use by railroad locomotives, marine engines or home heating.

24 **SECTION 4. If this 2011 Act does not become effective until after March 1, 2011, the re-  
 25 peal of section 7, chapter 55, Oregon Laws 2010, by section 1 of this 2011 Act revives the  
 26 amendments to ORS 646.922 by section 2, chapter 55, Oregon Laws 2010, and the amendments  
 27 to ORS 646.922 by section 3, chapter 752, Oregon Laws 2009, and section 3, chapter 55, Oregon  
 28 Laws 2010. If this 2011 Act does not become effective until after March 1, 2011, this 2011 Act  
 29 shall be operative retroactively to that date, and the operation and effect of the amendments  
 30 to ORS 646.922 by section 2, chapter 55, Oregon Laws 2010, and the amendments to ORS  
 31 646.922 by section 3, chapter 752, Oregon Laws 2009, and section 3, chapter 55, Oregon Laws  
 32 2010, shall continue unaffected from March 1, 2011, to the effective date of this 2011 Act and  
 33 thereafter. Any otherwise lawful action taken or otherwise lawful obligation incurred under  
 34 the authority of the amendments to ORS 646.922 by section 2, chapter 55, Oregon Laws 2010,  
 35 and the amendments to ORS 646.922 by section 3, chapter 752, Oregon Laws 2009, and section  
 36 3, chapter 55, Oregon Laws 2010, after March 1, 2011, and before the effective date of this  
 37 2011 Act, is ratified and approved.**

38 **SECTION 5. This 2011 Act being necessary for the immediate preservation of the public  
 39 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect  
 40 March 1, 2011.**