

Senate Bill 813

Sponsored by Senator FERRIOLI (at the request of Sam Haines)

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**.

Exempts retail dealer, nonretail dealer or wholesale dealer of diesel fuel located east of Cascade Range from biodiesel requirements during period from September 1 to March 30.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to biodiesel; amending ORS 646.922; and declaring an emergency.

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

4 **SECTION 1.** ORS 646.922, as amended by section 2, chapter 55, Oregon Laws 2010, is amended
5 to read:

6 646.922. (1) **Except as provided in subsection (3) of this section**, a retail dealer, nonretail
7 dealer or wholesale dealer may not sell or offer for sale diesel fuel unless the diesel fuel contains
8 at least two percent biodiesel by volume.

9 (2) **Except as provided in subsection (3) of this section**, two months after the date of the
10 notice given under ORS 646.921 (2), a retail dealer, nonretail dealer or wholesale dealer may not sell
11 or offer for sale diesel fuel unless the diesel fuel contains at least five percent biodiesel by volume.
12 Diesel fuel containing more than five percent biodiesel by volume must be labeled as provided by
13 the State Department of Agriculture by rule.

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

20 (3) **A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel
21 fuel that does not contain biodiesel in any amount in any county located east of the Cascade
22 Range during the period from September 1 of any year to March 30 of the following year.**

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

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

31 **SECTION 2.** ORS 646.922, as amended by sections 2 and 5, chapter 55, Oregon Laws 2010, is

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 amended to read:

2 646.922. (1) **Except as provided in subsection (3) of this section**, a retail dealer, nonretail
3 dealer or wholesale dealer may not sell or offer for sale diesel fuel unless the diesel fuel contains
4 at least two percent biodiesel by volume.

5 (2) **Except as provided in subsection (3) of this section**, two months after the date of the
6 notice given under ORS 646.921 (2), a retail dealer, nonretail dealer or wholesale dealer may not sell
7 or offer for sale diesel fuel unless the diesel fuel contains at least five percent biodiesel by volume.
8 Diesel fuel containing more than five percent biodiesel by volume must be labeled as provided by
9 the State Department of Agriculture by rule.

10 (3) **A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel
11 fuel that does not contain biodiesel in any amount in any county located east of the Cascade
12 Range during the period from September 1 of any year to March 30 of the following year.**

13 [(3)] (4) The department shall adopt standards for biodiesel or other renewable diesel sold in this
14 state. The department shall consult the specifications established for biodiesel or other renewable
15 diesel by ASTM International in forming its standards. The department may review specifications
16 adopted by ASTM International, or equivalent organizations, and revise the standards adopted pur-
17 suant to this subsection as necessary.

18 [(4)] (5) The minimum biodiesel fuel content requirements under subsections (1) and (2) of this
19 section do not apply to diesel fuel sold or offered for sale for use by railroad locomotives, marine
20 engines or home heating.

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

23 646.922. (1) **Except as provided in subsection (3) of this section**, a retail dealer, nonretail
24 dealer or wholesale dealer may not sell or offer for sale diesel fuel unless the diesel fuel contains
25 at least two percent biodiesel by volume or other renewable diesel with at least two percent
26 renewable component by volume.

27 (2) **Except as provided in subsection (3) of this section**, two months after the date of the
28 notice given under ORS 646.921 (2), a retail dealer, nonretail dealer or wholesale dealer may not sell
29 or offer for sale diesel fuel unless the diesel fuel contains at least five percent biodiesel by volume
30 or other renewable diesel with at least five percent renewable component by volume. Diesel fuel
31 containing more than five percent biodiesel by volume or other renewable diesel with more than five
32 percent renewable component by volume must be labeled as provided by the State Department of
33 Agriculture by rule.

34 (3) **A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel
35 fuel that does not contain biodiesel in any amount in any county located east of the Cascade
36 Range during the period from September 1 of any year to March 30 of the following year.**

37 [(3)] (4) The department shall adopt standards for biodiesel or other renewable diesel sold in this
38 state. The department shall consult the specifications established for biodiesel or other renewable
39 diesel by ASTM International in forming its standards. The department may review specifications
40 adopted by ASTM International, or equivalent organizations, and revise the standards adopted pur-
41 suant to this subsection as necessary.

42 [(4)] (5) The minimum biodiesel fuel content or renewable component in other renewable diesel
43 requirements under subsections (1) and (2) of this section do not apply to diesel fuel sold or offered
44 for sale for use by railroad locomotives, marine engines or home heating.

45 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
2 **on its passage.**

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