

**Enrolled**  
**House Bill 3448**

Sponsored by Representatives BOONE, BAILEY; Representative FREEMAN, Senator BATES

CHAPTER .....

AN ACT

Relating to diesel fuel stored for use in emergency power generation; creating new provisions; and amending ORS 646.922.

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

**SECTION 1.** ORS 646.922 is amended to read:

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

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

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

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

(5) The minimum biodiesel fuel content and renewable component in other renewable diesel requirements under subsections (1) and (2) of this section do not apply to diesel fuel sold or offered for sale for use by railroad locomotives, marine engines or home heating **or to facilities that store more than 50 gallons of diesel fuel for use in emergency power generation.**

**SECTION 2.** The amendments to ORS 646.922 by section 1 of this 2013 Act apply to diesel fuel sold on or after the effective date of this 2013 Act.

**Passed by House March 21, 2013**

.....  
Ramona J. Line, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate May 2, 2013**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2013

**Approved:**

.....M,....., 2013

.....  
John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2013

.....  
Kate Brown, Secretary of State