

# House Bill 2373

Sponsored by Representative WHISNANT; Representatives BENTZ, ESQUIVEL, HUFFMAN, KRIEGER, OLSON, SMITH, SPRENGER, WEIDNER, WHITSETT, Senator THATCHER (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**.

Removes requirement for State Department of Agriculture to monitor ethanol fuel production and issue notice when ethanol production reaches specified level.

Removes requirement that retail dealer, nonretail dealer or wholesale dealer of gasoline sell only gasoline blended with specified percentage of ethanol.

## A BILL FOR AN ACT

1  
2 Relating to vehicle fuels; amending ORS 646.913; and repealing ORS 646.912 and section 19, chapter  
3 739, Oregon Laws 2007.

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

5 **SECTION 1.** ORS 646.913 is amended 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 the gasoline contains 10 percent*  
8 *ethanol by volume.*]

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

13 [(3)] (1) The [department] **State Department of Agriculture** shall adopt standards for ethanol  
14 blended with gasoline sold in this state. The standards [adopted] **the department adopts** shall re-  
15 quire 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 the gasoline has been sold, transferred or otherwise removed from a refinery or terminal;  
23 and

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

25 [(4)] (2) The department may review specifications adopted by ASTM International, or equiv-  
26 alent organizations, and federal regulations and revise the standards adopted [pursuant to] **under**  
27 this section as necessary.

28 [(5) *A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale gasoline that is*  
29 *not blended with ethanol if the gasoline has an octane rating, as defined in ORS 646.945, of 91 or*  
30 *above or if the gasoline is for use in:]*

**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        *[(a) An aircraft:]*
- 2        *[(A) With a supplemental type certificate approved by the Federal Aviation Administration that*
- 3 *allows the aircraft to use gasoline that is intended for use in motor vehicles; or]*
- 4        *[(B) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use*
- 5 *gasoline that is intended for use in motor vehicles;]*
- 6        *[(b) An aircraft that has been issued an experimental certificate, described in 14 C.F.R. 21.191, by*
- 7 *the Federal Aviation Administration and that is required by the manufacturer's specifications to use*
- 8 *gasoline that is intended for use in motor vehicles;]*
- 9        *[(c) A light-sport aircraft, as defined in 14 C.F.R. 1.1, that is required by the manufacturer's spec-*
- 10 *ifications to use gasoline that is intended for use in motor vehicles;]*
- 11        *[(d) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required*
- 12 *by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;]*
- 13        *[(e) An antique vehicle, as defined in ORS 801.125;]*
- 14        *[(f) A Class I all-terrain vehicle, as defined in ORS 801.190;]*
- 15        *[(g) A Class III all-terrain vehicle, as defined in ORS 801.194;]*
- 16        *[(h) A Class IV all-terrain vehicle, as defined in ORS 801.194 (2);]*
- 17        *[(i) A racing activity vehicle, as defined in ORS 801.404;]*
- 18        *[(j) A snowmobile, as defined in ORS 801.490;]*
- 19        *[(k) Tools, including but not limited to lawn mowers, leaf blowers and chain saws; or]*
- 20        *[(L) A watercraft.]*

21        **SECTION 2. ORS 646.912 and section 19, chapter 739, Oregon Laws 2007, are repealed.**

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