

Senate Bill 163

Sponsored by Senator WHITSETT, Representative WHITSETT (Presession 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**.

Provides that requirement to sell or offer for sale diesel fuel that contains specified percentage of biodiesel or other renewable fuel does not apply to sale of diesel fuel that is exempt from excise tax in counties east of summit of Cascade Mountains during period from October 1 of each year to February 28 of following year.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sales of diesel fuel in counties east of the summit of the Cascade Mountains; amending
3 ORS 646.922; and declaring an emergency.

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

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

6 646.922. (1) A retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale
7 diesel fuel unless the diesel fuel contains at least two percent biodiesel by volume or other
8 renewable diesel with at least two percent renewable component by volume.

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

15 (3) A retail dealer, nonretail dealer or wholesale dealer *[may sell or offer for sale diesel fuel]*
16 **does not violate the requirements of subsection (1) or (2) of this section or rules the de-**
17 **partment adopted under ORS 646.957 if the dealer sells or offers for sale diesel fuel to which**
18 **substances have been added to prevent biodiesel or other renewable fuel in the diesel fuel**
19 **from gelling or congealing, if the diesel fuel** *[that]* otherwise meets the requirements of *[sub-*
20 *sections]* **subsection (1) [and] or (2) of this section and rules the department** adopted *[pursuant*
21 *to]* **under** ORS 646.957 *[but to which there have been added substances to prevent congealing or gelling*
22 *of diesel fuel containing biodiesel or other renewable diesel, without violating the requirements of sub-*
23 *sections (1) and (2) of this section and rules adopted pursuant to ORS 646.957].* This subsection applies
24 only to diesel fuel sold or offered for sale during the period from October 1 of any year to February
25 28 of the following year.

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

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 (5) The minimum biodiesel fuel content and renewable component in other renewable diesel re-
2 quirements under [subsections] **subsection** (1) [and] **or** (2) of this section do not apply to:

3 (a) Diesel fuel sold or offered for sale for use by railroad locomotives, marine engines or home
4 heating or to facilities that store more than 50 gallons of diesel fuel for use in emergency power
5 generation[.]; **or**

6 (b) **Diesel fuel that is exempt from excise tax and that is sold or offered for sale in any**
7 **county east of the summit of the Cascade Mountains during the period from October 1 of**
8 **each year to February 28 of the following year.**

9 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
11 **on its passage.**

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