AN ACT

AMENDING SECTIONS 41-2051 AND 41-2083, ARIZONA REVISED STATUTES; RELATING TO BIODIESEL FUEL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-2051, Arizona Revised Statutes, is amended to read:

41-2051. Definitions

In this chapter, unless the context otherwise requires:

1. "BIODIESEL" MEANS A DIESEL FUEL SUBSTITUTE THAT SATISFIES ALL OF THE FOLLOWING:

(a) IS PRODUCED FROM NONPETROLEUM RENEWABLE RESOURCES IF THE QUALIFYING VOLUME OF NONPETROLEUM RENEWABLE RESOURCES MEETS THE STANDARDS FOR CALIFORNIA DIESEL FUEL AS ADOPTED BY THE CALIFORNIA AIR RESOURCES BOARD PURSUANT TO 13 CALIFORNIA CODE OF REGULATIONS SECTIONS 2281 AND 2282 IN EFFECT ON JANUARY 1, 2000.

(b) MEETS THE REGISTRATION REQUIREMENT FOR FUELS AND ADDITIVES ESTABLISHED BY THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO SECTION 211 OF THE CLEAN AIR ACT AS DEFINED IN SECTION 49-401.01.


(d) IS SOLD, OFFERED OR EXPOSED FOR SALE AS A NEAT PRODUCT OR BLENDED WITH DIESEL FUEL.

2. "Certification" means the process of determining the accuracy of a commercial device to the standards of...
3. "Commercial device" means any weighing, measuring, metering or counting device that is used to determine direct cost of things sold or offered or exposed for sale, or used to establish a fee for service if the cost is based on weight, measure or count, except that it does not include those devices used for in-house packaging, inventory control or law enforcement purposes.

4. "Commodity" means any merchandise, product or substance produced or distributed for sale to or use by others.

5. "Correct" as used in connection with weights and measures means conformance to all applicable requirements of this chapter.

6. "Department" means the department of weights and measures.

7. "Diesel" means a refined middle distillate for use as a fuel in a compression-ignition internal combustion engine.

8. "Director" means the director of the department of weights and measures.

9. "Inspector" means state officials of the department of weights and measures.

10. "Liquid fuel measuring device" means any meter, pump, tank, gauge or apparatus used for volumetrically determining the quantity of any internal combustion engine fuel, liquefied petroleum gas or low viscosity heating oil.

11. "Motor fuel" means BIODIESEL OR A petroleum or a petroleum based substance that is motor gasoline, aviation gasoline, number one or number two diesel fuel or any grade of oxygenated gasoline typically used in the operation of a motor engine.

12. "Package" means any commodity enclosed in a container or wrapped in any manner in advance of sale in units suitable for either wholesale or retail trade.

13. "Person" means both the plural and the singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies and associations.

14. "Primary standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

15. "Public weighmaster" means any person who is engaged in any of the following:

(a) The business of weighing any object or thing for the public generally for hire or for internal use and issuing a weight certificate intended to be accepted as an accurate weight upon which a purchase or sale is based or on which a service fee is to be charged.

(b) The business of weighing for hire motor vehicles, trailer vehicles or semitrailers and issuing weight certificates intended to be accepted as an accurate weight for the purpose of determining the amount of any tax, fee or other assessment or tax.

16. "Registered service agency" means any agency, firm, company or corporation that for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and that has been issued a license by the department.

17. "Registered service representative" means any individual who for hire, award, commission or any other payment of any kind installs, services, repairs or reconditions a commercial device or tests or repairs vapor recovery systems or vapor recovery components and that has been issued a license by the department.
systems or vapor recovery components and who has been issued a license by the department.

18. "Retail seller" means a person whose business purpose is to sell, expose or offer for sale or use any packaged commodity by weight, measure or count.

19. "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

20. "Secondary standards" means the physical standards that are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and that are used in the enforcement of weights and measures laws and rules.

21. "Weight" as used in connection with any commodity means net weight.

22. "Weights" or "measures", or both, means all weights, measures, meters or counters of every kind, instruments and devices for weighing, measuring, metering or counting and any appliance and accessories associated with all such instruments and devices.

Sec. 2. Section 41-2083, Arizona Revised Statutes, is amended to read:

41-2083. Standards for motor fuel; exceptions

A. Except as provided in subsections C, D, E, F, G, K, L, M AND N of this section, a retail seller or fleet owner shall not store, sell or expose or offer for sale any motor fuel, kerosene, oil or other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other similar products if the product fails to meet the standard specified in this section and in the rules adopted by the director.

B. A person shall not misrepresent the nature, origination, quality, grade or identity of any product specified in subsection A of this section or represent the nature, origination, quality, grade or identity of such product in any manner calculated or tending to mislead or in any way deceive.

C. After consultation with the director of the department of environmental quality, the standards and test method motor fuels shall be established by the director of the department of weights and measures by rule.

D. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A as defined in section 49-541 shall be 9.0 pounds per square inch and after September 30 through March 31 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section 41-2121 is exempt from this subsection.

E. From and after September 30 through March 31 of each year a person shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor pressure/distillation class ten volume per cent evaporated distillation temperature.

F. Maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in a county with a population of one million two hundred thousand persons or more and any portion of a county contained in area A as defined in section 49-541 shall be 7.0 pounds per square inch and after May 31 through September 30 of each year. Fuel used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section 41-2121 is exempt from this subsection.

G. Exclusively for the purposes of transportation conformity and only if the administrator of the United States environmental protection agency fails to approve the applicable plan required pursuant to section 49-406, maximum vapor pressure for gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles in area B as defined in section 49-541 shall be ten pounds per square inch from and after September...
used in motor vehicles at a manufacturer's proving ground or a motor vehicle racing event as defined by section 41-2121 is exempt from this subsection.

H. Notwithstanding subsections D, F and G of this section, the director of the department of weights and measures in consultation with the director of the department of environmental quality shall approve alternate fuel control measures that are submitted by manufacturers or suppliers of gasoline and that the directors determine will result in either of the following:

1. Motor vehicle carbon monoxide emissions that are equal to or less than emissions that result under compliance with subsection D of this section and section 41-2123. In making this determination, the director of the department of weights and measures and the director of the department of environmental quality shall compare the emissions of a fuel with a maximum vapor pressure standard as prescribed by this section and with the minimum oxygen content or percentage by volume of ethanol as prescribed by section 41-2123.

2. Motor vehicle non-methane hydrocarbon emissions that are equal to or less than the emissions that result under compliance with subsection F of this section. In making this determination, the director of the department of weights and measures and the director of the department of environmental quality shall compare the motor vehicle non-methane hydrocarbon emissions of the alternate fuel control measure with the maximum vapor pressure standard as prescribed by subsection F of this section.

I. Any alternate fuel control measures that are approved shall not increase emissions of non-methane hydrocarbons, particulates, carbon monoxide or oxides of nitrogen. Alternate fuel control measures approved pursuant to subsection H of this section and this subsection may be used by any manufacturer or supplier of gasoline unless the approval is rescinded more than one hundred eighty days before the first day of a gasoline control period. Manufacturers and suppliers who use an approved alternate fuel control measure shall annually submit a compliance plan to the director of the department of weights and measures no later than sixty days before the first day of a gasoline control period.

J. A person shall not sell or offer or expose for sale diesel fuel grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of five hundred parts per million for use in area A as defined in section 49-541.

K. A PERSON SHALL NOT SELL OR OFFER OR EXPOSE FOR SALE BIODIESEL THAT IS NOT TESTED DOES NOT MEET THE SPECIFICATIONS ESTABLISHED BY ASTM D6751 OR ANY BLEND OF BIODIESEL AND DIESEL FUEL THAT IS NOT TESTED OR DOES NOT MEET THE SPECIFICATIONS ESTABLISHED BY ASTM D975 AND THAT CONTAINS SULFUR IN EXCESS OF FIVE HUNDRED PARTS PER MILLIC FOR USE IN AREA A AS DEFINED IN SECTION 49-541.

L. A PERSON THAT BLENDS BIODIESEL THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR VEHICLES SHALL REPORT TO THE DIRECTOR BY THE FIFTEENTH DAY OF EACH MONTH THE QUANTITY AND QUALITY OF BIODIESEL SHIPPED TO OR PRODUCED IN THIS STATE DURING THE PRECEDING MONTH. A PERSON WHO SUPPLIES BIODIESEL SUBJECT TO THIS SUBSECTION SHALL REPORT THE FOLLOWING BY BATCH:

1. THE PERCENTAGE OF BIODIESEL IN A FINAL BLEND.

2. THE VOLUME OF THE FINISHED PRODUCT.

3. FOR NEAT BIODIESEL, THE RESULTS OF ANALYSIS FOR THOSE PARAMETERS ESTABLISHED BY ASTM D6751.

4. FOR BIODIESEL BLENDED WITH ANY DIESEL FUEL, THE RESULTS OF THE ANALYSIS OF THE
FOLLOWING MOTOR FUEL PARAMETERS AS ESTABLISHED BY ASTM D975:

(a) SULFUR CONTENT.

(b) AROMATIC HYDROCARBON CONTENT.

(c) CETANE NUMBER.

(d) SPECIFIC GRAVITY.

(e) AMERICAN PETROLEUM INSTITUTE GRAVITY.

(f) THE TEMPERATURES AT WHICH TEN PER CENT, FIFTY PER CENT AND NINETY PER CENT OF DIESEL FUEL BOILED OFF DURING DISTILLATION.

M. THE REPORT REQUIRED BY SUBSECTION L OF THIS SECTION SHALL BE ON A FORM PRESCRIBED BY THE DIRECTOR AND SHALL CONTAIN A CERTIFICATION OF TRUTHFULNESS AND ACCURACY OF THE DATA SUBMITTED AND A STATEMENT OF THE SUPPLIER’S CONSENT PERMITTING THE DEPARTMENT OR ITS AUTHORIZED AGENT TO COLLECT SAMPLES AND ACCESS RECORDS AS PROVIDED IN RULES ADOPTED BY THE DEPARTMENT. A CORPORATE OFFICER WHO IS RESPONSIBLE FOR OPERATIONS AT THE FACILITY THAT PRODUCES OR SHIPS THE FINAL PRODUCT SHALL SIGN THE REPORT.

N. A PERSON SHALL LABEL DISPENSERS AT WHICH BIODIESEL IS DISPENSED IN SUCH A MANNER AS TO NOTIFY OTHER PERSONS OF THE VOLUME PERCENTAGE OF BIODIESEL IN THE FINISHED PRODUCT.

APPROVED BY THE GOVERNOR APRIL 29, 2002.