

State of Arizona
House of Representatives
Fifty-second Legislature
First Regular Session
2015

HOUSE BILL 2395

AN ACT

AMENDING SECTIONS 1-215, 41-2051, 41-2083 AND 41-2121, ARIZONA REVISED
STATUTES; RELATING TO BIOFUELS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 1-215, Arizona Revised Statutes, is amended to
3 read:
4 1-215. Definitions
5 In the statutes and laws of this state, unless the context otherwise
6 requires:
7 1. "Action" includes any matter or proceeding in a court, civil or
8 criminal.
9 2. "Adopted rule" means a final rule as defined in section 41-1001.
10 3. "Adult" means a person who has attained eighteen years of age.
11 4. "Alternative fuel" means:
12 (a) Electricity.
13 (b) Solar energy.
14 (c) Liquefied petroleum gas, natural gas, hydrogen or a blend of
15 hydrogen with liquefied petroleum or natural gas that complies with any of
16 the following:
17 (i) Is used in an engine that is certified to meet at a minimum the
18 United States environmental protection agency low emission vehicle standard
19 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.
20 (ii) Is used in an engine that is certified by the engine modifier to
21 meet the addendum to memorandum 1-A of the United States environmental
22 protection agency as printed in the federal register, volume 62, number 207,
23 October 27, 1997, pages 55635 through 55637.
24 (iii) Is used in an engine that is the subject of a waiver for that
25 specific engine application from the United States environmental protection
26 agency's memorandum 1-A addendum requirements and that waiver is documented
27 to the reasonable satisfaction of the director of the department of
28 environmental quality.
29 (d) Only for vehicles that use alcohol fuels before August 21, 1998,
30 alcohol fuels that contain not less than eighty-five ~~per cent~~ PERCENT alcohol
31 by volume.
32 (e) A combination of at least seventy ~~per cent~~ PERCENT alternative
33 fuel and no more than thirty ~~per cent~~ PERCENT petroleum based fuel that
34 operates in an engine that meets the United States environmental protection
35 agency low emission vehicle standard pursuant to 40 Code of Federal
36 Regulations section 88.104-94 or 88.105-94 and that is certified by the
37 engine manufacturer to consume at least seventy ~~per cent~~ PERCENT alternative
38 fuel during normal vehicle operations.
39 5. "Bribe" means anything of value or advantage, present or
40 prospective, asked, offered, given, accepted or promised with a corrupt
41 intent to influence, unlawfully, the person to whom it is given in that
42 person's action, vote or opinion, in any public or official capacity.
43 6. "Child" or "children" as used in reference to age of persons means
44 persons under eighteen years of age.

1 7. "Clean burning fuel" means:

2 (a) An emulsion of water-phased hydrocarbon fuel that contains not
3 less than twenty ~~per cent~~ PERCENT water by volume and that complies with any
4 of the following:

5 (i) Is used in an engine that is certified to meet at a minimum the
6 United States environmental protection agency low emission vehicle standard
7 pursuant to 40 Code of Federal Regulations section 88.104-94 or 88.105-94.

8 (ii) Is used in an engine that is certified by the engine modifier to
9 meet the addendum to memorandum 1-A of the United States environmental
10 protection agency as printed in the federal register, volume 62, number 207,
11 October 27, 1997, pages 55635 through 55637.

12 (iii) Is used in an engine that is the subject of a waiver for that
13 specific engine application from the United States environmental protection
14 agency's memorandum 1-A addendum requirements and that waiver is documented
15 to the reasonable satisfaction of the director of the department of
16 environmental quality.

17 (b) A diesel fuel substitute that is produced from nonpetroleum
18 renewable resources if the qualifying volume of the nonpetroleum renewable
19 resources meets the standards for California diesel fuel as adopted by the
20 California air resources board pursuant to 13 California Code of Regulations
21 sections 2281 and 2282 in effect on January 1, 2000, the diesel fuel
22 substitute meets the registration requirement for fuels and additives
23 established by the United States environmental protection agency pursuant to
24 section 211 of the clean air act as defined in section 49-401.01 and the use
25 of the diesel fuel substitute complies with the requirements listed in 10
26 Code of Federal Regulations part 490, as printed in the federal register,
27 volume 64, number 96, May 19, 1999.

28 (c) A diesel fuel that complies with all of the following:

29 (i) Contains a maximum of fifteen parts per million by weight of
30 sulfur.

31 (ii) Meets ASTM D975.

32 (iii) Meets the registration requirements for fuels and additives
33 established by the United States environmental protection agency pursuant to
34 section 211 of the clean air act as defined in section 49-401.01.

35 (iv) Is used in an engine that is equipped or has been retrofitted
36 with a device that has been certified by the California air resources board
37 diesel emission control strategy verification procedure, the United States
38 environmental protection agency voluntary diesel retrofit program or the
39 United States environmental protection agency verification protocol for
40 retrofit catalyst, particulate filter and engine modification control
41 technologies for highway and nonroad use diesel engines.

42 ~~(d) A blend of unleaded gasoline that contains at minimum eighty-five~~
43 ~~per cent ethanol by volume or eighty-five per cent methanol by volume.~~

44 (d) ETHANOL FLEX FUEL AS DEFINED IN SECTION 41-2051.

45 (e) Neat methanol.

- 1 (f) Neat ethanol.
- 2 8. "Corruptly" means a wrongful design to acquire or cause some
3 pecuniary or other advantage to the person guilty of the act or omission
4 referred to, or to some other person.
- 5 9. "Daytime" means the period between sunrise and sunset.
- 6 10. "Depose" includes every manner of written statement under oath or
7 affirmation.
- 8 11. "Federal poverty guidelines" means the poverty guidelines as
9 updated annually in the federal register by the United States department of
10 health and human services.
- 11 12. "Grantee" includes every person to whom an estate or interest in
12 real property passes, in or by a deed.
- 13 13. "Grantor" includes every person from or by whom an estate or
14 interest in real property passes, in or by a deed.
- 15 14. "Includes" or "including" means not limited to and is not a term of
16 exclusion.
- 17 15. "Inhabitant" means a resident of a city, town, village, district,
18 county or precinct.
- 19 16. "Issue" as used in connection with descent of estates includes all
20 lawful, lineal descendants of the ancestor.
- 21 17. "Knowingly":
- 22 (a) **MEANS** only a knowledge that the facts exist that bring the act or
23 omission within the provisions of the statute using such word.
- 24 (b) Does not require any knowledge of the unlawfulness of the act or
25 omission.
- 26 18. "Magistrate" means an officer having power to issue a warrant for
27 the arrest of a person charged with a public offense and includes the chief
28 justice and justices of the supreme court, judges of the superior court,
29 justices of the peace and police magistrates in cities and towns.
- 30 19. "Majority" or "age of majority" as used in reference to age of
31 persons means the age of eighteen years or more.
- 32 20. "Malice" and "maliciously" mean a wish to vex, annoy or injure
33 another person, or an intent to do a wrongful act, established either by
34 proof or presumption of law.
- 35 21. "Minor" means a person under the age of eighteen years.
- 36 22. "Minor children" means persons under the age of eighteen years.
- 37 23. "Month" means a calendar month unless otherwise expressed.
- 38 24. "Neglect", "negligence", "negligent" and "negligently" import a
39 want of such attention to the nature or probable consequence of the act or
40 omission as a prudent man ordinarily bestows in acting in his own concerns.
- 41 25. "Nighttime" means the period between sunset and sunrise.
- 42 26. "Oath" includes an affirmation or declaration.
- 43 27. "Peace officers" means sheriffs of counties, constables, marshals,
44 policemen of cities and towns, commissioned personnel of the department of
45 public safety, personnel who are employed by the state department of

1 corrections and the department of juvenile corrections and who have received
2 a certificate from the Arizona peace officer standards and training board,
3 peace officers who are appointed by a multicounty water conservation district
4 and who have received a certificate from the Arizona peace officer standards
5 and training board, police officers who are appointed by community college
6 district governing boards and who have received a certificate from the
7 Arizona peace officer standards and training board, police officers who are
8 appointed by the Arizona board of regents and who have received a certificate
9 from the Arizona peace officer standards and training board, police officers
10 who are appointed by the governing body of a public airport pursuant to
11 section 28-8426 and who have received a certificate from the Arizona peace
12 officer standards and training board and special agents from the office of
13 the attorney general, or of a county attorney, and who have received a
14 certificate from the Arizona peace officer standards and training board.

15 28. "Person" includes a corporation, company, partnership, firm,
16 association or society, as well as a natural person. When the word "person"
17 is used to designate the party whose property may be the subject of a
18 criminal or public offense, the term includes the United States, this state,
19 or any territory, state or country, or any political subdivision of this
20 state that may lawfully own any property, or a public or private corporation,
21 or partnership or association. When the word "person" is used to designate
22 the violator or offender of any law, it includes corporation, partnership or
23 any association of persons.

24 29. "Personal property" includes money, goods, chattels, dogs, things
25 in action and evidences of debt.

26 30. "Population" means the population according to the most recent
27 United States decennial census.

28 31. "Process" means a citation, writ or summons issued in the course of
29 judicial proceedings.

30 32. "Property" includes both real and personal property.

31 33. "Real property" is coextensive with lands, tenements and
32 hereditaments.

33 34. "Registered mail" includes certified mail.

34 35. "Seal" as used in reference to a paper issuing from a court or
35 public office to which the seal of such court or office is required to be
36 affixed means an impression of the seal on that paper, an impression of the
37 seal affixed to that paper by a wafer or wax, a stamped seal, a printed seal,
38 a screened seal or a computer-generated seal.

39 36. "Signature" or "subscription" includes a mark, if a person cannot
40 write, with the person's name written near it and witnessed by a person who
41 writes the person's own name as witness.

42 37. "State", as applied to the different parts of the United States,
43 includes the District of Columbia, this state and the territories.

44 38. "Testify" includes every manner of oral statement under oath or
45 affirmation.

1 39. "United States" includes the District of Columbia and the
2 territories.

3 40. "Vessel", as used in reference to shipping, includes ships of all
4 kinds, steamboats, steamships, barges, canal boats and every structure
5 adapted to navigation from place to place for the transportation of persons
6 or property.

7 41. "Wilfully" means, with respect to conduct or to a circumstance
8 described by a statute defining an offense, that a person is aware or
9 believes that the person's conduct is of that nature or that the circumstance
10 exists.

11 42. "Will" includes codicils.

12 43. "Workers' compensation" means workmen's compensation as used in
13 article XVIII, section 8, Constitution of Arizona.

14 44. "Writ" means an order or precept in writing issued in the name of
15 the state or by a court or judicial officer.

16 45. "Writing" includes printing.

17 Sec. 2. Section 41-2051, Arizona Revised Statutes, is amended to read:

18 41-2051. Definitions

19 In this chapter, unless the context otherwise requires:

20 1. "Biodiesel" means a diesel fuel substitute that is produced from
21 nonpetroleum renewable resources as defined by the United States
22 environmental protection agency and that meets the registration requirements
23 for fuels and fuel additives established by the United States environmental
24 protection agency pursuant to section 211 of the clean air act, as defined in
25 section 49-401.01.

26 2. "Biodiesel blend" means a motor fuel that is ~~comprised~~ COMPOSED of
27 biodiesel and diesel fuel and that is designated by the letter "B", followed
28 by the numeric value of the volume percentage of biodiesel in the blend.

29 3. "Biofuel" means a solid, liquid or gaseous fuel that is derived
30 from biomass and that can be used directly for heating or power or as a BLEND
31 COMPONENT IN motor fuel.

32 4. "Biofuel blend" means a motor fuel that is ~~comprised~~ COMPOSED of a
33 biofuel, that is combined with a petroleum based fuel and that is designated
34 by the volume percentage of biofuel in the blend.

35 5. "Biomass" means biological material, such as plant or animal
36 matter, excluding organic material that has been transformed by geological
37 processes into substances such as coal or petroleum or derivatives thereof,
38 that may be transformed into biofuel.

39 6. "Certification" means the process of determining the accuracy of a
40 commercial device to the standards of this state by a registered service
41 representative or the department.

42 7. "Commercial device" means any weighing, measuring, metering or
43 counting device that is used to determine the direct cost of things sold or
44 offered or exposed for sale, or used to establish a fee for service if the
45 cost is based on weight, measure or count, except that it does not include

1 those devices used for in-house packaging, inventory control or law
2 enforcement purposes.

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

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

7 10. "Department" means the department of weights and measures.

8 11. "Diesel fuel" means a refined middle distillate that is used as a
9 fuel in a compression-ignition internal combustion engine and that meets the
10 specifications of ASTM D975.

11 12. "Director" means the director of the department of weights and
12 measures.

13 13. "~~E85~~ ETHANOL FLEX FUEL" means a fuel ethanol gasoline blend that
14 meets the specifications of ASTM D5798 STANDARD SPECIFICATION FOR ETHANOL
15 FUEL BLENDS FOR FLEXIBLE-FUEL AUTOMOTIVE SPARK-IGNITION ENGINES.

16 14. "Inspector" means state officials of the department of weights and
17 measures.

18 15. "Limousine" means a motor vehicle providing prearranged ground
19 transportation service for an individual passenger, or a group of passengers,
20 that is arranged in advance or is operated on a regular route or between
21 specified points and includes ground transportation under a contract or
22 agreement for services that includes a fixed rate or time and is provided in
23 a motor vehicle with a seating capacity not exceeding fifteen passengers,
24 including the driver.

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

28 17. "Livery vehicle" means a motor vehicle that:

29 (a) Has a seating capacity not exceeding fifteen passengers, including
30 the driver.

31 (b) Provides passenger services for a fare determined by a flat rate
32 or flat hourly rate between geographic zones or within a geographic area.

33 (c) Is available for hire on an exclusive or shared-ride basis.

34 (d) May do any of the following:

35 (i) Operate on a regular route or between specified places.

36 (ii) Offer prearranged ground transportation service as defined in
37 section 28-141.

38 (iii) Offer on demand ground transportation service pursuant to a
39 contract with a public airport, licensed business entity or organization.

40 18. "Misfuel" means the act of dispensing into the fuel tank of a motor
41 vehicle a motor fuel that was not intended to be used in the engine of that
42 motor vehicle.

43 19. "Motor fuel" means a petroleum or a petroleum-based substance that
44 is motor gasoline, aviation gasoline, number one or number two diesel fuel or
45 any grade of oxygenated gasoline typically used in the operation of a motor

1 engine, including biodiesel blends, biofuel blends and ~~the ethanol blend E85~~
2 ~~as defined in ASTM D5798~~ ETHANOL FLEX FUELS.

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

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

9 22. "Public weighmaster" means any person who is engaged in any of the
10 following:

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

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

19 23. "Reference standards" means the physical standards of the state
20 that serve as the legal reference from which all other standards and weights
21 and measures are derived.

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

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

32 26. "Retail seller" means a person whose business purpose is to sell,
33 expose or offer for sale or use any package or commodity by weight, measure
34 or count.

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

37 28. "Secondary standards" means the physical standards that are
38 traceable to the reference standards through comparisons, using acceptable
39 laboratory procedures, and that are used in the enforcement of weights and
40 measures laws and rules.

41 29. "Taxi" means a motor vehicle that has a seating capacity not
42 exceeding fifteen passengers, including the driver, that is registered as a
43 taxi in this state or any other state, that provides passenger services and
44 that:

1 (a) Does not primarily operate on a regular route or between specified
2 places.

3 (b) Offers local transportation for a fare determined on the basis of
4 the distance traveled or prearranged ground transportation service as defined
5 in section 28-141 for a predetermined fare.

6 30. "Taxi meter" means a commercial device that meets the requirements
7 of the national institute of standards and technology handbook 44 as
8 prescribed by section 41-2064.

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

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

14 Sec. 3. Section 41-2083, Arizona Revised Statutes, is amended to read:
15 41-2083. Standards for motor fuel; exceptions

16 A. Except as provided in section 41-2083.01 and subsections C, D, E,
17 F, G, K and L of this section, a retail seller or fleet owner shall not
18 store, sell or expose or offer for sale any motor fuel, kerosene, oil or
19 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of
20 lubricants or other similar products if the product fails to meet the
21 standards specified in this section and in the rules adopted by the director.

22 B. A person shall not misrepresent the nature, origination, quality,
23 grade or identity of any product specified in subsection A of this section or
24 represent the nature, origination, quality, grade or identity of such product
25 in any manner calculated or tending to mislead or in any way deceive. This
26 subsection does not prohibit product origination disclaimer labeling on the
27 retail dispenser.

28 C. After consultation with the director of the department of
29 environmental quality, the standards and test methods for motor fuels shall
30 be established by the director of the department of weights and measures by
31 rule.

32 D. Maximum vapor pressure for gasoline that is supplied or sold by any
33 person and that is intended as a final product for the fueling of motor
34 vehicles in a county with a population of one million two hundred thousand or
35 more persons and any portion of a county contained in area A as defined in
36 section 49-541 shall be 9.0 pounds per square inch from and after September
37 30 through March 31 of each year. Fuel used in motor vehicles at a
38 manufacturer's proving ground or a motor vehicle racing event as defined by
39 section 41-2121 is exempt from this subsection.

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

44 F. Maximum vapor pressure for gasoline that is supplied or sold by any
45 person and that is intended as a final product for the fueling of motor

1 vehicles in a county with a population of one million two hundred thousand
2 persons or more and any portion of a county contained in area A as defined in
3 section 49-541 shall be 7.0 pounds per square inch from and after May 31
4 through September 30 of each year. Fuel used in motor vehicles at a
5 manufacturer's proving ground or a motor vehicle racing event as defined by
6 section 41-2121 is exempt from this subsection.

7 G. Exclusively for the purposes of transportation conformity and only
8 if the administrator of the United States environmental protection agency
9 fails to approve the applicable plan required pursuant to section 49-406,
10 maximum vapor pressure for gasoline that is supplied or sold by any person
11 and that is intended as a final product for the fueling of motor vehicles in
12 area B as defined in section 49-541 shall be ten pounds per square inch from
13 and after September 30 through March 31 of each year. Fuel used in motor
14 vehicles at a manufacturer's proving ground or a motor vehicle racing event
15 as defined by section 41-2121 is exempt from this subsection.

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

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

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

38 I. Any alternate fuel control measures that are approved shall not
39 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
40 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
41 subsection H of this section and this subsection may be used by any
42 manufacturer or supplier of gasoline unless the approval is rescinded more
43 than one hundred eighty days before the first day of a gasoline control
44 period. Manufacturers and suppliers who use an approved alternate fuel
45 control measure shall annually submit a compliance plan to the director of

1 the department of weights and measures no later than sixty days before the
2 first day of a gasoline control period.

3 J. A person shall not sell or offer or expose for sale diesel fuel
4 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

5 ~~1. For low sulfur diesel fuel, five hundred parts per million by~~
6 ~~weight for use in area A as defined in section 49-541.~~

7 ~~2. For ultra low sulfur diesel fuel, the amount that conforms with 40~~
8 ~~Code of Federal Regulations section 80.520(a)(1).~~ FIFTEEN PARTS PER MILLION.
9 LOCOMOTIVE AND MARINE DIESEL FUEL IS EXEMPT FROM THIS REQUIREMENT IF THE FUEL
10 MEETS THE REQUIREMENTS UNDER 40 CODE OF FEDERAL REGULATIONS SECTION 80.513(g)
11 AND (h).

12 K. A person shall not sell or offer or expose for sale ~~diesel fuel,~~
13 biodiesel or biodiesel blends that contain sulfur in excess of ~~five hundred~~
14 ~~FIFTEEN~~ parts per million ~~for use in area A as defined in section 49-541.~~

15 L. A person shall label dispensers at which biodiesel or biodiesel
16 blends are dispensed in conformance with 16 Code of Federal Regulations part
17 306 and 40 Code of Federal Regulations sections 80.570, 80.571, 80.572,
18 80.573 and 80.574. This section does not preclude a person from labeling a
19 dispenser that dispenses diesel fuel that contains up to five ~~per cent~~
20 PERCENT biodiesel with a label that states "may contain up to five ~~per cent~~
21 PERCENT biodiesel".

22 M. For biodiesel blends that contain more than five ~~per cent~~ PERCENT
23 by volume of biodiesel, a person shall prepare product transfer documents in
24 a manner that notifies the transferee of the ~~per cent~~ PERCENT by volume of
25 biodiesel in the product. For diesel fuel that contains five ~~per cent~~
26 PERCENT or less by volume of biodiesel, a person shall prepare product
27 transfer documents in a manner that notifies that transferee of any volume
28 ~~per cent~~ PERCENT of biodiesel intentionally added to or known by the
29 transferor to be in the product.

30 N. The director shall adopt rules regarding the establishment and
31 enforcement of all of the following:

32 1. National or federal standards for individual biofuels and biofuel
33 blends.

34 2. United States environmental protection agency and ASTM test methods
35 for individual biofuels and biofuel blends.

36 3. Registration and reporting requirements for producers, blenders and
37 suppliers of biofuels and biofuel blends.

38 4. Labeling requirements for biofuels and biofuel blends other than
39 biodiesel or biodiesel blends.

40 5. Quality assurance and quality control programs for producers,
41 blenders and suppliers of biofuels and biofuel blends addressing rack, batch
42 or other blending.

43 6. Requirements that the dispensing equipment meet appropriate
44 UL ratings where available and applicable, that the equipment comply with
45 rules adopted by the department relating to approval, installation and sale

1 of devices and that the equipment be compatible with the products being
2 dispensed.

3 O. A biofuels or biofuel blends producer, blender, distributor,
4 supplier or retail seller that is in compliance with this section and the
5 rules adopted pursuant to this section is not liable to a consumer for any
6 injuries or property damage related to a consumer who misfuels.

7 P. A person shall label each dispenser at which ultra low sulfur
8 diesel fuel is dispensed in a manner that conforms with 40 Code of Federal
9 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
10 customer of the sulfur content of the diesel fuel being dispensed.

11 Q. A person shall label each dispenser at which low sulfur diesel fuel
12 is dispensed in a manner that conforms with 40 Code of Federal Regulations
13 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of
14 the sulfur content of the diesel fuel being dispensed.

15 R. If any person transfers custody or title of a diesel fuel or
16 distillate, except if the diesel fuel is dispensed into a motor vehicle or
17 nonroad, locomotive or marine equipment, the transferor shall provide to the
18 transferee product transfer documents that conform with 40 Code of Federal
19 Regulations section 80.590.

20 S. If the transfer of a motor fuel is from a terminal, storage
21 facility, ~~or~~ or transmix facility, the product transfer documents shall contain
22 the information prescribed in subsection R of this section as well as the
23 name and address of the final destination for the shipment, as prescribed by
24 department rule, and must accompany the shipment to its final destination.

25 Sec. 4. Section 41-2121, Arizona Revised Statutes, is amended to read:
26 41-2121. Definitions

27 In this article, unless the context otherwise requires:

28 1. "Area A" has the same meaning prescribed in section 49-541.

29 2. "Area B" has the same meaning prescribed in section 49-541.

30 3. "Area C" means that portion of Pinal county lying west of range 11
31 east, excluding that portion of the county lying within area A as defined in
32 section 49-541 and that portion of the county within the jurisdiction of any
33 Indian tribe, band, group or community that is recognized by the United
34 States secretary of the interior and that exercises governmental authority
35 within the limits of any Indian reservation under the jurisdiction of the
36 United States government, notwithstanding the issuance of any patent and
37 including rights-of-way running through the reservation.

38 4. "Fleet owner" means a registered owner or lessee of at least
39 twenty-five vehicles.

40 5. "Gasoline" means a volatile, highly flammable liquid mixture of
41 hydrocarbons that does not contain more than five one-hundredths grams of
42 lead for each United States gallon, that is produced, refined, manufactured,
43 blended, distilled or compounded from petroleum, natural gas, oil, shale oils
44 or coal and other flammable liquids free from undissolved water, sediment or
45 suspended matter, with or without additives, and that is commonly used as a

1 fuel for spark ignition internal combustion engines. Gasoline does not
2 include diesel fuel or ~~the ethanol blend E85 as defined in ASTM D5798-99~~
3 **ETHANOL FLEX FUELS.**

4 6. "Manufacturer's proving ground" means a facility whose sole purpose
5 is to develop complete advanced vehicles for an automotive manufacturer.

6 7. "Motor vehicle racing event" means a race that uses unlicensed
7 vehicles that are designed and manufactured specifically for racing purposes
8 and that is conducted on a public or private racecourse for the entertainment
9 of the general public. A motor vehicle racing event includes practice,
10 qualifying and demonstration laps conducted as part of the activities related
11 to a motor vehicle race.

12 8. "Oxygenate" means any oxygen-containing ashless, organic compound,
13 including aliphatic alcohols and aliphatic ethers, that may be used as a fuel
14 or as a gasoline-blending component and that is approved as a blending agent
15 under the provisions of a waiver issued by the United States environmental
16 protection agency pursuant to 42 United States Code section 7545(f).

17 9. "Oxygenated fuel" means an unleaded motor fuel blend that consists
18 primarily of gasoline and at least one and one-half ~~per cent~~ **PERCENT** by
19 weight of one or more oxygenates and that has been blended consistent with
20 the provisions of a waiver issued by the United States environmental
21 protection agency pursuant to 42 United States Code section 7545(f).

22 10. "Product transfer document" means any bill of lading, loading
23 ticket, manifest, delivery receipt, invoice or other documentation used on
24 any occasion when a person transfers custody or title of motor fuel other
25 than when motor fuel is sold or dispensed at a service station or fleet
26 vehicle fueling facility.

27 11. "Supplier" means any person who imports gasoline into a vehicle
28 emissions control area by means of a pipeline or in truckload quantities for
29 the person's own use within the vehicle emissions control area or any person
30 who sells gasoline intended for ultimate consumption within a vehicle
31 emissions control area, except that supplier does not mean a person with
32 respect to gasoline supplied or sold by the person to another for resale to a
33 retailer within a vehicle emissions control area or to a fleet owner for
34 consumption within a vehicle emissions control area.

35 12. "Vehicle emissions control area" has the same meaning prescribed in
36 section 49-541, except that such an area does not include a manufacturer's
37 proving ground that is located in the vehicle emissions control area.