

REFERENCE TITLE: **weights and measures; biofuels**

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

## **HB 2395**

Introduced by  
Representatives Pratt, Cardenas, Shope: Bowers, Carter, Gray, Leach,  
Senator Allen

**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.