

# House Bill 2185

Sponsored by Representative WILDE (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**.

Requires diesel fuel that retail dealers, nonretail dealers and wholesale dealers sell or offer for sale in this state to contain at least five percent biodiesel during period that begins on October 2 of each year and ends on March 31 of following year and to contain at least 20 percent biodiesel during period that begins on April 1 and ends on October 1 of each year.

## A BILL FOR AN ACT

1  
2 Relating to a requirement for diesel fuel sold in this state to contain biodiesel; creating new pro-  
3 visions; and amending ORS 646.922.

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)]* **(1)(a)** A retail dealer, nonretail dealer or wholesale dealer may not sell or offer for  
7 sale diesel fuel unless the diesel fuel contains:

8 **(A)** At least five percent biodiesel by volume or other renewable diesel with at least five percent  
9 renewable component by volume **during the period that begins on October 2 of each year and**  
10 **ends on March 31 of the following year; and**

11 **(B)** At least 20 percent biodiesel by volume or other renewable diesel with at least 20  
12 percent renewable component by volume **during the period that begins on April 1 and ends**  
13 **on October 1 of each year.**

14 **(b)** Diesel fuel that contains more than five percent biodiesel by volume or other renewable  
15 diesel with more than five percent renewable component by volume must be labeled as the State  
16 Department of Agriculture provides by rule.

17 (2) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel fuel that  
18 otherwise meets the requirements of subsection (1) of this section and rules adopted pursuant to  
19 ORS 646.957 but to which there have been added substances to prevent congealing or gelling of  
20 diesel fuel containing biodiesel or other renewable diesel, without violating the requirements of  
21 subsection (1) of this section and rules adopted pursuant to ORS 646.957. This subsection applies  
22 only to diesel fuel sold or offered for sale during the period from October 1 of any year to February  
23 28 of the following year.

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

29 (4) The minimum biodiesel fuel content and renewable component in other renewable diesel re-  
30 quirements under subsection (1) of this section do not apply to diesel fuel sold or offered for sale for

**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 use by railroad locomotives, marine engines or home heating or to facilities that store more than  
2 50 gallons of diesel fuel for use in emergency power generation.

3 (5) All retail dealers, nonretail dealers and wholesale dealers in this state are required to pro-  
4 vide, upon the request of the department, a certificate of analysis for biodiesel received.

5 **SECTION 2. The amendments to ORS 646.922 by section 1 of this 2021 Act apply to sales**  
6 **of motor vehicle fuel that occur on and after the effective date of this 2021 Act.**

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