

Enrolled
House Bill 2289

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Department of Agriculture)

CHAPTER

AN ACT

Relating to the percentage of ethanol required in gasoline sold in this state; amending ORS 646.913.

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

SECTION 1. ORS 646.913 is amended to read:

646.913. (1) Except as provided in subsection (4) of this section, a wholesale dealer, retail dealer or nonretail dealer may not sell gasoline or offer gasoline for sale unless the gasoline contains at least 10 percent denatured fuel ethanol by volume. Gasoline that contains anhydrous ethanol in concentrations of at least 9.2 percent by volume complies with the requirement set forth in this subsection.

(2) The State Department of Agriculture shall adopt standards for gasoline blended with ethanol that is sold in this state. The standards that the department adopts shall require that the gasoline blended with ethanol:

- (a) Contains ethanol that is derived from agricultural or woody waste or residue;
- (b) Complies with the volatility requirements specified in 40 C.F.R. part [80] **1090**;
- (c) Complies with ASTM International specification D 4814, Standard Specification for Automotive Spark-Ignition Engine Fuel;
- (d) Is not blended with casinghead gasoline, absorption gasoline, drip gasoline or natural gasoline after the gasoline has been sold, transferred or otherwise removed from a refinery or terminal; and
- (e) Contains denatured fuel ethanol that complies with ASTM International specification D 4806, Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel.

(3) The department may review specifications adopted by ASTM International, or equivalent organizations, and federal regulations and revise the standards adopted under this section as necessary.

(4) A wholesale dealer, retail dealer or nonretail dealer may sell or offer for sale gasoline that is not blended with ethanol if the gasoline has an octane rating, as defined in ORS 646.945, of 91 or above or if the gasoline is for use in:

- (a) An aircraft:
 - (A) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles; or
 - (B) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

(b) An aircraft that has been issued an experimental certificate, as described in 14 C.F.R. 21.191, by the Federal Aviation Administration and for which the manufacturer's specifications require the use of gasoline that is intended for use in motor vehicles;

(c) A light-sport aircraft, as defined in 14 C.F.R. 1.1, for which the manufacturer's specifications require the use of gasoline that is intended for use in motor vehicles;

(d) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, for which the manufacturer's specifications require the use of gasoline that is intended for use in motor vehicles;

(e) An antique vehicle, as defined in ORS 801.125;

(f) A Class I all-terrain vehicle, as defined in ORS 801.190;

(g) A Class III all-terrain vehicle, as defined in ORS 801.194;

(h) A Class IV all-terrain vehicle, as defined in ORS 801.194 (2);

(i) A racing activity vehicle, as defined in ORS 801.404;

(j) A snowmobile, as defined in ORS 801.490;

(k) Tools, including but not limited to lawn mowers, leaf blowers and chain saws; or

(L) A watercraft.

Passed by House February 9, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate February 22, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

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Shemia Fagan, Secretary of State