

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 104

SENATE BILL 1411

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

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

4 41-2051. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

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

16 (c) THE USE OF THE DIESEL FUEL SUBSTITUTE COMPLIES WITH THE
17 REQUIREMENTS LISTED IN 10 CODE OF FEDERAL REGULATIONS PART 490, AS PRINTED
18 IN THE FEDERAL REGISTER, VOLUME 64, NUMBER 96, MAY 19, 1999.

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

21 ~~1.~~ 2. "Certification" means the process of determining the accuracy
22 of a commercial device to the standards of this state by a registered service
23 representative or the department.

24 ~~2.~~ 3. "Commercial device" means any weighing, measuring, metering or
25 counting device that is used to determine the direct cost of things sold or
26 offered or exposed for sale, or used to establish a fee for service if the
27 cost is based on weight, measure or count, except that it does not include
28 those devices used for in-house packaging, inventory control or law
29 enforcement purposes.

30 ~~3.~~ 4. "Commodity" means any merchandise, product or substance
31 produced or distributed for sale to or use by others.

32 ~~4.~~ 5. "Correct" as used in connection with weights and measures means
33 conformance to all applicable requirements of this chapter.

34 ~~5.~~ 6. "Department" means the department of weights and measures.

35 ~~6.~~ 7. "Diesel" means a refined middle distillate for use as a fuel
36 in a compression-ignition internal combustion engine.

37 ~~7.~~ 8. "Director" means the director of the department of weights and
38 measures.

39 ~~8.~~ 9. "Inspector" means state officials of the department of weights
40 and measures.

41 ~~9.~~ 10. "Liquid fuel measuring device" means any meter, pump, tank,
42 gauge or apparatus used for volumetrically determining the quantity of any
43 internal combustion engine fuel, liquefied petroleum gas or low viscosity
44 heating oil.

1 ~~10.~~ 11. "Motor fuel" means BIODIESEL OR A petroleum or a petroleum
2 based substance that is motor gasoline, aviation gasoline, number one or
3 number two diesel fuel or any grade of oxygenated gasoline typically used in
4 the operation of a motor engine.

5 ~~11.~~ 12. "Package" means any commodity enclosed in a container or
6 wrapped in any manner in advance of sale in units suitable for either
7 wholesale or retail trade.

8 ~~12.~~ 13. "Person" means both the plural and the singular, as the case
9 demands, and includes individuals, partnerships, corporations, companies,
10 societies and associations.

11 ~~13.~~ 14. "Primary standards" means the physical standards of the state
12 that serve as the legal reference from which all other standards and weights
13 and measures are derived.

14 ~~14.~~ 15. "Public weighmaster" means any person who is engaged in any
15 of the following:

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

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

24 ~~15.~~ 16. "Registered service agency" means any agency, firm, company
25 or corporation that for hire, award, commission or any other payment of any
26 kind installs, services, repairs or reconditions a commercial device or tests
27 or repairs vapor recovery systems or vapor recovery components and that has
28 been issued a license by the department.

29 ~~16.~~ 17. "Registered service representative" means any individual who
30 for hire, award, commission or any other payment of any kind installs,
31 services, repairs or reconditions a commercial device or tests or repairs
32 vapor recovery systems or vapor recovery components and who has been issued
33 a license by the department.

34 ~~17.~~ 18. "Retail seller" means a person whose business purpose is to
35 sell, expose or offer for sale or use any package or commodity by weight,
36 measure or count.

37 ~~18.~~ 19. "Sale from bulk" means the sale of commodities when the
38 quantity is determined at the time of sale.

39 ~~19.~~ 20. "Secondary standards" means the physical standards that are
40 traceable to the primary standards through comparisons, using acceptable
41 laboratory procedures, and that are used in the enforcement of weights and
42 measures laws and rules.

43 ~~20.~~ 21. "Weight" as used in connection with any commodity means net
44 weight.

1 ~~21.~~ 22. "Weights" or "measures", or both, means all weights, measures,
2 meters or counters of every kind, instruments and devices for weighing,
3 measuring, metering or counting and any appliance and accessories associated
4 with any or all such instruments and devices.

5 Sec. 2. Section 41-2083, Arizona Revised Statutes, is amended to read:
6 41-2083. Standards for motor fuel; exceptions

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

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

17 C. After consultation with the director of the department of
18 environmental quality, the standards and test methods for motor fuels shall
19 be established by the director of the department of weights and measures by
20 rule.

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

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

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

41 G. Exclusively for the purposes of transportation conformity and only
42 if the administrator of the United States environmental protection agency
43 fails to approve the applicable plan required pursuant to section 49-406,
44 maximum vapor pressure for gasoline that is supplied or sold by any person
45 and that is intended as a final product for the fueling of motor vehicles in

1 area B as defined in section 49-541 shall be ten pounds per square inch from
2 ~~and after September 30, 1999 through March 31, 2000~~ and from and after
3 September 30 through March 31 of each year thereafter. Fuel used in motor
4 vehicles at a manufacturer's proving ground or a motor vehicle racing event
5 as defined by section 41-2121 is exempt from this subsection.

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

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

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

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

38 J. A person shall not sell or offer or expose for sale diesel fuel
39 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of
40 five hundred parts per million for use in area A as defined in section
41 49-541.

42 K. A PERSON SHALL NOT SELL OR OFFER OR EXPOSE FOR SALE BIODIESEL THAT
43 IS NOT TESTED OR DOES NOT MEET THE SPECIFICATIONS ESTABLISHED BY ASTM D6751
44 OR ANY BLEND OF BIODIESEL AND DIESEL FUEL THAT IS NOT TESTED OR DOES NOT MEET
45 THE SPECIFICATIONS ESTABLISHED BY ASTM D975 AND THAT CONTAINS SULFUR IN

1 EXCESS OF FIVE HUNDRED PARTS PER MILLION FOR USE IN AREA A AS DEFINED IN
2 SECTION 49-541.

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

8 1. THE PERCENTAGE OF BIODIESEL IN A FINAL BLEND.

9 2. THE VOLUME OF THE FINISHED PRODUCT.

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

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

14 (a) SULFUR CONTENT.

15 (b) AROMATIC HYDROCARBON CONTENT.

16 (c) CETANE NUMBER.

17 (d) SPECIFIC GRAVITY.

18 (e) AMERICAN PETROLEUM INSTITUTE GRAVITY.

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

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

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

APPROVED BY THE GOVERNOR APRIL 29, 2002.

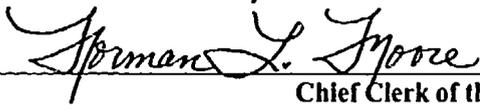
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 30, 2002.

Passed the House April 23, 20 02

by the following vote: 53 Ayes,

0 Nays, 7 Not Voting


Speaker of the House

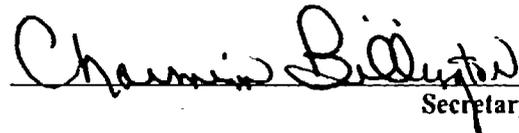

Chief Clerk of the House

Passed the Senate March 27, 20 02

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting


President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

24 day of April, 20 02

at 12:14 o'clock P M.


Secretary to the Governor

Approved this 29 day of

April, 20 02,

at 12:51 o'clock P M.

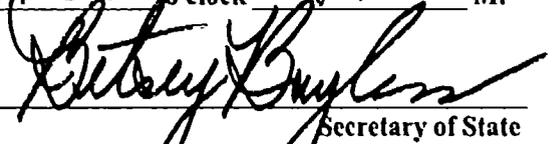

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 30 day of April, 20 02,

at 11:50 o'clock P M.


Secretary of State

S.B. 1411