

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 77

# **SENATE BILL 1095**

AN ACT

AMENDING SECTION 41-2124.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 292, SECTION 12; AMENDING SECTION 41-2124.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 292, SECTION 13; RELATING TO MOTOR FUEL; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-2124.01, Arizona Revised Statutes, as amended by  
3 Laws 2007, chapter 292, section 12, is amended to read:

4 41-2124.01. Area C; fuel reformulation; rules

5 A. From and after May 31, 2008 through September 30, 2008 and during  
6 the period from and after May ~~31~~ 1 through September 30 of each subsequent  
7 year, all gasoline produced and shipped to or within this state and sold or  
8 offered for sale for use in motor vehicles in area C shall comply with either  
9 of the following fuel reformulation options:

10 1. A gasoline that meets standards for federal phase II reformulated  
11 gasoline, as provided in 40 code of federal regulations section 80.41,  
12 paragraphs (e) through (h), in effect on January 1, 1999, except that the  
13 minimum oxygen content standard does not apply. The gasoline shall also meet  
14 the maximum vapor pressure requirements in section 41-2083.01, subsection D.

15 2. California phase 2 reformulated gasoline, including alternative  
16 formulations allowed by the predictive model, as adopted by the California  
17 air resources board pursuant to California code of regulations title 13,  
18 sections 2261 through 2262.7 and 2265, in effect on January 1, 1997, except  
19 that the minimum oxygen content standard does not apply. The gasoline shall  
20 also meet the maximum vapor pressure requirements in section 41-2083.01,  
21 subsection D.

22 B. Any registered supplier, as defined in department rules, may  
23 petition the director to request that all registered suppliers be allowed to  
24 supply gasoline in area C that does not meet the standards in subsection A of  
25 this section if the petitioner demonstrates that a shortage in the supply of  
26 gasoline meeting the standards in subsection A of this section is imminent.

27 C. A petition under subsection B of this section shall:

28 1. Identify specific supply conditions that will result in a shortage  
29 of gasoline meeting the standards in subsection A of this section.

30 2. Identify the formulation of gasoline that will be sold in area C in  
31 lieu of gasoline meeting the standards in subsection A of this section.

32 3. Specify a time period for compliance with the standards of  
33 subsection A of this section not to exceed sixty days.

34 D. The director shall either grant or deny a petition under subsection  
35 B of this section in writing within seven days of its receipt. Any decision  
36 by the director to grant the petition shall be equally applicable to all  
37 registered suppliers and shall not be selectively applied to any single  
38 registered supplier. The petition may be granted only if the director  
39 verifies that the basis for requesting the petition is factual.

40 E. The director may reauthorize a petition granted under subsection B  
41 of this section if the petitioner demonstrates that the conditions identified  
42 in the petition have continued. The reauthorization of a petition shall not  
43 exceed thirty days.

44 F. The director of the department of weights and measures shall  
45 consult with the director of the department of environmental quality before

1 granting, reauthorizing or denying any petition under subsection B of this  
2 section.

3 G. The director of the department of environmental quality in  
4 consultation with the director of the department of weights and measures  
5 shall adopt by rule:

6 1. Requirements to implement subsections A, B and C of this section.

7 2. Requirements for record keeping, reporting and analytical methods  
8 for fuel providers to demonstrate compliance with subsection A of this  
9 section.

10 H. This section does not apply to fuel sold for use at a motor vehicle  
11 manufacturer proving ground or at a motor vehicle racing event.

12 Sec. 2. Section 41-2124.01, Arizona Revised Statutes, as amended by  
13 Laws 2007, chapter 292, section 13, is amended to read:

14 41-2124.01. Area C; fuel reformulation; rules

15 A. From and after May 31, 2008 through September 30, 2008 and during  
16 the period from and after May ~~31~~ 1 through September 30 of each subsequent  
17 year, all gasoline produced and shipped to or within this state and sold or  
18 offered for sale for use in motor vehicles in area C shall comply with either  
19 of the following fuel reformulation options:

20 1. A gasoline that meets standards for federal phase II reformulated  
21 gasoline, as provided in 40 Code of Federal Regulations section 80.41,  
22 paragraphs (e) through (h), in effect on January 1, 1999, except that the  
23 minimum oxygen content standard does not apply. The gasoline shall also meet  
24 the maximum vapor pressure requirements in section 41-2083.01, subsection D.

25 2. California phase 3 reformulated gasoline, including alternative  
26 formulations allowed by the predictive model, as adopted by the California  
27 air resources board pursuant to California Code of Regulations title 13,  
28 sections 2261 through 2263, 2265 and 2266.5, in effect on May 1, 2003,  
29 including vapor pressure requirements contained in section 2262.4.

30 B. Any registered supplier, as defined in department rules, may  
31 petition the director to request that all registered suppliers be allowed to  
32 supply gasoline in area C that does not meet the standards in subsection A of  
33 this section if the petitioner demonstrates that a shortage in the supply of  
34 gasoline meeting the standards in subsection A of this section is imminent.

35 C. A petition under subsection B of this section shall:

36 1. Identify specific supply conditions that will result in a shortage  
37 of gasoline meeting the standards in subsection A of this section.

38 2. Identify the formulation of gasoline that will be sold in area C in  
39 lieu of gasoline meeting the standards in subsection A of this section.

40 3. Specify a time period for compliance with the standards of  
41 subsection A of this section not to exceed sixty days.

42 D. The director shall either grant or deny a petition under subsection  
43 B of this section in writing within seven days of its receipt. Any decision  
44 by the director to grant the petition shall be equally applicable to all  
45 registered suppliers and shall not be selectively applied to any single

1 registered supplier. The petition may be granted only if the director  
2 verifies that the basis for requesting the petition is factual.

3 E. The director may reauthorize a petition granted under subsection ~~G~~  
4 B of this section if the petitioner demonstrates that the conditions  
5 identified in the petition have continued. The reauthorization of a petition  
6 shall not exceed thirty days.

7 F. The director of the department of weights and measures shall  
8 consult with the director of the department of environmental quality before  
9 granting, reauthorizing or denying any petition under subsection B of this  
10 section.

11 G. The director of the department of environmental quality in  
12 consultation with the director of the department of weights and measures  
13 shall adopt by rule:

- 14 1. Requirements to implement subsections A, B and C of this section.  
15 2. Requirements for record keeping, reporting and analytical methods  
16 for fuel providers to demonstrate compliance with subsection A of this  
17 section.

18 H. This section does not apply to fuel sold for use at a motor vehicle  
19 manufacturer proving ground or at a motor vehicle racing event.

20 Sec. 3. Conditional enactment

21 Section 41-2124.01, Arizona Revised Statutes, as amended by Laws 2007,  
22 chapter 292, section 13 and this act, does not become effective unless the  
23 condition prescribed in Laws 2007, chapter 292, section 27, subsection B  
24 occurs.

APPROVED BY THE GOVERNOR APRIL 28, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2008.

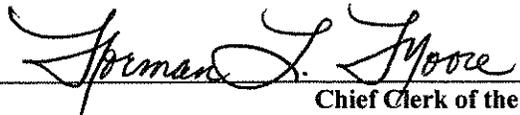
Passed the House April 21, 20 08,

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting



Speaker of the House



Chief Clerk of the House

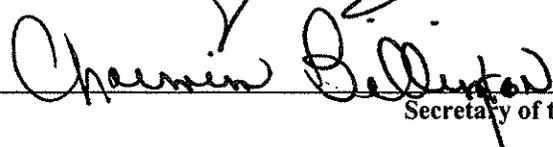
Passed the Senate March 6, 20 08,

by the following vote: 28 Ayes,

2 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  
22nd day of April, 20 08

at 2:15 o'clock p. M.



Secretary to the Governor

Approved this 28 day of

April, 20 08,

at 10:05 o'clock A. M.



Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State  
this 28 day of April, 20 08,

at 1:35 o'clock P M.  


Secretary of State

S.B. 1095