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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **634**

02/18/2013 Authored by Falk, Atkins and Hoppe

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act
1.2 relating to commerce; weights and measures; clarifying sales from bulk to ensure
1.3 compliance with biodiesel fuel mandate; adding a requirement for identical
1.4 product pricing; making technical updates to bring state into compliance with
1.5 most recent federal fuel standards; modifying E85 requirements; amending
1.6 Minnesota Statutes 2012, sections 239.092; 239.751, by adding a subdivision;
1.7 239.761, subdivisions 3, 4, 5, 6, 7, 8, 10, 11, 13, 16, 17, by adding a subdivision;
1.8 239.77, subdivision 1; 296A.01, subdivision 19.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2012, section 239.092, is amended to read:

1.11 **239.092 SALE FROM BULK.**

1.12 (a) Bulk sales of commodities, when the buyer and seller are not both present to
1.13 witness the measurement, must be accompanied by a delivery ticket containing the
1.14 following information:

1.15 (1) the name and address of the person who weighed or measured the commodity;

1.16 (2) the date delivered;

1.17 (3) the quantity delivered;

1.18 (4) the count of individually wrapped packages delivered, if more than one is
1.19 included in the quantity delivered;

1.20 (5) the quantity on which the price is based, if different than the quantity delivered;

1.21 and

1.22 (6) the identity of the commodity in the most descriptive terms commercially
1.23 practicable, including representations of quality made in connection with the sale.

1.24 (b) This section is not intended to conflict with the bulk sale requirements of the
1.25 Department of Agriculture. If a conflict occurs, the law and rules of the Department of
1.26 Agriculture govern.

2.1 (c) Firewood sold or distributed in this state must include delivery ticket information
2.2 regarding the harvest locations of the wood by county or counties and state.

2.3 (d) Paragraph (c) may be enforced using the authority granted in this chapter or
2.4 section 18J.05 or 84D.13.

2.5 (e) Paragraph (a) applies to petroleum products under section 239.051, subdivision
2.6 27. For the purposes of paragraph (a), clause (6), the most descriptive terms commercially
2.7 practicable include, but are not limited to:

2.8 (1) motor fuel rating and ethanol content for gasoline as defined by section 296A.01,
2.9 subdivision 23; and

2.10 (2) percentage of biodiesel and grade of diesel for (i) diesel fuel oil as defined by
2.11 section 296A.01, subdivision 14; (ii) heating fuel oil, as defined by section 296A.01,
2.12 subdivision 26; and (iii) kerosene, as defined by section 296A.01, subdivision 28.

2.13 Sec. 2. Minnesota Statutes 2012, section 239.751, is amended by adding a subdivision
2.14 to read:

2.15 Subd. 9. **Identical product pricing requirement.** Product dispensed from a single
2.16 storage tank, or from multiple tanks that are joined in such a manner that the product is
2.17 commingled while still in the tanks, must be priced identically at each retail dispenser
2.18 from which it is offered for sale.

2.19 Sec. 3. Minnesota Statutes 2012, section 239.761, subdivision 3, is amended to read:

2.20 Subd. 3. **Gasoline.** (a) Gasoline that is not blended with ethanol must not be
2.21 contaminated with water or other impurities and must comply with ASTM specification
2.22 ~~D4814-08b~~ D4814-11b. Gasoline that is not blended with ethanol must also comply with
2.23 the volatility requirements in Code of Federal Regulations, title 40, part 80.

2.24 (b) After gasoline is sold, transferred, or otherwise removed from a refinery or
2.25 terminal, a person responsible for the product:

2.26 (1) may blend the gasoline with agriculturally derived ethanol as provided in
2.27 subdivision 4;

2.28 (2) shall not blend the gasoline with any oxygenate other than denatured,
2.29 agriculturally derived ethanol;

2.30 (3) shall not blend the gasoline with other petroleum products that are not gasoline
2.31 or denatured, agriculturally derived ethanol;

2.32 (4) shall not blend the gasoline with products commonly and commercially known
2.33 as casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or
2.34 natural gasoline; and

3.1 (5) may blend the gasoline with a detergent additive, an antiknock additive, or an
3.2 additive designed to replace tetra-ethyl lead, that is registered by the EPA.

3.3 Sec. 4. Minnesota Statutes 2012, section 239.761, subdivision 4, is amended to read:

3.4 Subd. 4. **Gasoline blended with ethanol; general.** (a) Gasoline may be blended
3.5 with agriculturally derived, denatured ethanol that complies with the requirements of
3.6 subdivision 5.

3.7 (b) A gasoline-ethanol blend must:

3.8 (1) comply with the volatility requirements in Code of Federal Regulations, title
3.9 40, part 80;

3.10 (2) comply with ASTM specification ~~D4814-08b~~ D4814-11b, or the gasoline base
3.11 stock from which a gasoline-ethanol blend was produced must comply with ASTM
3.12 specification ~~D4814-08b~~ D4814-11b; and

3.13 (3) not be blended with casinghead gasoline, absorption gasoline, condensation
3.14 gasoline, drip gasoline, or natural gasoline after the gasoline-ethanol blend has been sold,
3.15 transferred, or otherwise removed from a refinery or terminal.

3.16 Sec. 5. Minnesota Statutes 2012, section 239.761, subdivision 5, is amended to read:

3.17 Subd. 5. **Denatured ethanol.** Denatured ethanol that is to be blended with gasoline
3.18 must be agriculturally derived and must comply with ASTM specification ~~D4806-08~~
3.19 D4806-11a. This includes the requirement that ethanol may be denatured only as specified
3.20 in Code of Federal Regulations, title 27, parts 20 and 21.

3.21 Sec. 6. Minnesota Statutes 2012, section 239.761, subdivision 6, is amended to read:

3.22 Subd. 6. **Gasoline blended with nonethanol oxygenate.** (a) A person responsible
3.23 for the product shall comply with the following requirements:

3.24 (1) after July 1, 2000, gasoline containing in excess of one-third of one percent, in
3.25 total, of nonethanol oxygenates listed in paragraph (b) must not be sold or offered for
3.26 sale at any time in this state; and

3.27 (2) after July 1, 2005, gasoline containing any of the nonethanol oxygenates listed in
3.28 paragraph (b) must not be sold or offered for sale in this state.

3.29 (b) The oxygenates prohibited under paragraph (a) are:

3.30 (1) methyl tertiary butyl ether, as defined in section 296A.01, subdivision 34;

3.31 (2) ethyl tertiary butyl ether, as defined in section 296A.01, subdivision 18; or

3.32 (3) tertiary amyl methyl ether.

4.1 (c) Gasoline that is blended with a nonethanol oxygenate must comply with ASTM
4.2 specification ~~D4814-08b~~ D4814-11b. Nonethanol oxygenates must not be blended into
4.3 gasoline after the gasoline has been sold, transferred, or otherwise removed from a
4.4 refinery or terminal.

4.5 Sec. 7. Minnesota Statutes 2012, section 239.761, subdivision 7, is amended to read:

4.6 Subd. 7. **Heating fuel oil.** Heating fuel oil must comply with ASTM specification
4.7 ~~D396-08b~~ D396-12.

4.8 Sec. 8. Minnesota Statutes 2012, section 239.761, subdivision 8, is amended to read:

4.9 Subd. 8. **Diesel fuel oil.** Diesel fuel oil must comply with ASTM specification
4.10 ~~D975-07b~~ D975-11b.

4.11 Sec. 9. Minnesota Statutes 2012, section 239.761, subdivision 10, is amended to read:

4.12 Subd. 10. **Aviation gasoline.** Aviation gasoline must comply with ASTM
4.13 specification ~~D910-07a~~ D910-11.

4.14 Sec. 10. Minnesota Statutes 2012, section 239.761, subdivision 11, is amended to read:

4.15 Subd. 11. **Aviation turbine fuel, jet fuel.** Aviation turbine fuel and jet fuel must
4.16 comply with ASTM specification ~~D1655-08a~~ D1655-12.

4.17 Sec. 11. Minnesota Statutes 2012, section 239.761, subdivision 13, is amended to read:

4.18 Subd. 13. **E85.** A blend of ethanol and gasoline, containing at least 60 percent
4.19 ethanol and not more than 85 percent ethanol, produced for use as a motor fuel in
4.20 alternative fuel vehicles as defined in section 296A.01, subdivision 5, must comply with
4.21 ASTM specification ~~D5798-07~~ D5798-11.

4.22 Sec. 12. Minnesota Statutes 2012, section 239.761, subdivision 16, is amended to read:

4.23 Subd. 16. **Biodiesel fuel definition.** "Biodiesel fuel" means a renewable,
4.24 biodegradable, mono alkyl ester combustible liquid that is derived from agricultural plant
4.25 oils or animal fats and that meets American Society for Testing and Materials (ASTM)
4.26 specification ~~D6751-08~~ D6751-11b for Biodiesel Fuel (B100) Blend Stock for Distillate
4.27 Fuels.

4.28 Sec. 13. Minnesota Statutes 2012, section 239.761, subdivision 17, is amended to read:

5.1 Subd. 17. **Grade 82 unleaded aviation gasoline.** Grade 82 unleaded aviation
5.2 gasoline must comply with ASTM specification ~~D6227-04a~~ D6227-12.

5.3 Sec. 14. Minnesota Statutes 2012, section 239.761, is amended by adding a subdivision
5.4 to read:

5.5 Subd. 18. **Minimum octane rating.** The minimum (R+M)/2 octane rating grades for
5.6 petroleum products under subdivision 3, 4, 4a, 4b, or 6 shall be no less than the following:

5.7 (1) regular unleaded 87;

5.8 (2) midgrade, plus unleaded 89; and

5.9 (3) premium, super, supreme, high test unleaded 91.

5.10 Sec. 15. Minnesota Statutes 2012, section 239.77, subdivision 1, is amended to read:

5.11 Subdivision 1. **Biodiesel blend and fuel.** (a) "Biodiesel blend" is a blend of diesel
5.12 fuel and biodiesel fuel between six percent and 20 percent for on-road and off-road
5.13 diesel-fueled vehicle use. Biodiesel blend must comply with ASTM specification
5.14 ~~D7467-08~~ D7467-10.

5.15 (b) "Biodiesel fuel" means a renewable, biodegradable, mono alkyl ester combustible
5.16 liquid fuel that is derived from agricultural and other plant oils or animal fats and that
5.17 meets American Society for Testing and Materials specification ~~D6751-08~~ D6751-11b for
5.18 Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

5.19 (c) Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this
5.20 section, unless the palm oil is contained within waste oil and grease collected within the
5.21 United States or Canada.

5.22 Sec. 16. Minnesota Statutes 2012, section 296A.01, subdivision 19, is amended to read:

5.23 Subd. 19. **E85.** "E85" means a petroleum product that is a blend of agriculturally
5.24 derived denatured ethanol and gasoline or natural gasoline that typically contains not more
5.25 than 85 percent ethanol by volume, but at a minimum must contain 60 greater than 50
5.26 percent ethanol by volume. For the purposes of this chapter, the energy content of E85
5.27 will be considered to be 82,000 BTUs per gallon. E85 produced for use as a motor fuel in
5.28 alternative fuel vehicles as defined in subdivision 5 must comply with ASTM specification
5.29 ~~D5798-07~~ D5798-11.

5.30 Sec. 17. **EFFECTIVE DATE.**

5.31 Sections 1 to 16 are effective the day following final enactment.