

SENATE BILL 961

P2

(11r3000)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government
Operations* —

Introduced by **Senator Garagiola**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Vehicle Fleet and Gasoline Service Facilities – Use and Selling of**
3 **Biofuels**

4 FOR the purpose of altering the requirement that the State ensure that at least a
5 certain percentage of vehicles using diesel fuel in the State vehicle fleet use a
6 blend of fuel containing at least a certain percentage of biodiesel fuel to include
7 the use of certain biofuels; providing that a certain provision does not apply to a
8 State vehicle, piece of heavy equipment, or heating equipment under certain
9 circumstances; repealing certain requirements regarding the leasing of gasoline
10 service stations located on the John F. Kennedy Memorial Highway; authorizing
11 the Maryland Transportation Authority to require a gasoline service facility
12 located on the John F. Kennedy Memorial Highway to sell a blend of fuel
13 containing at least a certain percentage of biodiesel fuel or certain other biofuel;
14 and generally relating to the use of biofuels for the State vehicle fleet.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing and reenacting, with amendments,
 2 Article – State Finance and Procurement
 3 Section 14–408
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2010 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article – Transportation
 8 Section 4–404
 9 Annotated Code of Maryland
 10 (2008 Replacement Volume and 2010 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – State Finance and Procurement**

14 14–408.

15 (a) In this section, “biodiesel fuel” means:

16 (1) a fuel, comprised of mono–alkyl esters of long chain fatty acids
 17 derived from vegetable oils or animal fats, that is designated B100 and meets the
 18 requirements of ASTM D 6751 and its successors; or

19 (2) a blend of biodiesel fuel meeting ASTM D 6751 with
 20 petroleum–based diesel fuel, designated as BXX, where XX represents the volume
 21 percentage of biodiesel fuel in the blend.

22 (b) In fiscal year 2008 and in each subsequent fiscal year, the State shall
 23 ensure that at least 50% of the vehicles using diesel fuel in the State vehicle fleet use a
 24 blend of fuel that is at least 5% biodiesel fuel **OR OTHER BIOFUEL APPROVED BY**
 25 **THE U.S. ENVIRONMENTAL PROTECTION AGENCY AS A FUEL OR FUEL**
 26 **ADDITIVE OR APPROVED UNDER THE EPA RENEWABLE FUELS STANDARD 2**
 27 **PROGRAM.**

28 (c) In fiscal year 2009 and in each subsequent fiscal year, the State shall
 29 ensure that at least 50% of the heavy equipment owned by the State using diesel fuel
 30 and at least 50% of the heating equipment in State buildings that uses normal or #2
 31 heating oil use, subject to availability, a blend of fuel that is at least 5% biodiesel fuel
 32 **OR OTHER BIOFUEL APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION**
 33 **AGENCY AS A FUEL OR FUEL ADDITIVE OR APPROVED UNDER THE EPA**
 34 **RENEWABLE FUELS STANDARD 2 PROGRAM.**

1 (d) This section does not apply to any State vehicle, piece of heavy
2 equipment, or heating equipment for which mechanical failure due to use of biodiesel
3 fuel **OR OTHER BIOFUEL** will void the manufacturer's warranty for that vehicle, piece
4 of heavy equipment, or heating equipment.

5 Article – Transportation

6 4-404.

7 (a) The Authority shall construct any gasoline service facilities that it finds to
8 be needed on the John F. Kennedy Memorial Highway.

9 [(b) (1) To give users of the highway a reasonable choice of motor fuels
10 manufactured, produced, or marketed by different companies, at a reasonable price,
11 each gasoline service station shall be offered for lease in accordance with Division II of
12 the State Finance and Procurement Article and this section.

13 (2) To promote competition and prevent monopolies, a sufficient
14 number of gasoline service stations operated by at least 2 different companies may be
15 established among the service areas along the highway.

16 (3) One person may not be awarded a lease for or have the use of more
17 than one half of the total number of service stations on the entire highway, and 1
18 supplier, distributor, or retailer of motor fuel may not have the right to market fuel
19 identified by its trademark, trade name, or brand at more than one half of the total
20 number of service stations on the entire highway.]

21 **(B) THE AUTHORITY MAY REQUIRE A GASOLINE SERVICE FACILITY**
22 **LOCATED ON THE JOHN F. KENNEDY MEMORIAL HIGHWAY TO SELL A BLEND OF**
23 **FUEL THAT IS AT LEAST 5% BIODIESEL FUEL OR OTHER BIOFUEL APPROVED BY**
24 **THE U.S. ENVIRONMENTAL PROTECTION AGENCY AS A FUEL OR FUEL ADDITIVE**
25 **OR APPROVED UNDER THE EPA RENEWABLE FUELS STANDARD 2 PROGRAM.**

26 (c) The Authority shall regulate the prices of fuel products sold on the
27 highway to the extent necessary to achieve reasonable costs to patrons.

28 (d) The lessee of any service station established under this section shall accept
29 in payment for products sold and services rendered those credit cards that the
30 Authority directs.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2011.