

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 96

101ST GENERAL ASSEMBLY

0819S.04C

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 414.152, RSMo, and to enact in lieu thereof two new sections relating to biodiesel fuel, with an existing penalty provision.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 414.152, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 414.152 and 414.600, to read as follows:

414.152. 1. Any person found in violation of any
2 provision of sections 414.012 to 414.152 **or section 414.600**
3 shall be deemed guilty of a class A misdemeanor. The
4 prosecutor of each county in which a violation occurs shall
5 be empowered to bring an action hereunder. But if a
6 prosecutor declines to bring such action, then the attorney
7 general may bring an action instead, and in so doing shall
8 have all the powers and jurisdiction of such prosecutor.

9 2. The prosecuting attorney of any county in which a
10 violation of any provision of this chapter occurs or the
11 attorney general is hereby authorized to apply to any court
12 of competent jurisdiction for, and such court shall have
13 jurisdiction upon hearing and for cause shown to grant, a
14 temporary or permanent injunction to restrain any person
15 from violating any provision of this chapter.

16 3. Any person who is found, upon investigation by the
17 department of agriculture or by the department of revenue,

18 to be in possible violation of any provision of this chapter
19 shall be notified by certified mail of the facts
20 constituting such violation, and shall be afforded an
21 opportunity by the appropriate director to explain such
22 facts at an informal hearing to be conducted within fourteen
23 days of such notification. In the event that such person
24 fails to timely respond to such notification or upon
25 unsuccessful resolution of any issues relating to an alleged
26 violation, such person may be summoned to a formal
27 administrative hearing before a hearing officer conducted in
28 conformance with chapter 536 and if found to have committed
29 one or more violations, may be ordered to cease and desist
30 from such violation, such order to be enforceable in circuit
31 court, and, in addition, may be required to pay a penalty of
32 not more than five hundred dollars per violation and five
33 hundred dollars for each day such violation continues. Any
34 party to such hearing aggrieved by a determination of a
35 hearing officer may appeal to the circuit court of the
36 county in which such party resides, or if the party is the
37 state, in Cole County, in accordance with chapter 536.

**414.600. 1. This section shall be known and may be
2 cited as the "Missouri Made Fuels Act".**

**3 2. For purposes of this section, the following terms
4 shall mean:**

**5 (1) "Biodiesel blend", a blend of diesel fuel and
6 biodiesel fuel between six percent and twenty percent for on-
7 road and off-road diesel-fueled vehicle use. Biodiesel
8 blend shall comply with the ASTM International specification
9 D7467-19, or the most recent specification;**

**10 (2) "Biodiesel fuel", a renewable, biodegradable, mono
11 alkyl ester combustible liquid fuel that is derived from
12 agricultural and other plant oils or animal fats and that**

13 meets the ASTM International specification D6751-19, or the
14 most recent specification, for Biodiesel Fuel (B100) Blend
15 Stock for Distillate Fuels. Biodiesel produced from palm
16 oil is not biodiesel fuel for the purposes of this section,
17 unless the palm oil is contained within waste oil and grease
18 collected within the United States.

19 3. Except as otherwise provided in this section, all
20 diesel fuel sold or offered for sale in Missouri for use in
21 internal combustion engines shall contain at least the
22 following stated percentage of biodiesel fuel oil by volume
23 on and after the following dates:

24 (1) April 1, 2023, and until March 31, 2024, five
25 percent; and

26 (2) Beginning April 1, 2024, ten percent.

27 Except as provided in this subsection, the minimum content
28 level in subdivision (2) of this subsection is effective
29 during the months of April, May, June, July, August,
30 September, and October only and the minimum content for the
31 remainder of the year is five percent. However, if the
32 Missouri department of agriculture's division of weights and
33 measures determines that an ASTM International specification
34 or equivalent federal standard exists for the specified
35 biodiesel blend level in subdivision (2) of this subsection
36 that adequately addresses technical issues associated with
37 Missouri's typical weather patterns and publish a notice in
38 the Missouri register to that effect, the department of
39 agriculture may allow the specified biodiesel blend level in
40 subdivision (2) of this subsection to be effective year-
41 round. In each year that the seasonal reduction to five
42 percent is in effect, the minimum content level of diesel
43 fuel sold or offered for sale in Missouri from April first

44 to April fourteen may be less than the level required under
45 subdivision (2) of this subsection in order to allow for the
46 transition of blends.

47 4. The minimum content level in subdivision (2) of
48 subsection 3 of this section shall become effective on the
49 date specified only if the director of the department of
50 agriculture submits notice in the Missouri register that the
51 following conditions have been met and the state is prepared
52 to move to the next scheduled minimum content level:

53 (1) An ASTM International specification or equivalent
54 federal standard exists for the next minimum diesel-
55 biodiesel blend; and

56 (2) A sufficient supply of biodiesel is available and
57 at least fifty percent of the biodiesel is produced in the
58 state of Missouri.

59 5. The minimum content requirements of subsection 3 of
60 this section do not apply to fuel used in the following
61 equipment or for the following purposes:

62 (1) Motors located at an electric generating plant;

63 (2) Railroad locomotives;

64 (3) Off-road mining equipment and machinery;

65 (4) Off-road logging equipment and machinery;

66 (5) Heavy construction equipment and machinery;

67 (6) Vessels of the United States Coast Guard and

68 vessels subject to inspection under 46 U.S.C. Section

69 3301(1), (9), (10), (13), or (15); and

70 (7) Emergency fuel reserves at state owned facilities.

71 6. (1) A refinery or terminal shall provide, at the
72 time diesel fuel is sold or transferred from the refinery or
73 terminal, a bill of lading or shipping manifest to the
74 person who receives the fuel. For biodiesel-blended
75 products, the bill of lading or shipping manifest shall

76 disclose biodiesel content, stating volume percentage,
77 gallons of biodiesel per gallons of petroleum diesel base-
78 stock, or an ASTM "Bxx" designation where "xx" denotes the
79 volume percent biodiesel included in the blended product.
80 This subsection shall not apply to sales or transfers of
81 biodiesel blend stock between refineries, between terminals,
82 or between a refinery and a terminal.

83 (2) A delivery ticket required under section 413.125
84 for a biodiesel blend shall state the volume percentage of
85 biodiesel blended into the diesel fuel delivered through a
86 meter into a storage tank used for dispensing into motor
87 vehicles powered by an internal combustion engine and not
88 exempt under subsection 3 of this section.

89 7. The provisions of section 414.152 shall apply for
90 purposes of enforcement of this section.

91 8. The department of agriculture and the department of
92 natural resources shall establish rules and regulations to
93 implement the provisions of this section. Any rule or
94 portion of a rule, as that term is defined in section
95 536.010, that is created under the authority delegated in
96 this section shall become effective only if it complies with
97 and is subject to all of the provisions of chapter 536 and,
98 if applicable, section 536.028. This section and chapter
99 536 are nonseverable and if any of the powers vested with
100 the general assembly pursuant to chapter 536 to review, to
101 delay the effective date, or to disapprove and annul a rule
102 are subsequently held unconstitutional, then the grant of
103 rulemaking authority and any rule proposed or adopted after
104 August 28, 2021, shall be invalid and void.

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