

Assembly Bill No. 411—Committee
on Growth and Infrastructure

CHAPTER.....

AN ACT relating to fuel; requiring the State Board of Agriculture to adopt by regulation certain specifications for motor vehicle fuel; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Agriculture to adopt regulations setting forth specifications for motor vehicle fuel. (NRS 590.070) This bill provides that such regulations must allow the sale of motor vehicle fuel containing not more than 15 percent ethanol by volume.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 590.070 is hereby amended to read as follows:

590.070 1. The State Board of Agriculture shall adopt by regulation specifications for motor vehicle fuel:

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, “air pollution control agency” means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. *Any regulations adopted by the State Board of Agriculture pursuant to subsection 1 must allow the sale of motor vehicle fuel in this State containing not more than 15 percent ethanol by volume.*

3. The State Board of Agriculture shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

~~3.1~~ 4. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale:



(a) Any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the State Board of Agriculture pursuant to this section.

(b) Any biodiesel unless it meets the registration requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the requirements of ASTM Standard D6751, "Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

(c) Any biomass-based diesel or biomass-based diesel blend unless it meets the registration requirements for fuels and fuel additives established by the Administrator of the Environmental Protection Agency pursuant to 42 U.S.C. § 7545.

~~4.~~ **5.** This section does not apply to aviation fuel.

~~5.~~ **6.** In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

~~6.~~ **7.** As used in this section:

(a) "Biodiesel" means a fuel that is composed of mono-alkyl esters of long-chain fatty acids derived from plant or animal matter.

(b) "Biomass-based diesel" means a diesel fuel substitute that is produced from nonpetroleum renewable resources, such as fuel derived from animal wastes, including, without limitation, poultry fats, poultry wastes and other waste materials, or from municipal solid waste and sludge and oil derived from wastewater and the treatment of wastewater. The term does not include biodiesel.

(c) "Biomass-based diesel blend" means a blend of any biomass-based diesel and any petroleum-based product that is suitable for use as a motor vehicle fuel.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On July 1, 2022, for all other purposes.

