



States' Biofuels Statutes

STATE OF HAWAII

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

Current through the 2013 Legislative Session of the Hawaii General Assembly.

§ 243-1. Definitions

Whenever used in this chapter:

“Alternative fuel” means methanol, denatured ethanol, and other alcohols; mixtures containing eighty-five per cent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; biodiesel; mixtures containing twenty per cent or more by volume of biodiesel with diesel or other fuels; fuels (other than alcohol) derived from biological materials; and any other fuel that is substantially not a petroleum product and that the governor determines would yield substantial energy security benefits or substantial environmental benefits.

“Aviation fuel” means all liquid substances of whatever chemical composition usable for the propulsion of airplanes.

“Barrel” means forty-two United States gallons of crude oil or petroleum product.

“Crude oil” means petroleum in an unrefined state or natural state, including condensates and natural gasoline.

“Director” means the director of finance of the State.

“Distributor” means:

- (1) Every person who refines, manufactures, produces, or compounds liquid fuel in the State and sells or uses the same therein;
- (2) Every person who imports or causes to be imported into the State any liquid fuel and sells it therein, whether in the original packages or containers in which it is imported or otherwise than in

such original packages or containers, or who imports any such fuel for the person's own use in the State;

(3) Every person who acquires liquid fuel from a person not a licensed distributor and sells or uses it, whether in the original package or container in which it was imported (if imported) or otherwise than in such original package or container; and

(4) Every person who acquires liquid fuel from a licensed distributor as a wholesaler thereof and sells or uses it.

“End user” means any person or government entity who acquires petroleum products for their own use and not for resale.

“Liquid fuel” or “fuel” means all liquids ordinarily, practically, and commercially usable in internal combustion engines for the generation of power and includes liquefied petroleum gases, all distillates of and condensates from petroleum, natural gas, coal, coal tar, and vegetable ferments, such distillates and condensates being ordinarily designated as a gasoline, naphtha, benzol, benzine, and alcohols so usable but not restricted to such designation. All aviation fuel that is sold for use in or used for airplanes is deemed to be “liquid fuel” or “fuel” whether or not coming within the definition contained in the foregoing sentence.

“Month” or “calendar month” means each full month of the calendar year; provided that whenever the books of any distributor in any county are kept on such a basis that its monthly records are made up on a basis other than a calendar month so that each business month of the distributor ends on some other day than the last day of the calendar month, and the distributor presents a sworn application to the department of taxation setting forth such facts and requesting that it be granted the privilege of making returns and paying the taxes and performing other duties required of it under this chapter upon the basis of such business month rather than a calendar month, the department shall in writing grant such privilege and thereupon, as to such distributor, the terms “month” or “calendar month” shall be deemed to mean and refer to such business month, and all returns and payments under this chapter shall be made upon the basis of such business month and all delinquencies and penalties shall attach and be calculated as of the last day of such business month.

“Person”, except where the context or sense otherwise requires, means individuals, firms, associations, corporations, trusts, estates, partnerships, or other entities.

“Petroleum product” means any liquid hydrocarbon at standard temperature and pressure that is the product of the fractionalization, distillation, or other refining or processing of crude oil.

<Definition of power-generating facility is repealed December 31, 2015, by Laws 2007, ch. 103, § 5; Laws 2009, ch. 198, § 3; Laws 2012, ch. 188, § 1.>

“Power-generating facility” means any electricity-generating facility that requires a permit issued under the Federal Clean Air Act (42 U.S.C. 7401-7671q), the Hawaii air pollution control law (chapter 342B), or both.

“Retail dealer” means a person who purchases liquid fuel from a licensed distributor and sells the liquid fuel at retail. Only sales of liquid fuel for consumption or used by the purchaser, and not for resale, are sales at retail.

“Use”, either as a noun or verb, and derivative expressions, means distribution or other disposition of fuel, or any other use thereof, whether with or without compensation.

Credits: Laws 1932 1st, ch. 19, § 1; Laws 1933, ch. 133, § 1; R.L. 1935, § 2010; Laws 1941, Sp. Sess., ch. 26, § 1; R.L. 1945, § 5401; Laws 1951, ch. 136, § 1; Laws 1951, ch. 187, § 1; R.L. 1955, § 123-1; Laws 1957, ch. 217, § 1; Laws 1957, ch. 322, § 1; Laws 1959, 2nd Sp. Sess., ch. 1, §§ 14, 16; Laws 1963, ch. 114, § 1; H.R.S. § 243-1; Laws 1984, ch. 90, § 1; Laws 1991, ch. 55, § 1; Laws 1993, ch. 300, § 3; Laws 1997, ch. 178, § 9; Laws 2001, ch. 143, § 2; Laws 2007, ch. 103, § 2, eff. May 29, 2007.