



Biofuels Statutory Citations

STATE OF OREGON

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 Oregon General Assembly.

646.913. Sale of gasoline containing ethanol

- (1) Except as provided in subsection (5) of this section, a retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale gasoline unless the gasoline contains 10 percent ethanol by volume.
- (2) Gasoline containing ethanol that is sold or offered for sale meets the requirements of this section if the gasoline, exclusive of denaturants and permitted contaminants, contains not less than 9.2 percent by volume of agriculturally derived, denatured ethanol that complies with the standards for ethanol adopted by the State Department of Agriculture.
- (3) The department shall adopt standards for ethanol blended with gasoline sold in this state. The standards adopted shall require that the gasoline blended with ethanol:
 - (a) Contains ethanol that is derived from agricultural or woody waste or residue;
 - (b) Contains ethanol denatured as specified in 27 C.F.R. parts 20 and 21;
 - (c) Complies with the volatility requirements specified in 40 C.F.R. part 80;
 - (d) Complies with or is produced from a gasoline base stock that complies with ASTM International specification D 4814;
 - (e) Is not blended with casinghead gasoline, absorption gasoline, drip gasoline or natural gasoline after the gasoline has been sold, transferred or otherwise removed from a refinery or terminal; and
 - (f) Contains ethanol that complies with ASTM International specification D 4806.
- (4) The department may review specifications adopted by ASTM International, or equivalent organizations, and federal regulations and revise the standards adopted pursuant to this section as necessary.
- (5) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale gasoline that is not

blended with ethanol if the gasoline has an octane rating, as defined in [ORS 646.945](#), of 91 or above or if the gasoline is for use in:

(a) An aircraft:

(A) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles; or

(B) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

(b) An aircraft that has been issued an experimental certificate, described in [14 C.F.R. 21.191](#), by the Federal Aviation Administration and that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(c) A light-sport aircraft, as defined in [14 C.F.R. 1.1](#), that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(d) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;

(e) An antique vehicle, as defined in [ORS 801.125](#);

(f) A Class I all-terrain vehicle, as defined in [ORS 801.190](#);

(g) A Class III all-terrain vehicle, as defined in [ORS 801.194](#);

(h) A Class IV all-terrain vehicle, as defined in [ORS 801.194 \(2\)](#);

(i) A racing activity vehicle, as defined in [ORS 801.404](#);

(j) A snowmobile, as defined in [ORS 801.490](#);

(k) Tools, including but not limited to lawn mowers, leaf blowers and chain saws; or

(L) A watercraft.

Credits Added by [Laws 2007, c. 739, § 18](#). Amended by [Laws 2008, c. 44 \(1st Sp. Sess.\), § 4, eff. March 11, 2008](#); [Laws 2009, c. 786, § 1, eff. Jan. 1, 2010](#); [Laws 2011, c. 360, § 11, eff. Jan. 1, 2012](#).

646.921. Monitoring biodiesel fuel production

(1) The State Department of Agriculture shall study and monitor biodiesel fuel production, use and sales and certificates of analysis in this state.

(2) When the capacity of biodiesel production facilities in Oregon reaches a level of at least 15 million

gallons on an annualized basis, the department shall notify all retail dealers, nonretail dealers and wholesale dealers in this state that the capacity of biodiesel production facilities in Oregon has reached a level of at least 15 million gallons on an annualized basis and that a retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel fuel only as described in [ORS 646.922 \(2\)](#) after the date that is two months after the date of the notice given by the department under this subsection.

(3) All retail dealers, nonretail dealers and wholesale dealers in Oregon are required to provide, upon the request of the department, a certificate of analysis for biodiesel received.

Credits Added by [Laws 2007, c. 739, § 13, eff. Sept. 27, 2007](#). Amended by [Laws 2009, c. 752, § 1, eff. July 22, 2009](#); [Laws 2010, c. 55 \(1st Sp. Sess.\), § 1, eff. March 10, 2010](#).

646.922. Sale of diesel fuel

(1) A retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale diesel fuel unless the diesel fuel contains at least two percent biodiesel by volume or other renewable diesel with at least two percent renewable component by volume.

(2) Two months after the date of the notice given under [ORS 646.921\(2\)](#), a retail dealer, nonretail dealer or wholesale dealer may not sell or offer for sale diesel fuel unless the diesel fuel contains at least five percent biodiesel by volume or other renewable diesel with at least five percent renewable component by volume. Diesel fuel that contains more than five percent biodiesel by volume or other renewable diesel with more than five percent renewable component by volume must be labeled as the State Department of Agriculture provides by rule.

(3) A retail dealer, nonretail dealer or wholesale dealer may sell or offer for sale diesel fuel that otherwise meets the requirements of subsections (1) and (2) of this section and rules adopted pursuant to [ORS 646.957](#) but to which there have been added substances to prevent congealing or gelling of diesel fuel containing biodiesel or other renewable diesel, without violating the requirements of subsections (1) and (2) of this section and rules adopted pursuant to [ORS 646.957](#). This subsection applies only to diesel fuel sold or offered for sale during the period from October 1 of any year to February 28 of the following year.

(4) The department shall adopt standards for biodiesel or other renewable diesel sold in this state. The department shall consult the specifications established for biodiesel or other renewable diesel by ASTM International in forming the department's standards. The department may review specifications adopted by ASTM International, or equivalent organizations, and revise the standards adopted pursuant to this subsection as necessary.

(5) The minimum biodiesel fuel content and renewable component in other renewable diesel requirements under subsections (1) and (2) of this section do not apply to diesel fuel sold or offered for sale for use by railroad locomotives, marine engines or home heating or to facilities that store more than 50 gallons of diesel fuel for use in emergency power generation.

Credits Added by [Laws 2007, c. 739, § 14, eff. Sept. 27, 2007](#). Amended by [Laws 2009, c. 752, § 2, eff. July 22, 2009](#); [Laws 2009, c. 752, § 3, eff. July 22, 2009, operative Jan. 2, 2012](#); [Laws 2010, c. 55 \(1st](#)

Sp. Sess.), § 3, eff. March 1, 2011, operative Jan. 2, 2012; [Laws 2010, c. 55 \(1st Sp. Sess.\), §§ 2, 5, eff. March 10, 2010](#); [Laws 2010, c. 55 \(1st Sp. Sess.\), §§ 3, 6, eff. March 10, 2010, operative Jan. 2, 2012](#); [Laws 2011, c. 243, §§ 2, 3, eff. June 7, 2011, operative Jan. 2, 2012](#); [Laws 2013, c. 89, § 1, eff. Jan. 1, 2014](#).