

---

**SUBSTITUTE HOUSE BILL 1010**

---

**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** House Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, and Moeller)

READ FIRST TIME 02/06/09.

1       AN ACT Relating to the definition of a biofuel; and amending RCW  
2 19.112.010 and 19.112.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 19.112.010 and 2007 c 309 s 1 are each amended to read  
5 as follows:

6       The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8       (1) "Alcohol fuel" means any alcohol made from a product other than  
9 petroleum or natural gas that is used alone or in combination with  
10 gasoline or other petroleum products for use as a fuel in self-  
11 propelled motor vehicles.

12       (2) "Alternative fuel" means all products or energy sources used to  
13 propel motor vehicles, other than conventional gasoline, diesel, or  
14 reformulated gasoline. Alternative fuel includes, but is not limited  
15 to, liquefied petroleum gas, liquefied natural gas, compressed natural  
16 gas, biodiesel fuel, E85 motor fuel, fuels containing seventy percent  
17 or more by volume of alcohol fuel, fuels that are derived from biomass,  
18 hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or  
19 electricity, excluding onboard electric generation.

1 (3) "Biodiesel fuel" means the monoalkyl esters of long chain fatty  
2 acids derived from plant or animal matter that meet the registration  
3 requirements for fuels and fuel additives established by the federal  
4 environmental protection agency and standards established by the  
5 American society of testing and materials.

6 (4) "Diesel" means special fuel as defined in RCW 82.38.020, and  
7 diesel fuel dyed in accordance with the regulations in 26 C.F.R. Sec.  
8 48.4082-1T as of October 24, 2005.

9 (5) "Director" means the director of agriculture.

10 (6) "E85 motor fuel" means an alternative fuel that is a blend of  
11 ethanol and hydrocarbon of which the ethanol portion is nominally  
12 seventy-five to eighty-five percent denatured fuel ethanol by volume  
13 that complies with the most recent version of American society of  
14 testing and materials specification D 5798.

15 (7) "Motor fuel" means any liquid product used for the generation  
16 of power in an internal combustion engine used for the propulsion of a  
17 motor vehicle upon the highways of this state, and any biodiesel fuel.  
18 Motor fuels containing ethanol may be marketed if either (a) the base  
19 motor fuel meets the applicable standards before the addition of the  
20 ethanol or (b) the resultant blend meets the applicable standards after  
21 the addition of the ethanol.

22 (8) "Nonhazardous motor fuel" means any fuel of a type distributed  
23 for use in self-propelled motor vehicles that does not contain a  
24 hazardous liquid as defined in RCW 19.122.020.

25 (9) "Renewable diesel" means a diesel fuel substitute produced from  
26 nonpetroleum renewable sources, including vegetable oils and animal  
27 fats, that meets the registration requirements for fuels and fuel  
28 additives established by the federal environmental protection agency in  
29 40 C.F.R. Part 79 (2008) and meets the requirements of American society  
30 of testing and materials specification D 975.

31 **Sec. 2.** RCW 19.112.110 and 2006 c 338 s 2 are each amended to read  
32 as follows:

33 (1) Special fuel licensees under chapter 82.38 RCW, other than  
34 international fuel tax agreement licensees, dyed special fuel users,  
35 and special fuel distributors, shall provide evidence to the department  
36 of licensing that at least two percent of the total annual diesel fuel  
37 sold in Washington is biodiesel or renewable diesel fuel, following the

1 earlier of: (a) November 30, 2008; or (b) when a determination is made  
2 by the director, published in the Washington State Register, that  
3 feedstock grown in Washington state can satisfy a two-percent  
4 requirement.

5 (2) Special fuel licensees under chapter 82.38 RCW, other than  
6 international fuel tax agreement licensees, dyed special fuel users,  
7 and special fuel distributors, shall provide evidence to the department  
8 of licensing that at least five percent of total annual diesel fuel  
9 sold in Washington is biodiesel or renewable diesel fuel, when the  
10 director determines, and publishes this determination in the Washington  
11 State Register, that both in-state oil seed crushing capacity and  
12 feedstock grown in Washington state can satisfy a three-percent  
13 requirement.

14 (3) The requirements of subsections (1) and (2) of this section  
15 shall take effect no sooner than one hundred eighty days after the  
16 determination has been published in the Washington State Register.

17 (4) The director and the director of licensing shall each adopt  
18 rules, in coordination with each other, for enforcing and carrying out  
19 the purposes of this section.

--- END ---