

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2007 SENATE BILL 40**

July 10, 2007 – Offered by Representative WOOD.

1 At the locations indicated, amend the amendment as follows:

2 **1.** Page 306, line 4: after that line insert:

3 “1654k. Page 1210, line 10: after that line insert:

4 “**SECTION 2603t.** 100.299 of the statutes is created to read:

5 **100.299 Ethanol; cost to retailer, terminal.** Notwithstanding any other
6 provision in this chapter, for purposes of any law regulating the minimum price of
7 motor vehicle fuel, with respect to the sale of motor vehicle fuel containing ethanol:

8 **(1)** “Cost to retailer” means the following:

9 (a) In the case of the retail sale of motor vehicle fuel containing ethanol by a
10 refiner at a retail station owned or operated either directly or indirectly by the
11 refiner, the refiner’s lowest selling price to other retailers or to wholesalers of motor

1 vehicle fuel on the date of the refiner's retail sale, less all trade discounts except
2 customary discounts for cash, plus any excise, sales or use taxes imposed on the
3 motor vehicle fuel or on its sale and any cost incurred for transportation and any
4 other charges not otherwise included in the invoice cost of the motor vehicle fuel, plus
5 a markup of 9.18% of that amount to cover a proportionate part of the cost of doing
6 business; or the average posted terminal price at the terminal located closest to the
7 retail station plus a markup of 9.18% of the average posted terminal price to cover
8 a proportionate part of the cost of doing business; whichever is less.

9 (b) In the case of the retail sale of motor vehicle fuel containing ethanol by a
10 wholesaler of motor vehicle fuel, who is not a refiner, at a retail station owned or
11 operated either directly or indirectly by the wholesaler of motor vehicle fuel, the
12 invoice cost of the motor vehicle fuel to the wholesaler of motor vehicle fuel within
13 10 days prior to the date of sale, or the replacement cost of the motor vehicle fuel,
14 whichever is lower, less all trade discounts except customary discounts for cash, plus
15 any excise, sales or use taxes imposed on the motor vehicle fuel or on its sale, and any
16 cost incurred for transportation and any other charges not otherwise included in the
17 invoice cost or replacement cost of the motor vehicle fuel, plus a markup of 9.18% of
18 that amount to cover a proportionate part of the cost of doing business; or the average
19 posted terminal price at the terminal located closest to the retail station plus a
20 markup of 9.18% of the average posted terminal price to cover a proportionate part
21 of the cost of doing business; whichever is less.

22 (c) In the case of the retail sale of motor vehicle fuel containing ethanol by a
23 person other than a refiner or a wholesaler of motor vehicle fuel at a retail station,
24 the invoice cost of the motor vehicle fuel to the retailer within 10 days prior to the
25 date of sale, or the replacement cost of the motor vehicle fuel, whichever is lower, less

1 all trade discounts except customary discounts for cash, plus any excise, sales or use
2 taxes imposed on the motor vehicle fuel or on its sale and any cost incurred for
3 transportation and any other charges not otherwise included in the invoice cost or
4 the replacement cost of the motor vehicle fuel, plus a markup of 6% of that amount
5 to cover a proportionate part of the cost of doing business; or the average posted
6 terminal price at the terminal located closest to the retailer plus a markup of 9.18%
7 of the average posted terminal price to cover a proportionate part of the cost of doing
8 business; whichever is less.

9 (2) “Terminal” means a facility in which ethanol is produced for use as a motor
10 vehicle fuel.”.”.

11

(END)