

2005 SENATE BILL 41

1 **AN ACT** *to amend* 16.045 (1) (b) 1., 16.045 (1) (c), 168.03 and 168.14 (2); and *to*
2 **create** 168.14 (2m) of the statutes; **relating to:** the definition of biodiesel fuel
3 and the labeling, advertising, and promoting of biodiesel fuel and biodiesel fuel
4 blends for sale.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 16.045 (1) (b) 1. of the statutes is amended to read:
6 16.045 (1) (b) 1. ~~Bio-diesel~~ Biodiesel fuel.
7 **SECTION 2.** 16.045 (1) (c) of the statutes is amended to read:
8 16.045 (1) (c) “~~Bio-diesel~~ Biodiesel fuel” means a fuel derived from soybean oil
9 ~~with glycerine extracted from the oil that is comprised of monoalkyl esters of long~~
10 chain fatty acids derived from vegetable oils or animal fats, either in pure form or
11 mixed in any combination with petroleum-based diesel fuel.

SENATE BILL 41**SECTION 3**

1 **SECTION 3.** 168.03 of the statutes is amended to read:

2 **168.03 Petroleum products defined.** “Petroleum products” means gasoline,
3 gasoline–alcohol fuel blends, kerosene, fuel oil, burner oil and diesel fuel oil.

4 **SECTION 4.** 168.14 (2) of the statutes is amended to read:

5 168.14 (2) No person may receive, unload, use, sell or offer for sale in this state,
6 any gasoline, gasoline–alcohol fuel blends, kerosene, fuel oils, diesel fuels or other
7 petroleum distillates which the person knows, or reasonably should know, is
8 misidentified as to name or grade. Gasoline–ethanol blends that are identified in
9 compliance with s. 168.11 when sold at retail are correctly identified as to name.
10 Biodiesel blends that are identified in compliance with sub. (2m) (c) 4. when sold at
11 retail are correctly identified as to name.

12 **SECTION 5.** 168.14 (2m) of the statutes is created to read:

13 168.14 (2m) (a) “Biodiesel fuel” means a fuel that is comprised of monoalkyl
14 esters of long chain fatty acids derived from vegetable oils or animal fats.

15 (b) No person may represent, advertise, label, or otherwise promote for sale a
16 fuel as being biodiesel fuel unless the fuel meets all of the following requirements:

17 1. The fuel is registered as biodiesel fuel by a manufacturer under 40 CFR Part
18 79.

19 2. The fuel is pure biodiesel fuel, is identified as such with the alphanumeric
20 B100, and does not contain any petroleum product, any additive, or other foreign
21 material.

22 3. The fuel meets all of the applicable requirements of the American Society for
23 Testing and Materials.

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1 (c) No person may represent, advertise, label, or otherwise promote for sale a
2 fuel as being a blend of biodiesel and petroleum-based fuel unless the fuel meets all
3 of the following requirements:

4 1. The volume percentage of the biodiesel fuel to the petroleum-based fuel is
5 at least 2 percent.

6 2. The fuel is blended with petroleum-based diesel fuel.

7 3. The fuel meets all of the applicable requirements of the American Society for
8 Testing and Materials.

9 4. The volume percentage under subd. 1. is disclosed to the purchaser and is
10 identified by use of the alphanumeric Bxx, with a number replacing the xx in the
11 alphanumeric and with that number representing the volume percentage of
12 biodiesel fuel in the biodiesel fuel blend.

13 **SECTION 6m. Effective date.**

14 (1) This act takes effect on July 1, 2007.

15 (END)