



## 1995 ASSEMBLY BILL 52

January 26, 1995 - Introduced by Representatives FREESE, HARSDORF, LORGE, HAHN, OTT, AINSWORTH, BALDUS, WARD, WILDER, KLUSMAN, KREUSER, SERATTI, MUSSER and OWENS, cosponsored by Senators SCHULTZ and A. LASEE. Referred to Committee on Highways and Transportation.

1     **AN ACT** *to renumber and amend* 168.04; and *to create* 168.04 (2), 168.04 (3)  
2             and 168.04 (4) of the statutes; **relating to:** requiring ethanol in automotive  
3             gasoline, granting rule-making authority and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law requires the department of industry, labor and human relations (DILHR) to set minimum specifications for gasoline, reformulated gasoline and kerosene and authorizes DILHR to set minimum specifications for other types of fuel.

This bill requires DILHR to set, by rule, minimum specifications for automotive gasoline that require automotive gasoline, with certain exceptions, to contain a specified minimum percentage of domestically produced ethanol. The amount of required ethanol is gradually increased from July 1, 1996, to July 1, 2000, by which date automotive gasoline must contain at least 10% ethanol.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

4             **SECTION 1.** 168.04 of the statutes is renumbered 168.04 (1) and amended to  
5             read:

6             168.04 (1) The department by rule shall prescribe minimum product grade  
7             specifications for gasoline, automotive gasoline, reformulated gasoline, as defined in

1 s. 144.3716 (1), and kerosene and may prescribe product grade specifications for  
2 automotive gasoline, gasoline-alcohol fuel blends, aviation gasoline, fuel oils and  
3 diesel fuels. ~~Automotive gasoline specifications shall include lead content. The rules  
4 shall, to the extent feasible, be in conformity with nationally recognized standards,  
5 specifications and classifications, such as those published by the American society  
6 for testing and materials, the society of automotive engineers and the U.S.  
7 environmental protection agency. The department may not promulgate or enforce  
8 a rule prohibiting additional information from placement on the dispensing device.~~

9 **SECTION 2.** 168.04 (2) of the statutes is created to read:

10 168.04 (2) (a) In this subsection:

11 1. "Domestic ethanol" means ethanol that is manufactured or produced in the  
12 United States from grain or feedstock grown in the United States.

13 2. "Nonattainment area" has the meaning given in s. 144.30 (21).

14 (b) Except as provided in pars. (bm) and (c), the rule promulgated by the  
15 department to set standards for automotive gasoline shall require automotive  
16 gasoline to meet the minimum ethanol fuel blend requirements of the following  
17 schedule:

18 1. Beginning on July 1, 1996, automotive gasoline shall contain at least 3%  
19 domestic ethanol.

20 2. Beginning on July 1, 1998, automotive gasoline shall contain at least 6%  
21 domestic ethanol.

22 3. Beginning on July 1, 2000, automotive gasoline shall contain at least 10%  
23 domestic ethanol.

24 (bm) The standards set by rule under par. (b) do not apply to automotive  
25 gasoline sold or used in a nonattainment area for ozone.

1 (c) The department shall, by rule, authorize the sale of automotive gasoline  
2 that does not meet the standards set by rule under par. (b) for use only by specified  
3 tractors, farm machinery, aircraft, small engines, boat motors, motorcycles and  
4 antique motor vehicles. In determining the tractors, farm machinery, aircraft, small  
5 engines, boat motors, motorcycles and antique motor vehicles to be specified by rule,  
6 the department shall consider whether the use of an ethanol-gasoline fuel blend will  
7 cause engine damage to or significantly reduce the efficiency of the tractor, farm  
8 machinery, aircraft, small engine, boat motor, motorcycle or antique motor vehicle.

9 **SECTION 3.** 168.04 (3) of the statutes is created to read:

10 168.04 (3) Except as otherwise specified in this section, rules promulgated  
11 under this section shall be in conformity with nationally recognized standards,  
12 specifications and classifications, such as those published by the American society  
13 for testing and materials, the society of automotive engineers and the federal  
14 environmental protection agency. The department may not promulgate or enforce  
15 a rule prohibiting the placement of additional information on the dispensing device.

16 **SECTION 4.** 168.04 (4) of the statutes is created to read:

17 168.04 (4) A person who sells or dispenses automotive gasoline that violates  
18 sub. (2) or any rules promulgated under sub. (1) or (2) shall forfeit not less than \$10  
19 nor more than \$100. Each day on which a violation occurs is a separate violation.

20 (END)