



## 2005 SENATE BILL 15

January 20, 2005 - Introduced by Senators HARSDFORF, ERPENBACH, ZIEN, BROWN, RISSER, KAPANKE, DECKER, SCHULTZ and STEPP, cosponsored by Representatives FREESE, DAVIS, SUDER, GRONEMUS, OTT, GARD, KREIBICH, GUNDERSON, KERKMAN, WOOD, VOS, WARD, PETROWSKI, OWENS, ALBERS, LOEFFELHOLZ, JESKEWITZ, TOWNS, MCCORMICK, LOTHIAN, AINSWORTH, HAHN, HINES, HONADEL, MUSSER, NERISON, M. WILLIAMS, VRUWINK and BIES. Referred to Committee on Natural Resources and Transportation.

1     **AN ACT to create** 168.04 (2m) and 168.04 (4) of the statutes; **relating to:** ethanol  
2             requirements in automotive gasoline, providing an exemption from emergency  
3             rule procedures, granting rule-making authority, and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Current law requires the Department of Commerce (Commerce) to set minimum specifications for gasoline, automotive gasoline, gasoline-alcohol fuel blends, reformulated gasoline, and kerosene and authorizes Commerce to set minimum specifications for other types of fuel.

This bill provides that the minimum specifications for automotive gasoline must require that automotive gasoline contain not less than 9.2 percent nor more than 10 percent ethanol. Under the bill certain automotive gasoline is exempt from the minimum specifications, including automotive gasoline that meets particular octane requirements and that is sold as fuel at airports or marinas and automotive gasoline that is sold at racetracks for use at motor sports racing events held at a racetrack.

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:***

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1           **SECTION 1.** 168.04 (2m) of the statutes is created to read:

2           168.04 **(2m)** (a) In this subsection:

3           1. “All-terrain vehicle” has the meaning given in s. 340.01 (2g).

4           2. “Collector vehicle” means a motor vehicle of any age that has not been altered  
5 or modified from original manufacturers’ specifications and, because of its historic  
6 interest, is being preserved by hobbyists.

7           3. “Premium grade gasoline” means automotive gasoline that is unleaded and  
8 that has an octane rating of at least 91.

9           4. “Resort” means any lodging place where sleeping accommodations are  
10 offered for pay to tourists or transients.

11           (b) Except as provided in par. (bn), the rule promulgated by the department  
12 under sub. (1) to set standards for automotive gasoline shall require that beginning  
13 on the 90th day after the effective date of this paragraph .... [revisor inserts date],  
14 automotive gasoline contain not less than 9.2 percent nor more than 10 percent  
15 ethanol.

16           (bn) If the 90th day after the effective date of this paragraph .... [revisor inserts  
17 date], falls on or after July 2, 2006, the beginning date for the rule under par. (b) shall  
18 be July 1, 2006, or the effective date of this paragraph .... [revisor inserts date],  
19 whichever is later.

20           (c) The standards established under par. (b) do not apply to any of the following:

21           1. Premium grade gasoline that is sold as fuel at an airport, marina, mooring  
22 area, or resort, for use in aircraft, a collector vehicle, an all-terrain vehicle, a  
23 motorcycle, a boat, a snowmobile, or a small engine.

24           2. Automotive gasoline that is sold at a racetrack if the gasoline is intended to  
25 be used exclusively as a fuel for motor sports racing events at a racetrack.

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1           3. Premium grade gasoline that is sold at a retail gasoline station for use in a  
2 collector vehicle, an all-terrain vehicle, a motorcycle, a boat, a snowmobile, or a small  
3 engine if no more than one storage tank on the premises of the retail gasoline station  
4 is used for storage of the premium grade gasoline and the pump from which the  
5 premium grade gasoline is dispensed is posted with a permanent notice stating that  
6 the pump dispenses nonoxygenated gasoline for use only in collector vehicles,  
7 all-terrain vehicles, motorcycles, boats, snowmobiles, and small engines.

8           4. Premium grade gasoline, or automotive gasoline that is 100 octane low lead,  
9 that is sold directly for storage in a bulk fuel storage tank if the gasoline is intended  
10 for use in aircraft.

11           **SECTION 2.** 168.04 (4) of the statutes is created to read:

12           168.04 (4) A person who sells or dispenses automotive gasoline that violates  
13 any rule promulgated under sub. (1), (2), or (2m) shall forfeit not less than \$10 nor  
14 more than \$100. Each day on which a violation occurs is a separate violation.

15           **SECTION 3. Nonstatutory provisions.**

16           (1) **EMERGENCY RULE.** Using the procedure under section 227.24 of the statutes,  
17 the department of commerce shall promulgate the rules described under section  
18 168.04 (2m) of the statutes, as created by this act, for the period before the permanent  
19 rules become effective, but not to exceed the period authorized under section 227.24  
20 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3)  
21 of the statutes, the department of commerce is not required to provide evidence that  
22 promulgating a rule under this subsection as an emergency rule is necessary for the  
23 preservation of the public peace, health, safety, or welfare and is not required to  
24 provide a finding of emergency for the rules promulgated under this subsection.

25           **(END)**