

FIRST REGULAR SESSION

# HOUSE BILL NO. 712

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MUNZLINGER (Sponsor), BIVINS, HOBBS, DOUGHERTY,  
FISHER, WALLACE, McGHEE, SATER AND HUNTER (Co-sponsors).

Read 1st time February 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0933L.01I

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### AN ACT

To amend chapter 414, RSMo, by adding thereto one new section relating to motor fuel franchise contracts, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 414, RSMo, is amended by adding thereto one new section, to be  
2 known as section 414.361, to read as follows:

**414.361. 1. No provision in a motor fuel franchise contract entered into after  
2 September 1, 2007, shall:**

3 **(1) Prohibit a dealer from purchasing or selling any alternative motor fuel set forth  
4 in subsection 3 of this section from a person or firm other than a distributor; or**

5 **(2) Limit the quantity of such alternative motor fuel to be purchased from a person  
6 or firm other than a distributor; or**

7 **(3) Directly or indirectly discourage a dealer from purchasing or selling such  
8 alternative motor fuel from a person or firm other than a distributor.**

9 **2. Nothing contained in this section, however, shall grant to any dealer any rights,  
10 authority, or obligation with respect to the permissible uses of the premises or facilities  
11 owned, leased, or controlled by a distributor under the terms of the franchise contract.**

12 **3. As used in this section, "alternative motor fuel" means:**

13 **(1) A blend of eighty-five percent ethanol and fifteen percent gasoline, also known  
14 as E-85, as defined in the American Society for Testing and Materials International**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (ASTM) D5798-06 Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive  
16 Spark-Ignition Engines or its successor standard specifications for a fuel blend, nominally  
17 seventy-five to eighty-five volume percentage denatured fuel ethanol and twenty-five to  
18 fifteen additional volume percentage hydrocarbons for use in ground vehicles with  
19 automotive spark-ignition engines;

20 (2) A blend of at least two percent methyl-ester, also known as biodiesel, as defined  
21 in the American Society for Testing and Materials International (ASTM) D6751-06a  
22 Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels  
23 or its successor standard specifications for biodiesel (B100) Grades S15 and S500 for use  
24 as a blend component with diesel fuel oils as defined in the American Society for Testing  
25 and Materials International (ASTM) D975-06b Standard Specification for Diesel Fuel Oils  
26 or its successor standard specifications for Grades 1-D, 2-D, and low sulfur 1-D and 2-D;  
27 or

28 (3) Any motor fuel at least seventy percent of the volume of which consists of one  
29 or more of the following:

- 30 a. Ethanol;
- 31 b. Natural gas;
- 32 c. Compressed natural gas;
- 33 d. Liquified natural gas;
- 34 e. Liquified petroleum gas;
- 35 f. Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;
- 36 4. Any person or firm who is a distributor or an officer, agent, or employee of a  
37 distributor who threatens, harasses, coerces, or attempts to coerce a dealer for the purpose  
38 of compelling such dealer to refrain from purchasing or selling alternative motor fuel from  
39 a person or firm other than a distributor shall be subject to a fine in an amount up to one  
40 thousand dollars for each violation.

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