

# HOUSE BILL NO. 1881

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

4507H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 414.365, RSMo, relating to biodiesel fuel use in department of transportation vehicles.

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

Section A. Section 414.365, RSMo, is repealed.

~~[414.365. 1. As used in this section, the following terms mean:~~

2 ~~———— (1) "B-20", a blend of twenty percent by volume biodiesel fuel and eighty~~  
3 ~~percent by volume petroleum-based diesel fuel;~~

4 ~~———— (2) "Biodiesel", fuel as defined in ASTM standard PS121;~~

5 ~~———— (3) "Incremental cost", the difference in cost between blended biodiesel~~  
6 ~~fuel and conventional petroleum-based diesel fuel at the time the blended~~  
7 ~~biodiesel fuel is purchased.~~

8 ~~———— 2. On or before October 1, 2003, the Missouri department of~~  
9 ~~transportation shall develop a program that provides for the opportunity to use~~  
10 ~~fuel with at least the biodiesel content of B-20 in its vehicle fleet and heavy~~  
11 ~~equipment that use diesel fuel. Such program shall have the following goals,~~  
12 ~~provided that such program and goals do not prohibit the department from~~  
13 ~~generating and selling EPAAct credits pursuant to section 414.407:~~

14 ~~———— (1) On or before July 1, 2004, at least fifty percent of the department's~~  
15 ~~vehicle fleet and heavy equipment that use diesel fuel shall use fuel with at least~~  
16 ~~the biodiesel content of B-20, if such fuel is commercially available;~~

17 ~~———— (2) On or before July 1, 2005, at least seventy-five percent of the~~  
18 ~~department's vehicle fleet and heavy equipment that use diesel fuel shall use fuel~~  
19 ~~with at least the biodiesel content of B-20, if such fuel is commercially available.~~

20 ~~———— 3. The blended biodiesel fuel shall be presumed to be commercially~~  
21 ~~available if the incremental cost of such fuel is not more than twenty-five cents.~~

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.

22 ~~4. Nothing in this section is intended to create a state requirement for~~  
23 ~~biodiesel fuel use in excess of the requirements of the federal National Energy~~  
24 ~~Policy Act of 1992, Pub.L. 102-486, 42 U.S.C. 13251, 13257(o).~~

25 ~~5. To the maximum extent practicable, the department shall obtain~~  
26 ~~funding for the incremental cost of the blended biodiesel fuel from the biodiesel~~  
27 ~~fuel revolving fund established in section 414.407.~~

28 ~~6. The director of the Missouri department of transportation may~~  
29 ~~promulgate any rules necessary to carry out the provisions of this section. No~~  
30 ~~rule or portion of a rule promulgated pursuant to this section shall take effect~~  
31 ~~unless it has been promulgated pursuant to chapter 536.]~~

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