
HOUSE BILL 1903

State of Washington 61st Legislature 2009 Regular Session

By Representatives Crouse, McCoy, Eddy, Armstrong, and McCune

Read first time 02/02/09. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to marine and aviation fuel; amending RCW
2 19.112.120; and adding a new section to chapter 19.112 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.112.120 and 2007 c 309 s 2 are each amended to read
5 as follows:

6 (1) By December 1, 2008, motor vehicle fuel licensees under chapter
7 82.36 RCW, other than motor vehicle fuel distributors, shall provide
8 evidence to the department of licensing that at least two percent of
9 total gasoline sold in Washington, measured on a quarterly basis, is
10 denatured ethanol.

11 (2) If the director of ecology determines that ethanol content
12 greater than two percent of the total gasoline sold in Washington will
13 not jeopardize continued attainment of the federal clean air act's
14 national ambient air quality standard for ozone pollution in Washington
15 and the director of agriculture determines and publishes this
16 determination in the Washington State Register that sufficient raw
17 materials are available within Washington to support economical
18 production of ethanol at higher levels, the director of agriculture may
19 require by rule that licensees provide evidence to the department of

1 licensing that denatured ethanol comprises between two percent and at
2 least ten percent of total gasoline sold in Washington, measured on a
3 quarterly basis.

4 (3) The requirements of subsections (1) and (2) of this section
5 shall take effect no sooner than one hundred eighty days after the
6 determination has been published in the Washington State Register.

7 (4) The director and the director of licensing shall each adopt
8 rules, in coordination with each other, for enforcing and carrying out
9 the purposes of this section.

10 (5) Nothing in this section is intended to prohibit the production,
11 sale, or use of motor fuel for use in federally designated flexibly
12 fueled vehicles capable of using E85 motor fuel. Nothing in this
13 section is intended to limit the use of high octane gasoline not
14 blended with ethanol for use in aircraft.

15 (6)(a) Notwithstanding the provisions of this section or this
16 chapter, conventional unleaded gasoline must be made available for
17 purchase at all distribution terminals located in Washington state.
18 Conventional unleaded gasoline must be available in quantities
19 sufficient, as determined by the director of the department of
20 licensing, for end-use in marine and aviation applications in
21 Washington state. Unless a sufficient supply of conventional unleaded
22 gasoline is available for other applications, conventional unleaded
23 gasoline must be limited to end-use in marine and aviation
24 applications.

25 (b) For the purposes of this subsection, "conventional unleaded
26 gasoline" means gasoline with an octane rating, however attained, of
27 not less than eighty-seven that has not been blended or otherwise
28 combined with ethanol or denatured alcohol.

29 NEW SECTION. Sec. 2. A new section is added to chapter 19.112 RCW
30 to read as follows:

31 For the purposes of this chapter, retailers and distributors of
32 marine and aviation fuel shall be held harmless and have an absolute
33 defense in any action brought by an end-user if the fuel delivered to
34 the end-user contains ethanol or denatured alcohol as required by this
35 chapter and the retailer or distributor did not have direct access to

1 conventional unleaded gasoline when taking delivery from the fuel
2 supplier.

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