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SENATE BILL NO. 308—SENATOR GOICOECHEA

MARCH 18, 2019

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Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing gasoline octane standards in this State. (BDR 51-259)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION - Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to gasoline; revising provisions governing the gasoline octane standards for motor vehicle fuel; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Under existing law, the State Board of Agriculture is required to adopt by  
2 regulation specifications for motor vehicle fuel which must be: (1) based upon  
3 scientific evidence which demonstrates that motor vehicle fuel produced to such  
4 specifications is of sufficient quality to ensure appropriate performance in a motor  
5 vehicle; or (2) proposed by an air pollution control agency to attain or maintain  
6 national ambient air quality standards in any area of this State. (NRS 590.070)  
7 Under existing regulations adopted by the State Board of Agriculture pursuant to  
8 this requirement, gasoline and any blend of gasoline and ethanol that is sold outside  
9 the area of this State which is east of the 117th degree of west longitude and north  
10 of the 38th degree of north latitude must have an octane rating number of 87 or  
11 more. The area described where gasoline and any blend of gasoline and ethanol  
12 with an octane rating number less than 87 may be sold includes all of Elko, Eureka  
13 and White Pine counties and parts of Lander, Lincoln and Nye counties.

14 **Section 1** of this bill requires that the specifications set by the State Board of  
15 Agriculture be the same within the boundaries of a county unless the Board obtains  
16 the approval of the Board of County Commissioners of the county to adopt  
17 specifications which are not the same within the boundaries of the county.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1       **Section 1.** NRS 590.070 is hereby amended to read as follows:

2       590.070 1. ~~[The]~~ *Except as otherwise provided in subsection*  
3 *2, the* State Board of Agriculture shall adopt by regulation  
4 specifications for motor vehicle fuel:

5       (a) Based upon scientific evidence which demonstrates that any  
6 motor vehicle fuel which is produced in accordance with the  
7 specifications is of sufficient quality to ensure appropriate  
8 performance when used in a motor vehicle in this State; or

9       (b) Proposed by an air pollution control agency to attain or  
10 maintain national ambient air quality standards in any area of this  
11 State. As used in this paragraph, "air pollution control agency"  
12 means any federal air pollution control agency or any state, regional  
13 or local agency that has the authority pursuant to chapter 445B of  
14 NRS to regulate or control air pollution or air quality in any area of  
15 this State.

16       2. *The specifications for motor vehicle fuel adopted by*  
17 *regulation pursuant to subsection 1 must be the same within the*  
18 *boundaries of a county unless the State Board of Agriculture,*  
19 *before adopting such specifications, obtains the approval of the*  
20 *Board of County Commissioners of the county to adopt*  
21 *specifications that are not the same within the boundaries of the*  
22 *county.*

23       3. The State Board of Agriculture shall adopt by regulation  
24 procedures for allowing variances from the specifications for motor  
25 vehicle fuel adopted pursuant to this section.

26       ~~[3.]~~ 4. It is unlawful for any person, or any officer, agent or  
27 employee thereof, to sell, offer for sale, assist in the sale of, deliver  
28 or permit to be sold or offered for sale:

29       (a) Any petroleum or petroleum product as, or purporting to be,  
30 motor vehicle fuel, unless it conforms with the regulations adopted  
31 by the State Board of Agriculture pursuant to this section.

32       (b) Any biodiesel unless it meets the registration requirements  
33 for fuels and fuel additives of 40 C.F.R. Part 79 and the  
34 requirements of ASTM Standard D6751, "Standard Specification  
35 for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels."

36       (c) Any biomass-based diesel or biomass-based diesel blend  
37 unless it meets the registration requirements for fuels and fuel  
38 additives established by the Administrator of the Environmental  
39 Protection Agency pursuant to 42 U.S.C. § 7545.

40       ~~[4.]~~ 5. This section does not apply to aviation fuel.

41       ~~[5.]~~ 6. In addition to any criminal penalty that is imposed  
42 pursuant to the provisions of NRS 590.150, any person who violates



1 any provision of this section may be further punished as provided in  
2 NRS 590.071.

3 ~~6.~~ 7. As used in this section:

4 (a) "Biodiesel" means a fuel that is composed of mono-alkyl  
5 esters of long-chain fatty acids derived from plant or animal matter.

6 (b) "Biomass-based diesel" means a diesel fuel substitute that is  
7 produced from nonpetroleum renewable resources, such as fuel  
8 derived from animal wastes, including, without limitation, poultry  
9 fats, poultry wastes and other waste materials, or from municipal  
10 solid waste and sludge and oil derived from wastewater and the  
11 treatment of wastewater. The term does not include biodiesel.

12 (c) "Biomass-based diesel blend" means a blend of any  
13 biomass-based diesel and any petroleum-based product that is  
14 suitable for use as a motor vehicle fuel.

15 **Sec. 2.** This act becomes effective on July 1, 2019.

