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## A BILL FOR AN ACT

RELATING TO BIOFUEL.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 486J, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§486J-           Biofuel content requirement. (a) The director  
5 shall adopt rules in accordance with chapter 91 to require that  
6 fuel sold in the State for use in motor vehicles contain no less  
7 than fifteen per cent biofuel by volume. The biofuel shall be  
8 produced in the State from agricultural products grown in the  
9 State or locally-sourced feedstock. The amounts of motor  
10 vehicle fuel sold in the State containing no less than fifteen  
11 per cent biofuel shall be in accordance with rules adopted by  
12 the director to administer and enforce this section. Rules  
13 adopted pursuant to this subsection shall take effect no later  
14 than ninety days after production of biofuel in Hawaii equals  
15 \_\_\_\_\_ gallons per year, sustained over a period of four  
16 consecutive weeks.

17           (b) The director may authorize the sale of motor vehicle  
18 fuel that does not meet the provisions of this section if



1 sufficient quantities of competitively-priced biofuel produced  
2 in the State are not available to meet the requirements of this  
3 section.

4 (c) Each distributor, at reporting dates established by  
5 the director, shall file with the director, on forms prescribed,  
6 prepared, and furnished by the director, a certified statement  
7 showing:

8 (1) The price and amount of biofuel available;

9 (2) The amount of biofuel-blended fuel sold by the  
10 distributor;

11 (3) The amount of non-biofuel-blended motor vehicle fuel  
12 sold by the distributor; and

13 (4) Any other information that the director requires for  
14 the purposes of compliance with this section.

15 (d) Provisions with respect to confidentiality of  
16 information shall be as provided in section 486J-6.

17 (e) Any distributor or any other person who violates the  
18 requirements of this section shall be subject to a fine of not  
19 less than \$2 per gallon of nonconforming fuel, up to a maximum  
20 of \$1,000,000 per infraction."



1 SECTION 2. Section 486J-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "biofuels" to read as  
3 follows:

4 "Biofuels" means liquid or gaseous fuels, including  
5 biodiesel and ethanol, produced from organic sources such as  
6 biomass crops, agricultural residues, and oil crops, such as  
7 palm oil, canola oil, soybean oil, waste cooking oil, grease,  
8 and food wastes, animal residues and wastes, and sewage and  
9 landfill wastes."

10 SECTION 3. Section 486J-10, Hawaii Revised Statutes, is  
11 repealed.

12 [~~"§486J-10 Ethanol content requirement. (a) The director~~  
13 ~~shall adopt rules in accordance with chapter 91 to require that~~  
14 ~~gasoline sold in the State for use in motor vehicles contain ten~~  
15 ~~per cent ethanol by volume. The amounts of gasoline sold in the~~  
16 ~~State containing ten per cent ethanol shall be in accordance~~  
17 ~~with rules as the director may deem appropriate. The director~~  
18 ~~may authorize the sale of gasoline that does not meet these~~  
19 ~~requirements as provided in subsection (d).~~

20 ~~(b) Gasoline blended with an ethanol based product, such~~  
21 ~~as ethyl tertiary butyl ether, shall be considered to be in~~  
22 ~~conformance with this section if the quantity of ethanol used in~~



1 ~~the manufacture of the ethanol-based product represents ten per~~  
2 ~~cent, by volume, of the finished motor fuel.~~

3 ~~(c) Ethanol used in the manufacture of ethanol-based~~  
4 ~~gasoline additives, such as ethyl tertiary butyl ether, may be~~  
5 ~~considered to contribute to the distributor's conformance with~~  
6 ~~this section; provided that the total quantity of ethanol used~~  
7 ~~by the distributor is an amount equal to or greater than the~~  
8 ~~amount of ethanol required under this section.~~

9 ~~(d) The director may authorize the sale of gasoline that~~  
10 ~~does not meet the provisions of this section:~~

11 ~~(1) To the extent that sufficient quantities of~~  
12 ~~competitively priced ethanol are not available to meet~~  
13 ~~the minimum requirements of this section; or~~

14 ~~(2) In the event of any other circumstances for which the~~  
15 ~~director determines compliance with this section would~~  
16 ~~cause undue hardship.~~

17 ~~(e) Each distributor, at reporting dates as the director~~  
18 ~~may establish, shall file with the director, on forms~~  
19 ~~prescribed, prepared, and furnished by the director, a certified~~  
20 ~~statement showing:~~

21 ~~(1) The price and amount of ethanol available;~~





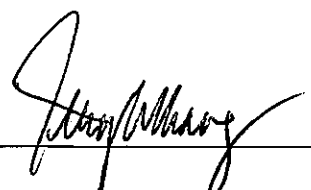
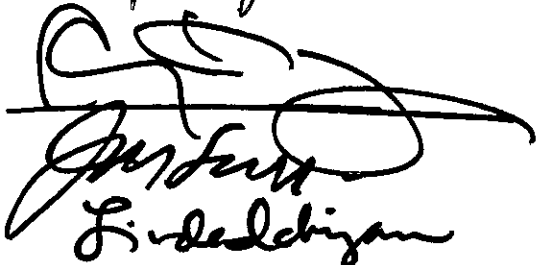
- 1       ~~(2) The amount of ethanol-blended fuel sold by the~~
- 2               ~~distributor;~~
- 3       ~~(3) The amount of non-ethanol-blended gasoline sold by the~~
- 4               ~~distributor; and~~
- 5       ~~(4) Any other information the director shall require for~~
- 6               ~~the purposes of compliance with this section.~~
- 7       ~~(f) Provisions with respect to confidentiality of~~
- 8       ~~information shall be the same as provided in section 486J-6.~~
- 9       ~~(g) Any distributor or any other person violating the~~
- 10       ~~requirements of this section shall be subject to a fine of not~~
- 11       ~~less than \$2 per gallon of nonconforming fuel, up to a maximum~~
- 12       ~~of \$10,000 per infraction.~~
- 13       ~~(h) The director, in accordance with chapter 91, shall~~
- 14       ~~adopt rules for the administration and enforcement of this~~
- 15       ~~section." ]~~

16       SECTION 4. Statutory material to be repealed is bracketed  
 17       and stricken. New statutory material is underscored.

18       SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:

~~DC. Keith~~  
  




# H.B. NO. 330

*Shane & Co*  
*James J. [unclear]*

*Winn-Dixie*

*Danny Coffey*

*Hickokuma*

*Dr*

*Carrie Thibod*

*Steph Henrichs*

JAN 21 2011



**Report Title:**

Biofuel

**Description:**

Requires motor vehicle fuel sold in the State to contain no less than 15% biofuel that is produced in the State from agricultural products grown or sourced in the State. Amends the definition of "biofuels" to include ethanol and biodiesel.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

