

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1121

Introduced by

Transportation Committee

(At the request of the State Department of Health)

1 A BILL for an Act to create and enact section 19-10-03.3 of the North Dakota Century Code,
2 relating to the retail sale of alternative fuels; and to amend and reenact sections 19-10-01 and
3 19-10-10 of the North Dakota Century Code, relating to petroleum product definitions and
4 specifications.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 19-10-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **19-10-01. Definitions.** In this chapter, unless the context or subject matter otherwise
9 requires:

- 10 1. "Adulterated", when used to describe any petroleum or alternative fuel product,
11 denotes a petroleum or alternative fuel product which fails to meet the
12 specifications prescribed by this chapter.
- 13 2. "Alternative fuel" means a fuel for an engine or vehicle, or used as heating oil,
14 other than a petroleum-based fuel.
- 15 3. "Biodiesel" means any non-petroleum-based diesel fuel made from renewable
16 resources such as vegetable oils or animal fats.
- 17 4. "Department" means the state department of health.
- 18 ~~3.~~ 5. "Diesel fuel" is any petroleum product intended for use or offered for sale as a fuel
19 for engines in which the fuel is injected into the combustion chamber and ignited
20 by pressure without electric spark.
- 21 ~~4.~~ 6. "Gasoline" is a refined petroleum naphtha which by its composition is suitable for
22 use as a carburant in internal combustion engines.
- 23 ~~5.~~ 7. "Heating oil" is any ~~petroleum~~ product intended for use or offered for sale as a
24 furnace oil, range oil, or fuel oil for heating and cooking purposes to be used in

1 burners other than wick burners regardless of whether the product is designated
2 as furnace oil, range oil, fuel oil, gas oil, or is given any other name or designation.

3 ~~6-~~ 8. "Kerosene" is a petroleum fraction which is free from water, additives, foreign or
4 suspended matter, and is suitable for use as an illuminating oil.

5 ~~7-~~ 9. "Lubricating oil" is any petroleum, or other product, used for the purpose of
6 reducing friction, heat, or wear in automobiles, tractors, gasoline engines, diesel
7 engines, and other machines.

8 ~~8-~~ 10. "Misbranded", when used in connection with any petroleum or alternative fuel
9 product, denotes a petroleum or alternative fuel product which is not labeled as
10 required under the provisions of this chapter.

11 ~~9-~~ 11. "Sell" and "sale" includes the keeping, offering, or exposing for sale, transportation,
12 or exchange of the restricted or prohibited article.

13 ~~10-~~ 12. "Tractor fuel" is any ~~petroleum~~ product, other than gasoline or kerosene, intended
14 for use or offered for sale as a fuel for tractors, regardless of whether the product
15 is designated as distillate, gas oil, fuel oil, or is given any other name or
16 designation.

17 **SECTION 2.** Section 19-10-03.3 of the North Dakota Century Code is created and
18 enacted as follows:

19 **19-10-03.3. Retail sale of alternative fuels - Notice required.** A dealer may not sell
20 at retail alternative fuel unless the dispensing unit and price advertising contains the name and
21 main components of the alternative fuel or alternative fuel blend. The disclosure must follow
22 the same labeling specifications that apply for petroleum-based fuels. The department shall
23 adopt rules under chapter 28-32 for labeling of petroleum products and alternative fuels. A
24 producer of alternative fuels or alternative fuel blends may provide a retailer with a label
25 promoting the benefits of the alternative fuel if the label meets the requirements of this section.

26 **SECTION 3. AMENDMENT.** Section 19-10-10 of the North Dakota Century Code is
27 amended and reenacted as follows:

28 **19-10-10. Specifications for petroleum products - Tests used.** Specifications for
29 gasoline, kerosene, tractor fuel, diesel oil, heating oil, lubricating oil, alternative fuels, and
30 liquefied petroleum gases, including propane, propylene, normal butane or isobutane, and
31 butylene, must be determined by the department and must be based upon nationally

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1 recognized standards. When so determined by the department and adopted and promulgated
2 as regulations and orders of the department in accordance with the provisions of chapter 28-32,
3 such specifications must be the specifications for such petroleum products sold in this state and
4 official tests of such petroleum products must be based upon test specifications so determined
5 adopted and promulgated.