

ASSEMBLY BILL NO. 411—COMMITTEE  
ON GROWTH AND INFRASTRUCTURE

MARCH 25, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Makes changes to provisions governing fuel.  
(BDR 51-1022)

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

~

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

AN ACT relating to fuel; requiring the State Board of Agriculture to adopt by regulation certain specifications for motor vehicle fuel; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 Existing law requires the State Board of Agriculture to adopt regulations setting  
2 forth specifications for motor vehicle fuel. (NRS 590.070) This bill provides that  
3 such regulations must allow the sale of motor vehicle fuel containing not more than  
4 15 percent ethanol by volume.

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 State Board of Agriculture shall adopt by  
3 regulation specifications for motor vehicle fuel:  
4 (a) Based upon scientific evidence which demonstrates that any  
5 motor vehicle fuel which is produced in accordance with the  
6 specifications is of sufficient quality to ensure appropriate  
7 performance when used in a motor vehicle in this State; or  
8 (b) Proposed by an air pollution control agency to attain or  
9 maintain national ambient air quality standards in any area of this  
10 State. As used in this paragraph, "air pollution control agency"  
11 means any federal air pollution control agency or any state, regional  
12 or local agency that has the authority pursuant to chapter 445B of



1 NRS to regulate or control air pollution or air quality in any area of  
2 this State.

3 2. *Any regulations adopted by the State Board of Agriculture*  
4 *pursuant to subsection 1 must allow the sale of motor vehicle fuel*  
5 *in this State containing not more than 15 percent ethanol by*  
6 *volume.*

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

10 ~~3.1~~ 4. It is unlawful for any person, or any officer, agent or  
11 employee thereof, to sell, offer for sale, assist in the sale of, deliver  
12 or permit to be sold or offered for sale:

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

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

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

24 ~~4.1~~ 5. This section does not apply to aviation fuel.

25 ~~5.1~~ 6. In addition to any criminal penalty that is imposed  
26 pursuant to the provisions of NRS 590.150, any person who violates  
27 any provision of this section may be further punished as provided in  
28 NRS 590.071.

29 ~~6.1~~ 7. As used in this section:

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

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

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

41 **Sec. 2.** 1. This section becomes effective upon passage and  
42 approval.

43 2. Section 1 of this act becomes effective:



- 1       (a) Upon passage and approval for the purpose of adopting any  
2 regulations and performing any other preparatory administrative  
3 tasks that are necessary to carry out the provisions of this act; and  
4       (b) On January 1, 2022, for all other purposes.

