

# ASSEMBLY, No. 4256

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 10, 2011

**Sponsored by:**

**Assemblyman NELSON T. ALBANO**

**District 1 (Cape May, Atlantic and Cumberland)**

**SYNOPSIS**

Permits sale of motor fuels that have not been blended with ethanol for certain purposes.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the sale and distribution of motor fuels, and  
2 supplementing Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. The Legislature finds and declares that ethanol-blended  
8 gasoline is damaging to marine engines and small gasoline engines,  
9 resulting in expensive repairs for individuals who own small boats,  
10 watercraft, and gas-powered equipment or tools; that it is possible  
11 to distinguish fuel with ethanol and no-ethanol fuel at the point of  
12 distribution, but no-ethanol fuel must be dispensed from tanks used  
13 exclusively for that type of fuel; and that other states, most notably  
14 Florida, have established exemptions for selling motor fuel that has  
15 not been blended with ethanol for use in boats and airplanes.

16 The Legislature therefore determines that it is in the best interest  
17 of the State to establish an exemption for selling no-ethanol fuel for  
18 use in boats, watercraft, and small engines, and to allow gasoline  
19 stations and marinas to sell no-ethanol fuel from designated pumps  
20 for that specific purpose.

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22 2. a. Notwithstanding any other law, or rule or regulation  
23 adopted pursuant thereto, to the contrary, any retail dealer of motor  
24 fuels may sell from designated pumps gasoline, diesel, or other  
25 motor fuel that has not been blended with ethanol, provided the  
26 retail dealer sells such motor fuel only for use in boats, watercraft,  
27 or small engine equipment or tools. The designated pump shall be  
28 labeled accordingly as dispensing motor fuel with no ethanol.

29 b. Selling gasoline, diesel or other motor fuel from a  
30 designated pump for any other purpose than fueling a boat,  
31 watercraft, or small engine equipment or tools enumerated in the  
32 rules and regulations adopted pursuant to section 3 of this act is  
33 strictly prohibited.

34 c. For the purposes of this section, "retail dealer of motor  
35 fuels" shall include, but need not be limited to, gasoline service  
36 stations and marinas.

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38 3. The Department of the Treasury, pursuant to the  
39 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
40 seq.), shall adopt rules and regulations establishing the uses for  
41 which motor fuels with no ethanol may be sold at retail, the  
42 reporting requirements for tax and other Department of the Treasury  
43 purposes, and any other provisions necessary for the  
44 implementation of this act.

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46 4. The Department of Environmental Protection shall enter into  
47 with the United States Environmental Protection Agency any  
48 memorandum of agreement necessary to maintain the State's

1 compliance with federal laws concerning motor fuels, including the  
2 federal "Clean Air Act," 42 U.S.C. s.7401 et seq.

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4 5. This act shall take effect immediately.

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STATEMENT

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9 This bill permits retail dealers of motor fuels, which would  
10 include gasoline stations and marinas, to sell from designated  
11 pumps gasoline, diesel, or other motor fuel that has not been  
12 blended with ethanol. The bill prohibits selling of this type of  
13 motor fuel for any purposes other than for fueling boats, watercraft,  
14 and small engine equipment and tools. The bill is intended to  
15 provide the same exemption that was established in Florida by  
16 Florida Statute 526.203, and in effect on December 31, 2010.