Chapter 19.112 RCW
MOTOR FUEL QUALITY ACT

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RCW 19.112.005 Purpose. It is desired that there should be uniformity among the requirements of the several states. This chapter provides for the establishment of quality specifications for all liquid motor fuels, except aviation fuel, marine fuel, and liquefied petroleum gases, and establishes a sampling, testing, and enforcement program. [1990 c 102 s 1.]

RCW 19.112.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alcohol fuel" means any alcohol made from a product other than petroleum or natural gas that is used alone or in combination with gasoline or other petroleum products for use as a fuel in self-propelled motor vehicles.

(2) "Biodiesel fuel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet the registration requirements for fuels and fuel additives established by

the federal environmental protection agency and standards established by the American society of testing and materials.

(3) "Diesel" means special fuel as defined in RCW 82.38.020, and diesel fuel dyed in accordance with the regulations in 26 C.F.R. Sec. 48.4082-1T as of October 24, 2005.

(4) "Director" means the director of agriculture.

(5) "E85 motor fuel" means motor fuel that is a blend of ethanol and hydrocarbon of which the ethanol portion is nominally 75 to 85 percent denatured fuel ethanol by volume that complies with the most recent version of American society of testing and materials specification D 5798.

(6) "Motor fuel" means any liquid or gaseous product used for the propulsion of a motor vehicle upon the highways of this state or that is intended for use for transportation purposes. Motor fuels containing ethanol may be marketed if either (a) the base motor fuel meets the applicable standards before the addition of the ethanol or (b) the resultant blend meets the applicable standards after the addition of the ethanol.

(7) "Nonhazardous motor fuel" means any fuel of a type distributed for use in self-propelled motor vehicles that does not contain a hazardous liquid as defined in RCW 19.122.020.

(8) "Renewable diesel" means a diesel fuel substitute produced from nonpetroleum renewable sources, including vegetable oils and animal fats, that meets the registration requirements for fuels and fuel additives established by the federal environmental protection agency in 40 C.F.R. Part 79 (2008) and meets the requirements of American society of testing and materials specification D 975. [2026 c 160 s 1; 2009 c 132 s 1; 2007 c 309 s 1; 2006 c 338 s 15; 1991 c 145 s 1; 1990 c 102 s 2.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.020 Administration of chapter—Standards—Testing laboratory. (1) This chapter shall be administered by the director or his or her authorized agent. For the purpose of administering this chapter, for motor fuel except biodiesel fuel, the standards set forth in the Annual Book of ASTM Standards and supplements thereto, and revisions thereof, are adopted, together with applicable federal environmental protection agency standards. If a conflict exists between federal environmental protection agency standards, ASTM standards, or state standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM standards. Any state standards adopted must be consistent with federal environmental protection agency standards and ASTM standards not in conflict with federal environmental protection agency standards.

(2) The director may establish a fuel testing laboratory or may contract with a laboratory for testing. The director may also adopt rules on false and misleading advertising, labeling and posting of prices, and the standards for, and identity of, motor fuels. The director shall require fuel pumps offering an ethanol blend to be identified by a label stating the percentage of ethanol and fuel pumps offering a biodiesel blend of up to and including five percent to be identified by a label that states "may contain up to five percent

biodiesel." Biodiesel blends above five percent shall be identified by a label stating the percentage of biodiesel being offered.

(3) The rules adopted under RCW 19.112.140 shall also provide that the diesel refiner is responsible for meeting the ASTM standards required by chapter 338, Laws of 2006 when providing diesel fuel into the distribution system. [2010 c 96 s 1; 2006 c 338 s 8; 1990 c 102 s 3.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.030 Director's authority. The director may:

(1) Enforce and administer this chapter by inspections, analyses, and other appropriate actions;

(2) Have access during normal business hours to all places where motor fuels are marketed for the purpose of examination, inspection, taking of samples, and investigation. If access is refused by the owner or agent or other persons leasing the same, the director or his or her agent may obtain an administrative search warrant from a court of competent jurisdiction;

(3) Collect or cause to be collected, samples of motor fuels marketed in this state, and cause such samples to be tested or analyzed for compliance with this chapter;

(4) Issue a stop-sale order for any motor fuel found not to be in compliance and rescind the stop-sale order if the motor fuel is brought into compliance with this chapter;

(5) Refuse, revoke, or suspend the registration of a motor fuel;

(6) Delegate to authorized agents any of the responsibilities for the proper administration of this chapter;

(7) Establish a motor fuel testing laboratory. [1990 c 102 s 4.]

RCW 19.112.040 Motor fuel registration. All motor fuel shall be registered by the name, brand, or trademark under which it will be sold at the terminal. Registration shall include:

(1) The name and address of the person registering the motor fuel;

(2) The antiknock index or cetane number, as appropriate, at which the motor fuel is to be marketed;

(3) A certification, declaration, or affidavit that each individual grade or type of motor fuel shall conform to this chapter. [1990 c 102 s 5.]

RCW 19.112.050 Unlawful acts. It is unlawful to:

(1) Market motor fuels in any manner that may deceive or tend to deceive the purchaser as to the nature, price, quantity, and quality of a motor fuel;

(2) Fail to register a motor fuel;

(3) Submit incorrect, misleading, or false information regarding the registration of a motor fuel;

(4) Hinder or obstruct the director, or his or her authorized agent, in the performance of his or her duties;

(5) Market a motor fuel that is contrary to this chapter. [1990 c 102 s 6.]

RCW 19.112.060 Penalties. (1)(a) Any person who knowingly violates any provision of this chapter or rules adopted under it is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one thousand dollars or imprisonment for up to three hundred sixty-four days, or both.

(b) The director shall assess a civil penalty ranging from one hundred dollars to ten thousand dollars per occurrence, giving due consideration to the appropriateness of the penalty with respect to the gravity of the violation, and the history of previous violations. Civil penalties collected under this chapter shall be deposited into the motor vehicle fund.

(2) The penalties in subsection (1)(a) of this section do not apply to violations of RCW 19.112.110 and 19.112.120. [2011 c 96 s 20; 2006 c 338 s 6; 1990 c 102 s 7.]

Findings—Intent—2011 c 96: See note following RCW 9A.20.021.

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.070 Injunctive relief. The director may apply to any court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any provision of this chapter. [1990 c 102 s 8.]

RCW 19.112.080 Chapter in addition to chapter 19.94 RCW. This chapter is in addition to any requirements under chapter 19.94 RCW. [1990 c 102 s 9.]

RCW 19.112.090 Air pollution reduction—Variances from ASTM. The directors of the departments of ecology and agriculture may grant a variance from ASTM motor fuel specifications if necessary to produce lower emission motor fuels. [1991 c 199 s 231.]

Finding—1991 c 199: See note following RCW 70A.15.1005.

Effective dates—1991 c 199: See RCW 70A.15.9003.

RCW 19.112.100 Methyl tertiary-butyl ether. Methyl tertiary-butyl ether may not be intentionally added to any gasoline, motor fuel, or clean fuel produced for sale or use in the state of Washington after December 31, 2003. In no event may methyl tertiary-butyl ether be knowingly mixed in gasoline above fifteen one-hundredths of one percent by volume. [2007 c 310 s 1; 2001 c 218 s 1.]

RCW 19.112.110 Special fuel licensees—Required sales of biodiesel or renewable diesel fuel—Rules. (1) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of the total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, following the earlier of: (a)

November 30, 2008; or (b) when a determination is made by the director, published in the Washington State Register, that feedstock grown in Washington state can satisfy a two-percent requirement.

(2) Special fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least five percent of total annual diesel fuel sold in Washington is biodiesel or renewable diesel fuel, when the director determines, and publishes this determination in the Washington State Register, that both in-state oil seed crushing capacity and feedstock grown in Washington state can satisfy a three-percent requirement.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) To the extent that the requirements of this section conflict with the requirements of chapter 70A.535 RCW, the requirements of chapter 70A.535 RCW prevail. [2021 c 317 s 26; 2013 c 225 s 601; 2009 c 132 s 2; 2006 c 338 s 2.]

Severability—2021 c 317: See note following RCW 70A.535.005.

Effective date—2013 c 225: See note following RCW 82.38.010.

Findings—Intent—2006 c 338: "The legislature finds that it is in the public interest to establish a market for alternative fuels in Washington. By requiring a growing percentage of our fuel supply to be renewable biofuel that meets appropriate fuel quality standards, we will reduce our dependence on imports of foreign oil, improve the health and quality of life for Washingtonians, and stimulate the creation of a new industry in Washington that benefits our farmers and rural communities. The legislature finds that it is in the public interest for the state to play a central role in spurring the market by purchasing an increasing amount of alternative fuels produced in Washington. The legislature finds that we must act now and that the time available before the requirements of this act take effect is sufficient for feedstock and fuel providers to prepare for successful implementation.

The legislature intends for consumers to have a choice of fuels and to encourage and promote the development, availability, and use of a diversity of renewable fuels and fuel blends ranging from fuels composed of no renewable content to completely renewable fuels." [2006 c 338 s 1.]

RCW 19.112.120 Motor vehicle fuel licensees—Required sales of denatured ethanol—Rules—Limitation of section. (1) By December 1, 2008, motor vehicle fuel licensees under chapter 82.38 RCW, as determined by the department of licensing, must provide evidence to the department of licensing that at least two percent of total gasoline sold in Washington, measured on a quarterly basis, is denatured ethanol.

(2) If the director of ecology determines that ethanol content greater than two percent of the total gasoline sold in Washington will

not jeopardize continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution in Washington and the director of agriculture determines and publishes this determination in the Washington State Register that sufficient raw materials are available within Washington to support economical production of ethanol at higher levels, the director of agriculture may require by rule that licensees provide evidence to the department of licensing that denatured ethanol comprises between two percent and at least ten percent of total gasoline sold in Washington, measured on a quarterly basis.

(3) The requirements of subsections (1) and (2) of this section may take effect no sooner than one hundred eighty days after the determination has been published in the Washington State Register.

(4) The director and the director of licensing must each adopt rules, in coordination with each other, for enforcing and carrying out the purposes of this section.

(5) Nothing in this section is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using E85 motor fuel. Nothing in this section is intended to limit the use of high octane gasoline not blended with ethanol for use in aircraft.

(6) To the extent that the requirements of this section conflict with the requirements of chapter 70A.535 RCW, the requirements of chapter 70A.535 RCW prevail. [2021 c 317 s 27; 2013 c 225 s 602; 2007 c 309 s 2; 2006 c 338 s 3.]

Severability—2021 c 317: See note following RCW 70A.535.005.

Effective date—2013 c 225: See note following RCW 82.38.010.

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.130 Information submitted under RCW 19.112.110 or 19.112.120—Limitation on release. The department of licensing shall not publicly release, unless pursuant to an order of a court of competent jurisdiction, information submitted as evidence as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees. [2006 c 338 s 4.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.140 Standards for biodiesel fuel/fuel blended with biodiesel fuel—Rules. (1) The director shall adopt rules for maintaining standards for biodiesel fuel or fuel blended with biodiesel fuel by adopting all or part of the standards set forth in the Annual Book of ASTM Standards and supplements, amendments, or revisions thereof, all or part of the standards set forth in the National Institute of Standards and Technology (NIST) Handbook 130, Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality rules, and any supplements, amendments, or revisions thereof, together with applicable federal environmental protection agency standards. The rules shall provide that the biodiesel refiner is responsible for meeting the ASTM standards

required by chapter 338, Laws of 2006 when providing biodiesel fuel into the distribution system. If a conflict exists between federal environmental protection agency standards, ASTM standards, or NIST standards, for purposes of uniformity, federal environmental protection agency standards shall take precedence over ASTM and NIST standards. The department of agriculture shall not exceed ASTM standards for diesel.

(2) The rules adopted under subsection (1) of this section shall be updated to provide for fuel stability standards when national or international fuel stability standards have been adopted. [2006 c 338 s 7.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.150 Biofuels advisory committee. The director shall establish a biofuels advisory committee to advise the director on implementing or suspending the minimum renewable fuel content requirements. The committee shall advise the director on applicability to all users; logistical, technical, and economic issues of implementation, including the potential for credit trading, compliance and enforcement provisions, and tracking and reporting requirements; and how the use of renewable fuel blends greater than two percent and renewable fuels other than biodiesel or ethanol could achieve the goals of chapter 338, Laws of 2006. In addition, the committee shall make recommendations to the legislature and governor on the potential to use alternatives to biodiesel, which are produced from nonpetroleum renewable sources (inclusive of vegetable oils and animal fats), to meet the minimum renewable fuel content requirement. The director shall make recommendations to the legislature and the governor on the implementation or suspension of chapter 338, Laws of 2006 by September 1, 2007. [2006 c 338 s 9.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.160 Governor's authority to suspend certain minimum renewable fuel content requirements. The governor, by executive order, may suspend all or portions of the minimum renewable fuel content requirements in RCW 19.112.110 or 19.112.120, or 43.19.642, based on a determination that such requirements are temporarily technically or economically infeasible, or pose a significant risk to public safety. [2006 c 338 s 11.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.170 Determination of the supply of certain fuels—Notification—Declaration concerning the applicability of RCW 19.112.110 or 19.112.120. (1) By November 30, 2008, the director shall determine whether the state's diesel fuel supply is comprised of at least ten percent biodiesel made predominantly from Washington feedstock.

(2) By November 30, 2008, the director shall determine whether the state's gasoline fuel supply is comprised of at least twenty percent ethanol made predominantly from Washington feedstock, without

jeopardizing continued attainment of the federal clean air act's national ambient air quality standard for ozone pollution.

(3) By December 1, 2008, the director shall notify the governor and the legislature of the findings in subsections (1) and (2) of this section.

(4) If the findings from the director indicate that the goals of subsection (1) or (2) of this section, or both, have been achieved, then the governor shall issue an executive order declaring that RCW 19.112.110 or 19.112.120, or both, are no longer applicable. [2006 c 338 s 13.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.180 Goals under RCW 19.112.170—Report—Executive request legislation. (1) If either or both of the goals in RCW 19.112.170 are not achieved by November 30, 2008, the director shall monitor the state's diesel and gasoline fuel supply until such time as those goals, or either of them, is met.

(2) The director shall report to the governor and the legislature regarding the goals in RCW 19.112.170 by November 30th of the year in which a goal is met.

(3) Following notification under this section that a goal has been met, the governor shall prepare executive request legislation repealing RCW 19.112.110 or 19.112.120, or both, as applicable. [2006 c 338 s 14.]

Findings—Intent—2006 c 338: See note following RCW 19.112.110.

RCW 19.112.900 Short title. RCW 19.112.005 through 19.112.080 shall constitute a new chapter in Title 19 RCW and may be cited as the motor fuel quality act. [1990 c 102 s 11.]

RCW 19.112.902 Effective date—1990 c 102. This act shall take effect on July 1, 1990. [1990 c 102 s 12.]

RCW 19.112.903 Effective date—2006 c 338. This act takes effect July 1, 2006. [2006 c 338 s 16.]