

LAK:ty

12/10/2008

1       **AN ACT** *to create* 100.51 (6) of the statutes; **relating to:** offering unblended gasoline  
2       to motor fuel dealers.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council's Special Committee on Domestic Biofuels.

This bill draft would require a motor fuel grantor (grantor) to offer unblended gasoline, suitable for subsequent blending with ethanol, to any motor fuel dealer (dealer) with which it has a motor fuel dealership agreement (agreement). This bill draft would also prevent an agreement or contract between a dealer and grantor requiring the dealer to purchase ethanol from the grantor exclusively. This bill draft does not prohibit agreements from requiring the subsequent blending of unblended gasoline received by a dealer prior to sale to an end-user, and does not prohibit grantors and dealers from entering into agreements with respect to the transfer of renewable fuels credits under the federal renewable fuels standard.

3       **SECTION 1.** 100.51 (6) of the statutes is created to read:

4       100.51 **(6)** UNBLENDED GASOLINE SALES REQUIREMENT. (a) A motor fuel grantor that  
5       provides gasoline to a motor fuel dealer under a motor fuel dealership agreement shall offer  
6       gasoline to the motor fuel dealer that is not preblended with ethanol, that is suitable for  
7       subsequent blending with ethanol.

8       (b) No motor fuel dealership agreement or contract between a motor fuel dealer and a  
9       motor fuel grantor may require a motor fuel dealer to purchase ethanol for blending purposes  
10      only from the motor fuel grantor.

1 (c) Nothing in this subsection prohibits a motor fuel dealership agreement from  
2 requiring the motor fuel dealer to blend gasoline received under par. (a) with a specified  
3 amount of ethanol by volume prior to the sale of the gasoline to the end-user.

4 (d) Nothing in this subsection prohibits a motor fuel dealership agreement from  
5 providing for the transfer of credits under 42 USC 7545 (o) (2) between the motor fuel dealer  
6 and the motor fuel grantor.

7 **SECTION 2. Initial applicability.** The treatment of section 100.51 (6) of the statutes first  
8 applies to a motor vehicle fuel dealership agreement created, renewed, extended, or modified  
9 on the effective date of this SECTION.

**COMMENT:** There is not a specific penalty that applies to the existing motor fuel dealership requirements under s. 100.51, stats. Therefore, the default statutory penalty, a forfeiture of \$200, would apply to violations of the requirements in this bill [s. 939.61, stats.]. Other penalties in ch. 100, stats., range from forfeitures to crimes. The default penalty for this chapter, which does not apply to s. 100.51, stats., is a fine of \$200 or imprisonment in the county jail for up to 6 months, or both. [s. 100.26 (1), stats.]