

By: Swinford

H.B. No. 1088

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the definition of "biodiesel" as a component of motor
3 fuel.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 16.001(3), Agriculture Code, is amended
6 to read as follows:

7 (3) "Biodiesel" means a motor fuel [~~monoalkyl ester~~]
8 that:

9 (A) is composed of monoalkyl esters derived from
10 agricultural products, vegetable oils, rendered animal fats,
11 recycled vegetable or animal greases, the wastes of those products
12 or fats, [~~or renewable lipids~~] or a combination of those
13 ingredients; and

14 (B) meets the requirements of ASTM D 6751, as
15 approved by ASTM International in December 2001, which covers pure
16 [~~PS 121, the provisional specification for~~] biodiesel and biodiesel
17 blended with petroleum-based diesel fuel in levels up to 20 percent
18 of biodiesel by volume of diesel fuel.

19 SECTION 2. Section 162.001(7), Tax Code, is amended to read
20 as follows:

21 (7) "Biodiesel fuel" means any motor fuel or mixture
22 of motor fuels that [~~is~~]:

23 (A) is composed at least in part of monoalkyl
24 esters derived [~~wholly or partly~~] from agricultural products,

1 vegetable oils, rendered [~~recycled greases, or~~] animal fats,
2 recycled vegetable or animal greases, [~~or~~] the wastes of those
3 products or fats, or a combination of those ingredients; [~~and~~]

4 (B) meets the requirements of ASTM D 6751, as
5 approved by ASTM International in December 2001, which covers pure
6 biodiesel and biodiesel blended with petroleum-based diesel fuel in
7 levels up to 20 percent of biodiesel by volume of diesel fuel; and

8 (C) is advertised, offered for sale, suitable for
9 use, or used as a motor fuel in an internal combustion engine.

10 SECTION 3. Section 16.001(3), Agriculture Code, as amended
11 by this Act, applies only to a plant registration decided on or a
12 grant distributed by the Texas Economic Development and Tourism
13 Office under Chapter 16, Agriculture Code, on or after the
14 effective date of this Act. A plant registration decided on or
15 grant distribution made by the Texas Economic Development and
16 Tourism Office under Chapter 16, Agriculture Code, before the
17 effective date of this Act is governed by the law in effect on the
18 date of the decision or grant distribution, and that law is
19 continued in effect for that purpose.

20 SECTION 4. The change in law made by this Act to Section
21 162.001(7), Tax Code, does not affect taxes imposed before the
22 effective date of this Act, and the law in effect before the
23 effective date of this Act is continued in effect for purposes of
24 the liability for and collection of those taxes.

25 SECTION 5. This Act takes effect January 1, 2008.