

AMENDED IN SENATE AUGUST 28, 2001

AMENDED IN SENATE JULY 18, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1618**

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**Introduced by Assembly Member Matthews  
(Coauthor: Assembly Member Cardoza)**

February 23, 2001

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An act to amend Section 13401 of, and to add Section 13405 to, the Business and Professions Code, relating to fuels, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1618, as amended, Matthews. Engine fuels.

(1) Existing law defines, among other things, motor vehicle fuel, automotive spark-ignition engine fuel, and compression-ignition engine fuel for purposes of regulating the sale of petroleum products.

This bill additionally would provide a definition for “developmental engine fuel.”

(2) Existing law also requires the Department of Food and Agriculture to establish specifications for gasoline or automotive spark-ignition engine fuels, sets requirements for gasoline methanol blends or gasoline-motor oil blends, and prohibits sales of those regulated petroleum products unless labeled, as specified.

This bill would authorize the department to grant a variance from these specifications for developmental engine fuels under prescribed conditions. The bill also would authorize the department to withdraw a variance if the applicant does not adhere to the prescribed conditions.

(3) *The bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13401 of the Business and Professions  
2 Code is amended to read:  
3 13401. (a) “Sell” or any of its variants means attempt to sell,  
4 offer for sale or assist in the sale of, permit to be sold or offered for  
5 sale or delivery, offer for delivery, trade, barter, or expose for sale.  
6 (b) “Manufacturer” means manufacturer, refiner, producer, or  
7 importer.  
8 (c) “Petroleum products” means gasoline, diesel fuel,  
9 liquefied petroleum gas only when used as a motor fuel, kerosene,  
10 thinner, solvent, liquefied natural gas, pressure appliance fuel, or  
11 white gasoline, or any motor fuel, or any oil represented as engine  
12 lubricant, engine oil, lubricating or motor oil, or any oil used to  
13 lubricate transmissions, gears, or axles.  
14 (d) “Barrel,” when applied to petroleum products, consists of  
15 42 gallons.  
16 (e) “Oil” means motor oil, engine lubricant, engine oil,  
17 lubricating oil, or oils used to lubricate transmissions, gears, or  
18 axles.  
19 (f) “Motor oil” means engine oil, engine lubricant, or  
20 lubricating oil.  
21 (g) “Gasoline” means a volatile mixture of liquid  
22 hydrocarbons, generally containing small amounts of additives,  
23 suitable for use as a fuel in spark-ignition internal combustion  
24 engines.  
25 (h) “Engine fuel” means any liquid or gaseous matter used for  
26 the generation of power in an internal combustion engine. “Motor  
27 fuel” means “engine fuel” when that term is used in this chapter.  
28 (i) “Motor vehicle fuel” means any product intended for  
29 consumption in an internal combustion engine to produce the  
30 power to self-propel a vehicle designed for transporting persons or  
31 property on a public street or highway.



1 (j) “Diesel fuel” means any petroleum product offered for sale  
2 which meets the standards prescribed for diesel fuel by this  
3 chapter.

4 (k) “Kerosene” means any petroleum product offered for sale  
5 which meets the standards prescribed for kerosene by this chapter.

6 (l) “Fuel oil” means any petroleum product offered for sale  
7 which meets the standards prescribed for fuel oil by this chapter.

8 (m) “Automotive spark-ignition engine fuel” means any  
9 product used for the generation of power in a spark-ignition  
10 internal combustion engine.

11 (n) “Compression-ignition engine fuel” means any product  
12 used for the generation of power in a compression-ignition internal  
13 combustion engine.

14 (o) “Gasoline-oxygenate blend” means a fuel consisting  
15 primarily of gasoline along with a substantial amount of one or  
16 more oxygenates. For purposes of this section, “substantial  
17 amount” means more than 0.35 mass percent oxygen or, if  
18 methanol is the only oxygenate, more than 0.15 mass percent  
19 oxygen.

20 (p) “Oxygenate” means an oxygen-containing, ashless,  
21 organic compound such as an alcohol or ether, which can be used  
22 as a fuel or fuel supplement.

23 (q) “Developmental engine fuel” means any experimental  
24 automotive spark-ignition engine fuel or compression-ignition  
25 fuel which does not meet current standards established by this  
26 chapter but has characteristics which may lead to an improved fuel  
27 standard or the development of an alternative fuel standard.

28 SEC. 2. Section 13405 is added to the Business and  
29 Professions Code, to read:

30 13405. The Department of Food and Agriculture may grant a  
31 variance from the specifications of this chapter for developmental  
32 engine fuels if all of the following conditions apply:

33 (a) Variances may only be granted to provide for the  
34 development of information under controlled test conditions to  
35 assist in the creation of chemical and performance standards for  
36 engine fuels.

37 (b) Developmental engine fuel shall only be distributed or sold  
38 to fleet-type centrally fueled vehicle and equipment users.



1 (c) The applicant shall warn all parties in writing of any  
2 potential risk associated with the use of the developmental engine  
3 fuel.

4 (d) The applicant shall report information when and as the  
5 department may prescribe in order for the department to monitor  
6 the progress of the developmental engine fuel technology  
7 evaluation.

8 In granting a variance, the department expresses no opinion as  
9 to whether an applicant’s developmental engine fuel will perform  
10 as represented by the applicant. Nor does the department express  
11 any opinion to the extent, if at all, that the developmental engine  
12 fuel may be safely and effectively used as a substitute for other  
13 spark-ignition or compression-ignition engine fuels without  
14 incident. Damages caused by the sale, delivery, storage, handling,  
15 and usage of the developmental engine fuel shall be addressed in  
16 accordance with contractual provisions negotiated and agreed  
17 upon by the applicant and the user.

18 The department may withdraw a variance if the applicant does  
19 not adhere to the conditions required to obtain the variance or if the  
20 department recognizes a high probability of equipment harm with  
21 the continued use of the developmental engine fuel or to protect  
22 public safety.

23 *SEC. 3. This act is an urgency statute necessary for the*  
24 *immediate preservation of the public peace, health, or safety*  
25 *within the meaning of Article IV of the Constitution and shall go*  
26 *into immediate effect. The facts constituting the necessity are:*

27 *In order to permit the authorization involving developmental*  
28 *engine fuels granted to the Department of Food and Agriculture*  
29 *to take effect as soon as possible, it is necessary for this act to take*  
30 *effect immediately.*

