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Biofuels Statutory Citations

State of Arizona

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STATE OF ARIZONA

This compilation of state statutory citations focuses predominantly on biofuels laws in effect January 1, 1970 through December 31, 2007. In some instances, regulations have been included in the compilation due to their significance. This compilation is intended to serve as a researcher-friendly inventory of state laws by providing the formal title of relevant legislation, the standard legal citation for each statute and a brief description of the law. Some statutes and regulations listed do not specifically relate to biofuels, but are included because of their complementary relationship to the evolution of biofuels law in the state.

<u>Title</u>	<u>Citation</u>	<u>Applicability</u>	<u>Description</u>
Arizona Biofuels Conversion Program; Fund; Program Termination; Definitions (2008)	ARIZ. REV. STAT. ANN. § 41-1515.01	Both	The Arizona Biofuels Conversion Program was established in the Department of Weights and Measures to encourage the use of biofuels in the state through the distribution of grants to promote development of fueling infrastructure. Grants will not exceed \$30,000 or 40% of conversion costs whichever is less.
Dept of Weights and Measures; Definitions (2008)	ARIZ. REV. STAT. ANN. § 41-2051	Biodiesel	Biodiesel is defined as a fuel that is produced from nonpetroleum renewable resources as defined by the U.S. Environmental Protection Agency (EPA), and meets EPA registration requirements for fuels and fuel additives established in Section 211 of the Clean Air Act. E85 is defined as a fuel ethanol gasoline blend that meets ASTM specification D5798.

Standards of Motor Fuels; Exceptions (2008)	ARIZ. REV. STAT. ANN. § 41-2083	Both	The Arizona Department of Weights and Measures must adopt rules to establish and enforce federal standards and ASTM test methods for biofuels and biofuel blends, and blenders of biodiesel must follow the established reporting requirements.
Exemptions (2008)	ARIZ. REV. STAT. ANN. § 42-5159	Both	The Arizona use tax does not apply to the following: natural gas or liquefied petroleum gas used to propel a motor vehicle; Alternate Fuel Vehicles, if the Alternative Fuel Vehicle was manufactured as a diesel fuel vehicle and converted to operate on an alternative fuel; and equipment that is installed in a conventional diesel fuel motor vehicle to convert the vehicle to operate on an alternative fuel.
Emissions Inspection Program; Powers and Duties of Director; Administration; Periodic Inspection; Minimum Standards and Rules; Exceptions; Definition (2008)	ARIZ. REV. STAT. ANN. §§ 49-542 TO 49-542.05	Both	All AFVs, except electric, solar, and hydrogen powered vehicles, registered in, or used to commute into, the metro Phoenix or metro Tucson areas are required to have emissions testing before the vehicle can be registered. An alternate fee may be paid for Model Year 2005 and newer original equipment manufactured AFVs instead of having the emissions test performed. New AFVs being registered for the first time are not required to be tested, but emissions testing will be required before an updated registration is granted in subsequent years.
Air Quality Control; Definitions (2007)	ARIZ. REV. STAT. ANN. § 9-500.04	Both	All cities and towns located in the defined areas of Maricopa, Pinal, Yavapai, and Pima counties with a population of over 200,000 shall develop a fleet plan to increase the use of alternative fuel in city or town vehicles. At least 75% of the fleet should run on alternative and clean burning fuels by the end of 2000.

Additional Board Duties in Vehicle Emissions Control Areas; Definitions (2007)	ARIZ. REV. STAT. ANN. § 49-474.01	Both	County boards in Maricopa, Pinal, Yavapai, and Pima counties must develop and implement a vehicle fleet plan to progressively increase the use of alternative and clean burning fuels in county owned vehicles with at least 75% of the fleet operating on alternative fuels by 2000.
Definitions- Alternative Fuel (2006)	ARIZ. REV. STAT. ANN. § 1-215 (4)	Both	Alternative fuel includes vehicles that use alcohol fuels before August 21, 1998, alcohol fuels that contain not less than eighty-five per cent alcohol by volume. A combination of at least seventy per cent alternative fuel and no more than thirty per cent petroleum based fuel that operates in an engine that meets the United States environmental protection agency low emission vehicle standard pursuant to 40 Code of Federal Regulations § 88.104-94 or 88.105-94 and that is certified by the engine manufacturer to consume at least seventy per cent alternative fuel during normal vehicle operations.
Discretionary powers of School District Governing Boards (2006)	ARIZ. REV. STAT. ANN. § 15-342	Both	To comply with the energy conservation measures prescribed in § 15-349 in school districts that are in area A as defined in § 49-541, and any remaining monies shall be used to purchase alternative fuel support vehicles and any other pupil related costs as determined by the governing board.
Operation of Motor Vehicle Fleet; Options to Conventional Fuels (2006)	ARIZ. REV. STAT. ANN. § 15-349	Both	School districts in defined areas of Maricopa, Pinal, Yavapai, and Pima counties with an average student population of more than 3,000 students are required to ensure that 50% of the portion of the fleet with a gross vehicle weight rating of at least 17,500 pounds operate on alternative or clean burning fuels, ultra low sulfur diesel, or meet specified emissions standards.

<p>Operation of State Motor Vehicle Fleet; Public Service Announcements; Energy Conservation; Alternative and Clean Burning Fuels; Definitions (2006)</p>	<p>ARIZ. REV. STAT. ANN. § 41-803</p>	<p>Both</p>	<p>At least 75% of new light-duty vehicles purchased by the state fleet must be capable of operating on alternative or clean burning fuels.</p>
<p>Property Taxes- Class 6 Property (2006)</p>	<p>ARIZ. REV. STAT. ANN. § 42-12006</p>	<p>Biodiesel</p>	<p>Real and personal property and improvements to the property that are used specifically and solely to manufacture from and after December 31, 2006 through December 31, 2016 biodiesel fuel that is one hundred per cent biodiesel and its by-products and that are valued at full cash value. This paragraph applies only to the portion of property that is used specifically for manufacturing and processing one hundred per cent biodiesel fuel, or its related by-products, from raw feedstock obtained from off-site sources, including necessary on-site storage facilities that are intrinsically associated with the manufacturing process. Any other commercial or industrial use disqualifies the entire property from classification under this paragraph.</p>
<p>Diesel vehicle low-emissions incentive grants; criteria (2006)</p>	<p>ARIZ. REV. STAT. ANN. § 49-551 TO 49-551.01</p>	<p>Biodiesel</p>	<p>The department may award incentive grants from the air quality fund established by § 49-551 for diesel vehicles to operate on alternative fuel or clean burning fuel as defined in § 1-215.</p>

Emissions Controls; Federal Vehicles (2006)	ARIZ. REV. STAT. ANN. § 49-573	Both	Operators of a U.S. government-owned vehicle fleet based primarily in Arizona develop and implement a plan to increase the use of alternative fuels in fleet vehicles through purchase or conversion with 40% of the total fleet operating on alternative fuels by the end of 1995. For fleets operating primarily in counties with a population of over 1.2 million, 90% of the fleet must operate on alternative fuels by the end of 1997.
Imposition of motor fuel taxes (2005)	ARIZ. REV. STAT. ANN. § 28-5605	Both	Alternative fuels are exempted from fuel taxes.

Area A; fuel reformulation; rules (2005)	ARIZ. REV. STAT. ANN. § 41-2124	Ethanol	Any registered supplier or oxygenate blender, as defined in department rules, may petition the director to request that all registered suppliers or oxygenate blenders be allowed to comply with any provision of § 41-2123, subsection A, provided the petitioner can demonstrate that ethanol supply shortages are imminent. The petition shall: identify specific supply conditions that will result in a shortage of ethanol; identify which oxygenate or oxygenates and the concentration that will be blended into gasoline for sale or use in area A; demonstrate that the alternative oxygenate blend comes closest to meeting a three and one-half per cent by weight oxygen content at reasonable cost, unless the registered supplier or oxygenate blender is petitioning to use a gasoline-ethanol blend containing less than ten per cent by volume of ethanol; and specify a time period for compliance with any provision of section 41-2123, subsection A, not to exceed sixty days.
Clean Burning or Alternative Fuel Requirements for New Buses; Definitions (2004)	ARIZ. REV. STAT. ANN. § 49-571	Both	All cities, towns, and counties located within a county population of over 500,000 persons must only purchase buses that use alternative or clean burning fuel. If unable to purchase a sufficient number of buses due to unavailability may convert existing buses to run on alternative fuels.
Joint Use of Clean Burning or Alternative Fuel Refueling Stations (2004)	ARIZ. REV. STAT. ANN. § 49-572	Both	To the extent practicable, a state agency or political subdivision that operates an alternative fueling station must permit the fueling of vehicles owned or operated by other state agencies or political subdivisions at the station.

<p>Alternative Fuel Special Plates; Stickers; Use of HOV Lanes; Definitions (2003)</p>	<p>ARIZ. REV. STAT. ANN. § 28-2416</p>	<p>Both</p>	<p>Lists requirements to obtain an alternative fuel license plate that entitles vehicle to be driven in HOV lanes regardless of number of occupants. State maps of the state highway system should include the locations of public alternative fuel delivery facilities.</p>
<p>Alternative Fuel Delivery Systems; Standardized Waivers (2002)</p>	<p>ARIZ. REV. STAT. ANN. §§ 49-412 TO 49-413</p>	<p>Both</p>	<p>Department of Environmental Quality must develop a standardized waiver to be used by state agencies, counties, cities, towns, school districts and federal fleets with vehicles operating in the defined areas of Maricopa, Pinal, Yavapai, and Pima counties to exempt these vehicles from complying with alternative fuel vehicle goals. Completed waiver applications are to be published in the Arizona administrative register. The department shall pursue the establishment of a network of public refueling stations so that members of the public have access throughout the state to alternative fuels as a major goal.</p>

Official Vehicles; Registration Exemption; Definitions (2002)	ARIZ. REV. STAT. ANN. § 28-2511	Both	AFVs must display an AFV license plate. State or agency directors who conduct activities of a confidential nature and have a vehicle powered by an alternative fuel are exempt from the requirement of displaying an AFV special license plate. The Arizona Department of Transportation has the authority to issue regular plates to AFVs that are used by law enforcement and the federal government.
Alternative Fuel Vehicles; Parking in Carpool Parking Spaces (2000)	ARIZ. REV. STAT. ANN. § 28-877	Both	An individual driving a vehicle powered by an alternative fuel may park without penalty in parking areas that are designated for carpool operators.
Motor Vehicle Powered by Alternative Fuel; Classification; Vehicle License Tax; Definitions (2000)	ARIZ. REV. STAT. ANN. § 28-5805	Ethanol	The vehicle license tax on an AFV is \$4 for every \$100 in assessed value. The assessed value of the AFV is determined as follows: during the first year after initial registration, the value of the AFV is 1% of the manufacturer's base retail price; during each succeeding year, the value of the AFV is reduced by 15%. The minimum amount of the license tax is \$5 per year for each motor vehicle subject to the tax.
Regulation of traffic and parking; monetary penalties; hearing; state traffic and parking control fund; and definition (2000)	ARIZ. REV. STAT. ANN. § 41-796	Both	The department [of administration] shall adopt and administratively enforce rules requiring the designation of preferential parking areas, such as reserved, close-in or covered parking, to state employees with offices in vehicle emissions control areas as defined in § 49-541 who are car pool operators as defined in § 28-4032 or

			who drive vehicles powered by alternative fuel as defined in § 1-215.
Alternative Fuel Vehicles; Definitions (1999)	ARIZ. REV. STAT. ANN. § 28-4414	Both	New motor vehicle dealers are required to make information on AFVs and Arizona-based incentives for purchasing or leasing AFVs available to the public.
Area A; sale of gasoline; oxygen content (1999)	ARIZ. REV. STAT. ANN. § 41-2123	Ethanol	All gasoline that is supplied or sold by any person and that is intended as a final product for the fueling of motor vehicles within a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A or that is consumed in a motor vehicle in a county with a population of one million two hundred thousand or more persons and any portion of a county contained in area A by a fleet owner shall, for a gasoline-ethanol blend, contain not less than ten per cent by volume of ethanol nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency. For a blend other than a gasoline-ethanol blend, contain not less than 2.7 per cent by weight of oxygen nor more than the maximum percentage of oxygen allowed by provisions of a waiver issued or other limits established by the United States environmental protection agency.
Disposition of real property by state agency; alternative fuel delivery systems; definition (1994)	ARIZ. REV. STAT. ANN. § 37-802	Both	Unless the property is subject to a right of reversion to a previous owner or the previous owner's successors in interest, the agency director or other chief administrative officer of a state agency may lease or convey real property to another agency of this state, any county, municipality or other political subdivision or any school district of this state without the necessity of a public sale if the real property will be used for an alternative fuel delivery system. The transferee agency shall pay the transferor agency

			for a conveyance made pursuant to this section based on a current appraisal establishing the fair market value of the property.
Vehicle emissions; research; equipment; cost analysis (1994)	ARIZ. REV. STAT. ANN. § 49-553	Both	The department of environmental quality shall conduct research to quantify the effect of alternative fuels on toxic components of vehicular emissions.