

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Agriculture & Natural Resources.

SB23-092 be amended as follows:

1 Amend printed bill, page 12, after line 4 insert:

2 "SECTION 6. In Colorado Revised Statutes, 39-27-102, **amend**
3 (12) as follows:

4 **39-27-102. Tax imposed on gasoline and special fuel - deposits**
5 **- penalties.** (12) On and after January 1, 2022, ~~no~~ A supplier, distributor,
6 importer, or terminal operator ~~may~~ SHALL NOT sell gasoline or special fuel
7 on a tax-deferred or tax-exempt basis, except as provided in section
8 39-27-102.5 OR 39-27-103.7.

9 **SECTION 7.** In Colorado Revised Statutes, **add** 39-27-103.7 as
10 follows:

11 **39-27-103.7. Exemption on tax imposed for certain special**
12 **fuels and blended special fuels - invoice requirements - certification**
13 **- definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
14 OTHERWISE REQUIRES:

15 (a) "BIODIESEL" MEANS FUEL COMPOSED OF MONO-ALKYL ESTERS
16 OF LONG-CHAIN FATTY ACIDS DERIVED FROM VEGETABLE OILS OR ANIMAL
17 FATS THAT:

18 (I) MEETS THE REGISTRATION REQUIREMENTS THAT THE FEDERAL
19 ENVIRONMENTAL PROTECTION AGENCY ESTABLISHES FOR FUEL OR FUEL
20 ADDITIVES UNDER SECTION 211 OF THE FEDERAL "CLEAN AIR ACT", 42
21 U.S.C. SEC. 7545, AS AMENDED;

22 (II) MEETS THE MOST CURRENT SPECIFICATIONS FOR ASTM
23 D6751, WHICH IS THE "STANDARD SPECIFICATION FOR BIODIESEL FUEL
24 BLEND STOCK (B100) FOR MIDDLE DISTILLATE FUELS";

25 (III) IS INTENDED FOR USE IN ENGINES DESIGNED TO RUN ON
26 CONVENTIONAL, PETROLEUM-DERIVED DIESEL FUEL; AND

27 (IV) IS DERIVED FROM AGRICULTURAL PRODUCTS, VEGETABLE
28 OILS, RECYCLED GREASES, BIOMASS, OR ANIMAL FATS, OR FROM THE
29 WASTES OF THOSE PRODUCTS OR FATS.

30 (b) "RENEWABLE DIESEL" MEANS DIESEL FUEL CONFORMING TO
31 THE SPECIFICATIONS OF ASTM D975, WHICH IS THE "STANDARD
32 SPECIFICATION FOR DIESEL FUEL OIL, BIODIESEL BLEND (B0-B5)", THAT
33 IS A HYDROCARBON OIL MADE FROM NONPETROLEUM FEEDSTOCKS.

34 (2) (a) THE TAX IMPOSED ON SPECIAL FUEL PURSUANT TO SECTION
35 39-27-102 (1)(a)(II)(B) DOES NOT APPLY TO THE PORTION OF A BLENDED
36 BIODIESEL FUEL OR BLENDED RENEWABLE DIESEL FUEL THAT IS EQUAL TO
37 THE VOLUME OF BIODIESEL OR RENEWABLE DIESEL THAT IS BLENDED IN
38 WITH THE TAXABLE PETROLEUM-BASED DIESEL FUEL, AS DEMONSTRATED
39 BY PROOF OF THE CERTIFICATION REQUIRED PURSUANT TO SUBSECTION (4)

1 OF THIS SECTION.

2 (b) A LICENSED FUEL DISTRIBUTOR THAT IS RESPONSIBLE FOR
3 PAYING STATE EXCISE TAX ON THE UNDERLYING DIESEL PORTION OF THE
4 FUEL IS ELIGIBLE FOR THE TAX EXEMPTION SET FORTH IN THIS SUBSECTION
5 (2).

6 (3)(a) THE VOLUME OF BIODIESEL OR RENEWABLE DIESEL MUST BE
7 IDENTIFIED ON A SALES INVOICE FOR EACH SALES TRANSACTION AND MUST
8 CONTINUE TO BE IDENTIFIED ON EACH SALES INVOICE UNTIL THE BLENDED
9 BIODIESEL OR BLENDED RENEWABLE DIESEL FUEL PRODUCT IS SOLD TO THE
10 END USER.

11 (b) A SALES INVOICE MUST:

12 (I) IDENTIFY A BIODIESEL, RENEWABLE DIESEL, BIODIESEL BLEND,
13 OR RENEWABLE DIESEL BLEND BY A COMMONLY ACCEPTED COMMERCIAL
14 OR INDUSTRY NAME FOR THE BLENDED SPECIAL FUEL PRODUCT BEING
15 SOLD, SUCH AS B100 FOR BIODIESEL OR B20 FOR A BIODIESEL BLEND THAT
16 CONTAINS EIGHTY PERCENT TAXABLE PETROLEUM-BASED DIESEL FUEL
17 AND TWENTY PERCENT BIODIESEL;

18 (II) LIST THE VOLUME IN GALLONS, ROUNDED TO THE NEAREST
19 WHOLE GALLON, OR THE PERCENTAGE, ROUNDED TO THE NEAREST WHOLE
20 PERCENTAGE, OF THE FOLLOWING CONTAINED IN THE BLENDED SPECIAL
21 FUEL PRODUCT:

22 (A) BIODIESEL OR RENEWABLE DIESEL; AND
23 (B) TAXABLE PETROLEUM-BASED DIESEL FUEL; AND
24 (III) INCLUDE THE AMOUNT OF TAX PER GALLON THAT APPLIES TO
25 THE BIODIESEL BLEND OR RENEWABLE DIESEL BLEND.

26 (4)(a) A BLENDER MUST PROVIDE TO A PURCHASER OF BIODIESEL,
27 RENEWABLE DIESEL, BLENDED BIODIESEL, OR BLENDED RENEWABLE
28 DIESEL A CERTIFICATE, INVOICE, BILL OF SALE, OR OTHER WRITTEN
29 STATEMENT THAT PROVIDES THE INFORMATION REQUIRED PURSUANT TO
30 SUBSECTION (3)(b) OF THIS SECTION AND THE FOLLOWING ADDITIONAL
31 INFORMATION:

32 (I) THE NAME OF THE SELLER;
33 (II) THE NAME OF THE PURCHASER; AND
34 (III) THE DATE OF TRANSFER OF THE BLENDED SPECIAL FUEL
35 PRODUCT.

36 (b) ANY PERSON CLAIMING THE TAX EXEMPTION PURSUANT TO
37 SUBSECTION (2) OF THIS SECTION MUST MAINTAIN THE CERTIFICATION
38 RECORDS REGARDING THE BIODIESEL, RENEWABLE DIESEL, BLENDED
39 BIODIESEL, OR BLENDED RENEWABLE DIESEL FUEL PRODUCT FOR AT LEAST
40 FOUR YEARS."

41 Renumber succeeding section accordingly.

** ** ** ** **