

Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2245

Introduced by

Senators G. Lee, Klein, Sinner

Representatives Belter, Ruby, Vigesaa

1 A BILL for an Act to provide for gasoline marketing practices.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1.**

4 **Gasoline marketing practices.**

5 1. A supplier or terminal operator may not inhibit a gasoline distributor from removing
6 nonoxygenated gasoline of all octanes available for blending in a refinery rack or
7 terminal rack or inhibit a gasoline distributor from being a blender, or both. Regardless
8 of other products offered, a supplier, through a marketing agreement that supplies
9 gasoline from a terminal in this state to a gasoline distributor, shall offer to supply the
10 distributor with gasoline that has not been blended with, but is suitable for blending
11 with, fuel alcohol. A supplier may not prevent or inhibit a gasoline distributor in this
12 state from being a blender or from qualifying for any federal or state tax credit offered
13 to blenders. As used in this section:

14 1.a. "Rack" means a mechanism for delivering motor fuel from a refinery, a terminal,
15 or a bulk plant, into a transport truck, a railroad car, or other means of transfer for
16 further distribution.

17 2.b. "Terminal" means a motor fuel storage and distribution facility that has been
18 assigned a terminal control number by the internal revenue service, is supplied
19 by pipeline or marine vessel, and from which motor fuel or other petroleum
20 products may be removed at a rack.

21 3.c. "Terminal operator" means a person who owns, operates, or otherwise controls a
22 terminal.

23 2. If a supplier supplies gasoline to a gasoline distributor under this section which is then
24 blended, the gasoline distributor shall indemnify and hold harmless the supplier

1 against any loss or damage, including costs, expenses, and reasonable attorney's
2 fees arising out of a claim or judgment relating to or arising out of the blending of the
3 gasoline.