

# HOUSE BILL 1096

M4

5lr1144

---

By: **Delegates Rosenberg and Stein**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Weight and Measure Requirements – Exemption for Biodiesel**  
3 **Purchasing Cooperative**

4 FOR the purpose of exempting a certain biodiesel buying cooperative from certain weight  
5 and measure requirements for the sale of liquid fuel; defining certain terms; making  
6 conforming changes; and generally relating to weight and measure requirements for  
7 liquid fuel.

8 BY repealing and reenacting, with amendments,  
9 Article – Agriculture  
10 Section 11–315  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2014 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That the Laws of Maryland read as follows:

### Article – Agriculture

16 11–315.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) “BIODIESEL” MEANS AN ALTERNATIVE MOTOR FUEL PRODUCED  
20 FROM A RENEWABLE RESOURCE SUCH AS VEGETABLE OIL OR ANIMAL FAT.

21 (3) “COOPERATIVE” MEANS A CORPORATION THAT OPERATES FOR  
22 THE MUTUAL BENEFIT OF ITS MEMBERS AND CONFORMS TO THE FOLLOWING  
23 REQUIREMENTS:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(I) A MEMBER OF THE COOPERATIVE IS NOT ALLOWED MORE**  
2 **THAN ONE VOTE, REGARDLESS OF THE AMOUNT OF STOCK OR MEMBERSHIP**  
3 **CAPITAL HE MAY OWN;**

4                   **(II) THE COOPERATIVE DOES NOT PAY DIVIDENDS ON STOCK OR**  
5 **MEMBERSHIP CAPITAL IN EXCESS OF 12% PER ANNUM;**

6                   **(III) THE COOPERATIVE DOES NOT DEAL IN PRODUCTS OF**  
7 **NONMEMBERS IN AN AMOUNT GREATER IN VALUE THAN THAT IN WHICH IT DEALS**  
8 **FOR MEMBERS; AND**

9                   **(IV) AFTER PAYMENT OF EVERY NECESSARY EXPENSE AND**  
10 **AUTHORIZED DEDUCTION, THE PROCEEDS FROM THE BUSINESS OF THE**  
11 **COOPERATIVE ARE DISTRIBUTED TO THE MEMBERS IN PROPORTION TO THE**  
12 **VOLUME OF BUSINESS TRANSACTED BY THEM WITH THE COOPERATIVE.**

13           **(B) THIS SECTION DOES NOT APPLY TO A BIODIESEL PURCHASING**  
14 **COOPERATIVE THAT:**

15                   **(1) HAS FEWER THAN 200 MEMBERS; AND**

16                   **(2) PURCHASES LESS THAN 100,000 GALLONS OF BIODIESEL EACH**  
17 **YEAR.**

18           **[(a)] (C)** All liquid fuel shall be sold by liquid measure or by net weight in  
19 accordance with the provisions of § 11–304 of this subtitle. Price lists of liquid fuel shall be  
20 posted or otherwise made available upon request.

21           **[(b)] (D)** Upon delivery of liquid fuel not in package form and in an amount  
22 greater than ten gallons in the case of sale by liquid measure, or 100 pounds in the case of  
23 sale by weight, a delivery ticket or written statement shall be delivered to the purchaser,  
24 either at the time of delivery or within a period mutually agreed upon in writing or  
25 otherwise between the vendor and the purchaser. The delivery ticket or a written statement  
26 shall have the following information clearly readable in ink or by means of other indelible  
27 marking equipment:

28                   (1) The name and address of the vendor;

29                   (2) The name and address of the purchaser;

30                   (3) The identity of the type of fuel comprising the delivery;

31                   (4) The unit price, that is, the price per gallon or per pound of the fuel  
32 delivered;

1           (5)     In the case of sale by liquid measure, the liquid volume of the delivery,  
2 together with any meter readings from which the liquid volume is computed, expressed in  
3 terms of the gallon and its binary or decimal subdivisions; and

4           (6)     In the case of sale by weight, the net weight of the delivery, together  
5 with any weighing scale readings from which the net weight is computed, expressed in  
6 terms of tons or pounds avoirdupois.

7           **[(c)] (E)**     The provisions of subsection **[(b)] (D)** of this section do not apply to  
8 deliveries of liquid fuel made on the premises of the vendor if the vendor is supplying the  
9 fuel tank of a motor vehicle, motorized equipment, aircraft, or watercraft. The requirement  
10 of subsection **[(b)(4)] (D)(4)** of this section does not apply when the product is liquified  
11 petroleum gas, which is defined for the purpose of this subsection as a petroleum product  
12 composed predominately of propane, propylene, butane, isobutane, butylenes, or mixtures  
13 of those products, if the delivery ticket, written statement, or invoice states that the price  
14 list is available on request. A ticket or other written statement accompanying the delivery  
15 of any other liquid fuels and used only as a bill of lading or manifest is exempt from the  
16 requirement of subsection **[(b)(4)] (D)(4)** of this section if the ticket or written statement  
17 utilized as an invoice for payment indicates all of the information set forth in subsection  
18 **[(b)] (D)** of this section.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2015.