

455G.31 E-85 gasoline storage and dispensing infrastructure.

1. a. As used in [this section](#), unless the context otherwise requires:

(1) “Dispenser” includes a motor fuel pump, including but not limited to a motor fuel blender pump.

(2) “E-85 gasoline”, “ethanol blended gasoline”, and “retail dealer” mean the same as defined in [section 214A.1](#).

(3) “Gasoline storage and dispensing infrastructure” means any storage tank located below ground or above ground and any associated equipment including but not limited to a pipe, hose, connection, fitting seal, or motor fuel pump, which is used to store, measure, and dispense gasoline by a retail dealer.

(4) “Motor fuel pump” means the same as defined in [section 214.1](#).

b. Ethanol blended gasoline shall be designated in the same manner as provided in [section 214A.2](#).

2. A retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if the department of natural resources under [this subchapter](#) or the state fire marshal under [chapter 101](#) determines that it is compatible with the ethanol blended gasoline being used.

3. A retail dealer may use a dispenser that does not satisfy the requirement in [subsection 2](#) to dispense ethanol blended gasoline classified as higher than E-10 if any of the following applies:

a. Reserved.

b. (1) The dispenser’s manufacturer has submitted the dispenser to an independent testing laboratory to be listed as compatible for use with E-85 gasoline. In addition, the retail dealer must install an under-dispenser containment system with electronic monitoring. The under-dispenser containment system shall comply with applicable rules adopted by the department of natural resources and the state fire marshal.

(2) If within ten years from the date that a dispenser described in subparagraph (1) is installed, the same model of dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory, the dispenser shall be deemed as compatible for use with ethanol blended gasoline classified as E-9 or higher up to and including E-85 by the department of natural resources and the state fire marshal. However, if after that time, the same model of dispenser is not listed as compatible for use with E-85 gasoline by an independent testing laboratory, subparagraph (1) no longer applies, and the retail dealer must do any of the following:

(a) Upgrade or replace the dispenser as necessary to be listed as compatible for use with E-85 gasoline.

(b) Comply with the requirements in paragraph “a”*.

[2006 Acts, ch 1142, §25; 2006 Acts, ch 1185, §122; 2007 Acts, ch 22, §80; 2007 Acts, ch 211, §47 – 49; 2008 Acts, ch 1169, §22 – 25, 30; 2009 Acts, ch 105, §1; 2011 Acts, ch 34, §104; 2013 Acts, ch 90, §136](#)

Referred to in [§159A.14, §323.4A](#)

*Subsection 3, paragraph a stricken by its own terms; corrective legislation is pending

Subsection 3, paragraph a stricken per its own terms effective July 27, 2015; 2007 Acts, ch 211, §49