

452A.31 Special terms.

For purposes of [this subchapter](#), all of the following shall apply:

1. A determination period is any twelve-month period beginning on January 1 and ending on December 31 in which a retail dealer who owns or operates a retail motor fuel site sells and dispenses gasoline or diesel fuel from that site as regulated by the department of agriculture and land stewardship pursuant to [chapters 214](#) and [214A](#).

2. *a.* A retail dealer's total gasoline gallonage is the total number of gallons of gasoline which the retail dealer sells and dispenses from all motor fuel pumps operated by the retail dealer in this state during a twelve-month period beginning January 1 and ending December 31. The retail dealer's total gasoline gallonage is divided into the following classifications:

(1) The total ethanol blended gasoline gallonage which is the retail dealer's total number of gallons of ethanol blended gasoline and which includes all of the following subclassifications:

(a) The total E-xx gasoline gallonage which is the total number of gallons of ethanol blended gasoline other than E-85 gasoline.

(b) The total E-85 gasoline gallonage which is the total number of gallons of E-85 gasoline.

(c) The total E-15 plus gasoline gallonage which is the total number of gallons of ethanol blended gasoline classified as E-15 or higher, including E-85 gasoline.

(d) The total E-15 gasoline gallonage which is the total number of gallons of ethanol blended gasoline classified as E-15.

(2) The total nonblended gasoline gallonage which is the total number of gallons of nonblended ethanol gasoline.

b. A retail dealer's total ethanol gallonage is the total number of gallons of ethanol which is a component of ethanol blended gasoline which the retail dealer sells and dispenses from motor fuel pumps as provided in paragraph "a" during a twelve-month period beginning January 1 and ending December 31.

3. *a.* A retail dealer's total diesel fuel gallonage is the total number of gallons of diesel fuel which the retail dealer sells and dispenses from all motor fuel pumps operated by the retail dealer in this state during a twelve-month period beginning January 1 and ending December 31. The retail dealer's total diesel fuel gallonage is divided into the following classifications:

(1) The total biodiesel blended fuel gallonage which is the retail dealer's total number of gallons of biodiesel blended fuel and which includes all of the following subclassifications:

(a) The total B-5 plus gallonage which is the total number of gallons of biodiesel blended fuel classified as B-5 or higher up to but not including B-11.

(b) The total B-11 plus gallonage which is the total number of gallons of biodiesel blended fuel classified as B-11 or higher up to but not including B-20.

(c) The total B-20 plus gallonage which is the total number of gallons of biodiesel blended fuel classified as B-20 or higher up to but not including B-30.

(d) The total B-30 plus gallonage which is the total number of gallons of biodiesel blended fuel classified as B-30 or higher.

(2) The total nonblended diesel fuel gallonage which is the total number of gallons of diesel fuel which is not biodiesel or biodiesel blended fuel.

b. A retail dealer's total biodiesel gallonage is the total number of gallons of biodiesel which may or may not be a component of biodiesel blended fuel, and which the retail dealer sells and dispenses from motor fuel pumps as provided in paragraph "a" during a twelve-month period beginning January 1 and ending December 31.

4. *a.* The aggregate gasoline gallonage is the total number of gallons of gasoline which all retail dealers sell and dispense from all motor fuel pumps operated by the retail dealers in this state during a twelve-month period beginning January 1 and ending December 31. The aggregate gasoline gallonage is divided into the following classifications:

(1) The aggregate ethanol blended gasoline gallonage which is the aggregate total number of gallons of ethanol blended gasoline and which includes all of the following subclassifications:

(a) The aggregate E-xx gasoline gallonage which is the aggregate total number of gallons of ethanol blended gasoline other than E-85 gasoline.

(b) The aggregate E-85 gasoline gallonage which is the aggregate total number of gallons of E-85 gasoline.

(c) The aggregate E-15 plus gasoline gallonage which is the aggregate total number of gallons of ethanol blended gasoline classified as E-15 or higher, including E-85 gasoline.

(d) The aggregate E-15 gasoline gallonage which is the aggregate total number of gallons of ethanol blended gasoline classified as E-15.

(2) The aggregate nonblended gasoline gallonage, which is the aggregate number of gallons of nonblended ethanol gasoline.

b. The aggregate ethanol gallonage is the total number of gallons of ethanol which is a component of ethanol blended gasoline which all retail dealers sell and dispense from motor fuel pumps as provided in paragraph “a” during a twelve-month period beginning January 1 and ending December 31.

5. a. The aggregate diesel fuel gallonage is the total number of gallons of diesel fuel which all retail dealers sell and dispense from all motor fuel pumps operated by the retail dealers in this state during a twelve-month period beginning January 1 and ending December 31. The aggregate diesel fuel gallonage is divided into the following classifications:

(1) The aggregate biodiesel blended fuel gallonage which is the aggregate total number of gallons of biodiesel blended fuel and which includes all of the following subclassifications:

(a) The aggregate B-5 plus gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-5 or higher up to but not including B-11.

(b) The aggregate B-11 plus gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-11 or higher up to but not including B-20.

(c) The aggregate B-20 plus gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-20 or higher up to but not including B-30.

(d) The aggregate B-30 plus gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-30 or higher.

(2) The aggregate nonblended diesel fuel gallonage which is the aggregate total number of gallons of diesel fuel which is not biodiesel or biodiesel blended fuel.

b. The aggregate biodiesel gallonage is the total number of gallons of biodiesel which may or may not be a component of biodiesel blended fuel, and which all retail dealers sell and dispense from motor fuel pumps as provided in paragraph “a” during a twelve-month period beginning January 1 and ending December 31.

6. a. The aggregate ethanol distribution percentage is the aggregate ethanol gallonage expressed as a percentage of the aggregate gasoline gallonage calculated for a twelve-month period beginning January 1 and ending December 31.

b. The aggregate per gallon distribution percentage is the aggregate ethanol blended gasoline gallonage expressed as a percentage of the aggregate gasoline gallonage calculated for a twelve-month period beginning January 1 and ending December 31.

7. a. The aggregate biodiesel distribution percentage is the aggregate biodiesel gallonage expressed as a percentage of the aggregate diesel fuel gallonage calculated for a twelve-month period beginning January 1 and ending December 31.

b. The aggregate per gallon distribution percentage is the aggregate biodiesel blended fuel gallonage expressed as a percentage of the aggregate diesel fuel gallonage calculated for a twelve-month period beginning January 1 and ending December 31.

8. The aggregate biofuel distribution percentage is the sum of the aggregate ethanol gallonage plus the aggregate biodiesel gallonage expressed as a percentage of the sum of the aggregate gasoline gallonage plus the aggregate diesel fuel gallonage calculated for a twelve-month period beginning January 1 and ending December 31.

2006 Acts, ch 1142, §54; 2007 Acts, ch 22, §78; 2018 Acts, ch 1041, §127; 2020 Acts, ch 1119, §2 – 5; 2022 Acts, ch 1067, §62 – 68, 75, 76

Referred to in §422.11O, 422.11P, 422.11Y, 452A.32, 452A.33

2022 amendments to section apply retroactively to January 1, 2022; 2022 Acts, ch 1067, §76

Subsection 1 amended

Subsection 2, paragraph a, subparagraph (1), subparagraph division (c) amended

Subsection 2, paragraph a, subparagraph (1), NEW subparagraph division (d)

Subsection 3, paragraph a amended

Subsection 4, paragraph a, subparagraph (1), subparagraph division (c) amended

Subsection 4, paragraph a, subparagraph (1), NEW subparagraph division (d)

Subsection 5, paragraph a amended