

CHAPTER 214A
MOTOR FUEL

Referred to in §323.1, 323.4A, 452A.31

Table listing subchapters (I, II, III) and sections (214A.1 to 214A.37) with their respective descriptions and transfer information.

SUBCHAPTER I
GENERAL

214A.1 Definitions.

The following definitions shall apply to the various terms used in this chapter:

- 1. "Advertise" means to present a commercial message in any medium, including but not limited to print, radio, television, sign, display, label, tag, or articulation.
2. "ASTM international" means the American society for testing and materials international.
3. "B-20 biodiesel fuel" or "B-20" means a classification of biodiesel blended fuel formulated with a percentage of twenty percent by volume of biodiesel, if the formulation meets the standards provided in section 214A.2.
4. "Biobutanol" means isobutyl or n-butyl alcohol that is to be blended with gasoline if it meets the standards provided in section 214A.2.
5. "Biobutanol blended gasoline" means a formulation of gasoline which is a liquid

petroleum product blended with biobutanol, if the formulation meets the standards provided in [section 214A.2](#).

6. “*Biodiesel*” means a renewable fuel comprised of mono-alkyl esters of long-chain fatty acids derived from vegetable oils or animal fats, which is manufactured by the use of a transesterification reaction, and which meets the standards provided in [section 214A.2](#).

7. “*Biodiesel blended fuel*” means a blend of biodiesel with petroleum-based diesel fuel which meets the standards, including separately the standard for its biodiesel component, provided in [section 214A.2](#).

8. “*Biodiesel fuel*” means biodiesel or biodiesel blended fuel.

9. “*Biofuel*” means ethanol, biobutanol, or biodiesel.

10. “*Dealer*” means a wholesale dealer or retail dealer.

11. “*Department*” means the department of agriculture and land stewardship.

12. “*Determination period*” means 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 retail motor fuel site as calculated by the department of revenue in [chapter 452A, subchapter II](#).

13. “*Diesel fuel*” means any liquid, other than gasoline, which is suitable for use as a fuel in a diesel fuel powered engine, including but not limited to a motor vehicle, equipment as defined in [section 322F.1](#), or a train. Diesel fuel includes a liquid product prepared, advertised, offered for sale, or sold for use as, or commonly and commercially used as, motor fuel for use in an internal combustion engine and ignited by pressure without the presence of an electric spark. Diesel fuel must meet the standards provided in [section 214A.2](#).

14. “*Distributor*” means the same as defined in [section 452A.2](#).

15. “*E-15 gasoline*” or “*E-15*” means a classification of ethanol blended gasoline formulated with a percentage of fifteen percent by volume of ethanol, if the formulation meets the standards provided in [section 214A.2](#).

16. “*E-85 gasoline*” or “*E-85*” means ethanol blended gasoline formulated with a percentage of between sixty-eight and eighty-three percent by volume of ethanol, if the formulation excludes a denaturant, and which meets the standards provided in [section 214A.2](#).

17. “*Ethanol*” means ethyl alcohol that is to be blended with gasoline if it meets the standards provided in [section 214A.2](#).

18. “*Ethanol blended gasoline*” means a formulation of gasoline which is a liquid petroleum product blended with ethanol, if the formulation meets the standards provided in [section 214A.2](#).

19. “*Gasoline*” means any liquid product prepared, advertised, offered for sale or sold for use as, or commonly and commercially used as, motor fuel for use in a spark-ignition, internal combustion engine, and which meets the specifications provided in [section 214A.2](#).

20. “*Gasoline dispenser*” means a type of motor fuel dispenser that is part of gasoline storage and dispensing infrastructure.

21. “*Gasoline storage and dispensing infrastructure*” or “*gasoline infrastructure*” means motor fuel storage and dispensing infrastructure used to do any of the following:

a. Store and dispense gasoline, including ethanol blended gasoline or biobutanol blended gasoline.

b. Store, blend, and dispense gasoline, including ethanol blended gasoline or biobutanol blended gasoline.

22. “*Gasoline storage tank*” means a type of motor fuel storage tank used to store an accumulation of gasoline.

23. “*Marketer*” means a dealer, distributor, nonrefiner biofuel manufacturer, or supplier.

24. “*Motor fuel*” means a substance or combination of substances which is intended to be or is capable of being used for the purpose of operating an internal combustion engine, including but not limited to a motor vehicle, and is kept for sale or sold for that purpose.

25. “*Motor fuel dispenser*” or “*dispenser*” means the same as defined in [section 214.1](#).

26. “*Motor fuel pump*” and “*motor fuel blender pump*” or “*blender pump*” means the same as defined in [section 214.1](#).

27. “Motor fuel storage and dispensing infrastructure” or “infrastructure” means the same as defined in [section 214.1](#).

28. “Motor fuel storage tank” means the same as defined in [section 214.1](#).

29. “MTBE” means methyl tertiary butyl ether.

30. “Nonrefiner biofuel manufacturer” means the same as defined in [section 452A.2](#).

31. “Oxygenate” means oxygen-containing compounds, including but not limited to alcohols, ethers, or ethanol.

32. “Pipeline company” means the same as defined in [section 479B.2](#).

33. “Refiner” means a person engaged in the refining of crude oil to produce motor fuel, and includes any affiliate of such person.

34. “Renewable fuel” means a combustible liquid derived from grain starch, oilseed, animal fat, or other biomass; or produced from a biogas source, including any nonfossilized decaying organic matter which is capable of powering machinery, including but not limited to an engine or power plant. Renewable fuel includes but is not limited to biofuel, ethanol blended gasoline, biobutanol blended gasoline, or biodiesel blended fuel meeting the standards provided in [section 214A.2](#).

35. “Retail dealer” means a person engaged in the business of storing and dispensing motor fuel from a motor fuel pump for sale on a retail basis, regardless of whether the motor fuel pump is located at a retail motor fuel site including a permanent or mobile location.

36. “Retail motor fuel site” means a geographic location in this state where a retail dealer sells and dispenses motor fuel on a retail basis.

37. “Sell” means to sell or to offer for sale.

38. “Standard ethanol blended gasoline” means ethanol blended gasoline for use in gasoline-powered vehicles not required to be flexible fuel vehicles, that meets the requirements of [section 214A.2](#).

39. “Supplier” means the same as defined in [section 452A.2](#).

40. “Terminal” means the same as defined in [section 452A.2](#).

41. “Terminal operator” means the same as defined in [section 452A.2](#).

42. “Terminal owner” means the same as defined in [section 452A.2](#).

43. “Unleaded gasoline” means gasoline, including ethanol blended gasoline or biobutanol blended gasoline, if all of the following applies:

a. It has an octane number of not less than eighty-seven as provided in [section 214A.2](#).

b. Lead or phosphorus compounds have not been intentionally added to it.

c. It does not contain more than thirteen thousandths grams of lead per liter and not more than thirteen ten-thousandths grams of phosphorus per liter.

44. “Wholesale dealer” means a person, other than a retail dealer, who operates a place of business where motor fuel is stored and dispensed for sale in this state, including a permanent or mobile location.

[C31, 35, §5093-d1; C39, §5095.01; C46, 50, 54, 58, 62, 66, 71, §323.1; C73, 75, 77, 79, 81, §214A.1]

85 Acts, ch 76, §1; 86 Acts, ch 1146, §1; 86 Acts, ch 1245, §644; 89 Acts, ch 75, §1; 2000 Acts, ch 1224, §27; 2004 Acts, ch 1086, §106; 2006 Acts, ch 1142, §3 – 5, 83; 2008 Acts, ch 1169, §14 – 16, 30; 2010 Acts, ch 1031, §245, 246; 2013 Acts, ch 15, §3; 2013 Acts, ch 90, §40; 2013 Acts, ch 127, §2; 2014 Acts, ch 1104, §6 – 8; 2015 Acts, ch 103, §20; 2019 Acts, ch 128, §6; 2022 Acts, ch 1067, §14; 2022 Acts, ch 1152, §12

Referred to in §8A.360, 159A.2, 159A.3, 159A.11, 203.1, 214.1, 260C.19A, 279.34, 307.20, 323.1, 323A.1, 331.908, 364.20, 422.110, 422.11P, 422.11Y, 423.3, 452A.2, 452A.6, 452A.32, 455G.30, 714.7D

Further definitions, see §189.1

Section amended and editorially internally renumbered

214A.1A Administration and enforcement.

1. This chapter shall be administered and enforced by the department which may adopt rules under [chapter 17A](#) to carry out the provisions of [this chapter](#).

2. The department may adopt rules necessary to administer and enforce [this chapter](#) in conjunction with [chapter 214](#).

2022 Acts, ch 1067, §15

Referred to in §214A.37

NEW section

214A.2 Standards and classifications.

1. *a.* The department shall adopt rules establishing departmental standards relating to motor fuels and motor fuel components.

b. In the interest of uniformity, the department shall adopt by reference in part or in whole, as some of its departmental standards described in paragraph “a”, applicable specifications adopted by ASTM international and applicable requirements established by the United States environmental protection agency.

2. Octane number shall conform to the average of values obtained from the ASTM international D2699 research method and the ASTM international D2700 motor method.

a. Octane number for regular grade unleaded gasoline shall follow the specifications of ASTM international but shall not be less than eighty-seven.

b. Octane number for premium grade unleaded gasoline shall follow the specifications of ASTM international but shall not be less than ninety-one.

3. *a.* For motor fuel advertised for sale or sold as gasoline by a dealer, the motor fuel must meet requirements for that type of motor fuel and its additives established by the United States environmental protection agency including as provided under 42 U.S.C. §7545.

b. If the motor fuel is advertised for sale or sold as ethanol blended gasoline, the motor fuel must meet departmental standards including as follows:

(1) Ethanol must be an agriculturally derived ethyl alcohol that meets departmental standards based in part or in whole on ASTM international specification D4806 for denatured fuel ethanol for blending with gasoline for use as automotive spark-ignition engine fuel, or a successor ASTM international specification, established by rule.

(2) Gasoline blended with ethanol must meet departmental standards based in part or in whole on ASTM international specification D4814, or a successor ASTM international specification, established by rule.

(3) (a) For ethanol blended gasoline, at least nine percent by volume must be fuel grade ethanol.

(b) For the period beginning on September 16 and ending on May 31 of each year, the state grants a waiver of one pound per square inch from the ASTM international D4814 specification for Reid vapor pressure, or a successor ASTM international specification, established by rule.

(4) For standard ethanol blended gasoline, it must be ethanol blended gasoline classified as any of the following:

(a) From E-9 up to but not higher than E-15, if the ethanol blended gasoline meets the departmental standards for that classification as otherwise provided in this paragraph “b”.

(b) Higher than E-15 but not E-85 gasoline, if the classification is authorized by the department pursuant to approval for the use of that classification of ethanol blended gasoline in this state by the United States environmental protection agency, by granting a waiver or the adoption of regulations.

(5) E-85 gasoline must be an agriculturally derived ethyl alcohol that meets departmental standards based in part or in whole on ASTM international specification D5798, described as a fuel blend for use in ground vehicles with automotive spark-ignition engines, or a successor ASTM international specification, established by rule.

c. If the motor fuel is advertised for sale or sold as biobutanol blended gasoline, the motor fuel must meet departmental standards as follows:

(1) Biobutanol must be an agriculturally derived isobutyl or n-butyl alcohol that meets ASTM international specification D7862 for butanol for blending with gasoline for use as automotive spark-ignition engine fuel, or a successor ASTM international specification, established by rule.

(2) Gasoline blended with biobutanol must meet departmental standards based in part or in whole on ASTM international specification D4814, or a successor ASTM international specification, established by rule.

4. *a.* For motor fuel advertised for sale or sold as diesel fuel by a dealer, the motor fuel must meet requirements for that type of motor fuel and its additives established by the United States environmental protection agency including as provided under 42 U.S.C. §7545.

b. If the motor fuel is advertised for sale or sold as biodiesel or biodiesel blended fuel,

the motor fuel must meet departmental standards based in part or in whole on specifications adopted by ASTM international for biodiesel or biodiesel blended fuel, to every extent applicable, as determined by the department, subject to the following:

(1) Biodiesel must meet departmental standards based in whole or in part on ASTM international specification D6751, or a successor ASTM international specification, established by rule. The specification shall apply to biodiesel before it leaves its place of manufacture.

(2) At least five percent of biodiesel blended fuel by volume must be biodiesel.

(3) The biodiesel may be blended with diesel fuel whose sulfur, aromatic, lubricity, and cetane levels do not comply with ASTM international specification D975 grades 1-D or 2-D, low sulfur 1-D or 2-D, or ultra-low sulfur grades 1-D or 2-D, provided that the finished biodiesel blended fuel meets departmental standards as required in subparagraph (1).

(4) Biodiesel blended fuel classified as B-6 or higher but not higher than B-20 must meet departmental standards based in whole or in part on ASTM international specification D7467, or a successor ASTM international specification, established by rule.

(5) (a) Biodiesel blended fuel classified as higher than B-20 must conform to standards adopted by the department.

(b) The rules adopted by the department of agriculture and land stewardship establishing standards for biodiesel blended fuel classified as higher than B-20 shall take effect not earlier than sixty days after the date of filing in accordance with [section 17A.5, subsection 2, paragraph "a"](#). The department of agriculture and land stewardship shall notify the legislative services agency, the governor, the department of natural resources, and the department of revenue of the effective date of the rules at least thirty days prior to the effective date of the rules.

5. Motor fuel shall be classified as follows:

a. (1) Ethanol shall be classified as E-100.

(2) Ethanol blended gasoline formulated with a percentage of between sixty-eight and eighty-three percent by volume of ethanol shall be classified as E-85.

(3) Ethanol blended gasoline, other than ethanol blended gasoline classified as E-85, shall be classified as E-xx where "xx" is the volume percent of ethanol in the ethanol blended gasoline.

b. (1) Biobutanol shall be classified as Bu-100.

(2) Biobutanol blended gasoline shall be classified as Bu-xx where "xx" is the volume percent of biobutanol in the biobutanol blended gasoline.

c. (1) Biodiesel shall be classified as B-100.

(2) Biodiesel blended fuel shall be classified as B-xx where "xx" is the volume percent of biodiesel.

6. Motor fuel shall not contain more than trace amounts of MTBE, as provided in [section 214A.18](#).

[C31, 35, §5093-d2; C39, §5095.02; C46, 50, 54, 58, 62, 66, 71, §323.2; C73, 75, 77, 79, 81, §214A.2; 82 Acts, ch 1131, §1, ch 1170, §1]

84 Acts, ch 1083, §1; 85 Acts, ch 76, §2 – 5; 85 Acts, ch 195, §23; 89 Acts, ch 75, §2; 90 Acts, ch 1252, §14; 91 Acts, ch 87, §1; 2000 Acts, ch 1224, §28; 2003 Acts, ch 167, §1, 4; 2004 Acts, ch 1086, §106; 2006 Acts, ch 1142, §6 – 8, 83; 2006 Acts, ch 1175, §8, 23; 2008 Acts, ch 1169, §17, 18, 30; 2009 Acts, ch 41, §263; 2009 Acts, ch 179, §118; 2010 Acts, ch 1031, §247; 2011 Acts, ch 113, §1; 2013 Acts, ch 15, §4 – 6; 2014 Acts, ch 1104, §9 – 11; 2015 Acts, ch 103, §21; 2022 Acts, ch 1067, §16, 17; 2022 Acts, ch 1152, §14

Referred to in §8A.360, 8A.360A, 159A.12, 214A.1, 214A.2B, 214A.4, 214A.5, 214A.21, 214A.22, 214A.23, 214A.25, 216B.3, 260C.19A, 262.25A, 307.21, 323.1, 422.11O, 422.11P, 422.11Y, 423.4, 452A.2A, 452A.12, 455G.2A, 455G.31, 904.312A

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended

214A.2A Kerosene.

1. Fuel which is sold or is kept, offered, or exposed for sale as kerosene shall be labeled as kerosene. The label shall include the word "kerosene" or the designation "K1 kerosene", and shall indicate that the kerosene is in compliance with the standard specification adopted

by ASTM international specification D3699, or a successor ASTM international specification, established by rules adopted by the department.

2. A product commonly known as kerosene and a distillate or a petroleum product of lower gravity (Baume scale), when not used to propel a motor vehicle or for compounding or combining with a motor fuel, are exempt from [this chapter](#) except as provided in [this section](#).

[86 Acts, ch 1146, §2; 2006 Acts, ch 1142, §9; 2021 Acts, ch 149, §16; 2022 Acts, ch 1152, §15](#)
Subsection 1 amended

214A.2B Laboratory for motor fuel and biofuels.

A laboratory for motor fuel and biofuels is established at a community college which is engaged in biofuels testing on July 1, 2007, and which testing includes but is not limited to B-20 biodiesel fuel testing for motor trucks and the ability of biofuels to meet ASTM international standards. The laboratory shall conduct testing of motor fuel sold in this state and biofuel which is blended in motor fuel in this state to ensure that the motor fuel or biofuels meet the requirements in [section 214A.2](#).

[2007 Acts, ch 215, §97; 2008 Acts, ch 1032, §35, 108; 2008 Acts, ch 1169, §19, 30; 2022 Acts, ch 1152, §16](#)

Section amended

214A.2C Auditing programs.

The department shall establish and administer programs for the auditing of motor fuel including biofuel processing and production plants, for screening and testing motor fuel, including renewable fuel, and for the inspection of motor fuel sold by dealers, including retail dealers who sell and dispense motor fuel from motor fuel pumps.

[2019 Acts, ch 131, §32](#)

214A.3 Advertising. Transferred to §214A.21; 2022 Acts, ch 1067, §22.

214A.4 Intrastate shipments.

A wholesale dealer or retail dealer shall not receive or sell or hold for sale, within this state, any motor fuel or oxygenate for which specifications are prescribed in [this chapter](#), unless the dealer first secures from the refiner or producer of the motor fuel or oxygenate, a statement, verified by the oath of a competent chemist employed by or representing the refiner or producer, showing the true standards and tests of the motor fuel or oxygenate, obtained by the methods referred to in [section 214A.2](#). The verified tests are required and must accompany the bill of lading or shipping documents representing the shipment of the motor fuel or oxygenate into this state before the shipment can be received and unloaded.

[C31, 35, §5093-d4; C39, §5095.04; C46, 50, 54, 58, 62, 66, 71, §323.4; C73, 75, 77, 79, 81, §214A.4]

[89 Acts, ch 75, §4; 2006 Acts, ch 1142, §83](#)

214A.5 Documentation.

1. A wholesale dealer or retail dealer shall, when making a sale of motor fuel, give to a purchaser upon demand a sales slip.

2. A wholesale dealer selling ethanol blended gasoline, biobutanol blended gasoline, or biodiesel blended fuel to a purchaser shall provide the purchaser with a statement indicating its classification as provided in [section 214A.2](#). The statement may be on the sales slip provided in [this section](#) or a similar document, including but not limited to a bill of lading or invoice.

[C31, 35, §5093-d5; C39, §5095.05; C46, 50, 54, 58, 62, 66, 71, §323.5; C73, 75, 77, 79, 81, §214A.5]

[89 Acts, ch 75, §5; 2006 Acts, ch 1142, §11, 83; 2006 Acts, ch 1175, §18, 23; 2009 Acts, ch 179, §120; 2014 Acts, ch 1104, §13; 2022 Acts, ch 1152, §18](#)

Subsection 2 amended

214A.6 Department tests — fee. Repealed by [2005 Acts, ch 159, §2](#).

214A.7 Department inspection — samples tested. Transferred to §214A.22; 2022 Acts, ch 1067, §22.

214A.8 Prohibition. Transferred to §214A.23; 2022 Acts, ch 1067, §22.

214A.9 Poster showing analysis. Repealed by 2013 Acts, ch 15, §9.

214A.10 Transfer pipes.

A wholesale dealer, retail dealer, or other person shall not, within this state, use the same pipeline for transferring motor fuel, including gasoline, or oxygenate from one container to another, if the pipeline is used for transferring kerosene or other flammable product used for open flame illuminating or heating purposes.

[C31, 35, §5093-d10; C39, §5095.10; C46, 50, 54, 58, 62, 66, 71, §323.10; C73, 75, 77, 79, 81, §214A.10]

89 Acts, ch 75, §9; 92 Acts, ch 1163, §48; 2006 Acts, ch 1142, §83

214A.11 Penalties.

1. Except as otherwise provided in [subsection 3](#), a person who violates a provision of [this chapter](#) is guilty of a serious misdemeanor or is subject to an alternative civil enforcement action under [subsection 2](#). Each day that a continuing violation occurs shall be considered a separate offense.

2. The state may proceed against a person who violates [this chapter](#) by initiating an alternative civil enforcement action in lieu of a prosecution. The alternative civil enforcement action may be brought against the person as a contested case proceeding by the department under [chapter 17A](#) or as a civil judicial proceeding by the attorney general upon referral by the department. The department may impose, assess, and collect the civil penalty. The civil penalty shall be for at least one hundred dollars but not more than one thousand dollars for each violation. Each day that a continuing violation occurs shall be considered a separate offense.

a. Except as provided in paragraph “b”, the state is precluded from prosecuting a violation pursuant to [subsection 1](#) if the state is a party in the alternative civil enforcement action, the department has made a final decision in the contested case proceeding, or a court has entered a final judgment.

b. If a party to an alternative civil enforcement action fails to pay the civil penalty to the department within thirty days after the party has exhausted the party’s administrative remedies and the party has not sought judicial review in accordance with [section 17A.19](#), the department may order that its final decision be vacated. When the department’s final decision is vacated, the state may initiate a criminal prosecution, but shall be precluded from bringing an alternative civil enforcement action. If a party to an alternative civil enforcement action fails to pay the civil penalty within thirty days after a court has entered a final judgment, the department may request that the attorney general petition the court to vacate its final judgment. When the court’s judgment has been vacated, the state may initiate a criminal prosecution, but shall be precluded from bringing an alternative civil enforcement action.

3. a. (1) A retail dealer who submits an application for an E-15 unavailability waiver order under [section 214A.34](#) that the retail dealer knows includes information that is not true and correct commits perjury as provided in [section 720.2](#).

(2) (a) This paragraph “a” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed January 2, 2023.

b. (1) A retail dealer who submits an application for an E-15 incompatible infrastructure waiver order under [section 214A.35](#) that the retail dealer knows is not true and correct commits perjury as provided in [section 720.2](#).

(2) A certified professional retail motor fuel site installer who submits an inspection report as part of an application for an E-15 incompatible infrastructure waiver order under [section 214A.35](#) that the installer knows is not true and correct commits perjury under [section 720.2](#).

(3) (a) This paragraph “b” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed on January 2, 2023.

c. (1) A retail dealer who submits an application for a small retail motor fuel site exemption administrative order under [section 214A.36](#) that the retail dealer knows is not true and correct commits perjury as provided in [section 720.2](#).

(2) (a) This paragraph “c” shall be implemented on January 1, 2023.

(b) This subparagraph is repealed January 2, 2023.

[C31, 35, §5093-d11; C39, §5095.11; C46, 50, 54, 58, 62, 66, 71, §323.11; C73, 75, 77, 79, 81, §214A.11]

[2006 Acts, ch 1142, §14](#); [2022 Acts, ch 1067, §19, 20](#)

Referred to in [§214A.36](#)

Subsection 1 amended

NEW subsection 3

214A.12 Industrial petroleum — permits.

Any wholesale dealer as defined in [this chapter](#) may apply to the department for a permit to make importations of petroleum products for industrial use only and not intended to be used for internal combustion engines, on a form to be supplied by the department, and upon receiving such permission may make importations of petroleum products for industrial use only, exempt from the specifications of [this chapter](#).

[C31, 35, §5093-d12; C39, §5095.12; C46, 50, 54, 58, 62, 66, 71, §323.12; C73, 75, 77, 79, 81, §214A.12]

[2020 Acts, ch 1063, §74](#)

214A.13 Chemists — employment of.

The secretary of agriculture shall employ one or more chemists and incur such other expense as shall be necessary for the purpose of carrying into effect the provisions of [this chapter](#).

[C31, 35, §5093-d13; C39, §5095.13; C46, 50, 54, 58, 62, 66, 71, §323.13; C73, 75, 77, 79, 81, §214A.13]

214A.14 Appropriation.

There is hereby appropriated out of any funds in the state treasury not otherwise appropriated funds sufficient to pay the expenses incurred as authorized by [this chapter](#).

[C31, 35, §5093-d14; C39, §5095.14; C46, 50, 54, 58, 62, 66, 71, §323.14; C73, 75, 77, 79, 81, §214A.14]

214A.15 Gasoline receptacles. Repealed by 2021 Acts, ch 149, §17.

214A.16 Notice of renewable fuel — decal.

1. *a.* If ethanol blended gasoline classified as higher than standard ethanol blended gasoline is advertised for sale or sold at a retail motor fuel site, the motor fuel dispenser dispensing the ethanol blended gasoline shall be affixed with a decal stating that the classification of the ethanol blended gasoline is for use in flexible fuel vehicles.

b. If biobutanol blended gasoline is advertised for sale or sold at a retail motor fuel site, the motor fuel dispenser dispensing the biobutanol blended gasoline shall be affixed with a decal identifying the classification of biobutanol blended gasoline.

2. The design and location of the decal shall be prescribed by rules adopted by the department. A decal identifying a renewable fuel shall be consistent with standards adopted pursuant to [section 159A.6](#). The department may approve an application to place a decal in a special location on a dispenser or container or use a decal with special lettering or colors, if the decal appears clear and conspicuous to the consumer. The application shall be made in writing pursuant to procedures adopted by the department.

[[82 Acts, ch 1170, §2](#)]

[85 Acts, ch 76, §6](#); [89 Acts, ch 296, §21](#); [91 Acts, ch 254, §14](#); [94 Acts, ch 1119, §23](#); [2000 Acts, ch 1224, §29](#); [2006 Acts, ch 1142, §83](#); [2008 Acts, ch 1169, §21, 30](#); [2009 Acts, ch 179, §121](#); [2013 Acts, ch 15, §8](#); [2014 Acts, ch 1104, §14](#); [2017 Acts, ch 159, §51](#); [2022 Acts, ch 1152, §19](#)

Referred to in [§159A.6](#)

Section amended

214A.17 Documentation in transactions.

Upon any delivery of motor fuel to a retailer, the invoice, bill of lading, shipping or other documentation shall disclose the presence, type, and amount of oxygenates over one percent by weight contained in the fuel.

85 Acts, ch 76, §7; 2006 Acts, ch 1142, §83

214A.18 MTBE prohibition.

1. A person shall not do any of the following:

a. Sell motor fuel containing more than trace amounts of MTBE in this state.

b. Store motor fuel containing more than trace amounts of MTBE in a motor fuel storage tank located in this state.

2. As used in [this section](#), “trace amounts” means not more than one-half of one percent by volume.

2000 Acts, ch 1224, §30; 2006 Acts, ch 1142, §83

Referred to in [§214A.2](#)

214A.19 Demonstration grants authorized. Transferred to §214A.24; 2022 Acts, ch 1067, §22.

214A.20 Limitation on liability. Transferred to §214A.25; 2022 Acts, ch 1067, §22.

SUBCHAPTER II

ADVERTISEMENT, SALE, AND USE

214A.21 Advertising.

A person shall not knowingly do any of the following:

1. Advertise for sale any motor fuel that does not meet the standards provided in [section 214A.2](#).

2. Falsely advertise for sale the quality, type, or kind of motor fuel or a component of motor fuel.

3. Add a coloring matter to the motor fuel which misleads a person who is purchasing the motor fuel about the quality of the motor fuel.

4. Falsely advertise for sale the classification of a motor fuel as provided in [section 214A.2](#).

[C31, 35, §5093-d3; C39, §5095.03; C46, 50, 54, 58, 62, 66, 71, §323.3; C73, 75, 77, 79, 81, §214A.3]

89 Acts, ch 75, §3; 2006 Acts, ch 1142, §10; 2008 Acts, ch 1169, §20, 30; 2009 Acts, ch 179, §119; 2014 Acts, ch 1104, §12; 2022 Acts, ch 1067, §22; 2022 Acts, ch 1152, §17

C2023, §214A.21

Section transferred from [§214A.3](#) in Code 2023 pursuant to directive in [2022 Acts, ch 1067, §22](#)

Section amended

214A.22 Department inspection — samples tested.

The department shall, from time to time, make or cause to be made tests of any motor fuel or biofuel which is being sold, or held or offered for sale within this state. A departmental inspector may enter upon the premises of a dealer and take from any container a sample of the motor fuel or biofuel, not to exceed one gallon. The sample shall be sealed and appropriately marked or labeled by the inspector and delivered to the department. The department shall make, or cause to be made, complete analyses or tests of the motor fuel or biofuel by the methods specified in [section 214A.2](#).

[C31, 35, §5093-d7; C39, §5095.07; C46, 50, 54, 58, 62, 66, 71, §323.7; C73, 75, 77, 79, 81, §214A.7]

89 Acts, ch 75, §7; 2006 Acts, ch 1142, §12, 83; 2006 Acts, ch 1175, §9, 18, 23; 2013 Acts, ch 15, §7; 2022 Acts, ch 1067, §22

C2023, §214A.22

Section transferred from [§214A.7](#) in Code 2023 pursuant to directive in [2022 Acts, ch 1067, §22](#)

214A.23 Prohibition.

A dealer shall not knowingly sell motor fuel or biofuel in the state that fails to meet applicable standards and classifications as provided in [section 214A.2](#).

[C31, 35, §5093-d8; C39, §5095.08; C46, 50, 54, 58, 62, 66, 71, §323.8; C73, 75, 77, 79, 81, §214A.8]

[89 Acts, ch 75, §8](#); [2006 Acts, ch 1142, §13, 83](#); [2022 Acts, ch 1067, §18, 22](#)

C2023, §214A.23

Section transferred from [§214A.8](#) in Code 2023 pursuant to directive in [2022 Acts, ch 1067, §22](#)

Section amended

214A.24 Demonstration grants authorized.

1. The department, conditioned upon the availability of moneys, may award demonstration grants to persons who purchase vehicles which operate on alternative fuels, including but not limited to E-85 gasoline, biodiesel, compressed natural gas, electricity, solar energy, or hydrogen. A grant shall be for the purpose of conducting research connected with the fuel or the vehicle, and not for the purchase of the vehicle itself, except that the money may be used for the purchase of the vehicle if all of the following conditions are satisfied:

a. The department retains the title to the vehicle.

b. The vehicle is used for continuing research.

c. If the vehicle is sold or when the research related to the vehicle is completed, the proceeds of the sale of the vehicle shall be used for additional research.

2. The governor shall seek the cooperation of the governors of other states willing to cooperate to establish an alternative fuels consortium. The purposes of the consortium may include, but are not limited to, coordinating the research, production, and marketing of alternative fuels within the participating states. The consortium may also coordinate presentation of consortium policy on alternative fuels to automakers and federal regulatory authorities.

[90 Acts, ch 1252, §15](#); [2006 Acts, ch 1142, §77](#); [2019 Acts, ch 128, §7](#); [2022 Acts, ch 1067, §22](#)

C2023, §214A.24

Section transferred from [§214A.19](#) in Code 2023 pursuant to directive in [2022 Acts, ch 1067, §22](#)

214A.25 Limitation on liability.

1. A retail dealer or other marketer, pipeline company, refiner, terminal operator, or terminal owner is not liable for damages caused by the use of incompatible motor fuel dispensed from a motor fuel dispenser located at the retail dealer's retail motor fuel site, if all of the following apply:

a. The incompatible motor fuel complies with the standards for that type and classification of motor fuel as provided in [section 214A.2](#).

b. The incompatible motor fuel is selected by the end use consumer of the motor fuel.

c. The incompatible motor fuel is dispensed from a motor fuel dispenser that correctly labels the type and classification of fuel dispensed from a motor fuel storage tank.

2. For purposes of [subsection 1](#), a motor fuel is incompatible with a motor according to the manufacturer of the motor.

[2011 Acts, ch 113, §2](#)

C2012, §214A.20

[2013 Acts, ch 127, §3](#); [2022 Acts, ch 1067, §21, 22](#)

C2023, §214A.25

Section transferred from [§214A.20](#) in Code 2023 pursuant to directive in [2022 Acts, ch 1067, §22](#)

Section amended

214A.26 through 214A.30 Reserved.

SUBCHAPTER III
E-15 ACCESS STANDARD

214A.31 E-15 access standard — establishment.

In order to ensure consumer access to gasoline containing fifteen percent ethanol by volume, an E-15 access standard is established in accordance with [2013 Iowa Acts, ch. 127, §1, section 159A.1](#), and [this subchapter](#).

[2022 Acts, ch 1067, §1](#)

NEW section

214A.32 E-15 access standard — retail dealer compliance.

1. Except as provided in [sections 214A.33 through 214A.36](#), a retail dealer owning or operating a retail motor fuel site shall comply with the E-15 access standard as provided in [this section](#).

2. In order to comply with the E-15 access standard, a retail dealer must advertise for sale and sell E-15 gasoline from a minimum number of qualifying gasoline dispensers located at the retail dealer's retail motor fuel site. A qualifying gasoline dispenser must be capable of dispensing gasoline at all times that it is in operation.

a. Except as provided in paragraph "b", a retail dealer shall comply with a general E-15 access standard by dispensing E-15 gasoline from the following:

(1) One qualified gasoline dispenser, if there is only one qualified gasoline dispenser.

(2) At least fifty percent of all qualified gasoline dispensers, if there is more than one qualified gasoline dispenser.

b. (1) A retail dealer complies with an alternative E-15 access standard if all of the following apply:

(a) On and after January 1, 2023, the retail dealer does not install, replace, or convert a gasoline storage tank.

(b) On and after January 1, 2026, the retail dealer advertises for sale and sells E-15 gasoline from at least one qualifying gasoline dispenser.

(2) A retail dealer who no longer complies with the alternative E-15 access standard as provided in subparagraph (1) shall immediately comply with the general E-15 access standard as provided in paragraph "a".

c. The E-15 access standard does not prohibit a retail dealer owning or operating a retail motor fuel site from advertising for sale and selling motor fuel from any number of nonqualifying motor fuel dispensers. A nonqualifying motor fuel dispenser is limited to any of the following:

(1) A dispenser that exclusively dispenses any of the following:

(a) Aviation fuel.

(b) Diesel fuel.

(c) Kerosene.

(2) A dispenser that is part of a tank vehicle as defined in [section 321.1](#) that is not used to dispense gasoline on the premises of the retail motor fuel site.

(3) A dispenser that is part of a commercial marina.

3. a. A retail dealer is not in violation of [this section](#) during any period of noncompliance with the E-15 access standard caused by an excusable event. An excusable event is limited to any of the following:

(1) The maintenance, repair, or reconditioning of gasoline storage and dispensing infrastructure.

(2) The installation, expansion, replacement, or conversion of gasoline storage and dispensing infrastructure.

b. The department may require that a retail dealer notify the department that an excusable event as described in paragraph "a" is planned to occur, is occurring, or has occurred. The department may inspect the applicable retail motor fuel site to determine whether the noncompliance is caused by an excusable event.

4. a. [This section](#) shall be implemented on January 1, 2023.

b. [This subsection](#) is repealed January 2, 2023.

[2022 Acts, ch 1067, §2](#)

Referred to in [§159A.14](#), [214.12](#), [214A.33](#), [214A.34](#), [214A.35](#), [214A.36](#), [214A.37](#)

NEW section

214A.33 Suspension of E-15 access standard by order issued by governor.

1. The governor may issue or renew an executive order that temporarily suspends the requirement in [section 214A.32](#) that a retail dealer comply with the E-15 access standard at a retail motor fuel site owned or operated by the retail dealer.

2. The E-15 access standard suspension order as described in [subsection 1](#) must be supported by the governor's determination that any of the following apply:

a. There is an inadequate supply of E-15 gasoline.

b. The market price of E-15 gasoline may cause consumers to suffer economic hardship.

c. Existing gasoline storage and dispensing infrastructure is not capable of storing and dispensing E-15 gasoline.

3. The governor may issue or renew an executive order under [this section](#) on a statewide or regional basis.

4. The E-15 access standard suspension order shall take effect on its date of publication in the Iowa administrative bulletin, unless the order specifies a later date. The order shall expire one year from its effective date unless a shorter period is stated in the order. The early expiration of the order may also occur based on circumstances described in the order.

5. a. [This section](#) shall be implemented on January 1, 2023.

b. [This subsection](#) is repealed January 2, 2023.

[2022 Acts, ch 1067, §3](#)

Referred to in [§214A.32](#)

⁽⁰⁾Governor authorized to issue order prior to January 1, 2023; [2022 Acts, ch 1067, §8](#)

⁽⁰⁾NEW section

214A.34 Waiver of E-15 access standard by order issued by secretary of agriculture — E-15 unavailability.

1. The secretary of agriculture may issue an administrative order that temporarily waives the requirement in [section 214A.32](#) that a retail dealer comply with the E-15 access standard at a retail motor fuel site owned or operated by the retail dealer based on E-15 gasoline availability.

2. A retail dealer may apply for an E-15 unavailability waiver order as described in [subsection 1](#) by submitting an application to the department in a manner and according to procedures required by the department.

a. The application must be supported by credible evidence that the retail dealer has not been able to reasonably obtain E-15 gasoline to be advertised for sale and sold at the retail dealer's retail motor fuel site.

b. The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct.

3. The department shall publish a copy of the E-15 unavailability waiver order on the department's internet site within ten days after the order's issuance.

4. The E-15 unavailability waiver order shall take effect on its date of publication on the department's internet site, unless the order specifies a later date. The order shall expire six months from its effective date unless a shorter period is stated in the order. The early expiration of the order may also occur based on circumstances described in the order.

5. a. [This section](#) shall be implemented on January 1, 2023.

b. [This subsection](#) is repealed January 2, 2023.

[2022 Acts, ch 1067, §4](#)

Referred to in [§214A.11](#), [214A.32](#)

Secretary of agriculture authorized to issue order prior to January 1, 2023; [2022 Acts, ch 1067, §8](#)

NEW section

214A.35 Waiver of alternative E-15 access standard by order issued by secretary of agriculture — E-15 incompatible infrastructure.

1. The secretary of agriculture shall issue an administrative order that temporarily waives

the requirement in [section 214A.32](#) that a retail dealer comply with the alternative E-15 access standard at a retail motor fuel site owned or operated by the retail dealer, if the retail motor fuel site qualifies under [this section](#) based on the incompatibility of the motor fuel storage and dispensing infrastructure to store and dispense E-15 gasoline.

2. A retail dealer may apply for an E-15 incompatible infrastructure waiver order as described in [subsection 1](#) by submitting an application to the department in a manner and according to procedures required by the department.

a. The application must be supported by credible evidence that the retail dealer is unable to comply with the alternative E-15 access standard because the gasoline storage and dispensing infrastructure located at the retail motor fuel site is not compatible with the use of E-15 gasoline and that the retail dealer is eligible for a class 1 or class 2 waiver as provided in [this section](#).

b. The application must provide information required to be completed by the retail dealer, which must include an inventory and description of gasoline storage and dispensing infrastructure located at the retail motor fuel site.

c. The department may require a retail dealer to attach any supporting documentation to the application, which may include an inspection report completed by a person certified by the department as a professional retail motor fuel site installer. The certified professional retail motor fuel site installer may be a licensed engineer or other person who the department determines is qualified by education, testing, or experience to oversee a project involving the installation, replacement, or conversion of gasoline storage and dispensing infrastructure, and who is able to provide a reliable estimate of the project's costs.

d. The department shall review and evaluate an application to determine whether it is supported by credible evidence sufficient for the secretary to issue an order granting a waiver under [this section](#). The department shall approve or disapprove a completed application within one hundred twenty days following the date that the application was delivered to the department for filing.

e. The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct. If a certified professional retail motor fuel site installer completes an inspection report to support an application, the installer shall sign a statement that the installer swears and affirms that all information in the inspection report completed by the installer is true and correct.

f. The department may inspect the premises of a retail motor fuel site during normal business hours to administer and enforce the provisions of [this section](#).

g. The department of agriculture and land stewardship may cooperate with the department of natural resources and the state fire marshal in administering and enforcing the provisions of [this section](#).

3. The department shall publish a copy of the E-15 incompatible infrastructure waiver order on the department's internet site within ten days after the order's issuance. The order shall take effect on its date of publication, unless the order specifies a later date.

4. a. The secretary of agriculture shall terminate the E-15 incompatible infrastructure waiver order if a terminable event has occurred. A terminable event occurs on the date that any of the following apply:

(1) The failure of a retail dealer to be licensed as required under [section 214.2](#) to use a commercial weighing and measuring device when dispensing gasoline.

(2) The cessation of the retail dealer's business of advertising for sale or selling gasoline at the retail motor fuel site.

(3) The installation, replacement, or conversion of a motor fuel storage tank located at the retail motor fuel site.

b. The department may require that a retail dealer notify the department that a terminable event as described in paragraph "a" is planned to occur, is occurring, or has occurred.

5. a. The secretary of agriculture shall issue an E-15 incompatible infrastructure class 1 waiver order as provided in [this subsection](#). If the department determines an inspection of the retail motor fuel site is necessary, it may either conduct the inspection or accept an inspection report completed by a certified professional retail motor fuel site installer.

b. The order must be supported by credible evidence that all gasoline storage tanks that are located at the retail motor fuel site fall within any number of the following categories:

(1) Each gasoline storage tank not constructed of fiberglass was installed during or prior to 1985.

(2) Each gasoline storage tank constructed of fiberglass was installed during or prior to the following years:

(a) For a double-wall fiberglass underground gasoline storage tank, 1991.

(b) For a single-wall fiberglass underground gasoline storage tank, 1996.

6. The secretary of agriculture shall issue an E-15 incompatible infrastructure class 2 waiver order as provided in [this subsection](#). The order shall be based on an inspection of the retail motor fuel site. The department shall file and analyze a completed inspection report submitted by a certified professional retail motor fuel site installer.

a. The inspection report must be supported by credible evidence and include all of the following:

(1) A completed checklist of items adopted as part of a form used by the department to confirm that the gasoline storage and dispensing infrastructure located at the retail motor fuel site is not compatible with E-15 gasoline.

(2) The total estimated cost of improving the retail motor fuel site to comply with the alternative E-15 access standard by installing, replacing, or converting the gasoline storage and dispensing infrastructure located at the retail motor fuel site.

b. (1) The department shall determine whether to issue an E-15 incompatible infrastructure class 2 waiver order based on an eligibility assessment which shall calculate all of the following:

(a) The total estimated cost of improvement which equals the sum of all of the following:

(i) The reasonable cost of assessing the retail motor fuel site to determine the estimated cost of improving the retail motor fuel site as described in subparagraph subdivision (ii).

(ii) The estimated cost of improving the retail motor fuel site to comply with the alternative E-15 access standard based on the department's analysis of the inspection report described in paragraph "a". The estimated cost of improving the retail motor fuel site shall only include costs used to calculate the amount of standard financial incentives that could be awarded by the renewable fuel infrastructure board to a retail dealer participating in the renewable fuel infrastructure program for retail motor fuel sites as provided in [section 159A.14](#).

(b) The E-15 infrastructure base amount which equals the maximum cost necessary to be incurred by the retail dealer in order to receive the total amount of standard financial incentives that could be awarded to the retail dealer under tier III of the renewable fuel infrastructure program for retail motor fuel sites as provided in [section 159A.14](#) in order to comply with the alternative E-15 access standard. The department's calculation shall not include any of the following:

(i) The amount of any prior financial incentives awarded to the retail dealer under the renewable fuel infrastructure program for retail motor fuel sites.

(ii) Whether the retail dealer may apply for, is applying for, or may be awarded any future financial incentives under the renewable fuel infrastructure program for retail motor fuel sites.

(2) A retail dealer is only eligible to be issued an E-15 incompatible infrastructure class 2 waiver order if the department determines that the total estimated cost of improvement as described in subparagraph (1), subparagraph division (a), exceeds the E-15 infrastructure base amount as described in subparagraph (1), subparagraph division (b).

7. a. [This section](#) shall be implemented on January 1, 2023.

b. [This subsection](#) is repealed January 2, 2023.

8. [This section](#) is repealed January 1, 2041.

[2022 Acts, ch 1067, §5](#)

Referred to in [§159A.14](#), [214A.11](#), [214A.32](#)

Secretary of agriculture authorized to issue order prior to January 1, 2023; [2022 Acts, ch 1067, §8](#)

NEW section

214A.36 Exemption from E-15 access standard for small retail motor fuel sites — by order issued by secretary of agriculture.

1. *a.* The secretary of agriculture shall issue a small retail motor fuel site exemption administrative order to a retail dealer. The administrative order shall exempt the retail dealer from complying with the E-15 access standard, as otherwise required in [section 214A.32](#), at a small retail motor fuel site owned or operated by the retail dealer.

b. To qualify as a small retail motor fuel site under [this section](#), all of the following must apply:

(1) Prior to January 1, 2023, the retail motor fuel site included gasoline storage and dispensing infrastructure.

(2) The retail motor fuel site's average total gasoline gallonage was limited to three hundred thousand gallons or less for the qualifying phase as provided in [this section](#).

2. *a.* A retail dealer may apply for an administrative order as described in [subsection 1](#) by submitting an application to the department in a manner and according to procedures required by the department.

b. The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct.

3. *a.* Upon request by the department of agriculture and land stewardship, the department of revenue shall certify the average total gasoline gallonage for the retail motor fuel site computed for the qualifying phase beginning on January 1, 2020, and ending on December 31, 2022.

b. The computation described in paragraph "a" shall be based on site-by-site information for the retail motor fuel site in reports required to be filed for determination periods by the retail dealer with the department of revenue pursuant to [chapter 452A, subchapter II](#). However, if the department of revenue cannot obtain site-by-site information for the retail motor fuel site from such reports, the department of revenue may use other methods, including records maintained by the department of revenue under [chapter 422](#), to compute the retail motor fuel site's gallonage for all or any part of that qualifying phase.

c. A retail dealer who submits an application under [this section](#) shall waive the confidentiality of information in the department of revenue's certification identifying the retail dealer or retail motor fuel site otherwise applicable under [chapter 422](#) or [452A](#). The information maintained by the department of agriculture and land stewardship under [this section](#) is a confidential record under [section 22.7](#) and shall be used by the department of agriculture and land stewardship for the limited purposes of evaluating the retail dealer's application for approval and issuing an administrative order described in [subsection 1](#). The certification may be used in a criminal proceeding alleging the retail dealer committed perjury as described in [section 214A.11](#) when completing the application. The application shall include a notice of the waiver. The department of agriculture and land stewardship shall redact such identifying information in any record otherwise requiring disclosure by that department under [chapter 22](#).

d. The department of revenue, in cooperation with the department of agriculture and land stewardship, may adopt rules to administer [this subsection](#).

4. The department shall publish on its internet site for each quarter of a calendar year information aggregated from administrative orders described in [subsection 1](#) that shall be limited to the following:

a. The total number of administrative orders issued.

b. The total number of administrative orders in effect.

5. *a.* The secretary of agriculture shall terminate the administrative order described in [subsection 1](#) if a terminable event has occurred. A terminable event occurs on the date that any of the following apply:

(1) The failure of a retail dealer to be licensed as required under [section 214.2](#) to use a commercial weighing and measuring device when dispensing gasoline at the retail motor fuel site.

(2) The cessation of the retail dealer's business of advertising for sale or selling gasoline at the retail motor fuel site.

(3) The installation, replacement, or conversion of a gasoline storage tank located at the retail motor fuel site.

b. The department may require that a retail dealer notify the department that a terminable event as described in paragraph “a” is planned to occur, is occurring, or has occurred.

6. a. [This section](#) shall be implemented on January 1, 2023.

b. [This subsection](#) is repealed January 2, 2023.

[2022 Acts, ch 1067, §6](#)

Referred to in [§214A.11](#), [214A.32](#), [452A.33](#)

Secretary of agriculture authorized to issue order prior to January 1, 2023; [2022 Acts, ch 1067, §8](#)

NEW section

214A.37 Disciplinary action.

1. The department may refuse to issue or renew and may suspend or revoke a license issued to a retail dealer pursuant to [section 214.2](#) for not complying with the E-15 access standard as provided in [section 214A.32](#), including rules adopted by the department pursuant to [section 214A.1A](#) to administer or enforce that section.

2. a. [This section](#) shall be implemented on January 1, 2023.

b. [This subsection](#) is repealed January 2, 2023.

[2022 Acts, ch 1067, §7](#)

NEW section