

79-34,172. Incentive for retail dealer selling or dispensing renewable fuels; eligibility and requirements; incentive calculation.

(a) A retail dealer of motor fuel shall be paid an incentive for the selling or dispensing of renewable fuels through a motor fuel pump as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

- (1) The retail dealer sells and dispenses renewable fuels through a motor fuel pump in the quarter in which the incentive is claimed.
- (2) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) In order to receive the incentive, the retail dealer must calculate all of the following:

(1) The retail dealer's renewable fuels distribution percentage which is the sum of the retail dealer's total renewable fuels blended into gasoline expressed as a percentage of the retail dealer's total gasoline gallonage, in the retail dealer's applicable determination period.

(2) The retail dealer's renewable fuels threshold percentage is as follows:

- (A) Ten percent for any quarter of the determination period beginning on January 1, 2009, and ending December 31, 2009;
- (B) eleven percent for any quarter of the determination period beginning on January 1, 2010, and ending December 31, 2010;
- (C) twelve percent for any quarter of the determination period beginning on January 1, 2011, and ending December 31, 2011;
- (D) thirteen percent for any quarter of the determination period beginning on January 1, 2012, and ending December 31, 2012;
- (E) fourteen percent for any quarter of the determination period beginning on January 1, 2013, and ending December 31, 2013;
- (F) fifteen percent for any quarter of the determination period beginning on January 1, 2014, and ending December 31, 2014;
- (G) sixteen percent for any quarter of the determination period beginning on January 1, 2015, and ending December 31, 2015;
- (H) seventeen percent for any quarter of the determination period beginning on January 1, 2016, and ending December 31, 2016;
- (I) eighteen percent for any quarter of the determination period beginning on January 1, 2017, and ending December 31, 2017;
- (J) nineteen percent for any quarter of the determination period beginning on January 1, 2018, and ending December 31, 2018;
- (K) twenty percent for any quarter of the determination period beginning on January 1, 2019, and ending December 31, 2019;
- (L) twenty-one percent for any quarter of the determination period beginning on January 1, 2020, and ending December 31, 2020;
- (M) twenty-two percent for any quarter of the determination period beginning on January 1, 2021, and ending December 31, 2021;
- (N) twenty-three percent for any quarter of the determination period beginning on January 1, 2022, and ending December 31, 2022;
- (O) twenty-four percent for any quarter of the determination period beginning on January 1, 2023, and ending December 31, 2023;
- (P) twenty-five percent for any quarter of the determination period beginning on January 1, 2024, and ending December 31, 2024;

and

(Q) twenty-five percent for any quarter of the determination period beginning on and after January 1, 2025.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses renewable fuel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses renewable fuels.

(e) The retail dealer's incentive is calculated by multiplying the retail dealer's total renewable fuel gallonage by an incentive rate, which may be adjusted based on the retail dealer's renewable fuels threshold percentage disparity. The incentive rate is as follows:

(1) For any quarter in which the retail dealer has attained a renewable fuels threshold percentage for the determination period, the incentive rate is 6½ cents.

(2) For any quarter in which the retail dealer has not attained a renewable fuels threshold percentage for the determination period, the incentive rate shall be adjusted based on the retail dealer's renewable fuels threshold percentage disparity. The amount of the adjusted incentive rate is as follows:

(A) If the retail dealer's renewable fuels threshold percentage disparity equals 2% or less, the incentive rate is 4½ cents.

(B) A retail dealer is not eligible for an incentive if the retail dealer's renewable fuels threshold percentage disparity equals more than 2%.

History: L. 2007, ch. 180, § 9; July 1.