

FIRST REGULAR SESSION

HOUSE BILL NO. 990

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FALLERT.

2139L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 414.012, 414.032, 414.042, 414.052, 414.112, and 414.122, RSMo, and to enact in lieu thereof six new sections relating to fuel regulation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 414.012, 414.032, 414.042, 414.052, 414.112, and 414.122, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 414.012, 414.032, 414.042, 414.052, 414.112, and 414.122, to read as follows:

414.012. As used in this chapter, the following words mean:

(1) "[American Society for Testing and Materials (ASTM)] **ASTM International**" or "**ASTM**", a scientific and technical organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge;

(2) "**Automotive lubricants**", any material interposed between two surfaces that reduces the friction or wear between them;

(3) "Aviation turbine fuel (jet fuel)", a refined oil intended for use as a source of energy for jet aircraft, the classification of which shall be defined by the [American Society for Testing and Materials (ASTM)] **ASTM**;

[(3)] (4) "Barrel", for the purposes of sections 414.012 to 414.152, fifty gallons shall constitute a barrel;

[(4)] (5) "Closed container", a container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 [(5)] (6) "Combustible liquid", those liquids as defined by the most current issue of
16 Booklet 30 of the National Fire Protection Association entitled Flammable and Combustible
17 Liquid Code;

18 [(6)] (7) "Container", any vessel of sixty United States gallons or less capacity used for
19 transporting or storing flammable or combustible liquids;

20 [(7)] (8) "Department", the Missouri state department of agriculture;

21 [(8)] (9) "Diesel fuel", refined oils commonly used in internal combustion engines where
22 ignited by pressure and not by electric spark, the classification of which shall be defined by the
23 [American Society for Testing and Materials (ASTM)] **ASTM**;

24 [(9)] (10) "Director", the director of agriculture of the Missouri state department of
25 agriculture or his delegated representative;

26 [(10)] (11) "Flammable liquids", those liquids as defined by the most current issue of
27 Booklet 30 of the National Fire Protection Association entitled Flammable and Combustible
28 Liquid Code;

29 [(11)] (12) "Gasoline", a volatile mixture of liquid hydrocarbons generally containing
30 small amounts of additives suitable for use as a fuel in spark-ignition internal combustion
31 engines;

32 [(12)] (13) "Gasoline-alcohol blend", a blend consisting primarily of gasoline and a
33 substantial amount of one or more alcohols;

34 [(13)] (14) "Heating oil (fuel oil)", a refined oil intended for use as a furnace oil, range
35 oil or fuel oil for heating or cooking purposes;

36 [(14)] (15) "Kerosene", a refined oil intended for heating or illuminating use, the
37 classification of which shall be defined by the [American Society for Testing and Materials
38 (ASTM)] **ASTM**;

39 [(15)] (16) "Motor fuel", any liquid product used for the generation of power in an
40 internal combustion engine;

41 [(16)] (17) "Person", both plural and singular, as the case demands, and includes
42 individuals, partnerships, corporations, companies, firms, societies, and associations.

414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline,
2 gasoline-alcohol blends [and] , other motor fuels, **and automotive lubricants** shall meet the
3 requirements in the annual book of ASTM standards and supplements thereto. **When no ASTM**
4 **standard exists, the department may adopt other generally recognized national consensus**
5 **standards by rule.** The director may promulgate rules and regulations on the **posting of prices,**
6 labeling, standards for, and identity of [motor fuels and heating oils] **fuels, and automotive**
7 **lubricants.**

8 2. The director may inspect gasoline, gasoline-alcohol blends [or] , other motor fuels,
9 **and automotive lubricants** to insure that these fuels **and lubricants** conform to advertised
10 grade [and] , octane, **ASTM standard, or other standard established by rule.** In no event
11 shall the penalty for a first violation of this section exceed a written reprimand.

414.042. 1. When offered for sale or when used in this state, kerosene, diesel fuel,
2 heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends, and other motor fuels shall
3 be tested and meet the requirements as provided in this chapter. Every dealer, distributor,
4 producer or compounder of such oil or fuel shall immediately upon request make available to the
5 director a sample of gasoline, gasoline-alcohol blends, diesel fuel, heating oil, kerosene, aviation
6 turbine fuel, [and] other motor fuels, **and automotive lubricants** at his **or her** own expense.
7 The director shall inspect and test all requested samples for compliance with the provisions of
8 this chapter.

9 2. The director shall not be required to make a complete analysis of all samples tested
10 pursuant to subsection 1 of this section.

11 3. If it is demonstrated that some impurity or imperfection exists in the sampled product
12 to render it unfit for its intended purposes, the director may reject the product for such purposes
13 by issuing a stop-sale order.

414.052. 1. All premises including bulk storage installations, terminals, dispensing or
2 distributing facilities, equipment, appliances or devices utilized for the sale of products regulated
3 by sections 414.012 to 414.152 shall be kept in such condition as to be safe from fire and
4 explosion and not likely to cause injury to adjoining property or to the public.

5 2. The director shall have access during normal business hours to all places where motor
6 fuels **and automotive lubricants** are marketed for the purposes of examination, inspection,
7 taking of samples and investigation. If such access shall be refused by the owner or agent or
8 other persons leasing the same, the director or his agent may obtain an administrative search
9 warrant from a court of competent jurisdiction.

10 3. At least every six months, the director shall inspect and examine all premises in this
11 state at or on which gasoline, gasoline-alcohol blends, diesel fuel, heating oil, kerosene and
12 aviation turbine fuel is kept and sold at retail, provided that sales at such premises shall aggregate
13 on an average two hundred gallons or more per month, except marine installations, which shall
14 be tested and inspected at least once per year.

15 4. Failure by any owner or operator of any fuel storage or dispensing system used for the
16 sale of petroleum products to remedy any deficit or condition which is or may constitute a fire
17 or safety hazard to adjoining property or to the public may be reason for the director to issue a
18 stop use order on that portion of the fuel storage or dispensing system which constitutes the fire
19 or safety hazard. The order shall remain in effect until such time as the deficit or condition is

20 corrected. An inspection shall be performed by the director or his authorized representative
21 within one working day of notification that the deficit or condition has been corrected.

22 5. Any owner or operator of any fuel storage or dispensing system used for the sale of
23 petroleum products aggrieved by a stop use order, may within seventy-two hours after issuance
24 of such order, appeal to the director for an informal hearing to explain the facts. The hearing
25 shall be held within two working days of the receipt of the appeal, with a determination of such
26 findings by the director within twenty-four hours of the hearing. Any owner or operator
27 aggrieved by a determination of the director may appeal to the circuit court of the county in
28 which the owner or operator resides.

414.112. 1. No person shall store, sell, expose for sale, or offer for sale, gasoline, diesel
2 fuel, heating oil, kerosene, aviation turbine fuel, gasoline-alcohol blends [or] , other motor fuels,
3 **or automotive lubricants**, so as to deceive or tend to deceive the purchaser as to the nature,
4 quality, and identity of the product so sold or offered for sale, or under any name whatsoever
5 except the true trade name thereof.

6 2. No person shall store, sell, expose for sale, or offer for sale, any reclaimed motor or
7 lubricating oils; except that all drums, cans, or other containers, holding such reclaimed motor
8 or lubricating oils before being offered for sale, shall have imprinted thereon, in contrasting color
9 with the other surface of the container, in letters not less than one-half inch in height, wording
10 specifying "reclaimed" motor or lubricating oil.

11 3. No person shall hinder or obstruct the director, or his delegated representative, in the
12 reasonable performance of his duties.

414.122. Every person engaged in business in this state as a common carrier or marketer
2 of fuels or petroleum products shall exhibit upon demand by the director of agriculture or the
3 director of revenue, books, papers, and records showing any shipment in, into or out of this state
4 of gasoline, diesel fuel, heating oil, kerosene [or] , aviation turbine fuel, **or automotive**
5 **lubricants** and also any books, papers, and records showing the origin or destination of such
6 shipments, including the names and addresses of the consignors and consignees of such
7 shipments.