

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 919 Session of
1995

INTRODUCED BY LEH, SURRA, FARGO, MICHLOVIC, GEIST, ITKIN,
S. H. SMITH, WOZNIAK, DEMPSEY, LEDERER, ZUG, TRELLO, RUDY,
MELIO, RAYMOND, ROHRER, B. SMITH, NYCE, RUBLEY, HERSHEY,
KING, SEMMEL AND YOUNGBLOOD, FEBRUARY 28, 1995

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
FEBRUARY 28, 1995

AN ACT

1 Amending the act of July 1, 1987 (P.L.187, No.24), entitled "An
2 act requiring retail gasoline dealers to post gasoline
3 additive information; and imposing penalties," requiring the
4 Department of Agriculture to establish standards relating to
5 octane levels and additives, to develop a testing program and
6 to enforce the standards established.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1 of the act of July 1, 1987 (P.L.187,
10 No.24), entitled "An act requiring retail gasoline dealers to
11 post gasoline additive information; and imposing penalties," is
12 amended by adding definitions to read:

13 Section 1. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 * * *

18 "Department." The Department of Agriculture of the

1 Commonwealth.

2 * * *

3 "Octane rating." The rating of the antiknock characteristics
4 of a grade or type of gasoline.

5 * * *

6 Section 2. Sections 2 and 3 of the act are amended to read:

7 Section 2. Posting of gasoline additive information.

8 (a) Requirement.--All retail service station dealers shall
9 conspicuously post on each pump from which gasoline [containing
10 gasoline additives] is dispensed a sign clearly indicating
11 [that] the octane rating and whether the gasoline contains
12 gasoline additives, the type or types of gasoline additives
13 contained in the gasoline and the maximum percentage by volume,
14 to the nearest whole percent, of each gasoline additive.

15 (b) Size of sign.--The information required by subsection
16 (a) shall be conveyed in bold block lettering at least one-
17 quarter inch in size.

18 (c) Visibility.--If a pump is used to dispense gasoline on
19 more than one driveway, the sign or signs required by subsection
20 (a) shall be placed on both sides of the pump so that a sign
21 shall be clearly visible from each driveway.

22 Section 3. Notification [by manufacturers] of octane and
23 gasoline additive information.

24 (a) General rule.--[Manufacturers of gasoline which contains
25 gasoline additives shall notify gasoline purchasers, in writing,
26 as to the presence of the additives. This requirement shall
27 continue for each seller until the product is resold to the
28 public.

29 (b) Pump signs.--] A refiner, distributor or reseller shall
30 not transfer, sell or dispense gasoline for sale in this

Commonwealth without delivering to the purchaser a bill, invoice or other instrument evidencing the transaction which shall indicate:

(1) the presence of methanol and co-solvent, each as a percentage of the total volume, if the quantity of methanol exceeds 0.3%;

(2) the presence of ethanol, as a percentage of the total volume, if such quantity exceeds 1% of the total volume;

(3) the presence of lead additive, expressed in terms of a part per gallon, if the quantity of lead additive is in excess of the threshold adopted by the Secretary of Agriculture; and

(4) the minimum octane rating.

(b) Form.--For the purposes of this section, the instrument evidencing the transaction shall be on such form as may be required by the department. The department shall consult with the Department of Revenue and to the extent practicable, the form used for certification of prepayment of the sales tax and payment of motor fuel tax shall be modified and adapted for this purpose, such that said form shall indicate the brand, type and quality of each product delivered.

[(1) The manufacturers]

(c) Pump signs.--The manufacturer, refiner, distributor or reseller also shall provide anyone who purchases the gasoline for resale to the public or to retail service station dealers with an adequate number of pump signs [meeting] to meet the posting requirements of this act and which meet the following criteria:

[(i)] (1) The pump sign shall indicate [that] the octane

1 rating and whether the gasoline dispensed from that pump
2 contains gasoline additives and shall set forth the maximum
3 percentage by volume, to the nearest whole percent, of each
4 gasoline additive.

5 [(ii)] (2) This information shall be set forth in block
6 lettering which is at least one-quarter inch in size.

7 [(2) When providing pump signs to purchasers of its
8 gasoline who intend to resell the gasoline to the public or
9 to retail service station dealers, the manufacturer shall
10 provide an adequate number of the signs for the purchaser or
11 retail service stations to whom the purchaser sells, to meet
12 the requirements of this act.]

13 (d) Representatives.--No person who distributes gasoline may
14 make any representation respecting the antiknock characteristics
15 of such gasoline unless such representation fairly discloses the
16 octane rating of such gasoline consistent with such gasoline's
17 octane rating as certified to, or determined by, such person
18 under this section.

19 (e) Requirements.--For purposes of this section, the octane
20 rating of any gasoline shall be considered to be certified,
21 displayed or represented:

22 (1) in the case of gasoline which consists of a blend of
23 two or more quantities of gasoline of differing octane
24 ratings, only if the rating certified, displayed or
25 represented by such person is the average octane ratings of
26 such quantities, weighted by volume; or

27 (2) in the case of gasoline which does not consist of
28 such a blend, only if the octane rating such person
29 certifies, displays or represents is the same as the octane
30 rating of such gasoline certified to, or determined by, such

1 person.

2 Section 3. The act is amended by adding sections to read:

3 Section 3.1. Powers and duties of the department.

4 The department shall have the power and its duty shall be:

5 (1) To adopt rules and regulations setting forth
6 standards relating to petroleum product quality, including
7 octane levels and additives, specifications, sampling and
8 testing, consistent with standards established by the
9 American Society for Testing and Materials (ASTM) and
10 published in the ASTM annual book.

11 (2) To conduct random testing, inspection and sampling
12 of petroleum products kept, offered for sale or dispensed, or
13 in the process of delivery or transport and inspect all
14 documents and records necessary to enforce this act.

15 (3) Upon the complaint of any distributor or retailer,
16 to test or cause to be tested, gasoline on the premises of
17 the person, firm or corporation named in the complaint.

18 (4) To enter into agreements as deemed appropriate to
19 enforce standards established under this act.

20 (5) To assess an administrative fee on complaints filed
21 under this section in an amount not to exceed the actual cost
22 incurred by the department.

23 Section 3.2. Prohibitions.

24 (a) Incorrect octane number.--No person shall sell,
25 transfer, offer for sale or dispense any grade of gasoline
26 represented as having a particular octane number unless the
27 gasoline in fact has the octane number represented.

28 (b) Failure to meet standards.--No person shall sell, offer
29 for sale or dispense gasoline in this Commonwealth which does
30 not meet or exceed applicable standards established under this

1 act.

2 Section 4. Section 5 of the act is amended to read:

3 Section 5. Penalties.

4 Any manufacturer, refiner, distributor, retail service
5 station dealer or other person who fails to comply with the
6 provisions of this act [after being notified by the manufacturer
7 under section 3, and a manufacturer who fails to comply with the
8 provisions of this act,] commits a summary offense and shall,
9 upon conviction, for the first offense, be sentenced to pay a
10 fine not exceeding \$100 and, for a second and each subsequent
11 offense, be sentenced to pay a fine not exceeding \$200.

12 Section 5. This act shall take effect in 30 days.