

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 447 Session of  
1991

INTRODUCED BY LEH, BROUJOS, WOGAN, PETRARCA, ITKIN, TRELLO,  
LAUGHLIN AND BARLEY, MARCH 11, 1991

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 11, 1991

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  
19 Commonwealth.



1 instrument evidencing the transaction which shall indicate:

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

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

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

11 (4) the minimum octane rating.

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

20 [(1) The manufacturers]

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

27 [(i)] (1) The pump sign shall indicate [that] the octane  
28 rating and whether the gasoline dispensed from that pump  
29 contains gasoline additives and shall set forth the maximum  
30 percentage by volume, to the nearest whole percent, of each

1 gasoline additive.

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

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

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

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

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

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

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

30 Section 3.1. Powers and duties of the department.

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

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

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

12            (3) Upon the complaint of any distributor or retailer,  
13    to test or cause to be tested, gasoline on the premises of  
14    the person, firm or corporation named in the act.

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

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

20    Section 3.2. Prohibitions.

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

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

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

30    Section 5. Penalties.

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

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