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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 694 Session of  
2013

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INTRODUCED BY MARKOSEK, LONGIETTI, HAGGERTY, HESS, O'BRIEN,  
READSHAW, BROWNLEE, MCCARTER, KORTZ, CARROLL, D. COSTA,  
CALTAGIRONE, ROSS, KINSEY, SAINATO, COHEN AND MATZIE,  
FEBRUARY 13, 2013

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
FEBRUARY 13, 2013

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AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated  
2 Statutes, further providing for Automotive Fuel Testing and  
3 Disclosure Program.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 4187.3 of Title 3 of the Pennsylvania  
7 Consolidated Statutes, added November 1, 2012 (P.L. , No.208),  
8 is amended to read:

9 § 4187.3. Automotive Fuel Testing and Disclosure Program.

10 (a) Authorization.--The department [may] shall establish and  
11 implement the Automotive Fuel Testing and Disclosure Program to  
12 provide for the testing of automotive fuel on a random,  
13 unannounced basis.

14 (b) Duties of department.--The department [may] shall  
15 enforce the provisions of this subchapter and shall have the  
16 following authority:

17 (1) Take samples of automotive fuel for testing of its

1 octane rating wherever it is offered or exposed for sale or  
2 use or sold by a retailer in this Commonwealth. When testing  
3 occurs, it shall be coordinated with the testing required for  
4 proper volumes of gasoline.

5 (2) Inspect and test on a random, unannounced basis and  
6 upon consumer complaint. If the octane rating of a tested  
7 automotive fuel does not match the octane rating as displayed  
8 on the fueling dispenser, the automotive fuel sample shall be  
9 tested in accordance with the methods of the ASTM or other  
10 test methods adopted by the FTC under the Petroleum Marketing  
11 Practices Act (Public Law 95-297, 15 U.S.C. § 2801 et seq.)  
12 to ensure that the motor fuel sample is in compliance with  
13 the motor fuel specifications of the ASTM.

14 (3) Maintain records of all inspections.

15 (4) Inspect the labeling of automotive fuel dispensers  
16 and storage tanks at retail businesses or locations where the  
17 products are sold or offered or exposed for sale or use.

18 (5) Enter into contractual agreements with qualified  
19 laboratories as a cost-saving measure for the purpose of  
20 analyzing automotive fuel samples, if the octane level of the  
21 automotive fuel is questioned.

22 (6) Promulgate regulations as necessary for the  
23 enforcement and administration of this subchapter. All  
24 regulations adopted by the FTC under the Petroleum Marketing  
25 Practices Act to govern the certification, disclosure,  
26 posting and labeling of automotive fuel before, on or after  
27 the effective date of this section are adopted as regulations  
28 in this Commonwealth and shall remain in effect unless  
29 subsequently modified by regulations promulgated by the  
30 department.

1 (c) Sealers of weight and measures.--

2 (1) The department may enter into agreements with any  
3 city or county for which a sealer has been appointed for the  
4 enforcement of provisions of this subchapter and of rules or  
5 regulations promulgated under this subchapter.

6 (2) The sealer of a city or county shall have the same  
7 authority and shall perform the same duties within the city  
8 or county as are granted to and imposed upon the department  
9 with respect to the inspection, testing and taking of  
10 automotive fuel samples.

11 (3) The agreement shall provide that any revenues  
12 generated pursuant to enforcement activities carried out by  
13 the sealer of the city or county shall be retained by the  
14 city or county.

15 Section 2. This act shall take effect in 60 days.