

By: Representative Moody

To: Agriculture

HOUSE BILL NO. 1186

1 AN ACT TO AMEND SECTION 75-55-5, MISSISSIPPI CODE OF 1972, TO
 2 SPECIFY THE MAXIMUM SULFUR CONTENT REQUIREMENT FOR ON-ROAD DIESEL
 3 FUEL AND OFF-ROAD DIESEL FUEL; TO SET FORTH DEFINITIONS OF CERTAIN
 4 FUELS THAT ARE DERIVED FROM AGRICULTURAL PRODUCTS; TO AMEND
 5 SECTION 75-55-7, MISSISSIPPI CODE OF 1972, TO EXEMPT FUELS DERIVED
 6 FROM AGRICULTURAL PRODUCTS FROM CERTAIN REQUIREMENTS; TO BRING
 7 FORWARD SECTIONS 75-55-9, 75-55-15, 75-55-22 AND 75-55-27,
 8 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR
 9 RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 75-55-5, Mississippi Code of 1972, is
 12 amended as follows:

13 75-55-5. The words, terms and phrases as used in this
 14 chapter shall have the following meanings, unless the context
 15 requires otherwise:

16 (a) The term "commissioner" means the Commissioner of
 17 the Mississippi Department of Agriculture and Commerce, or his
 18 agents and employees.

19 (b) The term "State Chemist" means the Director of the
 20 Mississippi State Chemical Laboratory, or his agents and
 21 employees.

22 (c) The term "person" shall include any individual,
 23 firm, copartnership, joint venture, association, corporation,
 24 estate, trust or any other group or combination acting as a unit,
 25 and the plural as well as the singular number, unless the
 26 intention to give a more limited meaning is disclosed by the
 27 context.

28 (d) The term "illuminating oil" shall include coal oil,
 29 kerosene or other petroleum products used for illuminating
 30 purposes.



31 (e) The term "lubricating oil" means all petroleum
32 based oils or synthetic lubricants intended for use in the
33 crankcase of an internal combustion engine, either spark ignition
34 or diesel type. The purpose of the lubricating oil is to reduce
35 friction between two (2) solid surfaces moving relative to one
36 another.

37 (f) The term "gasoline pump" shall include pumps,
38 meters and all measuring devices used for measuring gasoline and
39 all oxygenated blended fuels; the term "diesel fuel pump" shall
40 include pumps, meters and all measuring devices used for measuring
41 diesel fuel; the term "kerosene pump" shall include pumps, meters
42 and all measuring devices used for measuring kerosene; the term
43 "liquefied compressed gas pump" shall include pumps, meters and
44 all measuring devices used for measuring liquefied compressed gas.

45 (g) The term "gasoline" shall include (1) all products
46 commonly or commercially known or sold as gasoline (excluding
47 casinghead and absorption or natural gasoline) regardless of their
48 classification or uses; and (2) a volatile mixture of liquid
49 hydrocarbons, generally containing small amounts of additives,
50 suitable for use as a fuel in spark ignition, internal combustion
51 engines.

52 (h) The term "commercial gasoline" shall mean a liquid
53 suitable for use as a fuel in spark ignition combustion engines,
54 and shall be free of undissolved water, suspended matter and of
55 any harmful ingredient or component and which, in addition, meets
56 the following test requirements as set out in ASTM D4814, and it
57 shall be the intent of this chapter that the state specifications
58 may be kept current with ASTM D4814 as illustrated below:

59 (i) Corrosion ASTM D130. A clean copper strip
60 shall not show more than extremely slight discoloration equivalent
61 to ASTM Strip No. 1, when submerged in the gasoline for three (3)
62 hours at one hundred twenty-two (122) degrees Fahrenheit, as
63 determined by ASTM D130.



64 (ii) Distillation range. For each month the
65 distillation range shall be that specified by the vapor pressure
66 class requirement for that month. Distillation temperature limits
67 shall be consistent with the corresponding vapor pressure class
68 during the months affected by federal or state regulation which
69 restrict vapor pressure. If the vapor pressure limit is between
70 two (2) classes, the distillation temperature limits of the least
71 restrictive class shall be acceptable. The method of test shall
72 be ASTM D86.

73 (iii) Residue. The residue, after evaporation,
74 shall not exceed two percent (2%), as determined by ASTM D86.

75 (iv) Gum test. The gum shall not exceed five (5)
76 milligrams per one hundred (100) milliliters, after the extraction
77 of the residue with a-heptane, as determined by ASTM D381.

78 (v) Sulphur. The sulphur content shall not exceed
79 ten one-hundredths percent (0.10%) for unleaded gasoline or
80 fifteen one-hundredths percent (0.15%) for leaded gasoline, as
81 determined by ASTM D2622 or D4045.

82 (vi) Vapor pressure. The vapor pressure during
83 the months of July and August shall not exceed ten (10) pounds per
84 square inch at one hundred (100) degrees Fahrenheit, and during
85 the months of November, December, January, February and March
86 shall not exceed thirteen and one-half (13-1/2) pounds per square
87 inch at one hundred (100) degrees Fahrenheit.

88 The vapor pressure during the remaining months of the year
89 shall not exceed eleven and five-tenths (11.5) pounds per square
90 inch at one hundred (100) degrees Fahrenheit. The method of
91 determination shall be ASTM D4953. Federal or state regulation
92 restricting vapor pressure to lower levels shall preempt these
93 standards during the applicable months.

94 (vii) Vapor liquid equilibrium. A maximum value
95 of twenty (20) for the vapor liquid equilibrium test during the
96 months July and August shall be obtained at a temperature of one



97 hundred thirty-three (133) degrees Fahrenheit; for the months of
98 November, December, January, February and March it shall be
99 obtained at a temperature of one hundred sixteen (116) degrees
100 Fahrenheit; for the other months of the year it shall be obtained
101 at one hundred twenty-four (124) degrees Fahrenheit. The method
102 of determination shall be ASTM D2533 or ASTM D4814, appendix X2.

103 (viii) Lead specifications. The unleaded gasoline
104 shall contain less than five hundredths (0.05) gram of lead per
105 gallon, and the leaded gasoline shall contain a minimum of five
106 hundredths (0.05) gram of lead and less than four and two-tenths
107 (4.2) grams of lead per gallon. The method of analysis should be
108 ASTM D3237, (Atomic Absorption Spectrometry), ASTM D2599 (X-ray
109 Spectrometry) or ASTM D2547 (Volumetric Chromate).

110 (ix) Classification.

111 1. "Leaded premium grade gasoline" shall have
112 an $(R + M)/2$ octane antiknock index of at least ninety-three (93).
113 The research octane number shall be at least ninety-six (96).

114 2. "Unleaded premium grade gasoline" shall
115 have an $(R + M)/2$ octane antiknock index of at least ninety-one
116 (91). The research octane number shall be at least ninety-four
117 (94).

118 3. "Mid-grade unleaded gasoline" shall have
119 an $(R + M)/2$ octane antiknock index of at least eighty-nine (89).
120 The research octane number shall be at least ninety-two (92).

121 4. "Leaded regular grade gasoline" shall have
122 an $(R + M)/2$ octane antiknock index of at least eighty-nine (89).
123 The research octane number shall be at least ninety (90).

124 5. "Unleaded regular grade gasoline" shall
125 have an $(R + M)/2$ octane antiknock index of at least eighty-seven
126 (87). The research octane number shall be at least ninety (90),
127 and the motor octane number shall be at least eighty-two (82).

128 6. "Third grade gasoline" shall have an $(R +$
129 $M)/2$ octane antiknock of not more than eighty-seven (87).



130 The methods of octane determination shall be ASTM D2699 for
131 the research octane number (R) and ASTM D2700 for the motor octane
132 number (M), or ASTM D2885 for both the research octane number and
133 the motor octane number. The (R + M)/2 octane antiknock index
134 shall be the average of the research and motor octane numbers. All
135 retail pumps or delivery devices shall be labeled with the
136 appropriate (R + M)/2 octane antiknock index in accordance with
137 the Federal Trade Commission Octane Posting and Certification
138 Regulation 306. No commercial gasoline shall be colored mahogany.

139 (i) The term "oxygenated fuel" means a liquid fuel
140 which is a homogeneous blend of hydrocarbons and oxygenates. The
141 term "oxygenate" means an oxygen containing, ashless organic
142 compound which may be used as a fuel supplement or additive and
143 includes alcohols and ethers. "Gasoline-oxygenate blend" means a
144 blend consisting primarily of gasoline and a substantial amount of
145 one or more oxygenates. This definition includes, but is not
146 limited to, the following designations:

147 (i) "Gasohol" meaning any motor fuel containing a
148 nominal ten (10) volume percent anhydrous denatured alcohol and
149 ninety (90) volume percent unleaded gasoline, regardless of other
150 name, label or designation.

151 (ii) "Leaded gasohol" meaning any motor fuel
152 containing a nominal ten (10) volume percent anhydrous, denatured
153 ethanol and ninety (90) volume percent leaded gasoline, regardless
154 of other name, label or designation.

155 (iii) Any gasoline - oxygenate blend which meets
156 the United States Environmental Protection Agency's "substantially
157 similar" rule, Section 211(f)(1) of the Clean Air Act, 42 USCS
158 7545(f)(1).

159 (iv) Any gasoline - oxygenate blend for which
160 there is an existing Clean Air Act waiver issued by the United
161 States Environmental Protection Agency.



162 (j) "Alcohol blended fuel" means gasohol or leaded
163 gasohol.

164 (k) "Anhydrous, denatured ethyl alcohol (ethanol)"
165 means normal two hundred (200) proof ethanol to which has been
166 added a maximum of five (5) volumes of approved denaturant(s) to
167 one hundred (100) volumes of ethanol and containing not more than
168 one and twenty-five hundredths percent (1.25%) water by weight as
169 determined by ASTM E203.

170 (l) "Approved denaturant(s)" means materials used for
171 denaturing ethyl alcohol for use as a motor fuel which have been
172 approved by the United States Department of the Treasury, Bureau
173 of Alcohol, Tobacco and Firearms, and both the State Chemist and
174 the Commissioner of Agriculture and Commerce. Gasoline -
175 oxygenate blends shall meet the state requirements for gasoline
176 with the following modifications:

177 (i) An increase in vapor pressure not exceeding
178 one (1) pound per square inch may be allowed for gasohol and
179 leaded gasohol January through December of each year. The method
180 of determination shall be ASTM D4953.

181 (ii) Federal regulation affecting vapor pressure
182 shall preempt these standards during the applicable months.

183 (iii) The minimum distillation temperature at
184 fifty percent (50%) evaporated shall be one hundred fifty-eight
185 (158) degrees Fahrenheit as determined by ASTM D86.

186 (iv) Gas - liquid chromatographic procedures shall
187 be considered as official for the determination of oxygenate
188 content as described in ASTM D4814.

189 1. Gasohol and leaded gasohol shall contain
190 ten plus/minus five-tenths (10+/- .5) volume percent anhydrous
191 denatured ethanol.

192 2. Gasoline - oxygenate blends not otherwise
193 defined in this chapter may contain the maximum percentage and



194 type of oxygenates as allowed by the "substantially similar" rule
195 under the Clean Air Act.

196 (v) Water tolerance shall be such that no phase
197 separation occurs when the product is subjected to a temperature
198 equal to the lowest expected ambient temperature based on seasonal
199 volatility classifications as specified in the current ASTM D4814.

200 (m) The term "oil" as used in this chapter shall
201 include diesel fuel, kerosene, fuel oil, distillate, gas oil,
202 tractor fuel or any other product other than gasoline, as defined
203 in this chapter, which is usable as fuel in an internal combustion
204 engine, and any product which, on distillation in accordance with
205 the method of test of the American Society for Testing and
206 Materials shows not more than ten percent (10%) recovered when the
207 thermometer shows two hundred sixty-one (261) degrees Fahrenheit;
208 and not more than ninety-five percent (95%) recovered when the
209 thermometer shows four hundred sixty-five (465) degrees Fahrenheit
210 or more; provided that nothing in this paragraph shall be
211 construed to include oils received or sold as lubricants when such
212 oils cannot be used as a fuel in internal combustion engines.

213 (n) "Diesel fuel" is any petroleum product intended for
214 use or offered for sale as a fuel for engines in which the fuel is
215 injected into the combustion chamber and ignited by pressure
216 without the presence of an electric spark.

217 Specifications: The fuel oils herein specified shall be
218 hydrocarbon oils free from acids, grit and fibrous or other
219 foreign material. Three (3) grades of such oils are specified and
220 these shall conform to the detailed requirements in the current
221 American Society for Testing and Materials Specifications for
222 Diesel Fuel Oils (ASTM D975), except for the sulphur content of
223 Grade 2-D. All tests shall be in accordance with the applicable
224 American Society for Testing and Materials method as set forth in
225 the current ASTM Designation D975. Diesel fuel requirements are
226 listed below:



	Grade 1-D	Grade 2-D	Grade 4-D
227			
228	Flash point, degrees		
229	F. D93	Min. 100	Min. 125
230	Water & sediment, %		
231	by volume, D1796	Max. 0.05	Max. 0.05
232	Carbon residue on 10%		
233	residium, % D524	Max. 0.15	Max. 0.35
234	Ash, % by weight, D482		
235	Distillation, 90% point,		
236	degrees F., D86	_____	Min. 540
237		Max. 550	Max. 640
238	Viscosity @ 100 degrees F.		
239	kinematic-centistokes		
240	D445	Min. 1.3	Min. 2.0
241	or	Max. 2.4	Max. 4.1
242	Viscosity @ 100 degrees		
243	F., Saybolt Universal		
244	Sec.	_____	Min. 32.6
245		Max. 34.4	Max. 40.1
246	* * *		
247	Copper strip corrosion,		
248	D130	Max. No. 3	Max. No. 3
249	Cetane number, D613 or D976		
250		Min. 40	Min. 40
251			Min. 30
252	<u>The maximum sulfur content for on-road diesel fuel shall be in the</u>		
253	<u>amount that is specified in 42 USCS Section 7545, or in any</u>		
254	<u>federal statute, rule or regulation which either supercedes 42</u>		
255	<u>USCS Section 7545 or further regulates on-road diesel fuel</u>		
256	<u>pursuant to federal law. The maximum sulfur content for off-road</u>		
257	<u>diesel fuel shall be in an amount that shall not exceed thirty</u>		
258	<u>(30) parts per million by July 1, 2003, twenty-five (25) parts per</u>		
259	<u>million by July 1, 2004, twenty (20) parts per million by July 1,</u>		
	<u>2005, and fifteen (15) parts per million by July 1, 2006, or in</u>		
	<u>any lower amount that may be specified in any federal statute rule</u>		



260 or regulation. For purposes of this provision, "on-road diesel
261 fuel" is diesel fuel intended for use in motor vehicles that
262 generally will be operated on streets, roads and highways, and
263 "off-road diesel fuel" is diesel fuel not intended for use in such
264 motor vehicles, but that is intended for use in agricultural or
265 construction equipment or vehicles that generally are operated off
266 of a street, road or highway.

267 (o) The word "kerosene" shall include lamp oil,
268 illuminating oil and coal oil which shall conform to the detailed
269 requirements set forth in the current American Society for Testing
270 and Materials Specification for Kerosene (ASTM D3699). All tests
271 shall be in accordance with the applicable American Society for
272 Testing and Material Methods as set forth in ASTM D3699. The
273 detailed requirements are listed below:

274 (i) The oil shall be free of water and suspended
275 matter.

276 (ii) The color shall not be darker than number
277 plus sixteen (16) on the Saybolt scale, as determined by ASTM
278 D156.

279 (iii) The flash point shall, by ASTM D56, not be
280 lower than one hundred (100) degrees Fahrenheit when determined in
281 Tagliabue closed type tester, as determined by ASTM D56.

282 (iv) The sulphur content shall not exceed four
283 one-hundredths percent (0.04%) for No. 1-K kerosene and thirty
284 one-hundredths percent (0.30%) for No. 2-K. The method of
285 determination shall be ASTM D1266. No. 1-K kerosene is a special
286 low-sulphur grade kerosene suitable for use in nonflue-connected
287 kerosene burner appliances and in wick-fed illuminating lamps. No.
288 2-K Kerosene is suitable for use in flue-connected burner
289 appliances and in wick-fed illuminating lamps.

290 (v) The distillation ten percent (10%) point shall
291 not be higher than four hundred one (401) degrees Fahrenheit, as
292 determined by ASTM D86.



293 (vi) The distillation end point shall not be
294 higher than five hundred seventy-two (572) degrees Fahrenheit, as
295 determined by ASTM D86.

296 (vii) The oil shall not show a cloud point at five
297 (5) degrees Fahrenheit, as determined by ASTM D2500.

298 (viii) The oil shall burn freely and steadily for
299 sixteen (16) hours, as determined by ASTM D187.

300 (ix) The gravity shall not be less than degrees
301 API 41, as determined by ASTM D1298.

302 (x) The corrosion test results shall be No. 1
303 Maximum in a three-hour at two hundred twelve (212) degrees
304 Fahrenheit test, as determined by ASTM D130.

305 (p) "Racing gasoline" means any gasoline which is sold
306 for racing purposes. Racing gasoline may be sold from retail
307 dispensing equipment under the following conditions:

308 (i) The product brand name and octane number shall
309 be registered with the Commissioner of Agriculture and Commerce
310 and the State Chemist.

311 (ii) The manufacturer shall forward a list of
312 marketers selling these product(s) and the product(s) being sold
313 by each marketer.

314 (iii) Marketers shall register their retail
315 outlets by location and provide a list of the product(s) sold for
316 each retail outlet.

317 (iv) The dispensing equipment shall contain a
318 conspicuous sign stating that the fuel is racing gasoline. The
319 dispensing equipment shall not contain any kind of representation
320 indicating that the product is suitable for vehicles other than
321 for racing.

322 (v) The dispensing equipment shall be dedicated to
323 and isolated from any other motor fuel dispensing equipment in a
324 manner that a vehicle cannot access both the commercial gasoline
325 and the racing gasoline at the same time.



326 (vi) Any violation shall result in revocation of
327 the approval to market and/or confiscation of the product.

328 (vii) The Commissioner of Agriculture and Commerce
329 (the "commissioner") and the State Chemist are hereby given
330 authority to change the specifications set forth in this section
331 to comply with the currently recommended ASTM or federally
332 required specifications.

333 (q) "Ethanol" means fermentation ethyl alcohol derived
334 from agricultural products, including residue and waste generated
335 from the production, processing and marketing of agricultural
336 products, that meets all of the specifications in ASTM
337 specification D 4806-88; and is denatured as specified in Code of
338 Federal Regulations, Title 27, parts 20 and 21.

339 (r) "Wet alcohol" means agriculturally derived
340 fermentation ethyl alcohol having a purity of at least fifty
341 percent (50%) but less than ninety-nine percent (99%).

342 (s) "Anhydrous alcohol" means fermentation ethyl
343 alcohol derived from agricultural products, including residue and
344 waste generated from the production, processing and marketing of
345 agricultural products, but that does not meet ASTM specifications
346 or is not denatured, and is shipped in bond for further
347 processing.

348 **SECTION 2.** Section 75-55-7, Mississippi Code of 1972, is
349 amended as follows:

350 75-55-7. (1) Provided, however, that gasoline, as defined
351 in Section 75-55-5, shall not be subject to specifications
352 required under such section, when such gasoline is purchased or
353 received in this state for uses other than for sale or
354 distribution to the consuming public. This exemption shall apply
355 to gasoline that will not be used on the road.

356 (2) The Commissioner of Agriculture and Commerce (the
357 "commissioner") and the State Chemist shall have authority, but
358 are not compelled, to establish specifications for aviation and



359 other special gasolines when received in this state for any
360 purpose other than for use in propelling motor vehicles on the
361 highways, or for sale or distribution to the consuming public.

362 (3) It is provided that the specifications adopted for
363 gasoline shall not apply to "gas machine gasoline" prepared or
364 received in this state for use in industrial equipment, when such
365 gasoline is not used or not capable of use in propelling motor
366 vehicles on the highways.

367 (4) The commissioner and the State Chemist shall have
368 authority but they are not compelled to establish specifications
369 for fuel oils and oil for other engines.

370 (5) The agriculturally derived fuels of ethanol, wet alcohol
371 and anhydrous alcohol shall be exempt from the provisions of this
372 chapter.

373 **SECTION 3.** Section 75-55-9, Mississippi Code of 1972, is
374 brought forward as follows:

375 75-55-9. Any person selling at retail gasoline, alcohol
376 blended fuel, diesel fuel or kerosene, as defined in this chapter,
377 shall at all times display signs as herein defined:

378 (a) All pumps and dispensing equipment for gasoline,
379 alcohol blended fuel, diesel fuel or kerosene shall be marked
380 conspicuously to show the total price per gallon of gasoline,
381 alcohol blended fuel, diesel fuel or kerosene offered for sale, in
382 figures of equal size and where fractional cents or figures are
383 used therein, the combined height and width of the numerator and
384 denominator shall be equal to the height and width of the other
385 figures used. Provided, however, that any sign provided by the
386 manufacturer of the retail pump or dispensing equipment which
387 shows the total price per gallon and is part of the computing
388 mechanism of such pumps and dispensing equipment shall be
389 considered as being in compliance with this subsection.

390 (b) All signs placed on the premises of any service
391 station and any highway, road, street or alley leading thereto



392 advertising the price per gallon of gasoline, alcohol blended
393 fuel, diesel fuel or kerosene offered for sale, shall show the
394 registered brand name and total price in figures of equal size,
395 and where fractional figures are used therein, the width of the
396 numerator and denominator of the fraction shall be equal to
397 one-third ($1/3$) of the width of the other figures, but the
398 combined height of the numerator and denominator shall be the same
399 as that of the other figures. Where a decimal is used, then the
400 fraction shall be at least one-half ($1/2$) the height of the other
401 figures used in the sign, and the fraction shall be at least
402 one-third ($1/3$) of the width of the other figures used in the
403 sign. All figures and fractional figures shall be painted the
404 same color as the other figures used in the sign. The total price
405 per gallon on signs located on all premises of any service station
406 and on highways, roads, streets or alleys leading to the service
407 station shall be in agreement as to the total price per gallon
408 shown on the retail pump dispensing the same brand of gasoline,
409 alcohol blended fuel, diesel fuel or kerosene as that being so
410 advertised. All signs advertising the price per gallon of
411 gasoline, alcohol blended fuel, diesel fuel or kerosene offered
412 for sale through self-service operated pumps at retail service
413 stations shall clearly indicate that the posted price per gallon
414 and brand is offered for sale through self-service pumps.

415 (c) Containers of gasoline below fifty (50) gallons
416 capacity, or any product flashing below one hundred (100) degrees
417 Fahrenheit, shall be painted red; provided that containers, not of
418 metal and of a capacity of one (1) gallon or less, may carry a red
419 label designating the product.

420 (d) All filler pipes for petroleum bulk storage tanks
421 and retail station storage tanks shall be identified by painting a
422 sign on the intake pipe cap or within six (6) inches thereof in
423 lettering not less than two (2) inches in height and not less than
424 one-fourth ($1/4$) inch in width the following: for premium



425 gasoline or alcohol blended fuel, the letter "P"; for regular
426 leaded grade gasoline or alcohol blended fuel, the letter "R"; for
427 third grade gasoline, the letters "3G"; for unleaded gasoline or
428 alcohol blended fuel, the letters "UG"; for diesel fuel, the
429 letter "D"; for kerosene, the letter "K"; for lubricating oil, the
430 letters "LO"; for tractor fuel, the letters "TF"; the letter "S"
431 for solvent; the letter "N" for naphtha; and for any other
432 petroleum product classified as an oil not specifically specified
433 in this subsection, the word "oil." In addition to existing
434 requirements, all filler pipes for bulk and retail station tanks
435 used for the storage of nonleaded gasoline shall be further
436 identified as follows: for nonleaded premium gasoline, the
437 letters "NLP"; and for nonleaded regular grade gasoline, the
438 letters "NLR". Such lettering shall be painted on the intake pipe
439 cap or within six (6) inches thereof, and shall be not less than
440 two (2) inches in height and not less than one-fourth (1/4) inch
441 in width. Nothing in this subsection shall apply to bulk storage
442 tanks located at marine or pipeline terminals, nor bulk storage
443 tanks used for the storage of liquefied compressed gas, nor
444 prohibit "color coding" in addition to the lettering, where
445 desired.

446 **SECTION 4.** Section 75-55-15, Mississippi Code of 1972, is
447 brought forward as follows:

448 75-55-15. No person shall store, keep, expose for sale,
449 offer for sale, or sell from any tank or container or from any
450 pump or other distributing device or equipment, any gasoline,
451 alcohol blended fuel, diesel fuel, kerosene, illuminating oil, or
452 lubricating oils or other similar products than those indicated by
453 the name, trade name, symbol, or sign of the manufacturer or
454 distributor of the trademark or trade name of the product
455 appearing upon the tank, container, pump, or other distributing
456 equipment from which the same are sold, offered for sale or
457 distributed; provided that the product of any manufacturer may be



458 sold from distributing equipment not bearing the name, trade name,
459 symbol or sign of any manufacturer. Provided further, that no
460 distributor or other person shall deliver any gasoline, alcohol
461 blended fuel, diesel fuel, kerosene, illuminating oils, or other
462 similar products when such products are for resale to the
463 consuming public and place said products in storage tanks,
464 containers, or other devices when such storage tanks, containers,
465 or other devices are labeled contrary to the true nature of the
466 products being delivered or when such storage tanks, containers,
467 or other devices bear any sign, symbol, trademark, or label not
468 reflecting the true sign, symbol, trademark or name of the product
469 being delivered.

470 All distributors or other persons receiving, storing, selling
471 or distributing gasoline, alcohol blended fuel or oil in the State
472 of Mississippi shall have plainly marked on the tanks, pumps, or
473 other containers in which gasoline, alcohol blended fuel or oil is
474 kept, words designating whether the product is gasoline, alcohol
475 blended fuel or oil. No distributor or other person shall place
476 any gasoline in a container marked oil or alcohol blended fuel, or
477 any oil in a container marked gasoline or alcohol blended fuel, or
478 alcohol blended fuel in any container marked gasoline or oil, nor
479 shall there be any pipe or other connections between oil, gasoline
480 and alcohol blended fuel containers. Provided, however, that
481 nothing in this or any other law shall be construed to prohibit
482 the use at common carrier pipeline terminals, of the same
483 unloading lines to and between gasoline, alcohol blended fuel, and
484 oil bulk storage stations, where adequate precautions have been
485 taken to prevent contamination or adulteration of either oil,
486 gasoline or alcohol blended fuel. No distributor or other person
487 shall receive, store or distribute oil as gasoline or alcohol
488 blended fuel nor gasoline as oil or alcohol blended fuel, nor
489 alcohol blended fuel as oil or gasoline nor shall any distributor
490 or other person make a false statement to the commissioner or his



491 successor or any of his employees with reference to products
492 received, stored, sold or delivered by such distributor or other
493 person.

494 No distributor or other person shall sell or distribute or
495 offer for sale or distribution gasoline and oil, or either, when
496 such gasoline or oil, or either, is mixed, blended, or adulterated
497 in this state in any manner or with any other product. Provided,
498 however, this section shall not be construed to prevent any
499 purchaser of gasoline and oil, or either, to adulterate such
500 products after purchase to meet requirements of his individual
501 uses and purposes, but in no event shall such purchaser sell or
502 distribute such adulterated products, and it is not intended to
503 levy a tax on crude oil produced in this state. Provided further,
504 that blending pumps from which gasoline and lubricating oil are
505 dispensed at the same time into a fuel tank or other container as
506 marine fuel, may be installed by a distributor upon the prior
507 issuance of a permit so to do by the commissioner or his
508 successor, when said pumps shall have been approved by the
509 Underwriter's Laboratories, Inc. Provided further, that nothing
510 in this paragraph shall be construed to prohibit the manufacture
511 of alcohol blended fuel.

512 Blending of grades of gasoline, additives, and compounds
513 shall be limited to refineries, terminals, and blending pumps, and
514 no person other than those employed at aforesaid facilities shall
515 be permitted to blend any of the above-named products. Provided,
516 however, that gasoline may be blended with alcohol to form alcohol
517 blended fuel at other locations in the State of Mississippi as may
518 be designated and licensed by the commissioner.

519 Any person guilty of violating any of the provisions of this
520 section shall be guilty of a misdemeanor and, upon conviction,
521 shall be punished by a fine of not less than Twenty-five Dollars
522 (\$25.00) nor more than One Hundred Dollars (\$100.00) for the first
523 such offense and not less than One Hundred Dollars (\$100.00) nor



524 more than Five Hundred Dollars (\$500.00) for each such offense
525 thereafter, and the penalty shall extend to principal and agent
526 alike.

527 **SECTION 5.** Section 75-55-22, Mississippi Code of 1972, is
528 brought forward as follows:

529 75-55-22. Any person located in Mississippi, except the
530 holder of a refiner or a processor's permit, who blends or mixes
531 alcohol blended fuel for sale, delivery, exchange or use in
532 Mississippi shall obtain from the commissioner a permit
533 authorizing him to engage in business as a producer of alcohol
534 blended fuel. Each producer of alcohol blended fuel shall have
535 the necessary equipment to insure a complete and homogeneous
536 mixture. The finished product shall meet all of the state's
537 standards and specifications and shall not be transferred, sold,
538 exchanged, delivered, used or disposed of by any other means until
539 approved by the commissioner and the State Chemist.

540 All alcohol blended fuel transported or imported into the
541 State of Mississippi shall comply with all specifications and
542 standards adopted by this state for such use.

543 All gasoline, leaded or unleaded, kept, offered, or exposed
544 for sale, or sold, at retail containing one percent (1%) or more
545 by volume of ethanol, methanol or an ethanol/methanol mixture,
546 shall be identified as "with" or "containing" (or similar wording)
547 "ethanol," "methanol" or "ethanol/methanol" on the upper fifty
548 percent (50%) of the dispenser front panels in a position clear
549 and conspicuous from the driver's position, in a type at least
550 one-half (1/2) inch in height, and one-sixteenth (1/16) inch
551 stroke (width of type). All letters shall be black with a
552 contrasting background.

553 All distributors, processors, refiners, and any other persons
554 receiving, storing, selling, distributing or transporting gasoline
555 that contains one percent (1%) by volume or more of methanol,



556 ethanol or other alcohol shall identify the type or chemical name
557 and percentage of such alcohol on any invoice, bill of lading,
558 shipping paper or on any other type of documentation which is used
559 in normal and customary practice in the petroleum industry.

560 **SECTION 6.** Section 75-55-27, Mississippi Code of 1972, is
561 brought forward as follows:

562 75-55-27. (1) No retail station pump shall dispense more
563 than one (1) product and station pipelines for gasoline, alcohol
564 blended fuel, diesel fuel, kerosene, fuel oils, or other products
565 shall be entirely separate.

566 (2) No requirements or provisions of this chapter shall
567 prevent or abridge the use of gasoline, alcohol blended fuel,
568 diesel fuel, kerosene, liquefied compressed gases or other
569 petroleum products for heating or illuminating purposes through
570 the use of special devices approved by the commissioner when not
571 used on a highway.

572 (3) The provisions of this chapter are not to apply to
573 products unloaded in this state and intended for shipment into
574 another state; provided no portion be offered for sale, and
575 provided further, that all petroleum products so unloaded be
576 reported to the commissioner.

577 (4) It shall be unlawful for any person to obstruct or
578 hinder in any way the commissioner or his agents in the
579 performance of his duties.

580 Where self-service pumps and attendant-operated pumps are
581 both operated at the same retail service station, there shall be
582 attached or painted on each such self-service pump or equipment
583 the words "SELF-SERVICE" in letters of not less than one (1) inch
584 in height and not less than seven (7) inches across, on a
585 contrasting background.

586 **SECTION 7.** This act shall take effect and be in force from
587 and after July 1, 2002.

