

By: Representative Roberson

To: Energy

HOUSE BILL NO. 254

1 AN ACT TO AMEND SECTIONS 75-55-5 AND 75-55-37, MISSISSIPPI
2 CODE OF 1972, TO EXTEND THE REPEALERS ON THOSE SECTIONS OF LAW
3 WHICH PROVIDE DEFINITIONS AND PENALTIES UNDER THE PETROLEUM
4 PRODUCTS INSPECTION LAW OF MISSISSIPPI; AND FOR RELATED PURPOSES.

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

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

8 75-55-5. (1) The following words, terms and phrases, as
9 used in this chapter, shall have the following meanings, unless
10 the context requires otherwise:

11 (a) * * * "Commissioner" means the Commissioner of the
12 Mississippi Department of Agriculture and Commerce, or his agents
13 and employees.

14 (b) * * * "State Chemist" means the Director of the
15 Mississippi State Chemical Laboratory, or his agents and
16 employees.

17 (c) * * * "ASTM" means an international voluntary
18 consensus standards organization formed for the development of
19 standards on characteristics and performance of materials,



20 products, systems, and services, and the promotion of related
21 knowledge.

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

27 (e) * * * "Illuminating oil" * * * includes coal oil,
28 kerosene or other petroleum products used for illuminating
29 purposes.

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

35 (g) * * * "Gasoline pump" * * * includes pumps, meters
36 and all measuring devices used for measuring gasoline and all
37 oxygenated blended fuels; * * * "diesel fuel pump" * * * includes
38 pumps, meters and all measuring devices used for measuring diesel
39 fuel; * * * "kerosene pump" * * * includes pumps, meters and all
40 measuring devices used for measuring kerosene; * * * "liquefied
41 compressed gas pump" * * * includes pumps, meters and all
42 measuring devices used for measuring liquefied compressed gas.

43 (h) * * * "Gasoline" * * * includes: (i) all products
44 commonly or commercially known or sold as gasoline (excluding



45 casing head and absorption or natural gasoline) regardless of
46 their classification or uses; and (ii) a volatile mixture of
47 liquid hydrocarbons, generally containing small amounts of
48 additives, suitable for use as a fuel in spark ignition, internal
49 combustion engines.

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

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

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



70 restrictive class shall be acceptable. The method of test shall
71 be ASTM D86.

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

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

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

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

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

93 (vii) Vapor liquid equilibrium. A maximum value
94 of twenty (20) for the vapor liquid equilibrium test during the



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

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

109 (ix) Classification.

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

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

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



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

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

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

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

138 (j) * * * "Oxygenated fuel" means a liquid fuel which
139 is a homogeneous blend of hydrocarbons and oxygenates. * * *

140 "Oxygenate" means an oxygen containing ashless organic compound
141 which may be used as a fuel supplement or additive and includes
142 alcohols and ethers. "Gasoline-oxygenate blend" means a blend
143 consisting primarily of gasoline and a substantial amount of one



144 or more oxygenates. This definition includes, but is not limited
145 to, the following designations:

146 (i) "Gasohol₂" meaning any motor fuel containing a
147 nominal ten (10) volume percent anhydrous denatured alcohol and
148 ninety (90) volume percent unleaded gasoline, regardless of other
149 name, label or designation.

150 (ii) "Leaded gasohol₂" meaning any motor fuel
151 containing a nominal ten (10) volume percent anhydrous, denatured
152 ethanol and ninety (90) volume percent leaded gasoline, regardless
153 of other name, label or designation.

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

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

161 (k) "Alcohol blended fuel" means gasohol or leaded
162 gasohol.

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



169 (m) "Approved denaturant(s)" means materials used for
170 denaturing ethyl alcohol for use as a motor fuel which have been
171 approved by the United States Department of the Treasury, Bureau
172 of Alcohol, Tobacco and Firearms, and both the State Chemist and
173 the Commissioner of Agriculture and Commerce. Gasoline-oxygenate
174 blends shall meet the specifications set forth in the most recent
175 edition of the Annual Book of ASTM standards and supplements
176 thereto, and revisions thereof, except where amended or modified
177 by the Commissioner and State Chemist.

178 (n) * * * "Oil" * * * includes diesel fuel, kerosene,
179 fuel oil, distillate, gas oil, tractor fuel or any other product
180 other than gasoline, as defined in this chapter, which is usable
181 as fuel in an internal combustion engine, and any product which,
182 on distillation in accordance with the method of test of the
183 American Society for Testing and Materials, shows not more than
184 ten percent (10%) recovered when the thermometer shows two hundred
185 sixty-one degrees (261°) Fahrenheit; and not more than ninety-five
186 percent (95%) recovered when the thermometer shows four hundred
187 sixty-five degrees (465°) Fahrenheit or more; * * * however,
188 nothing in this paragraph shall be construed to include oils
189 received or sold as lubricants when such oils cannot be used as a
190 fuel in internal combustion engines.

191 (o) "Diesel fuel" * * * means any petroleum product
192 intended for use or offered for sale as a fuel for engines in



193 which the fuel is injected into the combustion chamber and ignited
194 by pressure without the presence of an electric spark.

195 Specifications: The fuel oils herein specified shall be
196 hydrocarbon oils free from acids, grit and fibrous or other
197 foreign material. Three (3) grades of such oils are specified,
198 and these shall conform to the detailed requirements in the
199 current American Society for Testing and Materials Specifications
200 for Diesel Fuel Oils (ASTM D975), except for the sulphur content
201 of Grade 2-D. All tests shall be in accordance with the
202 applicable American Society for Testing and Materials method as
203 set forth in the current ASTM Designation D975. Diesel fuel
204 requirements are listed below:

	Grade 1-D	Grade 2-D	Grade 4-D
205			
206 Flash point, degrees F. D93	Min. 100	Min. 125	Min. 130
207 Water & sediment,			
208 % by volume, D1796	Max. 0.05	Max. 0.05	Max. 0.5
209 Carbon residue on 10%			
210 residium, % D524	Max. 0.15	Max. 0.35	_____
211 Ash, % by weight, D482	Max. 0.01	Max. 0.01	Max. 0.1
212 Distillation, 90% point,			
213 degrees F., D86	_____	Min. 540	_____
214	Max. 550	Max. 640	_____
215 Viscosity @ 100 degrees F.			
216 kinematic-centistokes			
217 D445	Min. 1.3	Min. 2.0	Min. 5.5



218	or	Max. 2.4	Max. 4.1	Max. 24.0
219	Viscosity @ 100 degrees F.			
220	Saybolt Universal Sec.	_____	Min. 32.6	Min. 45
221		Max. 34.4	Max. 40.1	Max. 125
222	Sulphur, % by weight, D129	Max. 0.5	Max. 1.0	Max. 2.0
223	Copper strip corrosion, D130	Max. No. 3	Max. No. 3	_____
224	Cetane number, D613 or D976	Min. 40	Min. 40	Min. 30

225 (p) * * * "Kerosene" * * * includes lamp oil,
226 illuminating oil and coal oil which shall conform to the detailed
227 requirements set forth in the current American Society for Testing
228 and Materials Specification for Kerosene (ASTM D3699). All tests
229 shall be in accordance with the applicable American Society for
230 Testing and Material Methods as set forth in ASTM D3699. The
231 detailed requirements are listed below:

232 (i) The oil shall be free of water and suspended
233 matter.

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

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

240 (iv) The sulphur content shall not exceed four
241 one-hundredths percent (0.04%) for No. 1-K kerosene and thirty
242 one-hundredths percent (0.30%) for No. 2-K kerosene. The method



243 of determination shall be ASTM D1266. No. 1-K kerosene is a
244 special low-sulphur grade kerosene suitable for use in
245 nonflue-connected kerosene burner appliances and in wick-fed
246 illuminating lamps. No. 2-K kerosene is suitable for use in
247 flue-connected burner appliances and in wick-fed illuminating
248 lamps.

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

252 (vi) The distillation end point shall not be
253 higher than five hundred seventy-two degrees (572°) Fahrenheit, as
254 determined by ASTM D86.

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

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

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

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

264 (q) "Racing gasoline" means any gasoline which is sold
265 for racing purposes. Racing gasoline may be sold from retail
266 dispensing equipment under the following conditions:



267 (i) The product brand name and octane number shall
268 be registered with the Commissioner of Agriculture and Commerce
269 and the State Chemist.

270 (ii) The manufacturer shall forward a list of
271 marketers selling these product(s) and the product(s) being sold
272 by each marketer.

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

276 (iv) The dispensing equipment shall contain a
277 conspicuous sign stating that the fuel is racing gasoline. The
278 dispensing equipment shall not contain any kind of representation
279 indicating that the product is suitable for vehicles other than
280 for racing.

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

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

287 (vii) The Commissioner of Agriculture and Commerce
288 * * * and the State Chemist are hereby given authority to change
289 the specifications set forth in this section to comply with the
290 currently recommended ASTM or federally required specifications.

291 (2) This section shall stand repealed on July 1, * * * 2026.



292 **SECTION 2.** Section 75-55-37, Mississippi Code of 1972, is
293 amended as follows:

294 75-55-37. (1) The commissioner or his duly appointed
295 representatives shall have the right to request an inspection of
296 any pump, truck, or other equipment, and if upon such inspection
297 any such pump, truck, or other equipment is found to be inaccurate
298 to the extent that a test thereof shows a deficiency of more than
299 twenty-five (25) cubic inches on a five (5) gallon measurement, or
300 if the right to inspect any such pump, truck, or other equipment
301 is refused or denied the commissioner, or his duly authorized
302 representatives, he or they shall have the right to immediately
303 close and lock * * * the pump and other equipment or to seal same
304 with the commissioner's seal. If such pump, truck, or other
305 equipment is found to be inaccurate but the deficiency is
306 twenty-five (25) cubic inches or less on a five (5) gallon
307 measurement, then the commissioner or his representative shall
308 give the owner or operator thereof forty-eight (48) hours within
309 which to correct such inaccuracy, and if such person fails or
310 refuses to correct same within * * * that period, then the
311 commissioner or his representative shall have the right to lock
312 and seal such pump or other equipment in the same manner as
313 provided above.

314 It shall be prima facie presumed, upon any refusal to allow
315 the right to inspect, that the pump, truck, or other equipment
316 sought to be inspected is inaccurate to the extent set forth



317 above, or is operating in violation of this chapter. When any
318 such pump or other equipment is locked or sealed, it may not be
319 unlocked or the seal thereon broken except in the presence of a
320 mechanic or other person called for the purpose of repairing the
321 inaccuracy in the machinery of such pump or other equipment, and
322 such inaccuracy shall be immediately thereafter repaired, and the
323 pump or other equipment properly regulated. The commissioner may,
324 in his discretion, require an affidavit from the mechanic
325 repairing such pump or other equipment, or any other proof which
326 he may deem advisable to the effect that * * * the pump was
327 unlocked or the seal thereon broken in the presence of such
328 mechanic, and that the inaccuracies therein were thereupon
329 completely repaired or regulated.

330 When a state or factory seal is broken on the measuring
331 adjustment device on a retail pump, it shall be the duty of the
332 station operator to notify the commissioner by United States mail,
333 within twenty-four (24) hours, after the breaking of * * * the
334 seal. After the commissioner has received written notice as
335 herein provided and he or his agent has resealed the measuring
336 adjustment device on the pump or pumps at this station, it shall
337 be unlawful for the owner or operator of the station or any of his
338 employees to break a state or factory seal on the measuring
339 adjustment device on any pump at the station during the ensuing
340 ninety (90) days without the prior approval of the commissioner or
341 his agent.



342 The State of Mississippi shall have a lien on all pumps,
343 trucks, and other equipment used by any distributor, or other
344 person, in the operation of his business for any tax or penalty
345 due the State of Mississippi because of any violation of this
346 chapter. Such lien shall be paramount to any and all private
347 liens, and all the provisions set out in Chapter 7, Title 85,
348 Mississippi Code of 1972, shall be applicable herein for the
349 purpose of securing the enforcement of * * * the lien, and
350 particularly, the right to secure the issuance of a writ of
351 summons and seizure and proceedings had and done after the
352 issuance of * * * the writ shall be applicable. * * *
353 However, * * * the commissioner shall not be required to give any
354 bond in any such case.

355 Any person or officer, agent or employee thereof who shall
356 violate any provision of this chapter shall be guilty of a
357 misdemeanor and, upon conviction, shall be punished by a fine not
358 exceeding One Hundred Dollars (\$100.00) for the first offense and
359 not less than One Hundred Dollars (\$100.00) nor more than Two
360 Hundred Dollars (\$200.00) for each subsequent offense or
361 imprisonment in the county jail for a period not to exceed ninety
362 (90) days or both.

363 (2) If a person * * * by himself, by his agent, or as the
364 servant or agent of another person commits a violation of this
365 chapter, the commissioner or his designee may impose any, all or a
366 combination of the following penalties:



367 (a) A stop sale order for any engine fuel, nonengine
368 fuel, automotive lubricant or any other petroleum product not in
369 compliance with this chapter. A remand of the stop sale order may
370 be issued if the engine fuel, nonengine fuel, automotive lubricant
371 or petroleum product is brought into full compliance with this
372 chapter. The stop sale order may be appealed to the commissioner
373 or his designee within twenty (20) days from the receipt of the
374 order.

375 (b) A warning letter for violations of this chapter.

376 (c) A civil penalty of not more than Three Thousand
377 Dollars (\$3,000.00) per violation. A person may request an
378 administrative hearing within thirty (30) days of receipt of the
379 notice of the penalty. The commissioner or his designee shall
380 conduct a hearing after giving reasonable notice to the person.
381 The decision may be appealed to the Circuit Court of the First
382 Judicial District of Hinds County.

383 (3) If the person has exhausted his administrative appeals,
384 he shall pay the civil penalty within thirty (30) days after the
385 effective date of the final decision. If the person fails to pay
386 the penalty, the commissioner may bring a civil action in any
387 court of competent jurisdiction to recover the penalty.

388 (4) The commissioner is authorized to suspend, revoke and/or
389 permanently deny a registration under the Petroleum Products
390 Inspection Law of Mississippi to any person, firm, corporation or
391 other organization determined to be guilty of two (2) or more



392 violations per location, per year, of the Petroleum Products
393 Inspection Law of Mississippi and the rules and regulations in
394 force pursuant thereto.

395 (5) In lieu of, or in addition to, the penalties provided
396 above, the commissioner and the State Chemist shall have the power
397 to institute and maintain in the name of the state any and all
398 proceedings necessary or appropriate to enforce the provisions of
399 the Petroleum Products Inspection Law of Mississippi and the rules
400 and regulations in force pursuant thereto, in the appropriate
401 circuit, chancery, county or justice court in which venue may lie.
402 The commissioner and the State Chemist may obtain mandatory or
403 prohibitory injunctive relief, whether temporary or permanent, and
404 it shall not be necessary for the state to post a bond or prove
405 that no adequate remedy is available at law.

406 (6) All penalties assessed by the commissioner under this
407 section shall be deposited in the State General Fund.

408 (7) This section shall stand repealed on July 1, * * * 2026.

409 **SECTION 3.** This act shall take effect and be in force from
410 and after July 1, 2023.

