

Senate Amendments to House Bill No. 484

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

16 75-55-5. * * * The words, terms and phrases as used in this
17 chapter shall have the following meanings, unless the context
18 requires otherwise:

19 (a) The term "commissioner" means the Commissioner of
20 the Mississippi Department of Agriculture and Commerce, or his
21 agents and employees.

22 (b) The term "State Chemist" means the Director of the
23 Mississippi State Chemical Laboratory, or his agents and
24 employees.

25 (c) The term "ASTM" means an international voluntary
26 consensus standards organization formed for the development of
27 standards on characteristics and performance of materials,
28 products, systems, and services, and the promotion of related
29 knowledge.

30 (d) The term "person" shall include any individual,
31 firm, copartnership, joint venture, association, corporation,
32 estate, trust or any other group or combination acting as a unit,
33 and the plural as well as the singular number, unless the
34 intention to give a more limited meaning is disclosed by the
35 context.

36 (e) The term "illuminating oil" shall include coal oil,
37 kerosene or other petroleum products used for illuminating
38 purposes.

39 (f) The term "lubricating oil" means all
40 petroleum-based oils or synthetic lubricants intended for use in
41 the crankcase of an internal combustion engine, either spark
42 ignition or diesel type. The purpose of the lubricating oil is to
43 reduce friction between two (2) solid surfaces moving relative to
44 one another.

45 (g) The term "gasoline pump" shall include pumps,
46 meters and all measuring devices used for measuring gasoline and
47 all oxygenated blended fuels; the term "diesel fuel pump" shall
48 include pumps, meters and all measuring devices used for measuring
49 diesel fuel; the term "kerosene pump" shall include pumps, meters
50 and all measuring devices used for measuring kerosene; the term
51 "liquefied compressed gas pump" shall include pumps, meters and
52 all measuring devices used for measuring liquefied compressed gas.

53 (h) The term "gasoline" shall include (i) all products
54 commonly or commercially known or sold as gasoline (excluding
55 casing head and absorption or natural gasoline) regardless of

56 their classification or uses; and (ii) a volatile mixture of
57 liquid hydrocarbons, generally containing small amounts of
58 additives, suitable for use as a fuel in spark ignition, internal
59 combustion engines.

60 (i) The term "commercial gasoline" shall mean a liquid
61 suitable for use as a fuel in spark ignition combustion engines,
62 and shall be free of undissolved water, suspended matter and of
63 any harmful ingredient or component and which, in addition, meets
64 the following test requirements as set out in ASTM D4814, and it
65 shall be the intent of this chapter that the state specifications
66 may be kept current with ASTM D4814 as illustrated below:

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

72 (ii) Distillation range. For each month the
73 distillation range shall be that specified by the vapor pressure
74 class requirement for that month. Distillation temperature limits
75 shall be consistent with the corresponding vapor pressure class
76 during the months affected by federal or state regulation which
77 restrict vapor pressure. If the vapor pressure limit is between
78 two (2) classes, the distillation temperature limits of the least
79 restrictive class shall be acceptable. The method of test shall
80 be ASTM D86.

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

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

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

90 (vi) Vapor pressure. The vapor pressure during
91 the months of July and August shall not exceed ten (10) pounds per
92 square inch at one hundred degrees (100°) Fahrenheit, and during
93 the months of November, December, January, February and March
94 shall not exceed thirteen and one-half (13-1/2) pounds per square
95 inch at one hundred degrees (100°) Fahrenheit.

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

102 (vii) Vapor liquid equilibrium. A maximum value
103 of twenty (20) for the vapor liquid equilibrium test during the
104 months July and August shall be obtained at a temperature of one
105 hundred thirty-three degrees (133°) Fahrenheit; for the months of
106 November, December, January, February and March it shall be

107 obtained at a temperature of one hundred sixteen degrees (116°)
108 Fahrenheit; for the other months of the year it shall be obtained
109 at one hundred twenty-four degrees (124°) Fahrenheit. The method
110 of determination shall be ASTM D2533 or ASTM D4814, appendix X2.

111 (viii) Lead specifications. The unleaded gasoline
112 shall contain less than five hundredths (0.05) gram of lead per
113 gallon, and the leaded gasoline shall contain a minimum of five
114 hundredths (0.05) gram of lead and less than four and two-tenths
115 (4.2) grams of lead per gallon. The method of analysis should be
116 ASTM D3237, (Atomic Absorption Spectrometry), ASTM D2599 (X-ray
117 Spectrometry) or ASTM D2547 (Volumetric Chromate).

118 (ix) Classification.

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

122 2. "Unleaded premium grade gasoline" shall
123 have an (R + M)/2 octane antiknock index of at least ninety-one
124 (91). The research octane number shall be at least ninety-four
125 (94).

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

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

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

136 6. "Third-grade gasoline" shall have an $(R +$
137 $M)/2$ octane antiknock of not more than eighty-seven (87).

138 The methods of octane determination shall be ASTM D2699 for
139 the research octane number (R) and ASTM D2700 for the motor octane
140 number (M), or ASTM D2885 for both the research octane number and
141 the motor octane number. The $(R + M)/2$ octane antiknock index
142 shall be the average of the research and motor octane numbers.
143 All retail pumps or delivery devices shall be labeled with the
144 appropriate $(R + M)/2$ octane antiknock index in accordance with
145 the Federal Trade Commission Octane Posting and Certification
146 Regulation 306. No commercial gasoline shall be colored mahogany.

147 (j) The term "oxygenated fuel" means a liquid fuel
148 which is a homogeneous blend of hydrocarbons and oxygenates. The
149 term "oxygenate" means an oxygen containing ashless organic
150 compound which may be used as a fuel supplement or additive and
151 includes alcohols and ethers. "Gasoline-oxygenate blend" means a
152 blend consisting primarily of gasoline and a substantial amount of
153 one or more oxygenates. This definition includes, but is not
154 limited to, the following designations:

155 (i) "Gasohol" meaning any motor fuel containing a
156 nominal ten (10) volume percent anhydrous denatured alcohol and

157 ninety (90) volume percent unleaded gasoline, regardless of other
158 name, label or designation.

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

163 (iii) Any gasoline-oxygenate blend which meets the
164 United States Environmental Protection Agency's "substantially
165 similar" rule, Section 211(f)(1) of the Clean Air Act, 42 USCS
166 7545(f)(1).

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

170 (k) "Alcohol blended fuel" means gasohol or leaded
171 gasohol.

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

178 (m) "Approved denaturant(s)" means materials used for
179 denaturing ethyl alcohol for use as a motor fuel which have been
180 approved by the United States Department of the Treasury, Bureau
181 of Alcohol, Tobacco and Firearms, and both the State Chemist and
182 the Commissioner of Agriculture and Commerce. Gasoline-oxygenate

183 blends shall meet the specifications set forth in the most recent
184 edition of the Annual Book of ASTM standards and supplements
185 thereto, and revisions thereof, except where amended or modified
186 by the Commissioner and State Chemist.

187 (n) The term "oil" as used in this chapter shall
188 include diesel fuel, kerosene, fuel oil, distillate, gas oil,
189 tractor fuel or any other product other than gasoline, as defined
190 in this chapter, which is usable as fuel in an internal combustion
191 engine, and any product which, on distillation in accordance with
192 the method of test of the American Society for Testing and
193 Materials shows not more than ten percent (10%) recovered when the
194 thermometer shows two hundred sixty-one degrees (261°) Fahrenheit;
195 and not more than ninety-five percent (95%) recovered when the
196 thermometer shows four hundred sixty-five degrees (465°)
197 Fahrenheit or more; provided that nothing in this paragraph shall
198 be construed to include oils received or sold as lubricants when
199 such oils cannot be used as a fuel in internal combustion engines.

200 (o) "Diesel fuel" is any petroleum product intended for
201 use or offered for sale as a fuel for engines in which the fuel is
202 injected into the combustion chamber and ignited by pressure
203 without the presence of an electric spark.

204 Specifications: The fuel oils herein specified shall be
205 hydrocarbon oils free from acids, grit and fibrous or other
206 foreign material. Three (3) grades of such oils are specified and
207 these shall conform to the detailed requirements in the current
208 American Society for Testing and Materials Specifications for

209 Diesel Fuel Oils (ASTM D975), except for the sulphur content of
 210 Grade 2-D. All tests shall be in accordance with the applicable
 211 American Society for Testing and Materials method as set forth in
 212 the current ASTM Designation D975. Diesel fuel requirements are
 213 listed below:

	Grade 1-D	Grade 2-D	Grade 4-D
214			
215 Flash point, degrees F. D93	Min. 100	Min. 125	Min. 130
216 Water & sediment,			
217 % by volume, D1796	Max. 0.05	Max. 0.05	Max. 0.5
218 Carbon residue on 10%			
219 residium, % D524	Max. 0.15	Max. 0.35	_____
220 Ash, % by weight, D482	Max. 0.01	Max. 0.01	Max. 0.1
221 Distillation, 90% point,			
222 degrees F., D86	_____	Min. 540	_____
223	Max. 550	Max. 640	_____
224 Viscosity @ 100 degrees F.			
225 kinematic-centistokes			
226 D445	Min. 1.3	Min. 2.0	Min. 5.5
227 or	Max. 2.4	Max. 4.1	Max. 24.0
228 Viscosity @ 100 degrees F.			
229 Saybolt Universal Sec.	_____	Min. 32.6	Min. 45
230	Max. 34.4	Max. 40.1	Max. 125
231 Sulphur, % by weight, D129	Max. 0.5	Max. 1.0	Max. 2.0
232 Copper strip corrosion, D130	Max. No. 3	Max. No. 3	_____
233 Cetane number, D613 or D976	Min. 40	Min. 40	Min. 30

234 (p) The word "kerosene" shall include lamp oil,
235 illuminating oil and coal oil which shall conform to the detailed
236 requirements set forth in the current American Society for Testing
237 and Materials Specification for Kerosene (ASTM D3699). All tests
238 shall be in accordance with the applicable American Society for
239 Testing and Material Methods as set forth in ASTM D3699. The
240 detailed requirements are listed below:

241 (i) The oil shall be free of water and suspended
242 matter.

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

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

249 (iv) The sulphur content shall not exceed four
250 one-hundredths percent (0.04%) for No. 1-K kerosene and thirty
251 one-hundredths percent (0.30%) for No. 2-K kerosene. The method
252 of determination shall be ASTM D1266. No. 1-K kerosene is a
253 special low-sulphur grade kerosene suitable for use in
254 nonflue-connected kerosene burner appliances and in wick-fed
255 illuminating lamps. No. 2-K kerosene is suitable for use in
256 flue-connected burner appliances and in wick-fed illuminating
257 lamps.

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

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

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

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

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

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

273 (q) Racing gasoline means any gasoline which is sold
274 for racing purposes. Racing gasoline may be sold from retail
275 dispensing equipment under the following conditions:

276 (i) The product brand name and octane number shall
277 be registered with the Commissioner of Agriculture and Commerce
278 and the State Chemist.

279 (ii) The manufacturer shall forward a list of
280 marketers selling these product(s) and the product(s) being sold
281 by each marketer.

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

285 (iv) The dispensing equipment shall contain a
286 conspicuous sign stating that the fuel is racing gasoline. The
287 dispensing equipment shall not contain any kind of representation
288 indicating that the product is suitable for vehicles other than
289 for racing.

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

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

296 (vii) The Commissioner of Agriculture and Commerce
297 (the "commissioner") and the State Chemist are hereby given
298 authority to change the specifications set forth in this section
299 to comply with the currently recommended ASTM or federally
300 required specifications.

301 * * *

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

304 75-55-37. (1) The commissioner or his duly appointed
305 representatives shall have the right to request an inspection of
306 any pump, truck, or other equipment, and if upon such inspection
307 any such pump, truck, or other equipment is found to be inaccurate

308 to the extent that a test thereof shows a deficiency of more than
309 twenty-five (25) cubic inches on a five (5) gallon measurement, or
310 if the right to inspect any such pump, truck, or other equipment
311 is refused or denied the commissioner, or his duly authorized
312 representatives, he or they shall have the right to immediately
313 close and lock said pump and other equipment or to seal same with
314 the commissioner's seal. If such pump, truck, or other equipment
315 is found to be inaccurate but the deficiency is twenty-five (25)
316 cubic inches or less on a five (5) gallon measurement, then the
317 commissioner or his representative shall give the owner or
318 operator thereof forty-eight (48) hours within which to correct
319 such inaccuracy and if such person fails or refuses to correct
320 same within said period then the commissioner or his
321 representative shall have the right to lock and seal such pump or
322 other equipment in the same manner as provided above.

323 It shall be prima facie presumed upon any refusal to allow
324 the right to inspect that the pump, truck, or other equipment
325 sought to be inspected is inaccurate to the extent set forth
326 above, or is operating in violation of this chapter. When any
327 such pump or other equipment is locked or sealed, it may not be
328 unlocked or the seal thereon broken except in the presence of a
329 mechanic or other person called for the purpose of repairing the
330 inaccuracy in the machinery of such pump or other equipment, and
331 such inaccuracy shall be immediately thereafter repaired, and the
332 pump or other equipment properly regulated. The commissioner may,
333 in his discretion, require an affidavit from the mechanic

334 repairing such pump or other equipment, or any other proof which
335 he may deem advisable to the effect that said pump was unlocked or
336 the seal thereon broken in the presence of such mechanic, and that
337 the inaccuracies therein were thereupon completely repaired or
338 regulated.

339 When a state or factory seal is broken on the measuring
340 adjustment device on a retail pump, it shall be the duty of the
341 station operator to notify the commissioner by United States mail,
342 within twenty-four (24) hours, after the breaking of said seal.
343 After the commissioner has received written notice as herein
344 provided and he or his agent has resealed the measuring adjustment
345 device on the pump or pumps at this station, it shall be unlawful
346 for the owner or operator of the station or any of his employees
347 to break a state or factory seal on the measuring adjustment
348 device on any pump at the station during the ensuing ninety (90)
349 days without the prior approval of the commissioner or his agent.

350 The State of Mississippi shall have a lien on all pumps,
351 trucks, and other equipment used by any distributor, or other
352 person, in the operation of his business for any tax or penalty
353 due the State of Mississippi because of any violation of this
354 chapter. Such lien shall be paramount to any and all private
355 liens and all the provisions set out in Chapter 7, Title 85,
356 Mississippi Code of 1972, shall be applicable herein for the
357 purpose of securing the enforcement of said lien, and particularly
358 the right to secure the issuance of a writ of summons and seizure
359 and proceedings had and done after the issuance of said writ shall

360 be applicable. Provided, however, that the commissioner shall not
361 be required to give any bond in any such case.

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

370 (2) If a person who, by himself, by his agent, or as the
371 servant or agent of another person commits a violation of this
372 chapter, the commissioner or his designee may impose any, all or a
373 combination of the following penalties:

374 (a) A stop sale order for any engine fuel, nonengine
375 fuel, automotive lubricant or any other petroleum product not in
376 compliance with this chapter. A remand of the stop sale order may
377 be issued if the engine fuel, nonengine fuel, automotive lubricant
378 or petroleum product is brought into full compliance with this
379 chapter. The stop sale order may be appealed to the commissioner
380 or his designee within twenty (20) days from the receipt of the
381 order.

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

383 (c) A civil penalty of not more than Three Thousand
384 Dollars (\$3,000.00) per violation. A person may request an
385 administrative hearing within thirty (30) days of receipt of the

386 notice of the penalty. The commissioner or his designee shall
387 conduct a hearing after giving reasonable notice to the person.
388 The decision may be appealed to the Circuit Court of the First
389 Judicial District of Hinds County.

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

395 (4) The commissioner is authorized to suspend, revoke and/or
396 permanently deny a registration under the Petroleum Products
397 Inspection Law of Mississippi to any person, firm, corporation or
398 other organization determined to be guilty of two (2) or more
399 violations per location, per year, of the Petroleum Products
400 Inspection Law of Mississippi and the rules and regulations in
401 force pursuant thereto.

402 (5) In lieu of, or in addition to, the penalties provided
403 above, the commissioner and the State Chemist shall have the power
404 to institute and maintain in the name of the state any and all
405 proceedings necessary or appropriate to enforce the provisions of
406 the Petroleum Products Inspection Law of Mississippi and the rules
407 and regulations in force pursuant thereto, in the appropriate
408 circuit, chancery, county or justice court in which venue may lie.
409 The commissioner and the State Chemist may obtain mandatory or
410 prohibitory injunctive relief, whether temporary or permanent, and

411 it shall not be necessary for the state to post a bond or prove
412 that no adequate remedy is available at law.

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

415 * * *

416 **SECTION 3.** Section 57-43-17, Mississippi Code of 1972, is
417 amended as follows:

418 57-43-17. The Southern Rail Commission is granted the
419 authority to execute and enter into contracts with parties for the
420 purpose of construction of any related infrastructure and/or
421 operations of intercity passenger rail service subject to the
422 approval of any affected railroad and other interested party. The
423 Southern Rail Commission is granted the authority to prepare grant
424 applications related to the establishment or maintenance of
425 passenger rail service, enter into operating and other contractual
426 agreements with providers of passenger rail service, and enter
427 into agreements with owners or operators of railway tracks in
428 order to provide for upgrades necessary to establish or maintain
429 passenger rail service.

430 **SECTION 4.** This act shall take effect and be in force from
431 and after July 1, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 75-55-5 AND 75-55-37, MISSISSIPPI
2 CODE OF 1972, TO DELETE THE REPEALER ON THOSE SECTIONS OF LAW
3 WHICH PROVIDE DEFINITIONS AND PENALTIES UNDER THE PETROLEUM
4 PRODUCTS INSPECTION LAW OF MISSISSIPPI; TO AMEND SECTION 57-43-17,

5 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SOUTHERN RAIL
6 COMMISSION TO PREPARE GRANT APPLICATIONS RELATED TO THE
7 ESTABLISHMENT OR MAINTENANCE OF PASSENGER RAIL SERVICE, ENTER INTO
8 OPERATING AND OTHER CONTRACTUAL AGREEMENTS WITH PROVIDERS OF
9 PASSENGER RAIL SERVICE, AND ENTER INTO AGREEMENTS WITH OWNERS OR
10 OPERATORS OF RAILWAY TRACKS IN ORDER TO PROVIDE FOR UPGRADES
11 NECESSARY TO ESTABLISH OR MAINTAIN PASSENGER RAIL SERVICE; AND FOR
12 RELATED PURPOSES.

SS26\HB484A.J

Eugene S. Clarke
Secretary of the Senate