

House Amendments to Senate Bill No. 2103

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE 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:

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

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

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

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

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

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

37 (g) 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 (h) The term "gasoline" shall include (i) all products
46 commonly or commercially known or sold as gasoline (excluding
47 casing head and absorption or natural gasoline) regardless of

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

52 (i) 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 degrees (122°) 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 degrees (100°) 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 degrees (100°) 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 degrees (100°) 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 degrees (133°) Fahrenheit; for the months of
98 November, December, January, February and March it shall be

99 obtained at a temperature of one hundred sixteen degrees (116°)
100 Fahrenheit; for the other months of the year it shall be obtained
101 at one hundred twenty-four degrees (124°) 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.
135 All 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 (j) 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 the
156 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 there
160 is an existing Clean Air Act waiver issued by the United States
161 Environmental Protection Agency.

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

164 (l) "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 (m) "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-oxygenate

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

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

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

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

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

	Grade 1-D	Grade 2-D	Grade 4-D
206			
207 Flash point, degrees F. D93	Min. 100	Min. 125	Min. 130
208 Water & sediment,			
209 % by volume, D1796	Max. 0.05	Max. 0.05	Max. 0.5
210 Carbon residue on 10%			
211 residium, % D524	Max. 0.15	Max. 0.35	_____
212 Ash, % by weight, D482	Max. 0.01	Max. 0.01	Max. 0.1
213 Distillation, 90% point,			
214 degrees F., D86	_____	Min. 540	_____
215	Max. 550	Max. 640	_____
216 Viscosity @ 100 degrees F.			
217 kinematic-centistokes			
218 D445	Min. 1.3	Min. 2.0	Min. 5.5
219 or	Max. 2.4	Max. 4.1	Max. 24.0
220 Viscosity @ 100 degrees F.			
221 Saybolt Universal Sec.	_____	Min. 32.6	Min. 45
222	Max. 34.4	Max. 40.1	Max. 125
223 Sulphur, % by weight, D129	Max. 0.5	Max. 1.0	Max. 2.0
224 Copper strip corrosion, D130	Max. No. 3	Max. No. 3	_____
225 Cetane number, D613 or D976	Min. 40	Min. 40	Min. 30

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

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

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

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

241 (iv) The sulphur content shall not exceed four
242 one-hundredths percent (0.04%) for No. 1-K kerosene and thirty
243 one-hundredths percent (0.30%) for No. 2-K kerosene. The method
244 of determination shall be ASTM D1266. No. 1-K kerosene is a
245 special low-sulphur grade kerosene suitable for use in
246 nonflue-connected kerosene burner appliances and in wick-fed
247 illuminating lamps. No. 2-K kerosene is suitable for use in
248 flue-connected burner appliances and in wick-fed illuminating
249 lamps.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

293 * * *

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

296 75-55-37. (1) The commissioner or his duly appointed
297 representatives shall have the right to request an inspection of
298 any pump, truck, or other equipment, and if upon such inspection
299 any such pump, truck, or other equipment is found to be inaccurate

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

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

326 repairing such pump or other equipment, or any other proof which
327 he may deem advisable to the effect that said pump was unlocked or
328 the seal thereon broken in the presence of such mechanic, and that
329 the inaccuracies therein were thereupon completely repaired or
330 regulated.

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

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

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

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

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

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

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

378 notice of the penalty. The commissioner or his designee shall
379 conduct a hearing after giving reasonable notice to the person.
380 The decision may be appealed to the Circuit Court of the First
381 Judicial District of Hinds County.

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

387 (4) The commissioner is authorized to suspend, revoke and/or
388 permanently deny a registration under the Petroleum Products
389 Inspection Law of Mississippi to any person, firm, corporation or
390 other organization determined to be guilty of two (2) or more
391 violations per location, per year, of the Petroleum Products
392 Inspection Law of Mississippi and the rules and regulations in
393 force pursuant thereto.

394 (5) In lieu of, or in addition to, the penalties provided
395 above, the commissioner and the State Chemist shall have the power
396 to institute and maintain in the name of the state any and all
397 proceedings necessary or appropriate to enforce the provisions of
398 the Petroleum Products Inspection Law of Mississippi and the rules
399 and regulations in force pursuant thereto, in the appropriate
400 circuit, chancery, county or justice court in which venue may lie.
401 The commissioner and the State Chemist may obtain mandatory or
402 prohibitory injunctive relief, whether temporary or permanent, and

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

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

407 * * *

408 **SECTION 3.** This act shall take effect and be in force from
409 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; AND FOR RELATED PURPOSES.

HR26\SB2103A.J

Andrew Ketchings
Clerk of the House of Representatives