

Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Inspection Law

as adopted by
The National Conference on Weights and Measures*

1. Background

In 1984, the National Conference on Weights and Measures adopted a section in the Uniform Regulation for the Method of Sale of Commodities requiring that motor fuels containing alcohol be labeled to disclose to the retail purchaser that the fuel contains alcohol. The delegates deemed this action necessary since motor vehicle manufacturers were qualifying their warranties with respect to some gasoline-alcohol blends, motor fuel users were complaining to weights and measures officials about fuel quality and vehicle performance, and the American Society for Testing and Materials (ASTM) had not yet finalized quality standards for oxygenated (which includes alcohol-containing) fuels. While many argued that weights and measures officials should not cross the line from quantity assurance programs to programs regulating quality, the delegates were persuaded that the issue needed immediate attention.

A Motor Fuels Task Force was appointed in 1984 to develop mechanisms for achieving uniformity in the evaluation and regulation of motor fuels. The Task Force developed the Uniform Motor Fuel Inspection Law and the Uniform Motor Fuel Regulation (see the Uniform Regulations section of this Handbook) to accompany the Law. The recommended Law required registration and certification of motor fuel as meeting ASTM standards. It established a motor fuel quality testing capability by the State. Funding for the installation and support of the testing facility was established by a fee per liter or per gallon on all fuel marketed within the State.

In 1992, the NCWM established the Petroleum subcommittee under the Laws and Regulations Committee. The subcommittee recommended major revisions to the Law that was adopted at the 80th NCWM in 1995. The scope of the Law was expanded to include all engine fuels, petroleum products, and automotive lubricants, and its title was changed accordingly. Other changes included expansion of the definitions section, limitation of the scope of the registration section to engine fuels designed for special use, and addition of sections on administrative and

civil penalties and on criminal penalties.

2. Status of Promulgation

The current Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Inspection Law was recommended for adoption by the Conference in 1995. The table beginning on page 8 shows the status of adoption of the law.

**The National Conference on Weights and Measures is supported by the National Institute of Standards and Technology in partial implementation of its statutory responsibility for "cooperation with the States in securing uniformity in weights and measures laws and methods of inspection."*

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Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Inspection Law

Section 1. Purpose

There should be uniform requirements for engine fuels, petroleum products, and automotive lubricants among the several States. This Act provides for the establishment of quality specifications for these products.

Section 2. Scope

The Act establishes a sampling, testing, and enforcement program, provides authority for fee collection, requires registration of engine fuels, and empowers the State to promulgate regulations as needed to carry out the provisions of the Act. It also provides for administrative, civil, and criminal penalties.

Section 3. Definitions

As used in this act:

3.1. Engine Fuel. -- means any liquid or gaseous matter used for the generation of power in an internal combustion engine.

3.2. Director. -- means the _____ of the Department of _____ and designated agents.

3.3. Person. -- means an individual, corporation, company, society, association, partnership, or governmental entity.

3.4. ASTM. -- means the American Society for Testing and Materials, a national voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge.

3.5. Petroleum Products. -- means products obtained from distilling and processing of petroleum (crude oil), unfinished oils, recycled oils, natural gas liquids, refinery blend stocks, and other miscellaneous hydrocarbon compounds.

3.6. Automotive Lubricants. -- means any material interposed between two surfaces that reduces the friction or wear between them.

3.7. Engine Fuel Designed for Special Use. -- means engine fuels designated by the Director requiring

registration. These fuels normally have no ASTM or other national consensus standards applying to their quality or useability; common special fuels are racing fuels and those intended for agricultural and other off-road applications.

3.8. Sold. -- means kept, offered, or exposed for sale, or sold.

Section 4. Administration, Adoption of Standards, and Rules

The provisions of the Act shall be administered by the Director. For the purpose of administering and giving effect to the provisions of this Act, the specification and test method standards set forth in the most recent edition of the Annual Book of ASTM Standards and supplements thereto, and revisions thereof, are adopted except as amended or modified as required to comply with Federal and State laws by the Director. When no ASTM standard exists, other generally recognized national consensus standards may be used. The Director is empowered to write rules and regulations on the advertising, posting of prices, labeling, standards for, and identity of fuels, petroleum products, and automotive lubricants and is authorized to establish a testing laboratory.

Section 5. General Duties and Powers

The Director shall have the authority to:

5.1. Enforce and administer all the provisions of this Act by inspections, analyses, and other appropriate actions.

5.2. Have access during normal business hours to all places where engine fuels, petroleum products, and automotive lubricants are kept, transferred, offered, exposed for sale, or sold for the purpose of examination, inspection, taking of samples, and investigation. If such access shall be refused by the owner or agent or other persons leasing the same, the Director may obtain an administrative search warrant from a court of competent jurisdiction.

5.3. Collect, or cause to be collected, samples of engine fuels, petroleum products, and automotive lubricants marketed in this State, and cause such samples to be tested or analyzed for compliance with the provisions of this Act.

5.4. Define engine fuels for special use and refuse, revoke, suspend, or issue a stop-order if found not to be in compliance and remand stop-order if the engine fuel for

special use is brought into full compliance with this Act.

5.5. Issue a stop-sale order for any engine fuel, petroleum product, and automotive lubricant found not to be in compliance and remand stop-sale order if the engine fuel, petroleum product, or automotive lubricant is brought into full compliance with this Act.

5.6. Refuse, revoke, or suspend the registration of an engine fuel, petroleum product, or automotive lubricant.

5.7. Delegate to appropriate personnel any of these responsibilities for the proper administration of this Act.

Section 6. Registration of Engine Fuels Designed for Special Use

All engine fuels designed for special use must be registered with the Director. Such registration shall include:

6.1. Name, brand, or trademark under which the fuel will be sold.

6.2. Name and address of person registering the engine fuel.

6.3. The special use for which the engine fuel is designed.

6.4. Certification, declaration, or affidavit stating the specifications which the fuel will meet upon testing.

Section 7. Inspection Fee

There shall be a fee of \$_____ per appropriate unit of measure on all products covered under the scope of this Act marketed within this State for the purposes of administering and effectively enforcing the provisions of this Act.

Section 8. Prohibited Acts

It shall be unlawful to:

8.1. Represent engine fuels, petroleum products, or automotive lubricants in any manner that may deceive or tend to deceive the purchaser as to the nature, brand, price, quantity and/or quality of such products.
(Amended 1996)

8.2. Fail to register an engine fuel designed for special use.

8.3. Submit incorrect, misleading, or false information regarding the registration of an engine fuel designed for

special use.

8.4. Hinder or obstruct the Director in the performance of the Director's duties.

8.5. Represent an engine fuel, petroleum product, or automotive lubricant that is contrary to the provisions of this Act.

8.6. Represent automotive lubricants with an S.A.E. (Society of Automotive Engineers) viscosity grade or API (American Petroleum Institute) service classification other than those specified by the intended purchaser.
(Added 1996)

Section 9. Civil Penalties

9.1. Assessment of Penalties. -- Any person who by himself or herself, by his or her servant or agent, or as the servant or agent of another person, commits any of the acts enumerated in § 22 may be assessed by the _____ a civil penalty of:

(a) not less than \$__ nor more than \$__ for a first violation,

(b) not less than \$__ nor more than \$__ for a second violation within __ from the date of the first violation, and

(c) not less than \$__ nor more than \$__ for a third violation within __ from the date of the first violation.

9.2. Administrative Hearing. -- Any person subject to a civil penalty shall have a right to request an administrative hearing within __ days of receipt of the notice of the penalty. The director or his/her designee shall be authorized to conduct the hearing after giving appropriate notice to the respondent. The decision of the director shall be subject to appropriate judicial review.

9.3. Collection of Penalties. -- If the respondent has exhausted his or her administrative appeals and the civil penalty has been upheld, he or she shall pay the civil penalty within __ days after the effective date of the final decision. If the respondent fails to pay the penalty, a civil action may be brought by the director in any court of competent jurisdiction to recover the penalty. Any civil penalty collected under this Act shall be transmitted to_____.

Section 10. Criminal Penalties

10.1. Misdemeanor. -- Any person who violates any provision of this Act or regulations promulgated thereto shall be guilty of a Class ____ misdemeanor, and upon

conviction shall be punished by a fine of not less than \$_____ nor more than \$_____, or imprisonment for not less than _____ nor more than _____, or both fine and imprisonment.

10.2. Felony. -- Any person who intentionally violates any provision of this Act or regulations promulgated thereto or is convicted under the misdemeanor provisions of this section more than three times in a 2-year period shall be guilty of a Class _____ felony, and upon conviction shall be punished by a fine of not less than \$_____ nor more than \$_____, or imprisonment for not less than _____ nor more than _____, or both fine and imprisonment.

Section 11. Restraining Order and Injunction

The Director is authorized to apply to any court of competent jurisdiction for a restraining order, or a temporary or permanent injunction, restraining any person from violating any provision of this Act.

Section 12. Severability Provisions

If any word, phrase, provision, or portion of this Act shall be held in a court of competent jurisdiction to be unconstitutional or invalid, the unconstitutionality or invalidity shall apply only to such word, phrase, provision, or portion, and for this purpose the provisions of this Act are declared to be severable.

Section 13. Repeal of Conflicting Laws

All laws and parts of laws contrary to or inconsistent with the provisions of this Act are repealed except as to offense committed, liabilities incurred, and claims made thereunder prior to the effective date of this Act.

Section 14. Citation

This Act may be cited as the "Engine Fuels, Petroleum Products, and Automotive Lubricants Inspection Act of _____."

Section 15. Effective Date

This Act shall become effective on _____.